



Procedure 200.2: Closed Sessions

Board of Directors

Overview

All actions and discussions at meetings of the Board of Directors, whether formal or informal, will be conducted and executed in open session unless a closed session is necessary for any of the following reasons:

Reasons a closed session may be necessary

- 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 continued receipt of federal funds.
- To discuss application for letters patent.
- To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the Board in that litigation.
- To discuss whether to conduct a hearing or to conduct hearings to suspend or expel a student, unless an open session is requested by the student or a parent or guardian of the student if the student is a minor.
- To discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A of the Code.
- To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.
- To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution, or settlement of cases,

which if disclosed would facilitate disregard of requirements imposed by law.

- 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.
- To discuss the purchase or sale of particular real estate but only where premature disclosure could be reasonably expected to increase the price the Board would have to pay for that property or reduce the price the Board would receive for that property. The minutes and the audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.
- To discuss information contained in records in the custody of the Board that are confidential records pursuant to Section 22.7, subsection 50 of the Code.

Closed session procedures

Closed sessions take place as part of an open meeting. The closed session item and legal basis for the closed session will be listed as part of the tentative agenda on the public notice.

A roll call vote of each member on the question of holding a closed session and the reason for holding a closed session, with reference to one of the specific exemptions set forth above, will be announced publicly at the open session and entered into the minutes.

The Board shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.

A minimum of two-thirds of the Board, or all of the Board members present, must vote in favor of the motion on a roll call vote.

The detailed minutes and the audio recording of the closed session will restate the basis for the closed session, the members present, and the time the closed session began and ended, as well as all discussion.

The audio recordings and the written minutes will be kept for at least one year from the date of the meeting, except as otherwise required by law.

The detailed minutes and audio recording will be sealed and will not be public records open to public inspection.

The minutes and audio recording will only be opened upon court order in an action to enforce the requirements of the open meetings law, or as may be otherwise required by law.

The Board has complete discretion as to who may be present at a closed session, however, the Board shall not exclude a Board member from a closed session unless the Board member's presence at the closed session would create a conflict of interest for the Board member due to the specific reason announced as the basis or rationale for the closed session.

Final action by the Board on any matter discussed during a closed session shall be taken in an open session, unless some other provision of the Iowa Code expressly permits an action to be taken in closed session.

Exemptions to the Open Meetings Law

Meetings of the following type are exempt from the open meetings law and may be held without public notice, be separate from an open meeting, be held without audio recording the gathering or taking minutes, and be held without a vote or motion:

- Negotiating sessions, strategy meetings relating to collective bargaining and mediation sessions.
- Strategy meetings relating to employment conditions of employees not covered by a collective bargaining agreement under Chapter 20 of the Iowa Code.

- Private hearings relating to the recommended termination of a teacher’s contract. However, the private hearing in the teacher’s contract termination proceedings will be transcribed by a court reporter.
- Conferences with probationary administrators, as defined in Iowa Code Section 279.23-.24, to discuss reasons for termination.
- Private hearing relating to the consideration of termination of a non-probationary administrator’s appeal of the proposed decision of the Administrative Law Judge or the Board’s own motion to review the proposed decision of the Administrative Law Judge under Iowa Code Section 279.24(5)(f).

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Legal Reference

Iowa Code 17A, 20.17(3), 21, 22.7, 279.15, 279.16, and 279.23-.24

Related Administrative Rules and Regulations

None

Revision History

March 4, 2020; September 14, 2016; March 12, 2014; September 8, 2010; May 14, 2008; November 10, 1993