

SCHOOL BOARD EXECUTIVE SESSIONS

All meetings of the Hardy County Board of Education (Board) are open to the public.

The Board may hold an executive session during regular, special or emergency meetings in accordance with the provisions of the West Virginia Code §6-9A-4. Open Governmental Proceedings, Exceptions. During the open portion of the meeting, prior to convening an executive session, the Board president, or presiding officer of the Board, shall identify the authorization under this section for holding the executive session (items A through L below) and present it to the Board and to the general public. No decision may be made in executive session.

The Superintendent shall attend all meetings of the County Board, or its committees, including executive sessions, except when the tenure, salary or administration of the County Superintendent is under consideration. The Board shall determine other individuals to be included in executive sessions.

The Board president, or presiding officer, shall inform all participants for the executive session that those items discussed in executive session are a matter of confidentiality. In keeping with the confidential nature of executive sessions, no member of the Board shall disclose the content of discussions that take place during such sessions.

Where executive sessions shall be called by a majority vote of the Board, the Board, by law, may hold an executive session for consideration of the matters listed below, but no decision may be made in executive session:

- 1) To consider acts of war, threatened attack from a foreign power, civil insurrection or riot:
- 2) To consider:
 - a. Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting; or
 - b. For the purpose of conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless the public officer or employee requests an open meeting. General personnel policy issues may not be discussed or consider in a closed meeting. Final action by the Board having authority to appointment, employment, discharge, dismissal or compensation of an individual shall be taken in an open meeting.
 - c. To decide upon disciplining, suspension or expulsion of any student in any school unless the student requests an open meeting;
 - d. To issue, effect, deny, suspend or revoke a license, certificate or registration under the laws of this state, unless the person seeking the license, certificate or registration of whose license, certificate or registration was denied, suspended or revoked requests an open meeting;
 - e. To consider the physical or mental health of any person, unless the person requests an open meeting;
 - f. To dismiss any material the disclosure of which would constitute an unwarranted invasion of an individual's privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, rehabilitation,

- welfare, housing, relocation, insurance, and similar program or institution operated by a public agency pertaining to any specific individual admitted to or served by the institution or program, the individual's personal and family circumstances;
- g. To plan or consider an official investigation or matter relating to crime prevention or law enforcement;
 - h. To develop security personnel or devices;
 - i. To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: Provided, That information relied on during the course of deliberations on matters involving commercial competition are exempt from disclosure under the open meeting requirements of this article only until the commercial competition has been finalized and completed: Provided, However, that information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session;
 - j. To avoid the premature disclosure of an honorary degree, scholarship, prize or similar award;
 - k. Nothing in this article permits the Board to close a meeting that otherwise would be open, merely because the Board's attorney is a participant. If the Board has approved or considered a settlement in closed session, and the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the Board and entered into its minutes within a reasonable time after the settlement is concluded;
 - l. To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine b of this code.

Minutes shall be kept of all executive sessions, but these minutes shall be limited to material, the disclosure of which is not inconsistent with the provisions set forth above.

The West Virginia Ethics Commission or its Committee on Open Governmental Meetings may take appropriate action to protect from disclosure information that is properly shielded by an exception provided for in West Virginia Code, §6-9A-4.

SOURCE: Board of Education Minutes

DATE: August 20, 1979; October 16, 2000; April 18, 2006

LEGAL REFERENCE: WV State Code §18-4-10, WV State Code §6-9A (1-6)