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 a majority of two-thirds of the quorum present. Prior to convening into executive session the president shall identify the topic for discussion in the executive session, provide the specific citation to the law which authorizes the executive 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. These matters shall be reflected in the minutes of the regular meeting.

The Board shall not make final policy decisions, nor shall any resolution, policy, position or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session.

An electronic recording shall be made of all executive sessions and shall reflect the specific citation to the Colorado Sunshine Act (24-6-402, C.R.S.), which authorizes the Board to meet in executive session. However, no such recording shall be made when the subject of the executive session is an individual student or where attorney-client communications take place during the executive session. (Where attorney-client communications are involved, the attorney must state, either in an electronic recording or in a separate written statement, that the discussion in executive session constitutes attorney-client communication.)

The electronic recording of executive sessions may be discarded on the 91st day after the date of the executive session. However, the minutes shall not be destroyed if (a) there is a pending inspection request by a member of the public; (b) there is pending litigation involving the executive session or the minutes; or (c) if there is a court order requiring retention of the minutes.

The Board may hold an executive session for any purpose authorized by law, including the consideration of any of the following:
EXECUTIVE SESSIONS/OPEN MEETINGS

Page 2 of 4

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.

3. Matters required to be kept confidential by federal or state law or regulation.

4. Specialized details of security arrangements or investigations.

5. Determination of positions relative to matters that may be subject to negotiations or development of strategy for negotiations, including strategy for negotiations relating to collective bargaining or employment contracts, and the instruction of negotiators. Discussion of negotiations relating to collective bargaining or employment contracts shall occur in public meeting, unless an executive session is otherwise allowed. 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. If the personnel matter involves more than one employee, all of the employees must request an open meeting. If one of the other matters with respect to which the Board may recess into executive session applies, the Board shall have the right to recess into executive session even if an employee, who is the subject of the hearing, requests that it remain open. The Teacher Employment, Compensation and Dismissal Act shall prevail in teacher dismissal hearings, which are held before an independent hearing officer. (In general, that law provides that a dismissal hearing shall be open unless either the administration or the employee requests the hearing to be closed.)

7. Consideration of any documents protected under the mandatory nondisclosure provision of the Opens Records Act.

8. Discussion of individual students where public disclosure would adversely affect the person or persons involved.
9. Negotiations concerning the terms of an employment contract with one or more superintendent finalists if the Board has named more than one candidate as a finalist and has held a forum open to the public to conduct interviews with each of the finalists. C.R.S. 24-6-402 (4)(i)(I).

In addition to interviewing finalists in a public forum, the Board may interview finalists in executive session. C.R.S. 24-6-402 (4)(i)(II).

The Board may also instruct personnel and representatives to begin contract negotiations with one or more superintendent candidates in executive session, including the necessary process to prioritize, for the purposes of negotiation, one or more finalists after public forums have been completed. C.R.S. 24-6-402 (4)(i)(III).

Prioritizing among the finalists and beginning negotiations with one or more of the finalists shall not constitute formal action or adoption by the board or governing body. Such formal action occurs only when the board or governing body comes into public session and casts votes on their preferred next chief executive officer. No formal adoption is deemed to have taken place until a public vote has occurred. Only those persons invited by the Board may be present during any executive 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. 22-32-109.4(4) (board meeting “at which a collective bargaining agreement is discussed” must be open to the public)  
C.R.S. 24-6-402 (open meetings law)
EXECUTIVE SESSIONS/OPEN MEETINGS

Page 4 of 4

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