

CHECKLIST: PERMISSIBLE TOPICS FOR EXECUTIVE SESSIONS FOR SCHOOL BOARDS

July 1, 2025

- Where authorized by federal or state statute. *IC 5-14-1.5-6.1(b)(1)*
- For discussion of strategy with respect to any of the following:
 - (A) Collective bargaining, which does not include a discussion or meeting under *IC 20-29-6-7*.
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. In this clause, "litigation" includes any judicial action or administrative law proceeding under federal/state law.
 - (C) Implementation of security systems.
 - (D) A real property transaction including:
 - (i) a purchase;
 - (ii) a lease as lessor;
 - (iii) a lease as lessee;
 - (iv) a transfer;
 - (v) an exchange; or
 - (vi) a sale;
 by the governing body up to the time a contract or option is executed by the parties. This clause does not affect a political subdivision's duty to comply with any other statute that governs the conduct of the real property transaction, including *IC 36-1-10* or *IC 36-1-11*.
 - (E) School consolidation.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries. *IC 5-14-1.5-6.1(b)(2)*

- For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems. *IC 5-14-1.5-6.1(b)(3)*
- Interviews and negotiations with industrial/commercial prospects or their agents by:
 - (A) the Indiana economic development corporation;
 - (B) the Indiana destination development corporation;
 - (C) the Indiana finance authority;
 - (D) the ports of Indiana;
 - (E) an economic development commission;
 - (F) the Indiana state department of agriculture;
 - (G) the Indiana White River state park development commission;
 - (H) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
 - (I) a governing body of a political subdivision.

However, this subdivision does not apply to any discussions regarding research that is prohibited under *IC 16-34.5-1-2* or under any other law. *IC 5-14-1.5-6.1(b)(4)*

- To receive information about and interview prospective employees. *IC 5-14-1.5-6.1(b)(5)*
- With respect to any individual over whom the governing body has jurisdiction:
 - (A) to receive information concerning the individual's alleged misconduct; and
 - (B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:
 - (i) a physician; or
 - (ii) a school bus driver.

IC 5-14-1.5-6.1(b)(6)

- For discussion of records classified as confidential by state or federal statute. *IC 5-14-1.5-6.1(b)(7)*
 - To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs. *IC 5-14-1.5-6.1(b)(8)*
 - To discuss a job performance evaluation, employee specific compensation, or employment matters of individual employees. This subdivision does not apply to a general discussion of the salary, compensation, or benefits of employees during a budget process. *IC 5-14-1.5-6.1(b)(9)*
 - When considering the appointment of a public official, to do the following:
 - (A) Develop a list of prospective appointees.
 - (B) Consider applications.
 - (C) Make one (1) initial exclusion of prospective appointees from further consideration.
- Notwithstanding *IC 5-14-3-4(b)(12)*, a governing body may release and shall make available for inspection and copying in accordance with *IC 5-14-3-3* identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public. *IC 5-14-1.5-6.1(b)(10)*
- To train school board members with an outside consultant about the performance of the role of the members as public officials. *IC 5-14-1.5-6.1(b)(11)*
 - To discuss either of the following:
 - (A) Employee health care options with respect to special exceptions for coverage.
 - (B) Employee handbook changes.*IC 5-14-1.5-6.1(b)(16)*
 - To review negotiations on the performance of publicly bid contracts when public knowledge regarding the review would cause a likelihood of increased costs. *IC 5-14-1.5-6.1(b)(17)*
 - To discuss soliciting proposals for the purpose of awarding contracts for goods or services, when:
 - (A) proprietary data, trade secrets, or other information is contained in the bidder's proposal relating to the bidder's unique methods of:
 - (i) conducting business; or
 - (ii) determining prices or premium rates to be charged for services under the terms of the proposal; and
 - (B) public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of the information described in clause (A).*IC 5-14-1.5-6.1(b)(18)*
 - To have communications with an attorney that are subject to the attorney client privilege. *IC 5-14-1.5-6.1(b)(19)*