

0166 EXECUTIVE SESSIONS

The Board of Education may meet in a private session only to discuss and act on issues exempted by law from the requirement that all Board meetings be public and only after the adoption at a public meeting of a resolution stating the general nature of the subject or subjects to be discussed and, as precisely as possible, the time when and circumstances under which the discussion conducted in private session can be disclosed to the public.

The Board may exclude the public only from that portion of a meeting at which the Board discusses:

1. any matter that has been rendered confidential by express provision of federal or state law or rule of court;
2. any matter in which the release of information would impair a right to receive funds from the Government of the United States;
3. any material the disclosure of which constitutes an unwarranted invasion of a pupil's privacy, including but not limited to records, data, reports, or recommendations relative to the pupil's personal and family circumstances, treatment, progress or condition, unless the adult pupil or the pupil's parent or legal guardian requests in writing that the same be disclosed publicly;
4. any Collective Bargaining Agreement, or the terms and conditions that are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the agreement with school district employees or representatives of employees;
5. any matter involving the purchase, lease, or acquisition of real property with public funds or the investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
6. any tactics and techniques utilized in protecting the safety and property of the public when their disclosure could impair such protection and any investigations of violations or possible violations of the law;
7. any pending or anticipated litigation or contract negotiation other than as stated in #4 in which the Board is or may become a party and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer;

8. any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the Board, unless the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, except that, regardless of the employee's request, the consideration and actions of the Board as to any tenure charge shall be conducted in private session; or
9. any deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of the responding party's certification as a result of an act or omission for which the responding party bears responsibility.

Such sessions shall be closed to the public and press. Minutes taken at such meetings shall remain confidential only so long as their publication could defeat the executive session's purpose. That such a meeting will be or was held shall be recorded in the minutes of the preceding or subsequent regular meeting. Board members and other persons attending the session are not to disclose the topic or details discussed at executive session.

The Superintendent shall attend all executive sessions, except those which pertain to his/her employment.

No official action shall be taken at executive sessions, except such as may be sanctioned by law. To take final action on any other matter discussed, the Board shall convene or reconvene in open session.

If the Board is conducting a virtual board meeting, pursuant to Board Policy 0170, and a virtual executive session is deemed necessary, all practicable efforts must be made to conduct the virtual executive session at the end of the public portion of the meeting. After announcing the Board is moving to executive session, the Board shall cease use of the virtual public meeting mechanism and initiate the use of a separate, non-public access controlled mechanism for the executive session portion of the meeting. If the board meeting must reopen to the public to take action following an executive session, the use of the non-public virtual meeting mechanism must cease and the Board must again initiate use of a public virtual meeting mechanism.

N.J.S.A. 10:4-12; 10:4-13
N.J.S.A. 18A:6-11

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