BEC- E - EXECUTIVE SESSION LAW

I. To Enter Executive Session, the Board Must:

I. Start with a public meeting.

II. Have a public recorded vote of 3/5 of members, present and voting.

III. The motion shall state the precise nature of the business of the executive session. The nature of each matter must be stated if there is more than one.

II. Restrictions During Executive Session:

I. Only matters stated in the motion may be considered.

II. No official actions shall be finally approved.

III. No public record shall be kept.

III. Items Which May Be Discussed In Executive Session:

I. Discussion or consideration of employment, appointment, assignment, duties, compensation, evaluation, resignation, discipline, promotion, demotion, or dismissal of an individual or group of public officials, appointees, or employees, or the investigation or hearing of charges or complaints against a person or persons, subject to the following conditions:

1. An executive session may be held only if public discussion could be reasonably expected to cause damage to a person’s reputation or the person's right to privacy would be violated;

2. Any person charged or investigated shall be permitted to be present at an executive session if that person desires;

3. Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against the person be conducted in open session. A request, if made, must be honored;

4. Any person bringing charges, complaints, or allegations of misconduct against the person under discussion shall be permitted to be present.

II. Discussion or consideration by the Board of 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 is 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.

III. Discussion or consideration of 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 or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the Board or school department;

IV. Discussion of labor contracts and proposals and meetings between the Board and its negotiators. The parties must be named before the Board may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

V. Consultations between the Board and its attorney concerning the legal rights and duties of the Board or school department, pending or contemplated litigation, settlement offers, and matters where the duties of the Board's counsel to the client clearly conflict with the Freedom of Access Act or where premature general public knowledge would clearly place the Board or school department at a substantial disadvantage.

VI. Discussions of information contained in records made, maintained, or received by the Board or school department when access by the general public to those records is prohibited by statute.

Legal Reference:

- Title 1 MRSA, Section 405

Cross Reference:

BEC - Executive Sessions

Recoded:

- June 1998

Revised:

- March 8, 2005

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