

## **Executive Sessions/Open Meetings**

All regular and special meetings of the Board shall be open to the public except that at any regular or special meeting the Board may proceed into executive session upon affirmative vote of two-thirds of the Board members present.

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. The Board is authorized to approve written minutes of an executive session in executive session, if written minutes are taken.

The Board may hold an executive session for the sole purpose of considering any of the following matters:

1. 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.
2. 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.
3. 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.
4. Specialized details of security arrangements or investigations.
5. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators.
6. 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.\$

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.)

Discussions concerning a member of the Board, any elected official or the appointment of a Board member are not considered personnel matters.

7. 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.
8. Discussion of individual students where public disclosure would adversely affect the person or persons involved.

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.

Only those persons invited by the Board may be present during any executive session regardless of the topic of the session (including personnel matters).

The Board shall cause a record to be made of the executive session which shall be retained by the Board for 90 days following the session. No record shall be made of an executive session held for the purpose of discussing an individual student matter or of a session in which the discussion involves a privileged attorney-client communication. The record must include the specific statutory citation to the executive session law that allows the Board to meet in executive session.

Adopted by the Board: September 27, 1994  
Revised by the Board: July 1999  
Revised by the Board: March 2000  
Revised by the Board and recoded: Dec., 2005  
Revised by the Board June, 2006

LEGAL REFS.: C.R.S. 22-32-108 (5)  
C.R.S. 24-6-402

CROSS REFS.:  
*Administrative policy:*  
KDB, Public's Right to Know/Freedom of information

