EXECUTIVE SESSIONS

Procedures for Recording Executive Sessions

Except with respect to the “exempted topics” discussed below, an electronic recording of executive sessions will be made by the Board secretary or by another person attending the meeting and appointed by the presiding officer. This recording shall include the affirmative vote of two-thirds of the quorum of Board members present after an announcement of the topic(s) for discussion, the specific citation to the Open Records Act section(s) authorizing the executive session, and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

Procedures for Exempted Topics

No recording is required for an executive session discussion regarding an individual student matter, or a discussion that constitutes a privileged attorney-client communication when the attorney is present (physically or via electronic means). If no electronic recording is made because the discussion constitutes a privileged attorney-client communication, this must be stated on the electronic recording, or the attorney representing the Board must provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication.

Procedures for Storing Recordings

Electronic recordings of executive sessions will not be open for public inspection or be subject to discovery in any administrative or judicial proceeding, except upon consent of the Board and/or when successfully challenged in district court on grounds that the Board discussed topics not legally authorized for discussion in an executive session. In such a case, only the material inappropriate for an executive session would be opened for inspection.

The Board secretary will store the electronic recording of an executive session for 90 days following the session in a secure location separate from the minutes and other records of the Board’s public meetings. If no one has requested access to the recording of an executive session during the 90-day period, and if there is no litigation involving the executive session minutes and no court order to the contrary, the Board secretary will destroy them.

Procedures for Requests to View Electronic Recordings

If someone asks to view the electronic recording of an executive session during the 90-day period, the Board secretary will deny the request, provide the person with a copy of this regulation and inform him/her that the recording can only be accessed after a ruling to that effect by a district court judge. The Board secretary will inform the superintendent of the request so that he/she can confer with district legal counsel regarding appropriate procedures should the person continue efforts to view the recording.

As per statute, each school director shall have access to all school records at all times.

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