

BOARD AGENDA ITEM

April 21, 2026

SUBJECT:

Revision of the following policy:

Policy BEC Executive Sessions/Open Meetings

BACKGROUND INFORMATION:

The Board conducts a systematic review of its policies on a cyclical basis to ensure continued alignment with current laws, regulations, and best practices. As part of this ongoing process, the policies referenced above have been identified as due for review/revision and are being presented for consideration and update as needed.

ADMINISTRATIVE CONSIDERATION:

Administration recommends revising the current policy (last updated in 2001) to align with the model policy of the South Carolina School Boards Association. This revision incorporates updates to applicable South Carolina case law. The revision also updates the policy review cycle from an annual review to a seven-year cycle.

RECOMMENDATION:

Approve the following policies:

Policy BEC: Executive Sessions/Open Meetings, Second Reading

ATTACHMENTS:

PREPARED BY:

Kimbra Meek

EXECUTIVE SESSIONS/OPEN MEETINGS

Code **BEC** Issued **7/0103/26**

Purpose: To establish the basic structure for conducting executive sessions.

The board, by majority vote, may go into executive session for reasons provided for by law. The superintendent will attend executive session, except when his/her contract is being discussed.

Only upon request of the board may persons other than board members be present during executive sessions.

Before going into executive session, the board chairman will put the question of whether to meet in executive session to a vote. If such vote is favorable, the chairman will then announce the specific purpose of the executive session, i.e., identify the matter to be considered in executive session, which will be reflected in the minutes.

As permitted by law, executive session matters may involve the following.

- individual student personnel actions
- individual staff personnel actions (unless the individual requests a public meeting)
- discussion of negotiations incident to proposed contractual arrangements
- acquisition or sale of property
- receipt of legal advice, relating to a pending, threatened, or potential claim, including settlement of a claim or other matters covered by attorney-client privilege
- security
- investigation of criminal misconduct
- discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion or industries or other businesses in the area served by the public body

The board will not take any formal action in executive session. Formal action means a recorded vote committing the board to a specific course of action. However, no action may be taken on an item discussed in executive session unless the meeting agenda provides sufficient notice to the public that action may be taken on the topics discussed therein.

The board will not take a vote in executive session, nor will it poll members in executive session. A vote may be taken on any action discussed in executive session only after the board returns to open session.

Pursuant to the South Carolina Freedom of Information Act, board members and other persons attending the executive session are duty bound not to disclose matters discussed in executive session. Board members or any other persons attending will not use tape recorders or any other means of sonic or video reproduction to record executive sessions. Additionally, board members will refrain from electronic communications during executive sessions on personal or district-owned devices as communications regarding board matters are subject to public disclosure.

Adopted 10/17/78; Revised 9/13/88, 7/17/01; 4/21/2026

Legal References:

A. Section 30-4-70.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

The School District of Aiken County

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- 54
55
56 (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or
57 release of an employee, a student, or a person regulated by a public body or the appointment
58 of a person to a public body; however, if an adversary hearing involving the employee or
59 client is held, the employee or client has the right to demand that the hearing be conducted
60 publicly. Nothing contained in this item shall prevent the public body, in its discretion, from
61 deleting the names of the other employees or clients whose records are submitted for use at
62 the hearing.
63
- 64 (2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or
65 purchase of property, the receipt of legal advice where the legal advice relates to a pending,
66 threatened, or potential claim or other matters covered by the attorney-client privilege,
67 settlement of legal claims, or the position of the public agency in other adversary situations
68 involving the assertion against the agency of a claim.
69
- 70 (3) Discussion regarding the development of security personnel or devices.
71
- 72 (4) Investigative proceedings regarding allegations of criminal misconduct.
73
- 74 (5) Discussion of matters relating to the proposed location, expansion, or the provision of services
75 encouraging location or expansion of industries or other businesses in the area served by the
76 public body.
77
- 78 (b) Before going into executive session the public agency shall vote in public on the question and when
79 the vote is favorable, the presiding officer shall announce the specific purpose of the
80 executive session. As used in this subsection, 'specific purpose' means a description of the matter
81 to be discussed as identified in items (1) through (5) of subsection (a) of this section. However,
82 when the executive session is held pursuant to Sections 30-4-70(a)(1) or 30-4-70(a)(5), the
83 identity of the individual or entity being discussed is not required to be disclosed to satisfy the
84 requirement that the specific purpose of the executive session be stated. No action may be taken
85 in executive session except to (a) adjourn or (b) return to public session. The members of a public
86 body may not commit the public body to a course of action by a polling of members in executive
87 session.
88
- 89 (c) No chance meeting, social meeting, or electronic communication may be used in circumvention
90 of the spirit of requirements of this chapter to act upon a matter over which the public body has
91 supervision, control, jurisdiction, or advisory power.
92
- 93 (d) This chapter does not prohibit the removal of any person who willfully disrupts a meeting to the
94 extent that orderly conduct of the meeting is seriously compromised.”
95

B. S.C. Cases:

- 96
97 1. *Brock v. Town of Mount Pleasant*, 415 S.C. 625, 785 S.E.2d 198 (2016).
98 2. *Donohue v. City of North Augusta*, 412 S.C. 526, 773 S.E.2d 140 (2015).
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EXECUTIVE SESSIONS/OPEN MEETINGS

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- investigation of criminal misconduct
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