

Title: Board of Directors' Closed Sessions and Exempt Meetings

Board of Directors' meetings shall be open meetings, unless a closed session is provided for by law or the meeting is otherwise excluded or exempt from the requirements of the open meetings law. The Board may hold a closed session in the situations stated below.

Exceptions to the Open Meetings Law

Closed sessions take place as part of an open meeting. The reason for holding the closed session by reference to the specific exception under the Open Meetings Law shall be listed as part of the tentative agenda on the public notice. The motion for a closed session, stating the reason for holding the closed session by reference to the specific exception under the Open Meetings Law, shall 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 shall be audio recorded and have detailed minutes kept by the Board secretary. Final action on matters discussed in the closed session shall be taken in an open meeting unless some other provision of the Iowa Code expressly permits such action to be taken in closed session.

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

The detailed minutes and audio recording shall be sealed and shall not be public records open to public inspection. The minutes and audio recording shall only be available to board members or other authorized persons as designated by the Board, or opened upon court order in an action to enforce the requirements of the open meetings law, or as may be otherwise required by law or court order. The Board has complete discretion as to whom may be present at a closed session.

Reasons for the Board to enter into a closed session from an open meeting may 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 continued 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's position in that litigation.
3. To discuss whether to conduct a hearing for suspension or expulsion of a student,

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unless an open meeting is requested by the student or the parent/guardian of the student if the student is a minor.

4. To conduct a hearing for suspension or expulsion of a student, unless an open meeting is requested by the student or the parent/guardian of the student if the student is a minor.
5. 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.
6. 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 reduce the price the Board would receive for the property.

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.

Exclusions/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 not subject to the open meetings law requirements. Since gatherings of this type are not subject to the open meetings requirements, they can be held without public notice, be separate from an open meeting, be held without recording the gathering or taking minutes and be held without a vote or motion, unless otherwise required by law.

In addition, there are situations which are exempt from the requirements of the open meetings law. The Board may hold an exempt session for the following, as provided by law:

1. Negotiating sessions, strategy meetings, mediation and the deliberative process of arbitrators;
2. To discuss strategy in matters relating to employment conditions of employees not covered by a collective bargaining agreement;
3. To conduct a private hearing relating to the recommended termination of a teacher's contract. However, the private hearing in the teacher's contract termination shall be recorded verbatim by a court reporter and the Board's decision shall be made in open meeting;
4. To hold a private conference with a probationary administrator to discuss the reasons for his/her termination, if the administrator requests such a conference,

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and

5. To conduct a private hearing relating to the termination of a nonprobationary administrator's contract and proposed decision of the administrative law judge regarding the termination of the administrator's contract. However, the Board's decision shall be made in open meeting.

Cross References:

210, 212, 214, 217, 218

Legal References:

Iowa Code 20.17, 21.2, 21.5, 21.9; 279.15,
279.16, 279.24.

Approved: Jul. 18, 1989

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