

Closed sessions will be held only when required to permit the board to act in the public interest as provided by law.

A. PERMITTED PURPOSES

By majority vote of its members present, the board and other groups subject to the state open meetings law and board policy 2320, Compliance with the Open Meetings Law, may hold or retire to a closed session as permitted by law for the deliberation of the following:

1. to prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or that is not considered a public record within the meaning of Chapter 132 of the General Statutes;
2. to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar awards;
3. to consult with an attorney employed or retained by the board in order to preserve the attorney-client privilege between the attorney and the board, including discussions on the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure;
4. to discuss matters relating to the location or expansion of industries or other businesses in the area served by the board;
5. to establish, or to instruct the board's staff or negotiating agents concerning the position to be taken by or on behalf of the board in negotiating (a) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (b) the amount of compensation and other material terms of an employment contract or proposed employment contract;
6. to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual employed or considered for employment with the school system; or to hear or investigate a complaint, charge, or grievance by or against any individual employee;
7. to plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;

8. to formulate plans relating to emergency responses to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by the board or a school improvement team; and
9. to discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

B. ACTIONS THAT MUST BE REPORTED OR TAKEN IN OPEN SESSION

While deliberations may occur in closed session, the following board actions must be taken or reported in open session:

1. if the board has approved or considered a settlement in closed session, the terms of that settlement will be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded. The report should be made in open session unless there is a basis for the report to be heard only in closed session; and
2. final action making an appointment or discharge or removal by the board having final authority for the appointment or discharge or removal.

C. REASONS EXPRESSLY PROHIBITED FOR CLOSED SESSIONS

The following are expressly prohibited by law as a basis for closed sessions:

1. to discuss general policy matters or other issues that would be open merely because an attorney employed or retained by the board is a participant; and
2. to consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the board or another body, or to consider or fill a vacancy among its own membership.

D. PROCEDURE

The board of education will meet in closed session only upon a motion duly made and adopted in public pursuant to G.S. 143-318.11(c). Every motion will cite one or more of the permissible purposes as provided in G.S. 143-318.11(a) and in this board policy. A motion based on the need to prevent the disclosure of information that is confidential or privileged will also cite or name the law that renders the information confidential or privileged. A motion based on the need to consult with an attorney employed by the board regarding the handling or settlement of a lawsuit will identify the parties in the lawsuit.

E. MINUTES

The board will keep minutes of all closed sessions. The minutes of the board must include a general account of the closed sessions so that a person not in attendance will have a reasonable understanding of what transpired.

Legal References: G.S. 115C-105.27(c1); ch.143, art. 33C

Cross References: Board Committees (policy 2230), Compliance with the Open Meetings Law (policy 2320), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: November 2, 2015