

EXECUTIVE SESSION

The Board shall hold executive sessions only for reasons contained in law. Authorized subcommittees of the Board may hold executive sessions when permitted by law.

When conducting an executive session, the Board and authorized subcommittees of the Board must comply with the following.

Attendance at an Executive Session

Only members of the Board, any person permitted to be present by law, and any person the governing body determines to be necessary to carry out or further the purpose of the meeting may be in attendance at the executive session.

Location of Recordings and Documents

All recordings and documents resulting from an executive session must be sealed in an envelope. The date of the executive session, purpose of the session, and word “confidential” should be written on the outside of the envelope. Envelopes must be secured in a locked area in the business office.

When an executive session is held for the purpose of non-renewal, discharge, or discussion of a student’s educational record, the Business Manager should complete the applicable form (DI-E2 or FGA-E4) and place it in the appropriate personnel or student file.

Retention of Recordings and Documents

The District must retain all recordings and documents resulting from an executive session for a minimum of six months. If the executive session is related to contract negotiations, nonrenewal, discharge or expulsion, the District must retain all recordings and documents for at least six years.

Access to Recordings and Documents

In accordance with law, recordings and documents resulting from an executive session may be disclosed upon a majority vote of the Board, unless the executive session was required to be confidential. The recordings and documents must be disclosed pursuant to court order or to the Attorney General for the purpose of administrative review. The recording and documents of an executive session remain closed even if the underlying statutory basis for the executive session no longer applies.

Unauthorized disclosure of the recordings and documents by a public servant is a Class C felony.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- BCAD-E2, Executive Session Format
- BCAD-E3, Executive Session Format for Discussion of Education Records
- DI-E2, Notice of Confidential Record on File
- FGA-E4, Notice of Executive Session Tape on File