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**School Committee Policy:**

**#113**

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### **Executive Session**

The Committee reserves the right, within the constraints of state law (often referred to as Open Meeting Law), to sit in executive session. Such sessions shall be closed to the public and press. Minutes taken at such meetings shall remain confidential only so long as their publication would defeat the purpose of executive session.

An executive session shall be conducted in accordance with MGL Chapter 39, Section 23 A, B, C and may be held at any meeting provided that:

1. Notice of the Meeting was posted with the Town Clerk forty-eight (48) hours in advance;
2. An open session was convened prior to entering Executive Session, and,
3. A majority of the Committee (not just those members present) voted by roll call to go into Executive Session.
4. The Chairperson will state the purpose for Executive Session by stating all subjects that may be revealed without compromising the purpose for which the executive session was called.

The law puts specific limitations on the purpose for which executive sessions may be convened. The Committee may enter executive session 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. The individual has certain rights enumerated in the law including requiring the Committee to hold an open session should the individual so request.
2. Strategy with respect to non-union negotiations or to conduct collective bargaining sessions with non-union personnel.
3. Strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect. Collective bargaining may also be conducted.
4. 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 an open meeting might be detrimental to the negotiating position of the committee or another party.

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 it can be determined that an open meeting will have a detrimental affect in obtaining qualified applicants. This shall 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.

(In the first case, an open meeting will be held if the individual involved so requests.)

The vote to go into executive session and the stated purpose must be recorded in the minutes of both the public and the executive sessions.

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.

When a specific set of executive session minutes, not yet declassified, is requested by a member of the public, the School Committee shall render a decision on declassification at its next meeting or within 30 days after the request, whichever occurs first.

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

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Earlier Version: 9/12,4/04, 12/76, 4/88, 9/94, 3/99

Legal Reference: MGL 39:23 A, B, C

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