

Executive Session

Parts of board meetings can be held without the public. These portions of the meeting are called executive sessions. If the board is going into executive session, the president or chair must announce the general purpose of the session and how long it will last. If the executive session runs longer, the president or chair must make another announcement extending the session.

When announcing the purpose of the executive session, the board member making the announcement must provide sufficient information to identify that the purpose falls within one of the statutorily authorized reasons for going into executive session. For example, stating that the board is going into executive session to discuss personnel matters would not be sufficient.

The meeting minutes must reflect the executive session and its purpose. Additionally, the minutes should note if the executive session was extended and when it ended. A detailed record of the executive session should not be made. Despite the confidentiality of the matters discussed in executive session, a record of the session is subject to disclosure under the state Public Records Act.

There are seventeen statutory reasons for an executive session. Only nine of them, however, apply to school boards. Here are those reasons::

- To consider matters affecting national security;
- To consider, in compliance with data security breach disclosure requirements and with legal counsel available, information regarding the infrastructure and security of computer and telecommunication networks, security and service recovery plans, and security risk assessments and security test results that if made public might increase the risk to the confidentiality, integrity, or availability of district security or might increase the risk to information technology infrastructure or assets;
- To consider the selection of a site or the acquisition of real estate if public knowledge of the matter might increase the price;
- To consider the minimum price at which to sell or lease real estate if public knowledge of the matter might depress the price (final action selling or leasing real estate, though, must be taken in a public meeting);
- To review negotiations on the performance of a publicly bid contract if public knowledge might increase costs;
- To receive and evaluate complaints or charges against an employee or board member (however, the person complained against may request a public hearing or a meeting open to the public to address the complaint or charge);
- To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee (final actions, though, must be taken in public and discussions affecting employees generally must be held in public too);
- To evaluate the qualifications of a candidate for appointment to elective office (interviews and the final appointment, though, must be held in public); and
- To discuss with legal counsel matters relating to enforcement actions or to discuss with legal counsel litigation or potential litigation if public discussion might result in an adverse legal or financial consequence.

PERSONNEL MATTERS

It is not permissible to go into an executive session to discuss personnel issues generally. In an executive session, a board can receive and evaluate complaints about a public employee, evaluate the qualifications of an applicant for employment, or evaluate the performance of an employee. Executive sessions about personnel issues must be specifically tailored to those exceptions.

In receiving and evaluating complaints against public employees, boards should follow applicable complaint procedures before receiving the complaints. For example, under WSSDA Model Policy 4220, a community member can bring a complaint against an employee, but the complaint must first be heard by building-level and district-level administrators before it goes to the board. And, as a reminder, when a board receives a complaint in executive session, any personnel action that it takes in response to the complaint must be made in open session.

Evaluating the qualifications of an applicant for public employment could involve interviewing candidates, discussing candidates'