



School Based Planning and Shared Decision Making Plan

Revised February 2010-2011

Adopted by the Board of Education on ~~March 22, 2010~~

SLT District Steering Committee 2010-2011

Ursula Platz – Brinckerhoff

Kathryn Brenneman - Evans

Lea LaSusa – Fishkill

Paul Panesa – Fishkill Plains

Teresa McHenry - Gayhead

Anchala Sobrin – JJ

Liz Daley – Kinry Rd

Judy Flannigan – Myers Corners

Meredith Stabe – Oak Grove

Norey DiCioccio – Orchard View

Antoinette Sarna – RCK

Madeline Burday – Sheafe Rd.

Dee Berlinghoff/Ellen Korz – Van Wyck

Maureen Cassidy – Vassar Rd.

Ellen Mead - WJHS

Marco Pochintesta – District Office

INTRODUCTION

The goal of the Wappingers Central School District is to prepare humane critical thinkers, decision-makers, and problem-solvers. To accomplish this, the district has adopted an educational philosophy that emphasizes:

- Intellectual curiosity and eagerness for lifelong learning
- The knowledge, skills, and attitudes of maintaining physical well-being throughout their lifetime
- Fundamental skills of computation and communication, including demonstrating, observing, speaking, listening, reading, and writing
- Aesthetic appreciation and self-expression in the fine, performing, practical, and popular arts
- The ability to think and evaluate critically, constructively and creatively
- Self-discipline, including effective work habits and responsible behavior
- An understanding of a variety of processes that can be used in decision making situations
- Interpersonal and group dynamic skills
- Ethical and moral behavior based on respect and appreciation for human values, beliefs, and the rights of others
- An awareness of their relationships to the family and to local, national and world communities
- Knowledge of American heritage, civil and civic rights and responsibilities
- An understanding of the various types of work, their function in and contribution to society, including lessons learned from real employment and co-op learning experiences
- A positive self-image based on realistic acceptance of self and respect for others

Effective implementation of any of the above requires the acceptance, support and participation of the Board of Education, staff, students, parents, and community. This document was developed to assist individual schools in the creation and implementation of academic improvement projects.

Each section of this plan begins with the applicable statement of the Commissioners' Regulation 100.11 (for full text see Appendix E), shown in boldface print. The specifics of the district plan appear below the boldface print.

GOALS FOR DISTRICT PLAN

1. To support the District's current and ongoing academic goals.
2. To ensure professional development and/or training opportunities for School Leadership Team members that help increase student achievement.
3. To define the parameters necessary for the successful implementation and operation of School Leadership Teams.
4. To provide individual School Leadership Teams with the resources, guidelines and framework needed to improve the educational performance of all students, regardless of factors such as socioeconomic status, race, gender, language background, or disability.
5. Encourage collaborative partnerships between schools and community organizations and businesses.

SPECIFICATIONS OF THE PLAN FOR PARTICIPATION IN SCHOOL-BASED PLANNING AND SHARED DECISION MAKING

I. The Educational Issues which will be subject to cooperative planning and shared decision making at the building level by teachers, parents, administrators, and, at the discretion of the Board of Education or BOCES, other parties such as students, school district support staff, and community members:

A. Issues subject to consideration by the School Leadership Team, hereafter referred to as SLT, must:

1. Relate to the improvement of student learning.
2. Be measureable and achievable.
3. Be within the scope of the building's and district's ability.
4. Support the district's vision and goals.
5. **Only materials relating to your project will be considered.**

To these ends, each SLT shall prepare and submit a plan for a School Improvement Project to the Superintendent of Schools (or designee) on an annual basis which is designed to improve student learning, is measurable, and supports the district's vision and adopted goals of the Board of Education for the school year. **Said plan will be developed and submitted in the form stipulated by the Superintendent, and shall be submitted and/or revised annually according to the schedule provided in Appendix A.**

B. Issues NOT subject to shared decision making are:

1. Immediate health and safety issues.
2. Issues that impinge on civil rights.
3. Supervision, evaluation, and discipline of personnel.
4. Issues covered by collective bargaining agreements.
5. Issues affecting other buildings unless consultation with those other buildings occurs and consensus is reached.
6. Issues covered by law, Regents Rules, Commissioner's Regulations, written Board of Education policy, or written district administrative policy.
7. Issues requiring financial resources, unless the resources are approved by the Board of Education.
8. Purchases not allowed under a contingency budget.
9. **Funds may not be used for field trips or activities that are normally funded through the District's general fund.**

Matters relating to any of the issues not subject to shared decision making can be brought to the attention of both the Superintendent and the Board of Education by the SLT's recommendations in accordance with the decision-making process articulated in Section II below.

