

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

**September 17, 2020**

**From: Dr. Michael Johnson, Commissioner**

**Agenda Item: 11**

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**◆ ISSUE**

- The board will consider convening in an executive session to discuss with the Office of Management and Budget (OMB) the FY 2022 budget priorities for the department.
- The executive session is an opportunity for OMB to discuss its Guidance Memorandum (a confidential document) regarding the FY 2022 budget and for the board to discuss its FY 2022 budget priorities with OMB. Budget deliberations are confidential under the deliberative process and executive communications privileges. Under AS 37.07.020(a), “The budget for the succeeding fiscal year and each of the bills shall become public information on December 15....”

**◆ BACKGROUND**

- Under AS 44.62.310(c)(4) of the Open Meetings Act, the following subject may be considered in an executive session: “matters involving consideration of government records that by law are not subject to public disclosure.”
- The Governor’s draft budget is confidential under the deliberative process and executive communications privileges and AS 37.07.020(a).
- Under AS 44.62.310(b) of the Open Meetings Act, the question of holding an executive session to consider subjects listed in AS 44.62.310(c) must be determined by a majority vote of the board.

**◆ SUGGESTED MOTION**

I move the State Board of Education and Early Development convene in executive session to discuss OMB’s FY 2022 Guidance Memorandum and the FY 2022 budget priorities for the department. Under the Open Meetings Act, AS 44.62.310(c)(4), these are matters involving consideration of government records that by law are not subject to public disclosure.