

Ark Community Charter School

Public Meetings and Executive Session for Board of Trustees

The Ark Community Charter School will comply with the Open Meetings Law. Every meeting of ACCS, including Board of Trustees' meetings, will be open to the general public, except in "executive sessions" (described below), where closed-door discussions can occur. In compliance with the state's Open Meeting law, ACCS's policies apply to Board of Trustee's meetings as well as its committees and subcommittees.

Any time a quorum of the Board of Trustees or one of its committees or subcommittees officially gathers for the purpose of discussing public business, the meeting must be open to the public, *whether or not there is an intent to take action and regardless of the manner in which the gathering may be characterized*. In other words, if there is:

1. a quorum;
2. an official meeting, meaning the meeting is not by chance or a causal encounter such as may happen at a social gathering; and
3. the meeting is held to discuss public business;
4. then the meeting must be open to the public

If a meeting is scheduled at least one week in advance, notice of its time and place must be given to the news media and be conspicuously posted in one or more designated public locations at least 72 hours before the meeting.

If the meeting is scheduled less than one week in advance, notice of the time and place of the meeting must be given to the news media, to the extent practicable, and must be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Minutes of Meetings

- A. Minutes must be taken at all open meetings. The minutes must consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon as well as the vote thereon.
- B. Minutes must be taken at executive sessions of any action that is taken by formal vote which must consist of a record or summary of the final determination of such action, the date, and the vote thereon.
- C. The minutes of an open meeting must be available to the public within two weeks from the date of the meeting. Minutes of an executive session must be available within one week from the date of the executive session.
- D. In accordance with the Freedom of Information Law (Public Officers Law §§84 et seq.), minutes taken of open meetings or executive sessions need not contain any matter that is not required to be public.

Executive Sessions

Executive sessions must be conducted as part of an open meeting and may not be considered a separate meeting.

A. Steps to Enter into an Executive Session

1. A motion for an executive session must be made during an open meeting.
2. The motion must specifically identify the general area or areas of the subject or subjects to be considered. And,

3. The motion to conduct an executive session must be carried by a majority vote of the body's total membership.

B. Permissible Subjects for an Executive Session – executive sessions may be conducted for the following purposes only:

1. Matters which will imperil the public safety if disclosed.
2. Any matter which may disclose the identity of a law enforcement agent or informer.
3. Information relating to current or future investigation or prosecution of a criminal offense which imperils effective law enforcement if disclosed.
4. Discussions regarding proposed, pending, or current litigation.
5. If such litigation applies to charter school employees. Collective negotiations that are outside the scope of Article 14 of the Civil Service Law are not permissible topics for executive session discussions.
6. The medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
7. The preparation, grading, or administration of examinations.
8. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

C. Any member of the public body and any other persons authorized by the public body may attend an executive session.

Exemptions for the Law

The following matters are exempted from the Open Meetings Law and therefore need not be discussed at open meetings:

- a) Judicial or quasi-judicial proceedings (for example, suspension hearings and employee grievance hearing).
- b) Deliberations of political committees, conferences and caucuses.
- c) Any matter made confidential by State or federal law (for example, discussions regarding a particular student's records or discussions regarding children with handicapping conditions in violation of the federal Family Educational Rights and Privacy Act).

Enforcement

Any aggrieved person has standing to enforce the provisions of the Open Meetings Law by commencing what is known as an "Article 78 Proceeding" or an action for declaratory or injunctive relief. In any such action or proceeding, the court is authorized, in its discretion and upon a showing of good cause, to declare any action taken in violation of the Open Meetings Law void in whole or in part. Unintentional failures to fully comply with the notice provisions are not sole grounds for invalidating any action taken at a meeting.