



Section: B: Board Operations
Title: Executive Session
Number: BCBK
Status: Active
Adopted: 9/21/1999
Revised: 11/21/2005; 8/2/16, 2/6/2018, 07/16/2024

The board shall conduct executive sessions only as provided by law, specifically the Kansas Open Meetings Act (“KOMA”).

Any motion to recess for a closed or executive session shall include:

1. A statement describing the subjects to be discussed during the closed or executive meeting;
2. the justification for closing the meeting; and
3. the time and place at which the meeting shall resume.

A subject of executive session is the manner or issue presented for discussion, and the motion must include a brief description of the subject(s) to be discussed in the executive session while still protecting privacy interests.

Sample Motion

~~Motions to recess into executive session may be constructed as follows. “I move that the board recess into executive session to [fill in subject(s)] pursuant to [fill in justification from 1-7 enumerated below] and that the open meeting shall resume at [fill in time] in the board room.”~~

~~A subject of executive session would be the matter or issue presented for discussion, and the board member must include a brief description of the subject(s) to be discussed in the motion while still protecting important privacy interests. For example, the subject could be to discuss an individual employee’s performance, to hold a student discipline appeal hearing, to discuss potential litigation with our legal counsel, and/or any other matters as would appropriately fit under the justification to be utilized.~~

Acceptable justifications for recessing into executive session include the following:

1. The non-elected personnel exception under KOMA;
2. The exception for matters which would be deemed privileged in the attorney-client relationship under KOMA;
3. The exception for employer-employee negotiations under KOMA;
4. The exception for data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships under KOMA;
5. The exception relating to actions adversely or favorably affecting a student under KOMA;
6. The exception for preliminary discussion of the acquisition of real property under KOMA;
7. The exception under KOMA for school security matters to ensure the security of the school, its buildings, and/or its systems is not jeopardized.

~~NO BINDING ACTION SHALL BE TAKEN DURING CLOSED OR EXECUTIVE SESSIONS.~~

~~When a motion is made to go into executive session, all blanks in the sample motion must be filled in.~~

~~The time the board will return to the open meeting and the room in which the meeting will resume will be specifically stated. If necessary, the executive session may be extended with another motion made after the board returns to open session.~~

Discussion during the closed or executive session shall be limited to those subjects in the motion. No binding action shall be taken during closed or executive session. The complete motion to recess into closed or executive session shall be recorded in the minutes of the meeting and maintained as a part of the permanent records of the board.

If necessary, the closed or executive session may be extended with approval of another motion made after the board returns to open session.

Addendum 1: Sample Motions for Executive Session

Mr. President, A motion looks like the following. “I move we go into executive session to [fill in subject(s)] pursuant to [fill in justification], and the open meeting will resume in the board room at [fill in time].” If the board wishes to invite additional individuals, such as the superintendent, into executive session, they should also mention them in the motion.

SUBJECTS TO BE DISCUSSED (Provide a brief description of what subject will be discussed while still protecting important privacy interest)	JUSTIFICATION
Example: discuss an individual employee’s performance	non-elected personnel exception under KOMA
Example 1: discuss confidential student information Example 2: hold a student discipline appeal hearing	the exception relating to actions adversely or favorably affecting a student under KOMA
Example: discuss coding mechanisms PowerSchool uses to secure student data with PowerSchool representatives	the exception for data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships under KOMA
Example: discuss potential litigation with our legal counsel	the exception for matters which would be deemed privileged in the attorney-client relationship under KOMA
Example: discuss the latest proposal for increasing the base pay rate from the teachers	the exception for employer-employee negotiations under KOMA
Example: discuss potential properties for a new middle school site	the exception for preliminary discussion of the acquisition of real property under KOMA
Example 1: discuss the high school crisis plan Example 2: discuss the exact placement of security cameras and alarms throughout the building	the exception under KOMA for school security matters to ensure the security of the school, its buildings and/or its systems is not jeopardized