II. The manner and extent of the expected involvement of all parties:

A. School Leadership Team (SLT) Composition

1. Each SLT will be comprised of at least two parents, two teachers, and one administrator. Each team may expand to a maximum of no more than 21 members. No one may serve in the “parent” role on any SLT who is an employee of the district.
2. The parents and teachers will comprise the largest percentage of the SLT team and the ratio of these two groups will be as equitable as possible. Each SLT shall be responsible for undertaking recruitment efforts which will demonstrate commitment to having equitable representation of all constituent groups. SLT recruitment efforts and SLT composition and representation on the District Committee shall be recorded in the minutes of the first SLT meeting of the year and submitted in writing to the Superintendent of Schools (or designee) according to the schedule provided in Appendix A.
3. Parents will select the parent members, teachers will select the teacher members, and the administrators will select the administrative member(s) of the SLT. Each building will determine the details of its selection process. Each building principal is encouraged to be a member of his/her SLT.
4. Once established, and at its discretion, an SLT may expand itself to include representation from other constituencies such as support staff, senior citizen groups, business groups, and community groups. Requests from such groups to participate shall always be considered by an SLT, but no SLT is required to solicit such participation. With the approval of the SLT, each additional constituent group will determine a selection/election process for its representatives.

B. Term of Office

1. Length of service will be two years for all members except the administrator, who may serve in perpetuity. Each constituency group may renew the term of their member(s) only after reasonable efforts have been made to obtain a replacement for the position.
2. In the event of a member resignation, the affected constituent group should replace the member who resigns as soon as possible. The SLT will continue to function throughout this process.

C. Meetings

1. The frequency and dates of meetings will be determined by each SLT for a time and place that ensures the greatest participation from all constituency groups.
2. All SLT meetings must be in compliance with the open-meeting requirements of the Sunshine Law (see Appendix F).
3. All SLTs will forward a schedule of their meeting dates for placement on the district e-calendar.

D. Decision-Making Model and Quorum

1. A quorum of 50% plus one must be present when decisions of the SLT are made. At least one member of each core constituency group (teachers, parents, administrators) must be represented.
2. Decisions for improvement plans must be made by consensus.
3. Each SLT will provide the opportunity to its school community for input prior to its decisions. These opportunities may take the form of surveys or other written means, ad hoc department or committee member representation at meetings, or input from Teachers-in-Charge, for example.

E. Roles and Responsibilities of SLTs

1. In order to create and carry out its building improvement plan, each SLT shall:
 - a. Analyze building academic needs
 - b. Develop one or more long term goals
 - c. Reach consensus on annual priorities related to these goals
 - d. Review research and gather data on their building's academic achievement
 - e. Prepare and submit an outline/plan for a School Improvement Project to the Superintendent of Schools (or designee) on an annual basis which is designed to improve student learning (see Appendix B).
 - f. Prepare and submit an Improvement Project (see Appendix C).
 - g. Annually assess its SLT Improvement Project (see Appendix D).
 - h. Inform the Superintendent (or designee) of any necessary changes or amendments to the approved Plan (ex. supplies no longer available, program or speaker not available, etc.)

2. SLTs should communicate with:
 - a. Their constituencies
 - b. Other SLTs
 - c. The Superintendent (or designee)
3. SLTs should solicit input from their stakeholders (staff, students, parents, community partners, and other members of the school-community who may be affected by SLT decisions).
4. SLTs are encouraged to develop their own rules and procedures including, but not limited to, the following:
 - a. Permitting all members of constituency groups to attend SLT meetings
 - b. Creating an agenda prior to meetings, with opportunities for other constituency groups to add items to that agenda
 - c. Selecting a chairperson(s) and recorder
 - d. Designating meeting times and locations
 - e. Keeping accurate minutes and distributing minutes in a timely fashion to team members and Superintendent (or designee), and making such minutes available to constituencies
5. Designate a representative to serve on the District Steering Committee.
6. Invite Board of Education members to attend or participate in SLT projects as appropriate.

