

# Proposition 104

## School Board Meeting Requirements

### ANALYSIS

Proposition 104 proposes amending the Colorado statutes to:

- ◆ require that local school boards or their representatives negotiate collective bargaining agreements in open meetings.

### Summary and Analysis

**Colorado open meetings law.** Any meeting at which a state or local governmental body discusses public business or takes formal action must be open to the public, with certain exceptions. For example, if a governmental body is meeting to discuss issues such as personnel matters, security details, or real estate transactions, a closed meeting known as an executive session may be called. Governmental bodies may also go into executive session to determine positions on matters subject to negotiations, to develop negotiation strategy, and to instruct negotiators. A vote of two-thirds of the members present is required to enter executive session, and the topics to be discussed must be disclosed. Any final action on matters discussed in executive session must be taken in public.

**Collective bargaining and local governments.** Collective bargaining is the process of negotiating terms of employment between an employer and a group of employees or employee representatives. Many local governments have collective bargaining agreements with public employees such as firefighters, police officers, and public school personnel to determine pay, benefits, and working conditions. Collective bargaining agreements between school boards and school employees address a variety of other terms and conditions such as curriculum, instructional materials, and class size.

Under current law, the governing body of a local government may designate an employee or representative to negotiate a collective bargaining agreement, and there is no requirement that these negotiations take place in public. While a representative of a local school board may negotiate collective bargaining agreements in private, any final collective bargaining agreement must be voted on by the school board in a public meeting and posted on the Internet.

Approximately one-quarter of Colorado's school districts, accounting for about three-quarters of the state's public school students, have collective bargaining agreements.

**Changes proposed by Proposition 104.** Under this measure, school boards or their representatives are required to negotiate collective bargaining agreements in meetings that are open to the public. It is unclear whether the measure requires school boards to discuss their negotiation strategies in public. Proposition 104 only applies to school districts and does not impact how other public bodies negotiate collective bargaining agreements.

*For information on those issue committees that support or oppose the measures on the ballot at the November 4, 2014, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

## **Argument For**

1) Open meetings and transparency are basic principles of good government. This measure upholds the public's right to be informed and provides additional public oversight of government spending. Current law requires that school districts post completed collective bargaining agreements online; however, negotiations to arrive at these agreements are largely held in private meetings. Holding collective bargaining negotiations in a public forum allows for greater understanding by the public and school employees of these proceedings.

## **Argument Against**

1) Voters elect local school board members to determine what is best for the school district, and this measure removes the board's freedom and flexibility to choose how to negotiate with employees. Currently, school boards are allowed to discuss collective bargaining agreements in public, and some choose to do so. Negotiations over labor contracts can be difficult, complicated, and may include sensitive employment issues. If school boards are required to have these discussions in public, they may be at a disadvantage during the negotiations, making it harder to reach a final agreement.

## **Estimate of Fiscal Impact**

Requiring school boards to modify negotiation practices related to collective bargaining agreements may increase local school districts' administrative workloads. The proposition applies to school districts and will not affect state spending or revenue.