

## SCHOOL BOARD GOVERNANCE AND OPERATIONS

File: BDC

### CLOSED MEETINGS

A. Closed meetings may be held only in accordance with Virginia law, for the following purposes:

1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the School Board. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the School Board. The School Board may not, however, discuss the compensation of Board members in closed session.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student in the Charlottesville City School Division. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents or guardians so request in writing and such request is submitted to the presiding officer of the School Board.
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property where discussion to an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially the financial interest of the School Board would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in

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open meetings would adversely affect the negotiating or litigating posture of the School Board; and consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by such counsel. For purposes of this subdivision, “probable litigation” means litigation which has been specifically threatened or on which the School Board or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. The closure of a meeting is not permitted merely because an attorney representing the School Board is in attendance or is consulted on a matter.

8. Discussion or consideration of honorary degrees or special awards.
9. Discussion or consideration of tests or examinations or other information excluded from public disclosure Va. Code § 2.2-3705.1.
10. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the School Board in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the School Board or the establishment of the terms, conditions and provisions of the sitting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
11. Discussion or consideration of medical and mental records excluded from disclosure under Va. Code § 2.2-3705.
12. Discussion of plans to protect public safety as it relates to terrorist activity or specific cyber security threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information excluded from mandatory disclosure pursuant to subdivision 3 or 4 of Va. Code § 2.2-3705.2 where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure, or the safety of persons using such facility, building or structure.
13. Discussion or consideration of information excluded from mandatory disclosure pursuant to subdivision 11 of Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by the School Board or any independent review panel appointed to review information and advise the School Board concerning such information.

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14. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the School Board.
- B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the School Board, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

Adopted: August 6, 1998

Revised: October 16, 2003

Revised: August 16, 2007

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Revised: June 27, 2016

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Legal References: Code of Virginia, 1950, as amended, section 2.2-3711.  
Code of Virginia, 1950, as amended, section 2.2-3712.  
Code of Virginia, 1950, as amended, sections 2.2-3707, 22.1-72

Cross References: BDDA Notification of School Board Meetings  
BCA Board Organizational Meetings  
BCE School Board Committees  
BCF Advisory Committees to the School Board