

**EXECUTIVE SESSIONS**

The Commerce Board of Education may, at its discretion, enter into executive session after the executive session is authorized by a vote in open session only if a proposed executive session is listed on the agenda and the specific section of law authorizing an executive session is also listed on the agenda. If new business arises within the statutory time limitations and otherwise qualifies for an executive session, it may be discussed in executive session.

The board may enter into executive session for any of the following reasons:

1. To discuss the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any or all of the employees or volunteers of the school district. 25 O.S. §307 (B) (1) [including the appointment of an individual to fill a board vacancy pursuant to 70 O.S. §5-118]
2. To discuss negotiations concerning employees and representatives of employee groups. 25 O.S. §307 (B) (2)
3. To discuss the purchase or appraisal of real property. 25 O.S. §307 (B) (3)
4. To have confidential communications with its attorney concerning a pending investigation, claim, or action if the school district, with the advice of its attorney, determines that disclosure will seriously impair the ability of the district to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. 25 O.S. §307 (B) (4)
5. To hear evidence and discuss the expulsion or suspension of a student when so requested by the student, the parent, an attorney, or the legal guardian. 25 O.S. §307 (B) (5)
6. To discuss matters involving a specific handicapped child. 25 O.S. §307 (B) (6)
7. To discuss any other matter where disclosure of information would violate confidentiality requirements of state or federal laws. 25 O.S. §307 (B) (7)
8. To engage in deliberations or to render a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures. 25 O.S. §307 (B) (8)
9. Discussing matters involving safety and security at state penal institutions or correctional facilities used to house state inmates; 25 O.S. § 307 (B) (9)
10. Discussing contract negotiations involving contracts requiring approval of the Board of Corrections, which shall be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body. No person who may profit directly or indirectly by a proposed transaction which is under consideration may be present or participate in the executive session; 25 O.S. § 307 (B) (10)
11. To discuss the following, all of which should be cited 25 O.S. §307 (B) (11):
  - A. The investigation of a plan or scheme to commit an act of terrorism;
  - B. Assessments of the vulnerability of government facilities or public improvements to an act of terrorism;
  - C. Plans for deterrence or prevention of or protection from an act of terrorism;

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- D. Plans for response or remediation after an act of terrorism;
- E. Information technology of the public body but only if the discussion specifically identifies:
  - 1. design or functional schematics that demonstrate the relationship or connections between devices or systems;
  - 2. system configuration information;
  - 3. security monitoring and response equipment placement and configuration;
  - 4. specific location or placement of systems, components, or devices;
  - 5. system identification numbers, names, or connecting circuits;
  - 6. business continuity and disaster planning, or response plans; or
  - 7. investigation information directly related to security penetrations or denial of services; or
- F. The investigation of an act of terrorism that has already been committed.

The term “terrorism” means an act of violence resulting in damage to property or personal injury perpetrated to coerce a civilian population or government into grating illegal political or economic demands; or conduct intended to incite violence in order to create apprehension of bodily injury or damage to property in order to coerce a civilian population or government into granting illegal political or economic demands. Peaceful picketing or boycotts and other nonviolent action shall not be considered terrorism (21 O.S. § 1268.1).

No action, decision, or vote shall be taken while the board is in executive session. The board shall reconvene the open meeting after an executive session prior to adjourning the meeting.

An executive session for the purpose of discussing the purchase or appraisal of real property shall be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body. No landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property which is under consideration may be present or participate in the executive session, unless they are operating under an existing agreement to represent the public body.

In the interest of maintaining confidentiality of the information discussed during executive sessions, under no circumstances will audio/video recording or camera photos of executive sessions be permitted. Board members and those persons requested to enter an executive session are required to turn off all cellular telephones prior to the start of the session, unless there is a legitimate reason of personal health or safety involved.

**REFERENCE: 25 O.S. §307**  
**70 O.S. §5-118**  
**Atty. Gen. Op. 82-114 (April 12, 1982)**