

**To: Members of the State Board of  
Education and Early Development**

**July 26, 2023**

**From: Heidi Teshner, Acting Commissioner**

**Agenda Item: 1**

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**◆ ISSUE**

The board will consider going into an executive session to obtain legal advice regarding proposed regulation project amending 4 AAC 06.115 and for the purpose of questioning and considering qualifications and characteristics of a commissioner candidate.

**◆ BACKGROUND**

- The proposed regulations amend 4 AAC 06.115 to provide that a school or school district may join the Alaska School Activities Association, Inc. (ASAA), or a similar association, as long as it administers interscholastic activities in a manner that ensures fairness and safety in competition by providing a girls' divisions with participation based on a student's sex at birth; providing a division for students who identify with either sex or gender; and providing a process for appeal for all students.
- Under AS 44.62.310(c)(3) of the Open Meetings Act, the following subject may be considered in an executive session: matters, which by law, municipal charter, or ordinance are required to be confidential. Attorney-client advice is a matter which by law is required to be confidential.
- The board wishes to consider and discuss the qualifications and characteristics of a candidate for Commissioner of the Department of Education & Early Development.
- Under AS 44.62.310(c)(2) of the Open Meetings Act, the following subject may be considered in executive session: subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Questions and consideration of an individual's qualification and characteristics is a subject that may prejudice the reputation or character of a person.
- Under the AS 44.62.310(b) of Open Meetings Act, the question of holding an executive session for the consideration of the subjects listed in AS 44.62.310(c) shall be determined by a majority vote of the board.

**◆ SUGGESTED MOTIONS**

**MOTION 1:** I move the State Board of Education and Early Development convene in executive session to obtain legal advice regarding proposed regulation project amending 4 AAC 06.115, a matter which is by law required to be confidential, under the Open Meetings Act, AS 44.62.310(c)(3).

**MOTION 2:** I move the State Board of Education and Early Development convene in executive session to discuss the characteristics and qualifications of a candidate for the commissioner position; because this discussion can be harmful to the reputation or character of the candidate,

under the Open Meetings Act, AS 44.62.310(c)(2), this discussion should take place in executive session unless the candidate requests a public discussion.