F. Roles and responsibilities of SLT Members

1. Attend meetings of their building's SLT
2. Participate in the shared decision-making process using a consensus model
3. Keep their constituencies informed of issues being considered by the SLT
4. Encourage representation in workshops and training provided by the Steering Committee

G. Responsibilities of the Superintendent (or designee)

1. Collect and maintain copies of Improvement Projects and the end-of-the year assessments of the improvement plans.
2. Provide each SLT with the School Improvement Project template and the calendar for submission and revision of the building plan.
3. Chairs the District Steering Committee for SLTs in order to:
 - a. provide support for building SLTs
 - b. plan common district-wide training for building SLTs
 - c. revise this document as per the commissioner's regulations
4. Provide information on monies available to each building SLT according to the schedule provided in Appendix A.

H. Responsibilities of the Board of Education

1. Encourage and support SLTs.
2. Publicly recognize SLTs and School Improvement Plans of an exemplary nature.
3. Provide an annual budget allocation to support approved building plans.

I. Responsibilities and Organization of the District Steering Committee for SLTs

1. Establish the frequency and dates of its meeting(s) at a time and place that ensures the greatest participation from all constituency groups.
2. Conduct its meetings in compliance with the open meeting requirements of the Sunshine Law.
3. Collectively review and submit a District Plan for Shared Decision Making for approval to the Board of Education on a bi-annual basis and in accordance with the Commissioner's Regulations in Section 100.11.
4. Plan and provide at least one annual training and support session for SLT members regarding each SLT's school improvement procedures and responsibilities as funding allows. New members of SLTs will be encouraged to attend this session.
5. Clarify any portion of the district plan if requested by an SLT.
6. Recommend to the Board of Education any amendments to the district plan the committee deems appropriate.
7. Convene a panel consisting of at least one parent, one teacher, one building administrator and the Superintendent (or designee) for the purposes of:
 - a. Reviewing and recommending SLT Improvement Projects for funding to the Superintendent.
 - b. Assisting SLTs with the revision and resubmission of plans if requested
8. Implement a communication network (ex. the use of a district website link) to disseminate the following information to all members of the District Steering Committee for SLTs, the Board of Education, the Superintendent of Schools, and all SLTs:
 - a. Minutes of District Steering Committee meetings
 - b. Minutes of SLT meetings
 - c. School Improvement Projects of SLTs
 - d. Assessment Reports for SLT Improvement Projects

III. *The means and standards by which all parties shall evaluate improvement in student achievement:*

- A. Both qualitative and quantitative data will be used in assessing the impact of decisions made by the SLT on learner outcomes.
- B. Any of the following may be considered to evaluate improvement in student achievement. This list shall include but not be limited to:
 - 1. School report card
 - 2. Standardized tests
 - 3. Norm or criterion referenced tests
 - 4. Alternative assessments such as:
 - e. student academic portfolio
 - f. observations of students by teachers
 - g. peer evaluations
 - 5. Perception surveys
 - 6. Post-high school studies and surveys
 - 7. Other local/state/national measures
 - 8. Teacher made tests/final course results
 - 9. Behavior and attendance records
 - 10. Longitudinal studies
 - 11. Participation in co-curricular activities

IV. *The means by which all parties will be held accountable for the decisions which they share in making:*

- A. No single member of a SLT shall be held individually accountable for the decisions of the SLT.
- B. The SLT members shall collectively be accountable to the school community and to the constituencies that selected them.
- C. The constituencies have the right to replace an individual member of a SLT upon the expiration of his or her term or if the position becomes vacant.
- D. A member of a SLT who continuously disrupts the consensus process may be removed from the committee by majority vote of that SLT and approval of the Superintendent (or designee). The replacement will be designated by the constituency affected.

