EXECUTIVE SESSIONS

The board of trustees may go into executive session for those reasons listed in the Open Meetings Act pursuant to Miss. Code §25-41-7. Nothing shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or defeat the purposes of the Open Meetings Law.

The stated reason for going into executive session and no other topic may be discussed in the session. If another topic needs to be discussed in executive session other than the one first stated and the second is a legitimate topic for executive session discussion, then the board must come back into open session and repeat the process as outlined in the procedures.

In accordance with the procedures attached to this policy, the board of trustees may hold an executive session for one or more of the following reasons:

a. Transaction of business and discussion of personnel matters relating to the job performance, character, professional competence, or physical or mental health of a person holding a specific position.

b. Strategy sessions or negotiations with respect to prospective litigation, litigation or issuance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the public body.

c. Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.

d. Investigative proceedings by any public body regarding allegations of misconduct or violation of law.

e. Cases of extraordinary emergency that would pose immediate or irrevocable harm or damage to persons and/or property within the jurisdiction of such public body.

f. Transaction of business and discussion regarding the prospective purchase, sale or leasing of lands.

g. Discussions between a school board and individual students who attend a school within the jurisdiction of such school board or the parents or teachers of such students regarding problems of such students or their parents or teachers.

h. Transaction of business and discussion concerning the preparation of tests for admission to practice in recognized professions.

i. Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business or industry.
j. Transaction of business and discussions regarding employment, termination of an employee, or job performance of a person in a specific position. The exemption provided in this paragraph includes the right to hold closed meetings concerning employees as such exemption relates to their deletion from any budget subject to approval of the public body. Final budgetary adoption shall not be taken in executive session.

The minutes of the board must reflect that the board voted for a closed session, that a second motion was made, and that it was adopted for the specific reason or reasons to enter executive session.

Minutes taken during executive session must adhere to the same requirements as for regular board meetings. However, when the board deems it advisable to protect the personal identity of an employee or student, a numerical reference or other coding device may be used in the minutes.

Section 25-41-11 of the Mississippi Code requires that minutes of all meetings, whether in open or executive session, of a public body include the following items:

a. List of members present and absent.

b. Date, time, and place of the meeting.

c. An accurate recording of any final actions taken at the board meeting.

d. A record, by individual member, of any votes taken.

e. The inclusion or reflection of any other information that the board requests.

An executive session shall be limited to matters allowed to be exempted from the open meetings requirement and shall be applicable to that particular meeting on that particular day.

The board may designate those persons it wishes to be present during an executive session. It is a matter of good practice for the superintendent to be present at all times, unless there is discussion of his/her compensation or an evaluation of his/her performance.

When there is a discussion of discipline or special needs if a child, attendance will be limited to the parent or legal guardian of the child. An attorney may represent the child or parent/guardian of a child. If an attorney is present as legal counsel, the attorney must state for recording in the minutes that he/she is representing the child or parent/guardian. Other school officials may be present in order to provide relevant information for the discussion.

SOURCE: Mississippi School Boards Association
LEGAL REF.: Miss. Code Ann. §§ 25-41-7 and 25-41-11
DATE: November 15, 2004
December 6, 2016
REVIEWED: February 7, 2017
September 18, 2018