

## DUDLEY-CHARLTON REGIONAL SCHOOL DISTRICT

### POLICY

#### Executive Sessions

#### BEC

All school committee meetings are open to attendance by the public and media representatives. However, committee members have the right to convene in a closed executive session when the school committee meets the following procedural conditions imposed by state law:

1. Committees will first convene in an open session for which due notice has been given.
2. The chair, (or in his/her absence, the presiding member) will state the purpose for the executive session.
3. A majority of the members must vote to enter the executive session, with the vote taken by roll call and recorded in the official minutes.
4. The chair or presiding member will state before entering the executive session whether a committee will reconvene in open session after the executive session.

The law puts specific limitations on the purposes for which an executive session may be convened. The school committee may enter executive sessions only to deliberate:

MGL Ch. 30A:21 (a) A public body may meet in executive session only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health, rather than 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 to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; 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:

- 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. 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 may 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 consider 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 special law or 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, however, 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 MGL 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:

(i) 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

(ii) 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; or

The school committee may meet in closed session for 1 or more of the purposes enumerated above provided that:

1. The committee has first convened in an open session;
2. A majority of members have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes.
3. Before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called.
4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. accurate records of the executive session shall be maintained

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

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.

A subcommittee of the school committee and the superintendent will review executive session minutes for possible declassification at least once a year and, if necessary, will consult with legal counsel. The subcommittee will bring minutes recommended 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.

Established by law and committee policy.

Source: Massachusetts Association of School Committees

LEGAL REFS.: MGL 30A:21

Adopted January 13, 1972

Amended September 8, 1977

Amended April 24, 2002

Amended February 27, 2013