

POLICY TYPE: BOARD PROCEDURES
POLICY TITLE: EXECUTIVE SESSIONS

BP-L2e

At any regular or special meeting, the Board may proceed into executive session upon affirmative vote of two-thirds of the Board members present.

1. The Board shall not make final policy decisions nor shall any resolution, policy or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session.
2. The Board may hold an executive session for the sole purpose of considering any of the following matters:
 - A. Purchase, acquisition, lease, transfer or sale of any real, personal or other property. However, no executive session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction. *(Citation - "Section 24-6-402 (4) (a) for purposes of discussing the sale [or purchase] of _____.")*
 - B. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. The mere presence or participation of an attorney at an executive session shall not be sufficient to satisfy this requirement. *(Citation - "Section 24-6-402 (4) (b) for purposes of consulting with our attorney on the issue of _____.")*
 - C. Matters required to be kept confidential by federal or state law or regulations. An announcement will be made indicating the specific citation to state or federal law which is the reason the matter must remain confidential. *(Citation- "Section 24-6-402 (4) (c) for purposes of discussing matters regarding _____ which are required by _____ to be confidential.")*
 - D. Specialized details of security arrangements or investigations. *(Citation- "Section 24-6-402 (4) (d) for purposes of discussing security measures for _____ [or arson investigations].")*
 - E. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators. *(Citation- "Section 24-6-402 (4) (e) for purposes of discussing the _____ contract [or the specific matter which is subject to negotiation].")*
 - F. Personnel matters except if an employee who is the subject of an executive session requests an open meeting. If the personnel matter involves more than one employee, all of the employees must request an open meeting. Discussion of personnel policies that do not require discussion of matters specific to particular employees are not considered "personnel matters." *(Citation- "Section 24-6-402 (4) (f) for purposes of discussing the _____ personnel matter [or can exclude name if necessary].")*

- (1) The Teacher Employment, Compensation and Dismissal Act shall prevail in teacher dismissal hearings. (It provides that a dismissal hearing shall be open unless either the administration or employees requests the hearing be closed.)
 - (2) Discussions concerning a member of the Board, any elected official or the appointment of a Board member are not considered personnel matters. (e.g., arson investigations, civil service testing questions/data, contents of real estate appraisals, medical data on individuals, personnel files, trade secrets or proprietary privileged information, records of sexual harassment complaints or investigations, applications of non-finalists for executive positions, etc.)
- G. Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act, except that consideration of work product documents and documents subject to the governmental or deliberative process privilege must occur in a public meeting, unless an executive session is otherwise allowed. *(Citation-"Section 24-6-402 (4) (g) for purposes of considering confidential documents relating to _____.")*
- H. Discussion of individual students where public disclosure would adversely affect the person(s) involved. *(Citation-"Section 24-6-402 (4) (h) for purposes of a matter which involves, and may adversely affect a student.")*
3. Prior to convening in executive session, the Board president shall announce the topic of the executive session which shall be reflected in the minutes. The Board shall include the specific citation to statute authorizing it to meet in executive session when it announces the session and identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.
 4. Only those persons invited by the Board may be present during any executive session regardless of the topic of the session (including personnel matters).
 5. The Board shall cause an electronic record to be made of the executive session which shall be retained by the secretary to the Board for 90 days following the discussion. Unless there is a request for records within this time period, all executive session minutes will be destroyed on the 91st day by the custodian of the minutes. The Board president should place the electronic record in an envelope and seal the envelope at the end of the executive session. The sealed envelope will be stored in a secure location until there is a request to review the records or the records are destroyed. No electronic record shall be made of an executive session held to discuss an individual student matter or of a session in which the discussion involves a privileged attorney-client communication. The electronic record must include the specific statutory citation to the executive session law that allows the board to meet in executive session.
 6. The minutes of the executive session are not open for public inspection or available for use in any judicial proceeding until someone files a complaint in district court. The decision to deny or grant a request for access to executive session minutes should be made by the full board.

Monitoring Method: Internal Report
Monitoring Frequency: Annually- Jan

Adopted: December 12, 2005
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