

Executive Session

Executive session is appropriate only if the business to be considered fits into one of the statutory categories and a majority of the school board members vote to enter executive session in open session and indicate the reason for doing so.

Permissible reasons for entering executive session:

1 V.S.A. §313(a)(1) - Topics requiring a specific finding that "premature general public knowledge would clearly place the . . . public body or person involved at a substantial disadvantage" include:

- Contracts;
- Labor relations agreements with employees;
- Arbitration or mediation;
- Grievances, other than tax grievances;
- Pending or probable civil litigation or prosecution, if the public body is or may be a party;
- Confidential attorney-client communications, if made to provide legal services to the body.

The board must move into executive session after passing TWO motions. Examples:

First motion: "I move to find that premature general public knowledge regarding the superintendent's contract clearly places the board at a substantial disadvantage because the board risks disclosing its negotiation strategy if it discusses the superintendent's contract in public."

Second motion: "I move to enter executive session for the purpose of discussing the superintendent's contract under Title 1, Section 313(a)(1)."



2. 1 V.S.A. §313(a)(2)-(10) - Other permissible reasons include:

- §313(a)(2) - Negotiating or securing a real estate purchase or lease options;
- §313(a)(3) - Appointment, employment, or evaluation of a public officer or employee;
- §313(a)(4) - A disciplinary or dismissal action against a public officer or employee;
- §313(a)(5) - Clear and imminent peril to public safety;
- §313(a)(6) - Exempt public records under the Public Record Act;
- §313(a)(7) - Student academic records, suspension, or discipline;
- §313(a)(10) - Security or emergency response measures, if disclosure could jeopardize public safety.

The board may do so in ONE motion. The motion should identify the topic of discussion and the specific statutory provision.

Example: "I move to enter executive session for the purpose of discussing the evaluation of the Superintendent under the provisions of Title 1, Section 313(a)(3) of Vermont Statutes (evaluation of a public officer or employee)."

Recommendation: the topic should be more specific than "legal issues" or "personnel matters."



Meeting minutes should include:

- Motion for entering executive session, including who moved and seconded;
- Result of the vote;
- Who entered executive session; and
- Any action taken outside of executive session.

Robert's Rules ... Simplified

* School Boards with fewer than 12 members may wish to follow Robert's Rules of Order for small boards and must vote to do so at the annual reorganization meeting.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room tem., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until"	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The motions and point listed in the table above are in order of precedence. When any one of them is pending, the motions above it are "in order", and those below it are "out of order".

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority