

EXECUTIVE SESSION

The Board shall hold executive sessions only for reasons contained in law. Authorized committees of the Board may hold executive sessions when permitted by law. Any executive session expected to be held during a meeting must be included in the meeting notice.

Executive Session Procedures

The Board and authorized committees of the Board must comply with the following general procedures when conducting an executive session:

1. Convene in an open session;
2. Pass a motion to hold an executive session, unless a motion is unnecessary because a confidential meeting is required by law;
3. Announce during the open portion of the meeting the topics to be considered during the executive session and the legal authority for holding an executive session on those topics;
4. Excuse the public or reconvene in another location;
5. Record the executive session electronically or on audio or video tape;
6. Limit the topics considered during the executive session to the announced, authorized topics; and
7. Take final action on the topics considered in the executive session during the open portion of a meeting. Substantive votes must be recorded by roll call.

Attendance at an Executive Session

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

Recordings and Documents

Although all executive sessions must be recorded, minutes of executive sessions need not be kept. Rather, the minutes of a meeting during which an executive session is held must indicate the following:

1. Names of the members attending the executive session;
2. Date and time the executive session was called to order and adjourned;
3. Summary of the general topics that were discussed or considered that does not disclose any closed or confidential information; and
4. Legal authority for holding the executive session.

When an executive session is held for the purpose of non-renewal, discharge, discussion of a student's educational record or an expulsion hearing, 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-E1, Executive Session Format
- BCAD-E2, 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

End of Yellowstone Policy BCAD Adopted: 10/21/2024