

Published: May 15, 2023

<https://www.osba.org/executive-sessions/>

Executive Sessions

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.

Boards 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
- Discuss an employee's performance, unless that employee has been notified and has been given the option of having the discussion held in public
- Hire the 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 the hiring

Purposes for which executive session *may* be called:

- To consider the employment of a public officer, employee, staff member or individual agent.
(ORS 192.660(2)(a))
- To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or agent, unless he or she requests an open meeting.
(ORS 192.660(2)(b))
- To conduct deliberations with persons designated to carry on labor negotiations. (ORS 192.660(2)(d))
- To conduct deliberations 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 current or possible litigation. (ORS 192.660(2)(h))
- To review and evaluate the performance of the superintendent or any other public officer, employee or staff member, unless that person 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(k))
- Conduct a hearing on the expulsion of a student or to review a student's confidential medical records. (ORS 332.061(1))

If you have questions about the state's public meetings laws and other state statutes dealing with the meetings of public officials, call OSBA. For additional information on this very important topic check out the following OSBA resources: