



Board of Education:

Executive Session??



Mustang Mysteries

What is an Executive Session?

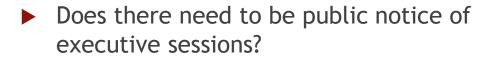
- A portion of a school board meeting that is not open to the public
- A confidential meeting within a School Board Meeting where sensitive or confidential issues are discussed that are exempt from public session
- It can take place only for one or more reasons allowed under Open Meetings Law



What is an Executive Session?

- **Reasons** under Open Meetings Law:
 - Personnel matters employment status or history, discipline, review of records, performance review, concerns, promotion, suspension, dismissal of an employee
 - Matters leading to the appointment or employment of a particular corporation
 - Preparation, grading, or administration of exams
 - Superintendent's evaluation
 - Contractual and collective bargaining issues
 - ▶ Legal Issues potential or current litigation, consult with legal counsel
 - Proposed acquisition, sale, or lease of real property or securities
 - Information relating to criminal investigations that would imperil effective law enforcement
 - Matters that will imperil the public safety and safe operation of schools if disclosed
 - Matters that disclose the identify of a law enforcement agent or informer
 - To discuss matters made confidential by law disclosure of student identity and records protected by FERPA

What is an Executive Session?



- Our agendas and public notices reflect that we anticipate going into an executive session and for what legally allowable reason
- Can move into an executive session at any time for a legally allowable reason or topic as needed

Entering Executive Session

- Requires a motion, a second, and majority vote of the board to enter
- Motion should identify the subject matter, or permissible reason, for entering an executive session



What Actions Can be Taken in Executive Session?

- The Board can only vote on preferring charges against an employee leading to termination
- > Appraisal and discussion of permissible topics of deliberation without board action
- Motions to enter and leave the executive session
- All other board action must take place in public session

Roles of Superintendent, President & Board Members in Executive Session

- Board President
 - Monitors discussion in public session
 - Asks for motion to enter and exit executive session
 - Asks for motion to return to public session
 - May facilitate conversation and participates with all members
- Board Members
 - Monitor discussion in public session
 - Can motion to enter executive session
 - May facilitate conversation and participates with all members
- Superintendent
 - Provides information, background, and details regarding executive session content for Board's knowledge and consideration
 - Advises the Board on options, recommends course of action

Confidentiality

- General Municipal Law § 805-a(1)(b) expressly prohibits a board member from disclosing any information discussed or obtained in executive session
- A board member is not permitted to undermine the functioning of the School Board by disclosing information learned in executive session
- A board member is subject to removal from the board for disclosing executive session content or confidential information



Why do we enter an Executive Session?



- A new question is raised in public session that would require discussion on one of the legally admissible topics
- For these reason, executive sessions may occur before, during or after a public meeting
 - Must always return to public session to continue or close a meeting by motion

Why are there so many?

Varies from Board to Board, District to District

- No limitation as long as they are for legally allowable reasons
- Opportunity to appraise the entire Board of important and detailed confidential information to inform impending deliberations or decisions
- Increases Board cohesiveness and effectiveness



Mysteries Solved?

They're doing things in secret

They're not being open and transparent

They're making all the decisions behind closed doors

Only a few people make all the decisions

Can you think of other mysteries?



References

- New York State School Boards Association (NYSSBA) Executive Session Guide
- School Law 39th Edition









Join us next time for: Board of Education Public Session



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