

CLOSED MEETINGS

Closed meetings may be held by the Alexandria City School Board (Board) or any committee thereof only in accordance with Virginia law, for purposes including 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 Board. Any teacher shall be permitted to be present during closed meetings 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 Board. The 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 Alexandria City Public Schools student. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians are 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 Board.
3. Discussion or consideration of the acquisition of real property for 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 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 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 Board. For purposes of this subsection, "probable litigation" means litigation which has been specifically threatened or on which the 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 Board is in attendance or is consulted on a matter.
8. Consultation with legal counsel employed or retained by the Board regarding specific legal

47 matters requiring the provision of legal advice by such counsel. The closure of a meeting
48 is not permitted merely because an attorney representing the Board is in attendance or is
49 consulted on a matter.

- 50
- 51 9. Discussion or consideration of honorary degrees or special awards.
- 52
- 53 10. Discussion or consideration of tests or examinations or other information used,
54 administered or prepared by a public body and subject to the exclusion in subdivision 4 of
55 Va. Code § 2.2-3705.1.
- 56
- 57 11. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement
58 or to consider the terms, conditions, and provisions of a hazardous waste siting agreement
59 if the Board in open meeting finds that an open meeting will have an adverse effect upon
60 the negotiating position of the Board or the establishment of the terms, conditions and
61 provisions of the siting agreement, or both. All discussions with the applicant or its
62 representatives may be conducted in a closed meeting.
- 63
- 64 12. Discussion or consideration of medical and mental health records subject to the exclusion
65 in subdivision 1 of Va. Code § 2.2-3705.5.
- 66
- 67 13. Discussion of plans to protect public safety as it relates to terrorist activity or specific
68 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or
69 law-enforcement or emergency service officials concerning actions taken to respond to
70 such matters or a related threat to public safety; discussion of information subject to the
71 exclusion in subdivision 2 or 14 of Va. Code § 2.2-3705.2 where discussion in an open
72 meeting would jeopardize the safety of any person or the security of any facility, building,
73 structure, information technology system or software program; or discussion of reports or
74 plans related to the security of any government facility, building or structure, or the safety
75 of persons using such facility, building or structure.
- 76
- 77 14. Discussion or consideration of information subject to the exclusion in subdivision 11 of
78 Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by
79 the Board or any independent review panel appointed to review the information and advise
80 the Board concerning such information.
- 81
- 82 15. Discussion of the award of a public contract involving the expenditure of public funds,
83 including interviews of bidders or offerors, and discussion of the terms or scope of such
84 contract, where discussion in an open session would adversely affect the bargaining
85 position or negotiating strategy of the Board.
- 86

87 No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
88 closed meeting may become effective unless the Board, following the meeting, reconvenes in open
89 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract,
90 regulation or motion which has its substance reasonably identified in the open meeting.

91

92 The Board or any committee thereof may permit nonmembers to attend a closed meeting of the
93 Board or committee if such persons are deemed necessary or if their presence will reasonably aid
94 the Board or committee in its consideration of a topic which is a subject of the meeting. The
95 attendance of these individuals does not alter the status of such meeting as a closed meeting for
96 purposes of the Freedom of Information (FOIA).
97

98 Board members may attend closed meetings held by any committee or subcommittee of the Board,
99 or a closed meeting of any entity, however designated, created to perform the delegated functions
100 of or to advise the Board. Board members are in all cases permitted to observe the closed meeting
101 of the committee, subcommittee or entity. In addition to the requirements of Va. Code § 2.2-3707,
102 the minutes of the committee or other entity includes the identity of the Board members who
103 attended the closed meeting. The attendance of these individuals does not alter the status of such
104 meeting as a closed meeting for purposes of FOIA.
105

106 Adopted: October 24, 1996
107 Amended: September 9, 1999
108 Amended: July 12, 2001
109 Amended: March 21, 2002
110 Amended: October 7, 2004
111 Amended: February 5, 2009
112 Amended: April 24, 2014
113 Amended: December 15, 2016
114 Amended: October 12, 2017
115

116
117 Legal Refs.: Code of Virginia, 1950, as amended, §§, 2.2-3705, 2.2-3707, 2.2-3711, 2.2-3712
118

119 Cross Refs.: BCE School Board Committees
120 BCEA Disciplinary Committee
121 BCF Advisory Committees to the School Board
122 BDCA Calling and Certification of Closed Meetings
123 BDDA Notification of Meetings
124 BDDG Minutes

CLOSED MEETINGS

Closed meetings may be held by the Alexandria City School Board (Board) or any committee thereof only in accordance with Virginia law, for purposes including 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. Any teacher shall be permitted to be present during closed meetings 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 Alexandria City Public Schools ACPS student in the Alexandria 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 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.
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 purposes of this subsection, "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

46 permitted merely because an attorney representing the School Board is in attendance or is
47 consulted on a matter.

