

**BOARD OF EDUCATION
SERIES 200**

204.3

TITLE: EXECUTIVE SESSION

Executive sessions are authorized under Idaho Code 67-2345 as follows:

(1) Nothing contained in this act shall be construed to prevent, upon a two-thirds (2/3) vote recorded in the minutes of the meeting by individual vote, a governing body of a public agency from holding an executive session during any meeting, after the presiding officer has identified the authorization under this act for the holding of such executive session.

An executive session may be held:

- (a) To consider hiring a public officer, employee, staff member or individual agent wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing in general;
- (b) 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;
- (c) To conduct deliberations concerning labor negotiations (Note: The Board may still deliberate regarding labor negotiations and may caucus regarding negotiations in Executive Session. However, all actual negotiations between the parties i.e. the exchange of offers, counteroffers, and exchange of documents must be conducted in open session.);
- (d) To acquire an interest in real property which is not owned by a public agency;
- (e) To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho code;
- (f) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (g) To communicate with legal counsel for the public agency 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.
- (h) To engage in communications with a representative of the public agency'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 public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.

(2) No executive session may be held for the purpose of taking any final action or making any final decision, unless specifically otherwise provided by any applicable provision of the Idaho Code.

Revised: November 14, 2011

Revised: December 9, 2013