

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0447.02 Jessica Herrera x4218

HOUSE BILL 22-1110

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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.*

SENATE
Amended 2nd Reading
March 14, 2022

HOUSE
3rd Reading Unamended
February 24, 2022

HOUSE
2nd Reading Unamended
February 23, 2022

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, THE GOVERNING BODY OF A DISTRICT CHARTER
3 SCHOOL THAT IS AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF
4 TITLE 22, OR THE GOVERNING BOARD OF AN INSTITUTE CHARTER SCHOOL
5 THAT IS AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22,
6 NEGOTIATIONS CONCERNING THE TERMS OF AN EMPLOYMENT CONTRACT
7 WITH ONE OR MORE FINALISTS FOR THE POSITION OF CHIEF EXECUTIVE
8 OFFICER IF:

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

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

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

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

22 (IV) PRIORITIZING AMONG THE FINALISTS AND BEGINNING
23 NEGOTIATIONS WITH ONE OR MORE OF THE FINALISTS SHALL NOT
24 CONSTITUTE FORMAL ACTION OR ADOPTION BY THE BOARD OR GOVERNING
25 BODY. SUCH FORMAL ACTION OCCURS ONLY WHEN THE BOARD OR
26 GOVERNING BODY COMES INTO PUBLIC SESSION AND CASTS VOTES ON
27 THEIR PREFERRED NEXT CHIEF EXECUTIVE OFFICER. NO FORMAL ADOPTION

1 IS DEEMED TO HAVE TAKEN PLACE UNTIL A PUBLIC VOTE HAS OCCURRED.

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

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