CLOSED SESSIONS

Generally, board meetings will 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 will 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 tape recorded and have detailed minutes kept by the board secretary. Final action on matters discussed in the closed session will be taken in an open meeting.

The minutes and the tape 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 tape recordings and the written minutes will be kept for one year from the date of the meeting. Real estate related minutes and tapes will be made public after the real estate transaction is completed.

The detailed minutes and tape recording will be sealed and will not be public records open to public inspection. The minutes and tape recording will 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 whom 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, 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.

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 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.

CLOSED SESSIONS

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 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 teacher's contract. The private hearing however, in the teacher's contract termination will 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.

NOTE: This policy reflects the exceptions and exemptions to the open meeting law. Any deviation from this policy should be addressed to legal counsel prior to action.

Legal Reference: Iowa Code §§ 20.17; 21; 22.7; 279.15, .16, .24 (2007).
1982 Op. Att'y Gen. 162.
1980 Op. Att'y Gen. 167.
1976 Op. Att'y Gen. 384, 514, 765.
1972 Op. Att'y Gen. 158.
1970 Op. Att'y Gen. 287.

Cross Reference: 208 Ad Hoc Committees
211 Open Meetings