

EXECUTIVE SESSIONS OF THE BOARD OF EDUCATION

The Berlin Central School District Board of Education reserves the right, within the constraints of the laws of New York State, to meet in executive session. An executive session of the Board may be requested by any member of the Board or the Superintendent of Schools. No formal action or vote to appropriate money shall be taken during an executive session, except as required by law.

Upon a majority vote of its members, the Board may convene in executive session to discuss the subjects enumerated below. Any motion to enter into executive session shall state the specific purpose(s) for the executive session.

1. Matters which, if disclosed, will imperil the public safety;
2. Any matter that may disclose the identity of a law enforcement agent or an 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, current, or pending litigation;
5. Collective negotiations pursuant to Art. 14 of the Civil Service Law (the Taylor Law);
6. Medical, financial, credit, or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension or removal of a particular person or corporation;
7. The preparation, grading, or administration of examinations; and
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.

The Board must consider the following additional matters in executive session:

1. discussion of findings or placements of students with disabilities by the Committee on Special Education; and
2. suspension of a student.

Formal action or vote on matters concerning disciplinary charges against a tenured teacher must be taken only in executive session. After an executive

session is concluded, the Board shall reconvene in open session to take any final action on other matters discussed, and to adjourn the meeting.

Minutes of executive sessions of the Board shall reflect all actions and votes taken by the Board in executive session without personally identifying employees or students affected thereby. The name of the person who called for the executive session shall appear in the minutes of the public meeting. Any officer or member of the Board or the Superintendent may move for an 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. A determination of whose attendance is necessary or appropriate shall be made by the president of the Board or, in his absence, the presiding officer at the meeting. Any Board member may challenge the president's decision in such matter. In such case the Board shall determine the question.

References:

Education Law Secs. 1708; 3020-a
Public Officers Law Sec. 100 et seq. (Open Meetings Law)
8 NYCRR Pt. 84

