

## **BEC**

### **Executive Sessions/Open Meetings**

All 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 quorum 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.

Prior to convening in executive session, the Board 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.

*NOTE: As stated in the above paragraph, the Board must refer to the specific citation to statute authorizing it to meet when it announces the session. The following numbered paragraphs list the permissible executive session topics with the legal citation for each. Each topic is a subsection of C.R.S. 24-6-402 (4). The Board may choose not to include these legal citations in this policy and instead simply list the topics.*

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. C.R.S. 24-6-402 (4)(a).
2. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. C.R.S. 24-6-402 (4)(b). 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. C.R.S. 24-6-402 (4)(c). 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. C.R.S. 24-6-402 (4)(d).
5. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators. C.R.S. 24-6-402 (4)(e).
6. Personnel matters except if an employee who is the subject of an executive session requests an open meeting. C.R.S. 24-6-402 (4)(f). 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 employee requests that 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. C.R.S. 24-6-402 (4)(g).

8. Discussion of individual students where public disclosure would adversely affect the person or persons involved. C.R.S. 24-6-402 (4)(h). 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 recording to be made of the executive session in accordance with applicable law. Such record shall be retained by the Board for 90 days following the session.

LEGAL REFS.: C.R.S. 22-32-108 (5) (*meetings of the board*)

**C.R.S. 22-32-108 (5)(d) (*executive session minutes*)**

C.R.S. 24-6-402 (*open meetings law*)

CROSS REFS.: **BEDG, Minutes**

CROSS REFS: KDB, Public’s Right to Know/Freedom of Information

ADOPTED: January 1985

REVISED: October 10, 2001

May 9, 2007

March 12, 2015