

Executive session reminders

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While the vast majority of school board meetings are open to the public, the Open Door Law does identify several instances where boards may conduct executive sessions closed to the public. Below are some reminders about the statutory requirements pertaining to executive sessions.

Permissible Topics for Executive Sessions

There are currently 15 topics listed in [IC 5-14-1.5-6.1\(b\)](#) as permissible for an executive session, but not all apply to school boards. Those that do apply include:

- Discussion of strategy on collective bargaining
- Discussion of school safety and security plans
- Interviews of prospective employees
- Discussion of confidential records
- Discussion of job performance evaluations
- To receive training from an outside consultant on the role of school board members

The Open Door Law allows for a governing body to conduct an executive session when it is “expressly provided by statute.” This means these specific topics cannot be expanded, nor can words be overlooked, when considering whether a topic is appropriate for an executive session. For instance, the executive session provisions do not allow a discussion of all “personnel” matters. The personnel matters that may be discussed are very limited. Also, it is important to remember that the school board may not take “final action” in an executive session. Final action is defined as voting on a motion, proposal, resolution, or order. Final action may only be taken at a meeting that is open to the public.

Notice of Executive Sessions

Although the public does not have the right to attend executive sessions, the school board must give the public at least 48 hours advance notice of all executive session meetings (excluding Saturdays, Sundays, and legal holidays). The Open Door Law requires the public notice to include:

- The date of the executive session
- The time of the executive session
- The location of the executive session
- The subject matter of the executive session

The notice must specifically identify one or more of the topics listed in statute as the purpose of the executive session, and the notice must also include the statutory citation that allows the board to meet in an executive session on the topic(s).

ISBA has prepared a [checklist of permissible executive session topics](#), with statutory citations, to assist school boards in complying with the notice requirement.

Two things to remember: (1) when identifying the topic(s) to be discussed, the board cannot list all the permissible topics “just in case something else comes up” and (2) board members must be careful to limit all discussion to the advertised topics.

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Access to school buildings by school board members

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When a person is newly elected to a school board, it is often difficult to understand what privileges or authority the school board member has that a patron or other member of the public does not. One of these areas is visiting school buildings. An individual school board member does not have the privilege or authority to enter a school at any time, especially not during the school day. School board members sometimes think they have a free pass to enter school buildings to observe classrooms or speak with employees or students, but Indiana law does not provide them with the authority to do so.

Indiana laws setting out the powers of a school board and school corporation governance do not refer to individual school board members. Given this, it is the school board that delegates authority to an individual school board member to engage in an activity on behalf of the school board. The school board may provide the authority to an individual school board member for a specific task or for a specific time period by action taken at a public meeting. Without this board sanctioned authority, an individual school board member is like any patron or citizen when not in a school board meeting and has no authority to conduct business or make decisions on behalf of the school board.

The board may also provide authority or privileges to individual school board members through board policy. The issue of school board members visiting school buildings is most often addressed within the board's policy on visitors to school building premises. Such policies commonly provide for school board members wanting to visit schools to contact the building principal first to arrange a visit. However, it is also common for board policy to provide no specific visitation privileges to individual school board members, and thus, an individual school board member should follow the same provisions of the board's visitor policy that apply to any patron or citizen. All school board members should first consult board policy when they want to visit school buildings to ensure they are following the proper procedures.

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Minutes of Executive Sessions

The Open Door Law requires the school board to take minutes of all meetings, including executive sessions. Minutes of executive sessions are similar to minutes of open meetings in that the minutes must identify:

- the date of the meeting
- the time of the meeting
- the place of the meeting
- the members who were present or absent

However, the minutes of executive sessions do not have to provide any detail as to statements made in the executive session. Instead the minutes merely have to identify the topic(s) that were discussed, along with the citation to the statute that permits the topic to be discussed in an executive session. Lastly, the minutes must include a statement by the board certifying that no other subject matter was discussed other than the subject matter specified in the notice of the executive session.