

TERRELL COUNTY BOARD OF EDUCATION
Executive Session

Descriptive Code: BCBK
Issue Date: 3/8/2010
Rescinds Code: BCBK
BCBK –E(1)
Issued: 11/4/1994

Closed sessions may be necessary to conduct business which because of its special or sensitive nature may be hindered by public scrutiny at that time. These sessions shall comply with all laws pertaining to the actions of public policy-making bodies. The specific reasons for "closing" the meeting shall be entered upon the official minutes, the meeting shall not be closed except by a majority vote, and the minutes reflect the names of members present and the names of the members voting for closure.

The Board may call a closed session for the following reasons:

1. Staff meetings for investigative purposes under duties or responsibilities imposed by law.
2. Meetings when the Board is discussing the future acquisition of real estate, except that such meetings shall be subject to the law for the giving of the notice of such a meeting to the public and preparing the minutes; provided, the disclosure of such part of the minutes as would identify real estate to be acquired may be delayed until such time as acquisition has been completed, terminated or abandoned, or court proceedings with respect thereto have been initiated.
3. Meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee but not when receiving evidence or hearing argument on charges filed to determine disciplinary action or dismissal of a public officer or employee. The vote on any matter covered by the subsection shall be taken in public, and minutes of the meeting as provided in this chapter shall be made available. Meetings to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter.
4. The attorney client privilege to the extent that a meeting otherwise required to be open to the public under the law, may be closed in order to consult with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee in which the agency or any officer or employee may be directly involved; provided however, the meeting may not be closed for advice or consultation on whether to close a meeting.

Student disciplinary proceedings are exempt from the Open Meetings Law (6) and the Open Records Law. A written summary of the incident shall be prepared and placed in the Board's minutes which shall include a description of the incident and its disposition, but not containing the names of any person.

Chairman's Duty Following Executive Session

Georgia law requires that following any executive session, the Chairman or other presiding officer execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception. Thus, the chairman or other presiding officer shall, at the conclusion of each meeting where at least a portion was closed, complete and sign the Board's approved exhibit, BCBK-E.