



**KANSAS ASSOCIATION  
OF SCHOOL BOARDS**  
Serving Educational Leaders, Inspiring Student Success



## **LEGISLATIVE CHANGES FOR EXECUTIVE SESSION 2017 HB 2301**

The 2017 Kansas Legislature made some changes to the Kansas Open Meetings Act in H.B. 2301 affecting the procedures school boards need to use when they recess into executive session.

As of July 1, 2017, K.S.A. 75-4319 requires the following:

“Any motion to recess for a closed or executive meeting shall include: (1) A statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.”

This new language changes the definition of what used to be “subjects” to now be defined as the “justification.” The term “subjects” now appears to mean the matter or issue presented for discussion and a school board must include a brief description of the subject(s) to be discussed while still protecting important privacy interests.

With these changes to the Open Meetings Act, school boards are also reminded the KASB legal staff recommends that school boards go into executive session for one justification at a time.

One page two, please find a revised chart for school board members and clerks to use in making the motions to go into executive session. As this is a new law, please be aware there may be additional guidance provided as legislative intent becomes clearer.

If you have any questions regarding these changes, please contact one of the KASB attorneys at (800) 432-2471.

## Appendix D: Sample Motions for Executive Session

Mr. President, 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].

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