



EXECUTIVE SESSION

DO'S & DON'TS

NEW SUPERINTENDENTS GUIDANCE DOCUMENT

CHECKLIST OF LEGAL TOPICS FOR DISCUSSION IN EXECUTIVE SESSION

SOURCE: *THE COUNCIL's New Superintendents Handbook & School Law, 30th Edition, published by NYSSBA and NYSBA*

The eight subjects that a board may discuss behind closed doors are:

- ❖ Matters which will imperil the public safety if disclosed;
 - ❖ Any matter which may disclose the identity of a law enforcement agency or informer;
 - ❖ Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - ❖ Discussions regarding proposed, pending or current litigation;
 - ❖ Collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor law);
 - ❖ The medical, financial, credit or employment history of a person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - ❖ The preparation, grading or administration of examinations;
- And,
- ❖ The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

MANDATORY SUBJECTS FOR EXECUTIVE SESSION

- ❖ 3020-a proceedings;
- ❖ Personnel records;

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- ❖ Evaluation or placement of a student with special needs.

ACTION PROHIBITED IN EXECUTIVE SESSION

- ❖ A public body can never vote to appropriate public monies.
- ❖ Any vote to spend public monies must be taken in public.

Attendance:

- ❖ Any member of the public body and any other person authorized by the public body.

Minutes:

- ❖ Boards may only take action in Executive session under two conditions,
 1. the voting of charges against a tenured teacher;
 2. the voting on placing a child in a special education program;

Therefore, minutes need only to reflect a record or summary of the final determination of any action to be taken by formal vote.