

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 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.

Matters which may only be considered in executive session are:

9. discussions concerning probable cause to bring disciplinary charges against a tenured teacher in accordance with Education Law 3020-a; 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 formal votes taken by the Board in executive session including the manner in which each board member voted, without personally identifying employees or students affected thereby. Rather, the employee or student's name will be referred to in a confidential attachment.

The name of the person who called for the executive session will also appear in the minutes of the public meeting. The Board may permit staff and other persons whose presence is deemed necessary or appropriate to attend an executive session or any part thereof.

Emergency executive meetings of the Board may be called by the president at any time without prior written notice.

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

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