CLOSED SESSIONS

Board meetings shall be open meetings, unless a closed session or exempt meeting is provided for by law. The board may hold a closed session or exempt meeting in the situations stated below.

EXCEPTIONS TO THE OPEN MEETINGS LAW

Closed sessions take place as part of an open meeting. The item for discussion in the closed session shall be listed as part of the tentative agenda on the public notice. The motion to enter into closed session, stating the purpose for the closed session, shall be made, seconded, and voted upon during the open meeting. If five, six, or seven board members are present, a minimum of two-thirds of the board (five members) must vote in favor of the motion in order to go into closed session. If only four members are present, then all of the board members present must vote in favor of the motion in order to go into closed session. The vote is taken by a roll call. Closed sessions shall be recorded and have detailed minutes kept by the board secretary. The board shall return to open session before final action is taken on matters discussed in the closed session.

The minutes and the recording shall include the motion made in the open meeting, the roll call vote, the members present, and the time the closed session began and ended. The recordings and the written minutes shall be kept for one year from the date of the meeting. Real estate-related minutes and recordings shall be made public upon request after the real estate transaction is completed.

The detailed minutes and recordings shall be sealed and shall not be public records open to public inspection. The minutes and recordings shall only be available to board members or opened upon court order in an action to enforce the requirements of the open meetings law.

The board has complete discretion as to who may be present at a closed session.

Reasons for the board entering into a closed session from an open meeting include, but are not limited to, the following:

1. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for the board's possession or receipt of federal funds.

2. To discuss strategy with legal counsel in matters presently in litigation, or where litigation is imminent, if disclosure would be likely to prejudice or disadvantage the board.

3. To discuss whether to conduct a hearing for suspension, expulsion, or re-entry of a student and/or to actually conduct a hearing for suspension, expulsion, or re-entry of a student, unless an open meeting is requested by the parent/guardian of the student, or if the student is 18 or older, by the student.

4. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when a closed session is necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
5. To discuss the purchase or sale of particular real estate, but only when premature disclosure could be reasonably expected to increase the price the board would have to pay for the property, or in the case of a sale, reduce the price the board could receive for the property.

EXEMPTIONS TO THE OPEN MEETINGS LAW

Board meetings at which a quorum is not present, or gatherings of the board for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of the open meetings law, are exempt from the open meetings law requirement. Since gatherings of this type are exempt from the open meetings requirements, they can be held without public notice, be separate from an open meeting, be held without taping the gathering or taking minutes, and be held without a vote or motion.

The board may also hold an exempt session for the following:

1. negotiating sessions, strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitration;
2. to discuss strategy in matters relating to employment conditions of employees not covered by the collective bargaining law;
3. to conduct a private hearing relating to the recommended termination of a licensed employee’s contract; however, the private hearing shall be recorded verbatim by a court reporter; and
4. to conduct a private hearing relating to the termination of a probationary administrator’s contract or to review the proposed decision of the administrative law judge regarding the termination of an administrator’s contract.

Legal Ref.: Iowa Code §§ 20.17; 21; 22.7; 279.15, 16, 24.

Cross Ref.: 208.0 Board Committees
210.0 Meetings of the Board of Education

ADOPTED: 9/12/83
4/27/87
2/12/90
4/26/93
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