

CLOSED MEETINGS

- A. The School Board or any committee thereof may hold closed meetings as appropriate for the purposes authorized under the Virginia Freedom of Information Act, Va. Code § 2.2-3700 et seq., to discuss matters including but not limited to the following:
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; and evaluation of performance of departments or individual schools where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that 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 School Board Chair or other presiding officer of the School Board. The School Board will not discuss the compensation of School 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 an education record concerning any student in Albemarle County Public Schools. 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 School Board Chair or other 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 in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board or other public body.
 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 open meeting would adversely affect the negotiating or litigating posture of the School Board. For the purposes of this subsection, "*probable litigation*" means litigation that 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. Consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by such counsel. 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.
9. Discussion or consideration of honorary degrees or special awards.
10. Discussion or consideration of tests or examinations or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of Va. Code §2.2-3705.1.
11. 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 siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
12. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of Va. Code § 2.2-3705.5.
13. 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 subject to the exclusion in subdivision 2 or 14 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 School Board facility, building or structure, or the safety or persons using such facility, building or structure.
14. Discussion or consideration of information subject to the exclusion in 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.

15. 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.
- C. The School Board or any committee thereof may permit nonmembers to attend a closed meeting of the School Board or committee if such persons are deemed necessary or if their presence will reasonably aid the School Board or committee in its consideration of a topic which is a subject of the meeting.
- D. School Board members may attend closed meetings held by any committee or subcommittee of the School Board, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise the School Board. School Board members shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of Va. Code § 2.2-3707, the minutes of the committee or other entity shall include the identity of the School Board members who attended the closed meeting.

Approved: June 13, 2002

Amended: December 11, 2003; October 22, 2009; September 26, 2013; August 27, 2015; September 22, 2016; September 14, 2017; April 28, 2022

Equity Review: April 28, 2022

Legal Ref.: Code of Virginia, 1950, as amended, §§2.2-3711, 2.2-3712.

Cross Refs: BCE, *School Board Committees*
BCF, *Advisory Committees to the School Board*
BDDA, *Notification of School Board Meetings*