

1 Closed sessions will be held only when required to permit the [Transylvania County Board of](#)
2 [Education \(the “board”\)](#) to act in the public interest as provided by law.

3
4 **A. PERMITTED PURPOSES**
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6 By majority vote of its members present, the board and other groups subject to the state
7 open meetings law and board policy 2320, Compliance with the Open Meetings Law,
8 may hold or retire to a closed session as permitted by law for the deliberation of the
9 following:

- 10
11 1. To prevent the disclosure of information that is privileged or confidential pursuant
12 to the law of this state or of the United States, or that is not considered a public
13 record within the meaning of Chapter 132 of the General Statutes;
- 14
15 2. To prevent the premature disclosure of an honorary degree, scholarship, prize, or
16 similar awards;
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18 3. To consult with an attorney employed or retained by the board in order to
19 preserve the attorney-client privilege between the attorney and the board,
20 including discussions on the handling or settlement of a claim, judicial action,
21 mediation, arbitration, or administrative procedure;
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23 4. To discuss matters relating to the location or expansion of industries or other
24 businesses in the area served by the board;
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26 5. To establish, or to instruct the board’s staff or negotiating agents concerning the
27 position to be taken by or on behalf of the board in negotiating, (a) the price and
28 other material terms of a contract or proposed contract for the acquisition of real
29 property by purchase, option, exchange, or lease; or (b) the amount of
30 compensation and other material terms of an employment contract or proposed
31 employment contract;
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33 6. To consider the qualifications, competence, performance, character, fitness,
34 conditions of appointment, or conditions of initial employment of an individual
35 employed or considered for employment with the school system; or to hear or
36 investigate a complaint, charge, or grievance by or against any individual
37 employee;
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39 7. To plan, conduct, or hear reports concerning investigations of alleged criminal
40 misconduct;
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42 8. To formulate plans relating to emergency responses to incidents of school
43 violence or to formulate and adopt the school safety components of school
44 improvement plans by the board or a school improvement team; and

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46 9. To discuss and take action regarding plans to protect public safety as it relates to
47 existing or potential terrorist activity and to receive briefings by staff members,
48 legal counsel, or law enforcement or emergency service officials concerning
49 actions taken or to be taken to respond to such activity.
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51 **B. ACTIONS THAT MUST BE REPORTED OR TAKEN IN OPEN SESSION**

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53 While deliberations may occur in closed session, the following board actions must be
54 taken or reported in open session:
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- 56 1. If the board has approved or considered a settlement in closed session, the terms
57 of that settlement will be reported to the public body and entered into its minutes
58 as soon as possible within a reasonable time after the settlement is concluded.
59 The report should be made in open session unless there is a basis for the report to
60 be heard only in closed session; and
61
62 2. Final action making an appointment or discharge or removal by the board having
63 final authority for the appointment or discharge or removal.
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65 **C. REASONS EXPRESSLY PROHIBITED FOR CLOSED SESSIONS**

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67 The following are expressly prohibited by law as a basis for closed sessions:
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- 69 1. To discuss general policy matters or other issues that would be open merely
70 because an attorney employed or retained by the board is a participant; and
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72 2. To consider the qualifications, competence, performance, character, fitness,
73 appointment, or removal of a member of the board or another body, or to consider
74 or fill a vacancy among its own membership.
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76 **D. PROCEDURE**

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

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89 The board will keep minutes of all closed sessions. The minutes of the board must
90 include a general account of the closed sessions so that a person not in attendance will
91 have a reasonable understanding of what transpired. [Minutes of a closed session may be](#)
92 [withheld from public inspection when public inspection would frustrate the purpose of](#)
93 [the closed session.](#)

94
95 Legal References: G.S. 115C-105.27(c1); ch.143, art. 33C

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

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100 Adopted:

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NEW