

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.

In most cases, only the Board and the Superintendent will be present; however, the President may invite person(s) other than Board members to attend an executive session if in his/her judgment such person(s) may furnish special information on the topic to be discussed.

Upon a majority vote of its members, the Board may convene in executive session 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. medical, financial, credit or employment history of a particular person or corporation;
7. the preparation, grading or administration of examinations;
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; and
9. any matter made confidential by federal or state law.

Matters which may only be considered in executive session are:

10. discussions concerning probable cause to bring disciplinary charges against an employee; and
11. discussions concerning findings and/or placement of students by the Committee on Special Education.

The Board shall reconvene in open session to vote on all matters discussed in executive session, except matters enumerated in paragraph 10 above. In no circumstance, may the Board vote in executive session to appropriate public monies.

Minutes of executive sessions will reflect all actions and votes taken by the Board in executive session without personally identifying employees affected thereby. The name of the person who called for the executive session and the specific purpose of the session will also appear in the minutes of the executive session. The Board may permit staff and other persons whose presence is deemed necessary or appropriate to attend an executive session or any part thereof.

Ref: Education Law §§1606; 1708 (3)  
Open Meetings Law §§100 et seq.  
Public Officers Law §§93; 95; 96; 100; 105  
Formal Opinion of Counsel to the State Education Department No. 239

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