

MESSALONSKEE SCHOOL DISTRICT (MSAD 47)

File: BEC

EXECUTIVE SESSIONS

The Board may hold executive sessions subject to the following conditions:

1. Not to defeat purposes of subchapter. These sessions shall not be used to defeat the purposes of this subchapter as stated in section 401.
2. Final approval of certain items prohibited. No ordinance, orders, rules, resolutions, regulations, contracts, appointments or other official actions shall be finally approved at executive sessions.
1. Procedure for calling of executive sessions. Executive sessions may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.
4. Motion contents. A motion to go into executive session, from a public session, shall indicate the precise nature of the business of the executive session for each matter if more than one.
5. Matters not contained in motion prohibited. No other matters may be considered in that particular executive session.
6. Permitted deliberation. Deliberations may be conducted in executive sessions on the following matters and no others:
 - A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against persons subject to the following conditions:
 - (1) Any executive session may be held only if public discussion could be reasonably expected to cause damage to the reputation or the individual's rights to privacy would be violated;
 - (2) Any person charged or investigated shall be permitted to be present at an executive session if he so desires;
 - (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against him be conducted in

open session. A request, if made to the agency, must be honored; and

- (4) Any person bringing charges, complaints or allegations or misconduct against the individual under discussion shall be permitted to be present.
- B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, provided that:
- (1) The student and legal counsel and, if the student be a minor, the student's parents or legal guardians shall be permitted to be present at an executive session if the student, parents or guardians so desire.
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.
- D. Negotiations between the representatives of a public employer and public employees may be open to the public provided both parties agree to conduct negotiations in open sessions. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators may be held in an executive session.
- E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's counsel to his client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage.
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.

Adopted: Date of Manual Adoption

Reviewed: Fall, 1998