

## EXECUTIVE SESSION FORMAT FOR DISCUSSION OF EDUCATION RECORDS

The next item on the agenda is discussion of a student's educational record. This item may be discussed in an executive session. The legal authority for closing this portion of the meeting is North Dakota Century Code section(s) N.D.C.C. § 44-04-19.2(1) and the Family Education Rights & Privacy Act. The topic or purpose of this executive session is discussion of a student's educational record.

*(Before closing the meeting, read the following to the student's parent/guardian.)* If a public school board holds a meeting to create or discuss records that are confidential under the federal Family Educational Rights and Privacy Act (FERPA), at 20 U.S.C.A. § 1232g, the portion of the meeting in which records are created or discussed must be closed to the public unless the student's parent or guardian **consents in writing** to the meeting being open. Only as much of the meeting that is related to confidential records can be closed, and the meeting must be open to the public if the confidentiality of the records is waived by the student's parent or guardian. **Do you wish to waive confidentiality rights under FERPA and hold the discussion of your child's educational record in an open meeting?** *(If yes, have the parent sign a written consent form and continue the meeting in an open session)*

*(If the parent does not waive FERPA rights, read the following.)* The executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting. When the board reconvenes in an open meeting, the board president shall summarize the motion without identifying either the student or the purpose of the vote (e.g., I move to affirm administration's recommendation) and a roll call vote will be taken.

At this time, we will convene in executive session. We will now ask the members of the public who are attending the meeting to leave the room. We anticipate adjourning the executive session, and reconvening the open portion of the meeting, at approximately \_\_\_\_\_ **[Time]**.

The minutes will show that the executive session began at \_\_\_\_\_ **[Time]** and was attended by \_\_\_\_\_.

*(After the executive session)* The minutes will show that the executive session was adjourned at \_\_\_\_\_ **[Time]**. The public has been invited to return to the meeting room and we are now back in open session.