

POLICY 2.3

REVIEWED BY THE POLICY COMMITTEE ON 04/16/20

PLYMOUTH PUBLIC SCHOOLS

EXECUTIVE SESSION

1.0 PROCEDURES FOR ENTERING EXECUTIVE SESSION

Meetings of the School Committee are generally open to the public; however, the Committee has the right to convene in a closed Executive Session when it meets the following procedural conditions imposed by state law:

- 1.1 The Committee will first convene in an open session for which due notice has been given. (As required by law, a minimum of 48 hours advance notice will be given for any meeting of the School Committee, except in the case of emergency.
- 1.2 The Chair, or acting chair, will state the purpose for the Executive Session.
- 1.3 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.
- 1.4 The Chair, or acting chair, will state before entering the Executive Session whether the committee will reconvene in open session after the Executive Session.

2.0 REASONS FOR MEETING IN EXECUTIVE SESSION

State law puts specific limitations on the purposes for which Executive Sessions may be convened. The Committee may enter Executive Sessions only to deliberate:

- 2.1 The reputation, character, physical condition or mental health, rather than the professional competence, of a single individual.
- 2.2 The discipline or dismissal, including the hearing of charges against, a member of the Committee, a school department employee, student, or other individual.
- 2.3 Strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect. Collective bargaining may also be conducted. No School Committee person having an immediate family member involved in the bargaining unit being discussed should be present.
- 2.4 The deployment of security personnel or devices.
- 2.5 Allegations of criminal misconduct or to discuss the filing of criminal complaints.
- 2.6 Transactions of real estate, if an open meeting might be detrimental to the negotiating position of the Committee or another party.
- 2.7 To comply with the provisions of any general or specific law of federal grant-in-aid requirements.
- 2.8 And to consider and interview applicants for employment by a preliminary screening

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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 effect in obtaining qualified applicants. However, any meeting to consider and interview applicants who have passed a prior preliminary screening must be held in open session.

2.9 To meet or confer with a mediator with respect to any litigation or public business.

*In the first two cases listed above (2.1 and 2.2), prior written notification of the individual is required at least forty-eight hours prior to the proposed Executive Session. Notification may be waived upon agreement of the parties. The individual involved has the right to be present at such an Executive Session, has the right to have counsel or a representative of his/her own choosing to be present for the purpose of advising the individual and not for the purpose of active participation in the Executive Session, and has the right to speak in his/her own behalf. An open meeting will be held if the individual involved so requests. (See MGL 39:23B)

The Superintendent and/or his designee will attend all Executive Sessions except those which pertain to the Superintendent's employment.

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. Executive Session minutes are approved and reviewed for declassification during meetings in Executive Session.

All votes taken in Executive Session will be recorded roll call votes, and will become part of the minutes of Executive Sessions.

LEGAL REF: MGL 39:23A , 39:23B

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