

**POLICY**

**Exceptions to Requirement that Board Meetings be Open**

The Board may conduct a closed meeting for the purposes described in Subchapter B, Chapter 551, Texas Government Code, or other applicable including but not limited to:

1. Consultation with the Board's attorney, in accordance with by Gov't Code 551.071;
2. Deliberations regarding the purchase, exchange, lease, or value of real property, in accordance with Gov't Code 551.072;
3. Deliberations regarding a negotiated contract for a prospective gift or donation to Heritage Academy, in accordance with Gov't Code 551.073;
4. Deliberations regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a Heritage Academy officer or employee or to hear a complaint against a Heritage Academy officer or employee, in accordance with Gov't Code 551.074;
5. Deliberations in a case in which a complaint or charge is brought against a Heritage Academy employee by another Heritage Academy employee and the complaint or charge directly results in the need for a hearing, in accordance with Gov't Code 551.082;
6. Deliberations in a case involving discipline of a Heritage Academy student, in accordance with Gov't Code 551.082;
7. Deliberations in a matter regarding a student if personally identifiable information about the student will necessarily be revealed by the deliberation, in accordance with Gov't Code 551.0821;
8. Deliberations in matters involving certain information regarding insurance, health, or retirement plans, in accordance with Gov't Code 551.0785;
9. Deliberations regarding the deployment or specific occasions for implementation of security personnel or devices, or a security audit, in accordance with Gov't Code 551.076; and
10. Deliberations to discuss or adopt individual assessment instruments or assessment instrument items, in accordance with Education Code 39.030(a).

**Procedures for Closed Meetings**

If a closed meeting is allowed, the Board shall not conduct the closed meeting unless a quorum of the Board first convenes in an open meeting for which proper notice has been given and the presiding officer has publicly announced that a closed meeting will be held and has identified the section or sections of the Open Meetings Act or other applicable law under which the closed meeting is held. Gov't Code 551.101.

**Vote or Final Action**

A final action, decision, or vote on a matter deliberated in a closed meeting shall be made only in an open meeting for which proper notice has been given. Gov't Code 551.102.

**Certified Agenda or Recording**

The Board shall either keep a certified agenda or make a recording of the proceedings of each closed meeting, except for private consultation with the Board and/or Heritage Academy' attorney. The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time. A presiding officer shall certify that a certified agenda is a true and correct record of the proceedings. If a recording is made, it must include announcements by the presiding officer at the beginning and end of the meeting indicating the date and time. Gov't Code 551.103

“Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. Gov't Code 551.001(7).

Closed meetings may not be recorded by an individual Board member against the wishes of a majority of the Board.

**Preservation**

The Board shall preserve the certified agenda or recording of a closed meeting for at least two years after the date of the meeting. If a legal action involving the meeting is brought within that period, the Board shall preserve the certified agenda or recording while the action is pending. Gov't Code 551.104(a).

**Public Access**

A certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued as a result of litigation involving an alleged violation of the Open Meetings Act. Gov't Code 551.104(b), (c).

**Prohibitions**

No Board member shall participate in a closed meeting knowing that neither a certified agenda nor a recording of the closed meeting is being made. Gov't Code 551.145.

No individual, corporation, or partnership shall without lawful authority disclose to a member of the public the certified agenda or recording of a meeting that was lawfully closed to the public. Gov't Code 551.146.

No Board member shall knowingly call or aid in calling or organizing a closed meeting that is not permitted under the Open Meetings Act, close or aid in closing a regular meeting to the public except as permitted under the Open Meetings Act, or participate in a closed meeting that is not permitted under the Open Meetings Act. Gov't Code 551.144(a).

**Affirmative Defense**

It is an affirmative defense to prosecution under Government Code 551.144(a) that a Board member acted in reasonable reliance on a court order or a written interpretation of the open meetings law contained in an opinion of a court of record, the attorney general, or the Board's attorney. Gov't Code 551.144(c).