



## Board of Directors – Meetings of the Board

### Policy Title: Closed Sessions of the School Board Code 204.3

Generally, board meetings shall be open meetings unless a closed session or exempt meeting is provided for by law. The board will 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 for a closed session, stating the purpose for the closed session, will be made and seconded during the open meeting. 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. Closed sessions will be electronically recorded and have detailed minutes kept by the board secretary or court reporter. Final action on matters discussed in the closed session shall be taken in an open meeting.

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

The detailed minutes and electronic recording will be sealed and will not be public record open to public inspection. The minutes and electronic recording will only be 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. (Section 21.5(1)(a))
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. (Section 21.5(1)(c))
3. To discuss whether to conduct a hearing or conduct a hearing for suspension or expulsion of a student, unless an open meeting is requested by the student or the parent of the student. (Section 21.5(1)(e))

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. (Section 21.5(1)(i))
5. To discuss the purchase 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 case of a sale reduce the price the board could receive for the property. (Section 21.5(1)(j))

**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 requirements. 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 electronic recording of 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; (Section 20.17(3))
2. To discuss strategy in matters relating to employment conditions of employees not covered by the collective bargaining law; (Section 20.9)
3. To conduct a private hearing related to the recommended termination of a teacher's contract. However, the private hearing in the teacher's contract termination will be recorded verbatim by a court reporter; and (Section 21.9)
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. (Section 279.24)

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Adopted: 6/70

Reviewed: 4/13; 10/19

Revised: 10/11; 8/14; 9/16

Legal Reference (Code of Iowa): §§ 20.17, .21, .22.7; 279.15-16, .24 (2013); 1982 Op Atty Gen 162; 1980 Op Atty Gen 167; 1976 Op Atty Gen 384, 514, 765; 1972 Op Atty Gen 158; 1970 Op Atty Gen 287

IASB Reference: 212