

Executive Sessions

All Board meetings shall be open to the public except that executive sessions may be held by a vote of at least 3/5 of the members present and voting. A motion for an executive session must indicate the nature of the business to be conducted and no other items may be considered during the executive session. No official actions shall be finally approved during executive session and no public record shall be kept.

Executive session are limited to:

- A. Discussions concerning the employment, appointment, assignment, duties, promotion, compensation, evaluation, discipline, resignation or dismissal of officials, appointees or employees of the District or the investigation or hearing of charges or complaints against such persons subject to the following conditions:
 - 1. Any executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
 - 2. Any person charged or investigated shall be permitted to be present at an executive session if he/she so desires;
 - 3. Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against him/her be conducted in open session. A request, if made to the District, must be honored; and
 - 4. Any person bringing charges, complaints or allegations of misconduct against the individual under discussion shall be permitted to be present.

- B. Discussions concerning the suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, provided that:
 - 1. The student and legal counsel and, if the student be a minor, the student's parents or legal guardians shall be permitted to be present at an executive session if the student, parents or guardians so desire.

- C. Discussions concerning the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition

of publicly held property if premature disclosures of the information could reasonably prejudice the competitive or bargaining position of the District.

- D. Labor negotiations between the District and its employees are closed unless both parties agree to conduct negotiations in open sessions. Discussion of labor contracts and proposals and meetings between the District and its negotiators may be held in executive session.
- E. Consultations between the District and its attorney concerning (i) the legal rights and duties of the Board or the District, (ii) pending or contemplated litigation, (iii) settlement offers and (iv) matters where the duties of the District's counsel to the District client pursuant to the code of professional responsibilities clearly permit confidentiality or where premature general public knowledge would clearly place the District at a substantial disadvantage.
- F. Discussions of information contained in records made, maintained or received by the District when access by the general public to those records is prohibited by law.

Legal Reference: TITLE I MRSA SEC. 403 ET SEQ.

Adopted: **October 7, 1975 (old BDC)**
Revised: **December 12, 1976**
Revised/Recoded: **August 25, 1999**

Cross Reference: BEDH- Public Participation at School Board Meetings