V. *The process whereby disputes presented by the participating parties about the educational issues being decided upon will be resolved at the local level:*

If the SLT cannot reach consensus about any aspect of an educational issue it is addressing, then the steps listed below should be followed:

- A. Table the disputed issue for one meeting to gain additional information or seek advice from constituency groups
- B. If the dispute is not resolved at the next meeting, then:
 - 1. The issue may be tabled for the remainder of the school year, or
 - 2. The group, by consensus, can seek mediation. Mediators may be selected by consensus of the SLT or the superintendent (or designee) may be asked to select a mediator for the team.
- C. If mediation cannot resolve the dispute, then the issue must be tabled for the remainder of the school year.

VI. *The manner in which all state and federal requirements for the involvement of parents in planning and decision making will be coordinated with and met by the overall plan:*

- A. The Superintendent (or designee) shall communicate to all SLTs information about the operating federal/state programs that require parental involvement.
- B. SLT training shall include information relevant to parental involvement required by federal/state funded programs.

CALENDAR OF DUE DATES

- August 1**Budget allocations are communicated by the Office of Administration to building SLTs
- September 30**..... Name of District Steering Committee representative from each building due to Office of Administration
- October 14**..... Committee membership rosters from each building's SLT are due to the Office of Administration
- October 24**.....Project Planning Outline due to Office of Administration
- October 26**.....**Outline Reviewed by Steering Committee**
- November 7**.....Improvement Project due to Office of Administration (NOTE: Projects are only accepted between July 1 – November 6. Late applications will not be considered and funding will be forfeited.)
- November 9**.....**Steering Committee will review projects**
- November 16.....Approvals or requests for revisions due to building SLTs
- December 1.....Final revisions due (if required) to Office of Administration
- April 2**.....All funds must be encumbered by this date.
- June 1.....Project Assessments due to Office of Administration
- June 15.....Revisions to Project Assessments (if required) due to Office of Administration

APPENDIX B: Project Planning Outline

PROJECT PLANNING OUTLINE

School or program improvement focus: Identify up to two major priorities and describe the approach, implementation and how you will determine the effectiveness of the project.

Approach

- What is the process or plan to address each improvement priority?
- Who is responsible?
- How will decisions be made?
- How will progress toward each improvement priority be measured?
- How will the plan be refined as needed along the way?
- How will progress measures be established to measure results?

Implementation

- How will the plan be communicated to those involved?
- What steps will be taken to insure understanding of and an ability to implement the plan?
- How will resources be allocated to support it?
- Who is responsible?
- How many active participants will be engaged in the plan?

Results – Identify measures you will use to determine the plan's effectiveness

- Is the plan making a difference in student performance?
- For whom and over what period of time?
- How do teachers/administrators know that student learning has improved?
- Did participation rates meet or exceed expectations?

PRIORITY #1

Approach:
Implementation:
Assessment:

PRIORITY #2

Approach:
Implementation:
Assessment:

AN SLT IMPROVEMENT PROJECT

(School)

(Date)

Project Title:

Project Summary:

1. Student outcome or district goal(s) the plan hopes to influence:

2. Detailed descriptive narrative of the Improvement Project, including a time line and names of persons responsible for implementing each phase and activity in the project.

3. Term of Project: Beginning Date _____
Ending Date _____

Project Reminder Note:

- Funding to support projects cannot be released or reimbursed without prior approval.
- Projects may have a beginning date prior to approval; however, no funds will be committed to the project until approved.
- No SLT Improvement Project funds may be expended after June 15th.

4. Method(s) of assessing success of the project:

**5. Names and signatures of SLT members with representative role title.
(parent, teacher, administrator, other)**

SLT MEMBER
NAME
(Please Print)

MEMBER
SIGNATURE

REPRESENTATIVE
ROLE

7. If the project has impact on another building(s), consultation and consensus must be reached with the other building(s). The signature(s) of the chairperson(s) of the Building SLTs in the impacted building(s) below indicate that consultation and consensus between the building(s) has occurred.

_____, Building Team Chairperson at _____

_____, Building Team Chairperson at _____

_____, Building Team Chairperson at _____

8. Project Budget: Provide description of materials or services to be purchased and the cost of each. *NOTE: Funds may only be accessed through a purchase requisition and issuance of a purchase order by the business office after projects and use of funds are approved. Claim forms will NOT be accepted for SLT purchases.*

10. Superintendent's Approval:

Superintendent of Schools

Date

ASSESSMENT OF SLT IMPROVEMENT PROJECT

School

Date

Project Title:

Assessment Narrative and Results

Please address the following questions as part of the narrative:

- Was the project implemented in accordance with the original plan? If there were adjustments, please describe.

