

An executive session may be held upon a two-thirds (2/3) vote recorded in the minutes of the open meeting by individual vote. The chairman will identify the authority under the Open Meeting Law for the holding of the executive session.

Notice of an executive session will be set forth in the agenda notice of a regular or special meeting. If only an executive session will be held by the board, a twenty-four (24) hour meeting and agenda notice will be given and will state the reason and specific provision of law authorizing the executive session.

MATTERS ADDRESSED IN EXECUTIVE SESSION

An executive session may be held for these purposes:

1. To consider hiring a public officer, employee, staff member, or individual agent. This section does not apply to filling a vacancy in an elective office;
2. To consider the evaluation, dismissal, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent, or public school student;
3. To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by the school district;
4. To consider records that are exempt from disclosure as provided by the Public Records Law, Chapter 3, Title 9, Idaho Code;
5. To communicate with legal counsel for the district to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.
6. To engage in communications with a representative of the district's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the district's risk manager or insurance provider at an executive session does not satisfy this requirement.

Labor negotiations with the local education organization representing professional employees may be conducted in executive session if either side requests closed meetings. Subsequent sessions of the negotiations may continue without further public notice. Adequate records or minutes of the negotiation procedures will be kept, and will be available for public inspection at the offices of the board during normal business hours. Joint ratification of all final offers of settlement will be made in an open meeting.

PROHIBITION AGAINST VOTING

No final action or final decision may be made in an executive session except a decision to place a certificated employee on probationary status. If a decision is made in executive session to place a certificated employee on probationary status, the employee will not be named in the minutes of the meeting.

MINUTES OF EXECUTIVE SESSION

The board will record written minutes of all executive session meetings. The minutes must specify the statutory subsection authorizing the executive session, and provide sufficient detail to convey the general subject matter without compromising the purpose of going into executive session. Executive session minutes may be recorded in the body of the written minutes of the open session and are a public record.



LEGAL REFERENCE:

Idaho Code Sections

33-514

33-515

67-2340, *et seq.*

State of Idaho v. Rick Yzaguirre, et al., Idaho S. Ct. Op. 2007-85(May 25, 2007)

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