

## EXECUTIVE SESSIONS

The public and media representatives may attend all open meetings of the School Committee. However, the Committee has the right to convene in a closed executive session. State law imposes the following procedural conditions when the Committee meets in executive session:

1. The Committee will first convene in an open session for which the Committee has given due notice.
2. The Chairperson (or, in his/her absence, the presiding member) will state the purpose for the executive session by stating all subjects that the School Committee may reveal without compromising the purpose for which the Committee called the executive session.
3. A majority of the members must vote to enter the executive session. The Chairperson or presiding member will take the vote by roll call. The official minutes of the open meeting must record the roll call vote to enter into executive session.
4. The Chairperson or presiding member will state before entering the executive session whether the Committee will reconvene in open session after the executive session.

The law puts specific limitations on the purposes for which the School Committee may convene executive sessions. The Committee may enter executive sessions only to deliberate:

1. The reputation, character, physical condition, or mental health, rather than the professional competence, of a single individual, or the discipline or dismissal, including the hearing of charges against, a member of the committee, a school department employee or student, or other individual. State law enumerates certain individual rights including requiring the Committee to hold an open session should the individual so request. If the Committee holds an executive session, the individual has the right:
  - i. to be present at such executive session during deliberations which involve that individual;
  - ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
  - iii. to speak on his own behalf; and
  - iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.
2. Strategy with respect to non-union negotiations or to conduct collective bargaining sessions with non-union personnel.

## EXECUTIVE SESSIONS

3. Strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect. The Committee may also conduct collective bargaining.
4. The deployment of or strategies pertaining to the deployment of security personnel or devices.
5. Allegations of criminal misconduct or to discuss the filing of criminal complaints.
6. Transactions of real estate, if the Chairperson or presiding member declares an open meeting might be detrimental to the negotiating position of the Committee.
7. To comply with the provisions of any general or specific law of federal grant-in-aid requirements.
8. To consider and interview applicants for employment by a preliminary screening committee. (The only position that the School Committee would be involved in that might qualify would be for the position of Superintendent.) This exemption only applies if the School Committee determines that an open meeting will have a detrimental effect in obtaining qualified applicants. This exemption will not apply to applicants who have passed a prior preliminary screening.
9. To meet or confer with a mediator with respect to any litigation or public business.
10. To discuss trade secrets or confidential competitively-sensitive or other proprietary information conducted by a governmental body as an energy supplier.

### **Record Keeping**

- a) The Committee will keep accurate records of the proceedings conducted in executive session. These records may remain secret only so long as their publication would defeat the purpose of the session.
- b) The School Committee Chair and the Superintendent will review executive session minutes for possible declassification on, at least, a quarterly basis and, if necessary, will consult with legal counsel. The School Committee Chair will bring minutes recommended for declassification to the School Committee for a vote either as part of a consent agenda or for individual action. In either case, there shall be an announcement of the declassification of minutes.
- c) When a member of the public requests a specific set of executive session minutes that the School Committee has not yet declassified, the School Committee will render a decision on declassification at its next meeting or within 30 days after the request, whichever occurs first.

## **EXECUTIVE SESSIONS**

All School Committee votes taken in executive session will be recorded roll call votes and will become part of the minutes of executive sessions.

Established by law and Committee policy.

REVISED: May 26, 2015

SOURCE: MASC

LEGAL REFS.: M.G.L. 30A:21; 30A:22

CROSS REFS.: BDE, Subcommittees of the School Committee  
BE, School Committee Meetings  
KEB, Public Complaints about School Personnel

*3 of 3*