

BOARD MEETINGS

Section 10 - Closed Sessions

A. When Closed Sessions May Be Held

The Board may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting.

Items for which closed sessions may be held include but are not be limited to the following:

1. strategy sessions with respect to collective bargaining, real estate purchases, or litigation;
2. discussion regarding deployment of security personnel or devices;
3. investigative proceedings regarding allegations of misconduct; and
4. evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

A closed meeting may not be held for the purpose of discussing the appointment or election of a new member to the Board.

The term “closed session” includes within its meaning any “executive session” or “executive meeting,” all of said terms being interchangeable.

This policy shall not be construed to grant any right of attendance to the public at closed sessions.

Legal Reference:	Nebraska Statute: 84-1410 (1)
Date of Adoption:	6/18/19
Updated:	

B. Procedure for Closed Sessions

1. Vote to Hold Closed Session: The subject matter and the reason necessitating the closed session shall be identified in the motion to close. The motion requires the affirmative vote of a majority of the voting members and shall be taken in open session.
2. Restate Subject Matter Limitation: If the motion to close passes, the president shall restate on the record the limitation of the subject matter of the closed session immediately prior to the closed session.

3. Restrict Discussions in Closed Session: The Board will restrict its consideration of matters during closed sessions to only those purposes set forth in the motion to close as the reason for the closed session.
4. No Action in Closed Session: The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this policy, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy. Formal action shall not, however, include negotiating guidance given by Board members to legal counsel or other negotiators in closed sessions relating to strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by ESU #13.
5. Challenge to Continuation of Closed Session: Any Board member shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the Board. The vote on such challenge need not be done in an open session of the Board or its applicable subcommittee. Such challenge and its disposition shall be recorded in the minutes.
6. Minutes of Closed Session: The minutes of a meeting at which a closed session is held will set forth the entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded. Minutes of matters discussed in closed or executive session need not be kept.

Legal Reference:	Nebraska Statute: 84-1410 (2) and (3)
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