

EXECUTIVE SESSIONS

All meetings of the School Committee are open to attendance by the public and media representatives. However, the Committee has the right to convene in a closed executive session when it meets the following procedural conditions imposed by state law:

1. The Committee will first convene in an open session for which due notice, per Policy BEDA, has been given.
2. The Chairperson (or, in his/her absence, the presiding member) will state the reason for the executive session, by stating all subjects that may be revealed without compromising the purpose for which the executive session was called.
3. A majority of all members of the Attleboro School Committee (five of nine) must vote to enter the executive session, with the vote taken by roll call and recorded in the official minutes.
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 reasons for which executive session may be convened. The Committee may enter executive sessions only:

1. To discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual has certain rights enumerated in the law including requiring the Committee to hold an open session should the individual request.

The individual to be discussed in such executive session shall be notified in writing by the Attleboro School Committee at least 48-hours prior to the proposed executive session (the 48-hour requirement will not include Saturday, Sundays and holidays), provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- a) To be present at such executive session during deliberations which involve that individual;
 - b) To have council 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;
 - c) To speak on his behalf; and
 - d) To cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
 3. To discuss strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
 4. To discuss the deployment of security personnel or devices, or strategies with respect thereto.
 5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
 7. To comply with, or act under the authority of, any general or specific law of federal grant-in-aid requirements.

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening.
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
 - a) any decision to participate in mediation shall be made in an open session and the parties, issues involved, and purpose of the mediation shall be disclosed; and
 - b) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 or said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

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

Accurate records of the proceedings conducted in executive session will be kept and may remain secret only so long as their publication would defeat the purpose of the session. The Committee will review executive session minutes for possible declassification at least once each year.

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 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.

The Committee must respond to any request to release executive session minutes within ten days. The Committee must review and decide on release at the next meeting or within thirty days, whichever is shorter.

The reasons outlined above may not cover all legal issues. Other legal requirements may apply to particular situations. Should a specific situation arise, the Committee should be sure to discuss the situation with legal counsel.

The Open Meeting Law encourages meetings to be as open as possible. These exceptions to open meetings should only be used when necessary.

Established by law and Committee Policy

Source: MASC

Legal References: M.G.L. 39:23A; 39:23B

Cross References:

- BE, School Committee Meetings
- BEDA, Notification of School Committee Meetings