- How many students, teachers, parents, and/or others actively engaged in the project?

- Was the project successful in achieving its original goals?

- By what measures?

- Did the project make a difference in student performance?

- For whom and how?

- If the project could be improved or more effective in the future, what recommendations should be planned and/or implemented?

COMMISSIONERS' REGULATION 100.11

REGULATIONS OF THE COMMISSIONER OF EDUCATION

100.11 Participation of parents and teachers in school-based planning and shared decision making.

(a) *Purpose.* The purpose of school-based planning and shared decision making shall be to improve the educational performance of all students in the school, regardless of such factors as socioeconomic status, race, gender, language background, or disability.

(b) By February 1, 1994, each public school district board of education and each board of cooperative educational services (BOCES) shall develop and adopt a district plan for the participation by teachers and parents with administrators and school board members in school-based planning and shared decision making. Such district plan shall be developed in collaboration with a committee composed of the superintendent of schools, administrators selected by the district's administrative bargaining organization(s), teachers selected by the teachers' collective bargaining organization(s), and parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by school-related parent organizations, provided that those portions of the district plan that provide for participation of teachers or administrators in school-based planning and shared decision making may be developed through collective negotiations between the board of education or BOCES and local collective bargaining organizations representing administrators and teachers. In the City School District of the City of New York, the superintendent of each community school district, of each district that reports directly to the Chancellor and of each high school superintendency shall develop such district plan in collaboration with a committee composed of administrators selected by the district's administrative bargaining organization(s), teachers selected by the teachers' collective bargaining organization(s), and parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by school-related parent organizations. Members of community school boards may be members of such committees. For the purpose of this subdivision, "school-related parent organization" means a nonprofit organization of parents of children attending the schools of the school district whose purposes include the promotion of parental involvement in public education and that is chartered or incorporated under the laws of New York, or is affiliated with a statewide or regional parent organization that is so chartered or incorporated, or is an unincorporated association authorized to do business under an assumed name in New York. In districts in which teachers or administrators are not represented by a collective bargaining organization or there are no school-related parent organizations, teachers, administrators and/or parents shall be selected by their peers in the manner prescribed by the board of education or BOCES to participate in the development of such district plan. In the City

School District of the City of New York, the superintendent of each community school district, of each district that reports directly to the Chancellor and of each high school superintendency shall develop a plan in the manner prescribed by this subdivision, and each such plan shall be incorporated into a plan by the central board of education, which plan shall comply with this section.

(c) The plan for participation in school-based planning and shared decision making shall specify:

1. the educational issues which will be subject to cooperative planning and shared decision making at the building level by teachers, parents, administrators, and at the discretion of the board of education or BOCES, other parties such as students, school district support staff, and community members;
2. the manner and extent of the expected involvement of all parties;
3. the means and standards by which all parties shall evaluate improvement in student achievement;
4. the means by which all parties will be held accountable for the decisions which they share in making;
5. the process whereby disputes presented by the participating parties about the educational issues being decided upon will be resolved at the local level; and
6. the manner in which all State and Federal requirements for the involvement of parents in planning and decision making will be coordinated with and met by the overall plan.

(d)(1) The district's plan shall be adopted by the board of education or BOCES at a public meeting after consultation with and full participation by the designated representatives of the administrators, teachers, and parents, and after seeking endorsement of the plan by such designated representatives. In the City School District of the City of New York, each plan shall be approved by the superintendent pursuant to subdivision (b) of this section after consultation with and full participation by the designated representatives of the administrators, teachers and parents, and after consultation with the members of the board of education of the community school district, and after seeking endorsement of the plan by such designated representatives. The plan shall be made available to the public. Each board of education or BOCES shall file such plan with the district superintendent or, in the case of city school districts having a population of 125,000 inhabitants or more or a BOCES, with the commissioner within 30 days of adoption.

(2) Each board of education or BOCES shall submit its district plan to the commissioner for approval within 30 days of adoption of the plan. The commissioner shall approve such district plan upon a finding that it complies with the requirements of this section and makes provision for effective participation of parents, teachers, and administrators in school-based planning and decision making.

