

EXECUTIVE SESSIONS

The Board of Education reserves the right, within the constraints of state law, to meet in executive session. Such 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 total membership taken at an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Board may conduct an executive session for the below enumerated purposes only:

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.

Matters which may only be considered in executive session are:

9. discussions concerning probable cause to bring disciplinary charges against a tenured teacher; and
10. discussions concerning the evaluation and/or placement of students with disabilities.

Formal action or vote on matters enumerated in paragraphs 9 and 10 above may only be taken by the Board during an executive session. No formal action or vote may be taken on any other matter. The Board shall reconvene in open session to take final action on other matters discussed, and to adjourn the meeting.

Minutes of executive sessions will reflect all actions and votes taken by the Board in executive session without personally identifying employees or students affected thereby. The name of the person who called for the executive session will also appear in the minutes of the public meeting. Attendance at an executive session shall be permitted to any member of the Board and any other person authorized by the Board.

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

Adopted by the Board of Education: February 10, 1997