

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0447.02 Jessica Herrera x4218

HOUSE BILL 22-1110

HOUSE SPONSORSHIP

Boesenecker,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

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

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>.)

The bill authorizes a board of education of a school district to meet in executive session to discuss negotiations for an employment contract with one or more finalists for the position of chief executive officer, a term used instead of the term superintendent to ensure consistency with existing provisions of the open meetings law, as long as the following

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.

conditions have been satisfied:

- The board has named more than one candidate as a finalist for the position of chief executive officer; and
- The board holds a public forum to conduct interviews with each of the finalists.

The bill defines "chief executive officer" as a superintendent of a school district.

The bill clarifies that the board may, in addition to interviewing finalists in a public forum, interview finalists in executive session and 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.

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

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

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

1 (i) (I) IF THE LOCAL PUBLIC BODY IS THE BOARD OF EDUCATION OF
2 A SCHOOL DISTRICT, NEGOTIATIONS CONCERNING THE TERMS OF AN
3 EMPLOYMENT CONTRACT WITH ONE OR MORE FINALISTS FOR THE POSITION
4 OF CHIEF EXECUTIVE OFFICER IF:

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

8 (B) THE BOARD HOLDS A FORUM OPEN TO THE PUBLIC TO CONDUCT
9 INTERVIEWS WITH EACH OF THE FINALISTS.

10 (II) THE BOARD MAY, IN ADDITION TO INTERVIEWING FINALISTS IN
11 A PUBLIC FORUM, INTERVIEW FINALISTS IN EXECUTIVE SESSION.

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

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

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

26 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.