

Chapter 12: Board of Education Operations

Rule 12.3 Executive Sessions

1. The Board may enter into executive session for the transaction of public business; provided, however, all meetings shall commence as an open meeting, and an affirmative vote of three-fifths (3/5) of all members present shall be required to declare an executive session.
2. The procedure to be followed by the Board in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed determination upon the issue of whether or not to declare an executive session. Such motion, by majority vote, shall require the meeting to be closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote, as required in subsection one (1) hereof, has been taken on the issue.
3. An executive session shall be limited to matters allowed to be exempted from open meetings by subsection four (4) of this section. The reason for holding such an executive session shall be stated in an open meeting, and the reason so stated shall be recorded in the minutes of the meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or to defeat the purposes of this chapter.
4. The Board may hold an executive session pursuant to this section for one or more of the following reasons:
 - a. Transaction of business and discussion of personnel matters or the character, professional competence, or physical or mental health of a person.
 - b. Strategy sessions or negotiations with respect to prospective litigation, litigation or assurance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the Board.
 - c. Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.
 - d. Investigative proceedings regarding allegations of misconduct or violation of law.
 - e. Cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons and/or property within the jurisdiction of the Board.
 - f. Transaction of business and discussion regarding the prospective purchase, sale or leasing of lands.
 - g. Transaction of business and discussion concerning the preparation of tests for admission to practice in recognized professions.
 - h. Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business or an industry.

- i. Transaction of business and discussions regarding employment and termination of employees. The exemption provided by 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 this Board. Final budgetary adoption shall not be taken in executive session.
5. The total vote on the question of entering into an executive session shall be recorded and spread upon the minutes.
6. Any such vote whereby executive session is declared shall be applicable only to that particular meeting on that particular day.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*