

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. 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.

The vote to go into Executive Session shall be detailed enough to allow the public to understand the topic the Board will be discussing, without disclosing specifics. Discussion in Executive Session shall be limited to the topic(s) identified in the motion.

A Board may not take action in Executive Session except to vote on disciplinary charges against a tenured teacher or as otherwise permitted by law.

Individual Board members, acting on their own, shall not disclose matters discussed in Executive Session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law.

Minutes shall be taken at Executive Sessions of any action that is taken by a formal vote and should consist of a record or summary of the final determination of such action and the date and vote thereon, provided, however, that such summary shall not include any matter which is not required to be made public by the Freedom of Information Law.

The Board may permit staff and other persons whose presence is deemed necessary or appropriate to attend an Executive Session or any part thereof.

Cross-Reference: 2160, School District Officer & Employee Code of Ethics

Reference: Education Law §§ 1606, 1708(3)
Public Officers Law §§ 100 et seq.
Public Officers Law §§ 93, 95, 96, 105
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)
Application of the Board of Education, 57 EDR Dec. No. 17,147 (2017)
Application of Nett and Raby, 45 EDR 259 (2005)
Freedom of Information Act, 5 U.S.C. § 552

Revised: March 6, 2018