

Oregon School Boards Association Executive Sessions Guide

A board may be called to meet in executive session or decide to go into executive session at any time during a regular, special or emergency meeting to discuss certain matters. By Oregon law, the chair may call a board into executive session without a vote of the board; however, in some districts, local policy may require such a vote.

Whenever an executive session is called, the presiding officer must identify the section and subsection of ORS 192.660 (listed reasons) or 332.061 (expulsion or medical records of a minor student) that authorize the executive session's purpose.

For an executive session dealing with a student expulsion, the presiding officer must say: "The board will now meet in executive session to discuss the expulsion of a minor student under ORS 332.061."

For an executive session dealing with real property transactions, the presiding officer must say, "The board will now meet in executive session to discuss a real property transaction under ORS 192.660, Section 2, Subsection e."

You **may not** meet in executive session to conduct the following business:

- Fill a vacancy in an elective office.
- Fill a vacancy on any public committee, commission or other advisory group.
- Consider general employment policies.
- Hire the chief executive officer (superintendent) or any other employee if the vacancy has not been advertised, hiring procedures have not been adopted by the board, and there has been no opportunity for public input about hiring the chief executive officer.

Standards, criteria and policy directives to be used in hiring chief executive officers (superintendents) must be adopted by the board in an open public meeting.

Purposes for Which Executive Session May Be Called

With some exceptions, the purposes for which executive sessions may be held and the citations authorizing them are as follows:

- To consider the employment of a public officer, employee, staff member or individual agent. ORS 192.660(2)(a) (**personnel**).
- To consider the **dismissal or disciplining(of staff)** of, or to hear complaints or charges brought against, a public officer, employee, staff member or agent, unless he or she or the agent requests an open meeting. ORS 192.660(2)(b).
- To conduct deliberations with persons designated by the governing body to carry on **labor** negotiations. ORS 192.660(d).

Labor negotiations between the board and union are held in open session unless both parties agree to executive sessions. ORS 192.660(3).

- To conduct deliberations with persons designated by the governing body to negotiate real **property** transactions. ORS 192.660(2)(e).
- To consider **records** exempt by law from public inspection. ORS 192.660(2)(f).
- To consult with counsel concerning the legal rights and duties of a public body with regard to current **litigation** or litigation likely to be filed. ORS 192.660(2)(h).
- To review and evaluate the **performance** of the chief executive officer (Superintendent) or any other public officer, employee or staff member, unless the person whose performance is being reviewed and evaluated requests an open hearing. ORS 192.660(2)(i).
- To consider matters relating to **school safety** or a plan that responds to safety threats made toward a school. ORS 192.660(2) (k), HB 2661 (2015).
- To conduct a hearing on the **expulsion** of a student or to review a student's confidential medical records. ORS 332.061(1).