

EXECUTIVE SESSIONS/OPEN MEETINGS

Code **BEC** Issued **9/16**

Purpose: To establish the basic structure for conducting executive sessions.

The board, by majority vote, may go into executive session for reasons provided for by law. Only upon request of the board may persons other than board members be present during executive sessions.

Before going into executive session, the board chairman will put the question of whether to meet in executive session to a vote. If such vote is favorable, the chairman will then announce the **specific purpose** of the executive session, i.e., identify the matter(s) to be considered in executive session, which will be reflected in the minutes.

As permitted by law, executive session matters may involve the following:

- individual student personnel actions
- individual staff personnel actions (unless the individual requests a public meeting)
- discussion of negotiations incident to proposed contractual arrangements
- acquisition or sale of property
- receipt of legal advice, including settlement of a claim
- security
- investigation of criminal misconduct

The board will not take any formal action in executive session. Formal action means a recorded vote committing the board to a specific course of action. The board will not take a vote nor will it poll members in executive session. A vote may be taken on any action discussed in executive session only after the board returns to open session. However, no action may be taken on an item discussed in executive session unless the meeting's agenda provides sufficient notice to the public that action may be taken on the topics discussed therein.

Under the state's open meeting laws, board members and other persons attending the executive session are duty bound not to disclose matters discussed in the session. Board members or any other persons attending will not use tape recorders or any other means of sonic or video reproduction to record executive sessions. Additionally, board members will refrain from electronic communications during executive sessions on personal or district-owned devices as communications regarding board matters are subject to disclosure.

Adopted 2/23/79; Revised 11/17/87, 8/13/91, 10/13/98, 8/10/04, 9/13/16

Legal references:

- A. S.C. Code, 1976, as amended:
 1. Sections 30-4-70 and 30-4-90 - South Carolina Freedom of Information Act.
- B. S.C. Cases
 1. *Brock v. Town of Mount Pleasant*, 415 S.C. 625, 785 S.E.2d 198 (2016).
 2. *Donohue v. City of North Augusta*, 412 S.C. 526, 773 S.E.2d 140 (2015).