(e)(1) In the event that the board of education or BOCES fails to provide for consultation with, and full participation of, all parties in the development of the plan as required by subdivisions (b) and (d) of this section, the aggrieved party or parties may commence an appeal to the commissioner pursuant to section 310 of the Education Law. Such an appeal

may be instituted prior to final adoption of the district plan and shall be instituted no later than 30 days after final adoption of the district plan by the board of education or BOCES.

(2) Any aggrieved party who participated in the development of the district plan may also appeal to the commissioner pursuant to section 310 of the Education Law from action of the board of education or BOCES in adopting, amending, or recertifying the plan. The grounds for such an appeal may include, but shall not be limited to, noncompliance with any requirement of subdivision © of this section and failure to provide within the district plan for meaningful participation in school-based planning and shared decision making within the intent of this section.

(f) The district's "Plan for the Participation by Teachers and Parents in School-based Planning and Shared Decision Making" shall be reviewed biennially by the board of education or BOCES in accordance with subdivision (b) of this section. Any amendment or recertification of a plan shall be developed and adopted in the manner prescribed by subdivision (b) and paragraphs (d) (1) and (2) of this section. The amended plan or recertification of the previous plan, together with a statement of the plan's success in achieving its objectives, shall be filed with the district superintendent where applicable, and submitted to the commissioner for approval no later than February 1st of each year in which such biennial review takes place, commencing with February 1, 1996, except that in the City School District of the City of New York, the central board of education shall submit any biennial review required during the 1999-2000 school year by September 1, 2000.

(g) Notwithstanding the provisions of subdivisions (b) through (f) of this section, where a district has implemented a plan for participation in school-based planning and shared decision making as of February 1, 1994 through its excellence and accountability pilot district program, such district shall not be required to develop a new district plan pursuant to this section.

(h) A school district or BOCES which has developed or implemented a plan for participation of teachers and/or administrators in school-based decision making as the result of a collective bargaining agreement between the board of education or BOCES and local collective bargaining organizations representing teachers and/or administrators shall incorporate such negotiated plan as a part of the district plan required by this section. The board of education or BOCES shall develop the remainder of the district plan, including the portion relating to parental involvement, in the manner prescribed by subdivision (b) of this section.

“SUNSHINE” LAW

Open Meetings

The Open Meetings or "Sunshine" Law went into effect in New York in 1977. Amendments that clarify and reaffirm your right to hear the deliberations of public bodies became effective on October 1, 1979.

In brief, the law gives the public the right to attend meetings of public bodies, listen to the debates and watch the decision-making process in action.

As stated in the legislative declaration in the Open Meetings Law (section 100): "It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy."

What is a meeting?

Although the definition of "meeting" was vague as it appeared in the original law, the amendments to the law clarify the definition in conjunction with expansive interpretations of the law given by the courts. "Meeting" is defined to mean "the official convening of a public body for the purpose of conducting public business." As such, any time a quorum of a public body gathers for the purpose of discussing public business, the meeting must be convened 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. The definition also authorizes members of public bodies to conduct meetings by videoconference.

Since the law applies to "official" meetings, chance meetings or social gatherings are not covered by the law.

Also, the law is silent with respect to public participation. Therefore, a public body may permit you to speak at open meetings, but is not required to do so.

What is covered by the law?

The law applies to all public bodies. "Public body" is defined to cover entities consisting of two or more people that conduct public business and perform a governmental function for the state, for an agency of the state, or for public corporations, including cities, counties, towns, villages and school districts, for example. In addition, committees and subcommittees consisting solely of members of a governing body are specifically included within the definition. Consequently, city councils, town boards, village boards of trustees, school boards, commissions, legislative bodies and sub/committees of those groups all fall within the framework of the law.

Notice of Meetings

The law requires that notice of the time and place of all meetings be given prior to every meeting.

If a meeting is scheduled at least a week in advance, notice must be given to the public and the news media not less than 72 hours prior to the meeting. Notice to the public must be accomplished by posting in one or more designated public locations.

When a meeting is scheduled less than a week in advance, notice must be given to the public and the news media "to the extent practicable" at a reasonable time prior to the meeting. Again, notice to the public must be given by means of posting.

If videoconferencing is used to conduct a meeting, the public notice for the meeting must inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

When can a meeting be closed?

