

EXECUTIVE SESSIONS

Code **BCBK** Issued **10/24/88** Revised **4/8/92**

Constitutional and Statutory Provisions:

Code of Laws of South Carolina, 1976, as amended. §30-4-70:

- (a) A public body may hold a meeting closed to the public for one or more of the following reasons:
- (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, a student, or a person regulated by a public body, or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, such employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.
 - (2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.
 - (3) Discussion regarding the development of security personnel or devices.
 - (4) Investigative proceedings regarding allegations of criminal misconduct.
 - (5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the areas served by the public body.
 - (6) Prior to going into executive session, the public agency shall vote in public on the question and when such vote is favorable the presiding officer shall announce the specific purpose of the executive session. No formal action may be taken in executive session. As used in this item "*formal action*" means a recorded vote committing the body concerned to a specific course of action. No vote may be taken in executive session.
- (b) No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.
- (c) This chapter does not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.
- (d) Sessions of the General Assembly may enter into executive sessions authorized by the Constitution of this State and rules adopted pursuant thereto.
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State Board Rule:

The Board, by majority vote of the membership present, may go into executive session for the reasons specified by law. (See Statute as printed above.) An executive session is commonly attended by members of the Board, the State Superintendent, Recording Secretary, and staff identified by the Superintendent as necessary to contribute to items under consideration; and, if applicable, parties being heard on appropriate executive sessions matters.

Before going into executive session, the Board Chair shall put the question of whether to meet in executive session to vote. If such vote is favorable, the chair will then announce the *specific* purpose of the executive session, i.e., identify the matter to be considered in executive session.

No vote will be taken in executive session. A vote may be taken on any action discussed in executive session only after the Board returns to open session.

Minutes will be taken in executive session; however, the minutes of the executive session are not available to the public.