

POLICY BEC

Board of Education Las Cruces Public Schools

Related Entries: BEA, BEB, BEDA
Responsible Office: Board of Education

CLOSED/EXECUTIVE MEETINGS

I. PURPOSE

The Board of Education is committed to meeting and operating in full compliance with the New Mexico Open Meetings Act.

II. POSITION

- A. The Open Meetings Act requires all Board meetings to be open to the public at all times unless an exception found in the Act permits a closed executive meeting. A closed/executive meeting may be held to discuss:
1. Meetings pertaining to issuance, suspension, renewal or revocation of a license, except that a hearing at which evidence is offered or rebutted shall be open. All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting.
 2. “Limited personnel matters,” which means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee. Final actions on personnel, which the Board is lawfully authorized to take, shall be taken at an open public meeting.
 3. An “administrative adjudicatory proceeding,” which means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Final action, which the Board is lawfully authorized to take as a result of the proceeding, shall occur in an open, public meeting.
 4. Personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise.
 5. Meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the Board and a bargaining unit representing the employees of the School District and collective bargaining sessions at which the Board and the representatives of the collective bargaining unit are present;

6. Purchases exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source, and the contents of competitive sealed proposals solicited pursuant to the Procurement Code during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting.
 7. Meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the Board is or may become a participant.
 8. The purchase, acquisition or disposal of real property or water rights.
- B. In order to conduct a closed executive session, the Board shall follow the following procedure:
1. If a convened open meeting is to be closed, a majority roll call vote by the Board, based on a motion which states the reason for closing the meeting, is necessary. The vote of each member shall be noted in the minutes of the meeting.
 2. If a closed meeting is to be called when the Board is not otherwise in session, the Board shall give notice according to its public notice policy. Such notice shall give a list of specific items of business to be discussed in the closed session in sufficient detail to give the public a reasonably clear idea about the items discussed and acted upon during the meeting while still protecting any applicable privacy rights.

III. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

History: Formerly Policy 130

Legal Reference: 10-15-1 through 10-15-4 NMSA 1978



Board of Education, President

Oct. 21, 2008

Date Approved