The law provides for closed or "executive" sessions under circumstances prescribed in the law. It is important to emphasize that an executive session is not separate from an open meeting, but rather is defined as a portion of an open meeting during which the public may be excluded.

To close a meeting for executive session, the law requires that a public body take several procedural steps. First, a motion must be made during an open meeting to enter into executive session; second, the motion must identify "the general area or areas of the subject or subjects to be considered;" and third, the motion must be carried by a majority vote of the total membership of a public body.

Further, a public body cannot close its doors to the public to discuss the subject of its choice, for the law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight subjects that may be discussed behind closed doors include:

- a. matters which will imperil the public safety if disclosed;
- b. any matter which may disclose the identity of a law enforcement agency or informer;
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
- f. 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;
- g. the preparation, grading or administration of examinations; and
- h. 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.

These are the only subjects that may be discussed behind closed doors; all other deliberations must be conducted during open meetings.

It is important to point out that a public body can never vote to appropriate public monies during a closed session. Therefore, although most public bodies may vote during a properly convened executive session, any vote to appropriate public monies must be taken in public.

The law also states that an executive session can be attended by members of the public body and any other persons authorized by the public body.

After the meeting — minutes

If you cannot attend a meeting, you can still find out what actions were taken, because the Open Meetings Law requires that minutes of both open meetings and executive sessions must be compiled and made available.

Minutes of an open meeting must consist of "a record or summary of all motions, proposals, resolutions and any matter formally voted upon and the vote thereon." Minutes of executive sessions must consist of "a record or summary of the final determination" of action that was taken, "and the date and vote thereon." Therefore, if, for example, a public body merely discusses a matter during executive session, but takes no action, minutes of an executive session need not be compiled. However, if action is taken, minutes of the action taken must be compiled and made available.

It is also important to point out that the Freedom of Information Law requires that a voting record must be compiled that identifies how individual members voted in every instance in which a vote is taken. Consequently, minutes that refer to a four to three vote must also indicate who voted in favor, and who voted against.

Enforcement of the law

What can be done if a public body holds a secret meeting? What if a public body makes a decision during an executive session that should have been open?

Any "aggrieved" person can bring a lawsuit. Since the law says that meetings are open to the general public, you would be aggrieved if you feel that you have been improperly excluded from a meeting or if you believe that an executive session was held that should have been open.

Upon the judicial challenge, a court has the power to nullify action taken by a public body in violation of the law "upon good cause shown." In addition, a court also has the authority to award reasonable attorney fees to the successful party. This means that if you go to court and you win, a court may (but need not) reimburse you for your expenditure of legal fees.

It is noted that an unintentional failure to fully comply with the notice requirements "shall not alone be grounds for invalidating action taken at a meeting of a public body."

The site of meetings

As specified earlier, all meetings of a public body are open to the general public. Moreover, the law requires that public bodies make reasonable efforts to ensure that meetings are held in facilities that permit "barrier-free physical access" to physically handicapped persons.

Exemptions from the law

The Open Meetings Law does not apply to:

1. judicial or quasi-judicial proceedings, except proceedings of zoning boards of appeals;
2. deliberations of political committees, conferences and caucuses; or
3. matters made confidential by federal or state law.

Stated differently, the law does not apply to proceedings before a court or before a public body that acts in the capacity of a court, to political caucuses, or to discussions concerning matters that might be made confidential under other provisions of law. For example, federal law requires that records identifying students be kept confidential. As such, a discussion of records by a school board regarding a particular student would constitute a matter made confidential by federal law that would be exempt from the Open Meetings Law.

Public Participation and recording meetings

The Open Meetings Law provides the public with the right to attend meetings of public bodies, but it is silent concerning the ability of members of the public to speak or otherwise participate. Although public bodies are not required to permit the public to speak at their meetings, many have chosen to do so. In those instances, it has been advised that a public body should do so by adopting reasonable rules that treat members of the public equally.

There is nothing in the Open Meetings Law dealing with the right of those in attendance to record meetings. However, judicial decisions indicate that any person present may record an open meeting (using either an audio or video recorder), so long as use of a recording device is not disruptive or obtrusive.

Source: http://www.dos.state.ny.us/coog/Right_to_know.html