

## **2021 ISBA RESOLUTION NO. 1**

### **ALLOWING FOR DECISIONS REGARDING STUDENT HEARINGS IN EXECUTIVE SESSION**

**WHEREAS**, Section 74-206 (b), Idaho Code, allows a governing body of a public agency to go into Executive Session to “hear complaints or charges brought against, a...public school student;” and

**WHEREAS**, school boards have the duty to protect the health and morals of students; and

**WHEREAS**, school boards also have the duty to prescribe rules for the disciplining of unruly or insubordinate pupils; and

**WHEREAS**, school boards may deny enrollment or attendance to any of its schools by expulsion; and

**WHEREAS**, Idaho statute does not allow for decisions regarding students to be made in closed executive session, and

**WHEREAS**, a decision made and findings discussed in open session can be considered a violation of a student’s rights under the Family Education Rights and Privacy Act (FERPA).

**NOW, THEREFORE BE IT RESOLVED**, the Idaho School Boards Association work to add language to Idaho Code 33-205 to allow for decisions regarding student enrollment or attendance to be made in executive session.

### **STATEMENT OF PURPOSE**

School Boards often have to make decisions to deny enrollment to students by expulsion. They are required by law to make the decision regarding students in open session. Frequently the student and any guardians present leave the open session to avoid the shame of the decision, leaving no opportunity for the board to explain findings or provisions of the expulsion. Students’ privacy and FERPA rights are at risk when opening the meeting to the public for the decision or explanation to be made, as members of the public are allowed to be present for such decisions and discussion. This change to statute would allow school boards to make and discuss their decision regarding enrollment with students and their guardians in executive session to ensure understanding, give greater privacy, and avoid public demoralization.

**Submitted by Blaine County School District No. 61**  
**Submitted by the COSSA Board of Directors**  
**Submitted by the Notus School District No. 135**

**Recommendation of the ISBA Executive Board: Do Pass**

*Jason Knopp will address the ISBA Executive Board's Recommendation*