

## **Board File: BEC**

### **EXECUTIVE SESSIONS**

At any regular or special meeting, the Board may proceed into executive session upon affirmative vote of two-thirds of the quorum present. Only those persons invited by the Board may attend the executive session.

Topics to be considered in an executive session shall be limited to those authorized by law.

Prior to convening in executive session, the Board president shall announce the specific statutory citation authorizing the Board to meet in executive session and shall identify the particular matter to be discussed in as much detail as possible without compromising the purpose of the executive session.

The Board shall not make any 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 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 except that discussion of negotiations relating to collective bargaining or employment contracts shall occur in a 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. 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).

All matters discussed in executive session shall remain confidential in accordance with applicable law.

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.

Adopted: prior to 1974

Revised: November 19, 2002

Revised: October 5, 2004

Revised: July 21, 2009

Revised: August 3, 2010

Revised: April 19, 2016

Revised: January 16, 2018

Revised by the Board: June 18, 2019

**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*)

**CROSS REFS.:**

BEDG, Minutes