



TO: Board of Directors

FROM: Deborah Rumbaugh, Ed.D.

SUBJECT: Revised Board Policy 1410, Executive or Closed Sessions

DATE: December 6, 2022

TYPE: School Board Discussion

This is the first reading of revised Policy 1410, Executive or Closed Sessions. Based on House Bill 1329, Open Public Meetings, various provisions, the Washington State School Directors' Association (WSSDA) has revised 1410. The attached revisions align with WSSDA's model policy. This policy will be presented to the board for a second reading on January 3, 2023.

**Recommendation: It is recommended that the board move revised policy 1410, Executive or Closed Sessions, forward for a second reading.**

## EXECUTIVE OR CLOSED SESSIONS

Before convening in executive session, the president will publicly announce the general purpose for excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the president.

An executive session may be conducted for one or more of the following purposes:

- A. To consider, if in compliance with any required data breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other information that, if made public, may increase risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;
- B. To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
- C. To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price; however, discussion of the factors comprising the minimum value of the property and the final action of selling or leasing public property will be taken in a meeting open to the public;
- D. To review negotiations on the performance of publicly-bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
- E. To receive and evaluate complaints or charges brought against a director or staff member; however, upon the request of such director or staff member, a public hearing or a meeting open to the public will be conducted on such complaint or charge;
- F. To evaluate the qualifications of an applicant for public employment or to review the performance of a staff member; however, discussion of salaries, wages, and other conditions of employment to be generally applied within the district will occur in a meeting open to the public, and when the board elects to take the final action of hiring, setting the salary of an individual staff member or class of staff members, or discharging or disciplining an employee, that action will be taken in a meeting open to the public;
- G. To evaluate the qualifications of a candidate for appointment to the board; however, any interview of such candidate and final action appointing a candidate to the board will be in a meeting open to the public; or
- H. To discuss with legal counsel representing the district matters relating to district enforcement actions, or to discuss with legal counsel representing the district litigation or potential litigation to which the district, the board, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the district.

Potential litigation means matters protected by attorney-client privilege related to litigation that has been specifically threatened; litigation that the district reasonably believes may be commenced; or the litigation or legal risks of a proposed action or current practice of the district, if public discussion is likely to result in an adverse or financial consequence to the district.

### Closed Sessions/Private Meetings

The Open Public Meetings Act does not apply to certain board activities and public notice is not required prior to holding a closed session for any of the following purposes:

- A. Consideration of a quasi-judicial matter between named parties as distinguished from a matter having a general effect on the public or a class or group; or
- B. Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement, or when the board is planning or adopting the strategy or position to be taken during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

Legal References:

RCW 19.255.010	Disclosure, notice – Definitions – Rights, remedies
RCW 42.30.110	Executive sessions
RCW 42.30.140	Chapter controlling – Application
RCW 42.56.590	Personal Information – Notice of security breaches

Management

Resources:

Policy & Legal News 2022 June Issue  
Policy & Legal News 2017 July Issue  
Policy & Legal News 2001 June Issue

**Adoption Date: 05.08.01**  
**Stanwood-Camano School District**  
**Revised: 05.03.16;**