48 7.

49 8. Consultation with legal counsel employed or retained by the School Board regarding
50 specific legal matters requiring the provision of legal advice by such counsel. The closure
51 of a meeting is not permitted merely because an attorney representing the School Board is
52 in attendance or is consulted on a matter.

53
54 9. Discussion or consideration of honorary degrees or special awards.

55
56 10. Discussion or consideration of tests or examinations or other information used,
57 administered or prepared by a public body and subject to the exclusion in subdivision 4 of
58 Va. Code § 2.2-3705.1.

59
60 11. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement
61 or to consider the terms, conditions, and provisions of a hazardous waste siting agreement
62 if the School Board in open meeting finds that an open meeting will have an adverse effect
63 upon the negotiating position of the School Board or the establishment of the terms,
64 conditions and provisions of the siting agreement, or both. All discussions with the
65 applicant or its representatives may be conducted in a closed meeting.

66
67 12. Discussion or consideration of medical and mental health records subject to the exclusion
68 in subdivision 1 of Va. Code § 2.2-3705.5.

69
70 13. Discussion of plans to protect public safety as it relates to terrorist activity or specific
71 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or
72 law-enforcement or emergency service officials concerning actions taken to respond to
73 such matters or a related threat to public safety; discussion of information subject to the
74 exclusion in subdivision ~~3-2~~ or ~~14~~ of Va. Code § 2.2-3705.2 where discussion in an open
75 meeting would jeopardize the safety of any person or the security of any facility, building,
76 structure, information technology system or software program; or discussion of reports or
77 plans related to the security of any government facility, building or structure, or the safety
78 of persons using such facility, building or structure.

Commented [1]: Updated to align with Va. Code § 2.2-3705.2

79
80 14. Discussion or consideration of information subject to the exclusion in subdivision 11 of
81 Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by
82 the School Board or any independent review panel appointed to review the information and
83 advise the School Board concerning such information.

84
85 15. Discussion of the award of a public contract involving the expenditure of public funds,
86 including interviews of bidders or offerors, and discussion of the terms or scope of such
87 contract, where discussion in an open session would adversely affect the bargaining
88 position or negotiating strategy of the School Board.

89
90 No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a

91 closed meeting ~~shall may~~ become effective unless the ~~School~~ Board, following the meeting,
92 reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance,
93 rule, contract, regulation or motion which ~~shall have has~~ its substance reasonably identified in the
94 open meeting.
95

96 The ~~School~~ Board or any committee thereof may permit nonmembers to attend a closed meeting
97 of the Board or committee if such persons are deemed necessary or if their presence will reasonably
98 aid the Board or committee in its consideration of a topic which is a subject of the meeting. The
99 attendance of these individuals does not alter the status of such meeting as a closed meeting for
100 purposes of [the Freedom of Information \(FOIA\)](#).
101

102 ~~School~~ Board members may attend closed meetings held by any committee or subcommittee of
103 the Board, or a closed meeting of any entity, however designated, created to perform the delegated
104 functions of or to advise the Board. ~~School~~ Board members ~~shall are~~ in all cases ~~be~~ permitted to
105 observe the closed meeting of the committee, subcommittee or entity. In addition to the
106 requirements of Va. Code § 2.2-3707, the minutes of the committee or other entity ~~shall includes~~
107 the identity of the ~~School~~ Board members who attended the closed meeting. The attendance of
108 these individuals does not alter the status of such meeting as a closed meeting for purposes of
109 FOIA.
110

111 Adopted: October 24, 1996
112 Amended: September 9, 1999
113 Amended: July 12, 2001
114 Amended: March 21, 2002
115 Amended: October 7, 2004
116 Amended: February 5, 2009
117 Amended: April 24, 2014
118 Amended: December 15, 2016
119 Amended: October 12, 2017
120
121

122 Legal Refs.: Code of Virginia, 1950, as amended, §§, [2.2-3705](#), [2.2-3707](#), 2.2-3711, 2.2-3712
123

124 Cross Refs.: BCE School Board Committees
125 BCEA Disciplinary Committee
126 BCF Advisory Committees to the School Board
127 BDCA Calling and Certification of Closed Meetings
128 BDDA Notification of ~~School Board~~ Meetings
129 BDDG Minutes