



Lansville

Central School District

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?

- ▶ Does there need to be public notice of executive sessions?
 - ▶ 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?

- ▶ Ongoing discussion on one of the legally admissible topics
- ▶ 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?



Mustang Mysteries



References

- ▶ [New York State School Boards Association \(NYSSBA\) Executive Session Guide](#)
- ▶ [School Law 39th Edition](#)





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Join us next time for:
**Board of Education
Public Session**



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