

EXECUTIVE SESSIONS

The Board of Education may hold executive sessions at which only the members of the Board or persons invited by the Board shall be present. However, the executive session is only available for the purpose of discussion, and except as the law allows, formal action must be taken in an open session.

Executive sessions can be requested by any member of the Board or the Superintendent of Schools.

A Board member must make a motion during an open meeting to convene in executive session. Upon a majority vote of its members, the Board may convene in executive session at a place which the Board President or said members may designate within the district to discuss the subjects enumerated below. Matters which may be considered in executive session are:

1. matters which will imperil the public safety if disclosed;
2. any matter which may disclose the identity of a law enforcement agent or informer;
3. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. discussions regarding proposed, pending or current litigation;
5. collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
6. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7. the preparation, grading or administration of examinations; and
8. the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

A Board may not take action in executive session except to vote on disciplinary charges against a tenured teacher.

The Superintendent of Schools, members of the Administrative Council, District Clerk and School Board Attorney are usually permitted to attend executive meetings at the invitation of the Board. The process for allowing other individuals to address the Board of Education in executive session is as follows:

1. the matter to be addressed complies with the list of appropriate executive session subjects noted above;
2. the individual(s) has addressed the matter with school district administration in writing at all appropriate levels beginning with the level most closely associated with the matter;

3. the individual(s) submits a written request to appear before the board of Education which explains the matter of concern and details the administrative contact made to date;
4. The Board will decide whether or not to admit the individual(s) to an executive session based on the information received.

Ref: Education Law §1606, 1708 (3)
Public Officers Law §§100 et seq.
Open Meetings Law §§100 et seq
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)

Adoption date: March 23, 2006