

BOARD BYLAWS

EXECUTIVE SESSIONS/OPEN MEETINGS

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

The Board shall not make final policy decisions nor shall any resolution, policy, position, rule or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session that is in contravention of the Colorado Open Meetings Law, C.R.S. 24-6-401. et.seq.

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 necessarily 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 basis for such confidentiality.
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 personal to particular employees concerning a member of the Board, any elected official or the appointment of a Board or Education member, are not considered personnel matters for purposes of this policy.

The provisions of the Colorado Teacher Employment, Compensation and Dismissal Act shall govern with respect to whether or not teacher dismissal hearings will be open to the public. (It provides that a dismissal hearing shall be open to the public unless either the administration or employee requests the hearing be closed.)

7. Consideration of any document protected under the mandatory nondisclosure provisions of the Open Records Act, (the "Act"), except the consideration of work product documents, as defined in the Act, and documents subject to the governmental or deliberative process privilege as set forth in the Act, shall 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 general topic of the executive session which shall be reflected in the minutes of the public meeting. 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 an electronic (audio tape) record to be made of the executive session which shall be retained by the Board for 90 days after the date of the executive session. No written minutes of the session will be taken. The electronic

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record must include the specific statutory citation to the executive session law that allows the Board to meet in executive session.

No record shall be required to be kept for any part of the executive session that constitutes a privileged attorney-client communication. The electronic record shall reflect that no further record was kept of the discussion based on the opinion of the attorney representing the District, as stated for the record during the executive session, that the discussion constitutes a privileged attorney-client communication.

No record shall be made of executive session discussions of an individual student.

No portion of the record of an executive session of the Board shall be open for inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of two thirds of the sitting members of the Board or by order of the court in accordance with applicable law.

Electronic records of executive sessions shall be housed by the District's legal counsel. The Board president shall cause such electronic records to be delivered in a secure manner for safekeeping and destruction upon the expiration of the 90-day retention period.

Adopted September 1972
Revised May 22, 1979
Revised November 1993
Revised February 1995
Revised August 2001
Reviewed October 2003

LEGAL REFS.: C.R.S. 22-32-108(5)
C.R.S. 24-6-402
C.R.S. 22-63-302(7)
C.R.S. 24-72-202, 204

CROSS REFS.: KDB, Public's Right to Know/Freedom of Information
BE/BEA/BEB/BF, School Board Meetings/Regular Meetings/Special Meetings/Work Sessions