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**AURORA PUBLIC SCHOOLS**  
**Adopted March 1975**  
**Revised February 1992**  
**Revised October 2001**  
**Revised October 2007**  
**Revised August 2014**  
**Revised February 2015**  
**Reviewed July 2015**  
**Reviewed December 2017**

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**APS Code: BEC**

## **EXECUTIVE SESSIONS/OPEN MEETINGS**

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All regular and special meetings of the Board shall be open to the public except that at any regular or special meeting the Board may proceed into executive session upon a majority of two-thirds of the quorum present. Prior to convening into executive session the president shall identify the topic for discussion in the executive session, provide the specific citation to the law which authorizes the executive session, and identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. These matters shall be reflected in the minutes of the regular meeting.

The Board shall not make final policy decisions, nor shall any resolution, policy, position or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session.

An electronic recording shall be made of all executive sessions and shall reflect the specific citation to the Colorado Sunshine Act (24-6-402, C.R.S.), which authorizes the Board to meet in executive session. However, no such recording shall be made when the subject of the executive session is an individual student or where attorney-client communications take place during the executive session. (Where attorney-client communications are involved, the attorney must state, either in an electronic recording or in a separate written statement, that the discussion in executive session constitutes attorney-client communication.)

The electronic recording of executive sessions may be discarded on the 91<sup>st</sup> day after the date of the executive session. However, the minutes shall not be destroyed if (a) there is a pending inspection request by a member of the public; (b) there is pending litigation involving the executive session or the minutes; or (c) if there is a court order requiring retention of the minutes.

The Board may hold an executive session for any purpose authorized by law, including the consideration of any of the following:

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1. Purchase, acquisition, lease, transfer or sale of any real, personal or other property. However, no executive session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction.
2. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions.
3. Matters required to be kept confidential by federal or state law or regulation.
4. Specialized details of security arrangements or investigations.
5. Determination of positions relative to matters that may be subject to negotiations or development of strategy for negotiations or the instruction of negotiators except that discussion of negotiations relating to collective bargaining or employment contracts shall occur in public meeting, unless an executive session is otherwise allowed. C.R.S. 24-6-402 (4)(e).
6. Personnel matters except if an employee, who is the subject of an executive session, requests an open meeting. If the personnel matter involves more than one employee, all of the employees must request an open meeting. If one of the other matters with respect to which the Board may recess into executive session applies, the Board shall have the right to recess into executive session even if an employee, who is the subject of the hearing, requests that it remain open. The Teacher Employment, Compensation and Dismissal Act shall prevail in teacher dismissal hearings, which are held before an independent hearing officer. (In general, that law provides that a dismissal hearing shall be open unless either the administration or the employee requests the hearing to be closed.)
7. Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act.
8. Discussion of individual students where public disclosure would adversely affect the person or persons involved.

Only those persons invited by the Board may be present during any executive session.

LEGAL REFS.: C.R.S. 22-32-108 (5) (meetings of the board)

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C.R.S. 22-32-108(5)(d) (executive session minutes)

C.R.S. 22-32-109.4(4) (board meeting “at which a collective bargaining agreement is discussed” must be open to the public)

C.R.S. 24- 6-402 (open meetings law)

CROSS REFS:

BEDG, Minutes

KDB, Public’s Right to Know/ Freedom of Information Public Records