

**MAINE STATUTES AUTHORIZING EXECUTIVE  
SESSIONS FOR MAINE SCHOOL UNITS**

**SAMPLE MOTION:** To go into executive session to consider the [*Insert Reason for Executive Session*] pursuant to [*Insert Citation*].

**EXAMPLE:** To go into executive session to consider the [*expulsion of a public school student*] pursuant to [*1 M.R.S.A. § 405(6)(B)*].

REASON FOR EXECUTIVE SESSION	STATUTORY CITATION	APPLIES TO (EXPLANATION)
Acquisition of property	1 M.R.S.A. § 405(6)(C)	Real or personal property attached to real property or interests therein if premature disclosure would prejudice competitive or bargaining position of school unit
Appointment of officials/appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Assignment of officials/appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Compensation of officials/appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Condition of property	1 M.R.S.A. § 405(6)(C)	Real or personal property attached to real property or interests therein if premature disclosure would prejudice competitive or bargaining position of school unit

Prepared for Maine School Management Association by Drummond Woodsum & MacMahon, July 12, 2004.

Note: This summary is subject to modification as the result of legislative changes. In specific cases, the text of the actual statute should always be reviewed.

REASON FOR EXECUTIVE SESSION	STATUTORY CITATION	APPLIES TO (EXPLANATION)
Demotion of officials/ appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Disciplining of officials/ appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Dismissal of officials/ appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Disposition of property	1 M.R.S.A. § 405(6)(C)	Publicly held property only if premature disclosure would prejudice competitive or bargaining position of school unit
Duties of officials/ appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Economic development	1 M.R.S.A. § 405(6)(C)	Discussion generally only if premature disclosure would prejudice competitive or bargaining position of school unit
Employment of officials/ appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Evaluation of officials/ appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy

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<b>REASON FOR EXECUTIVE SESSION</b>	<b>STATUTORY CITATION</b>	<b>APPLIES TO (EXPLANATION)</b>
Expulsion of students	1 M.R.S.A. § 405(6)(B)	Public school students or students at private schools where tuition is paid with public funds
Hearing of charges against a person or persons	1 M.R.S.A. § 405(6)(A)	Public officials, appointees, employees or other persons if public discussion could damage reputation or violate right to privacy
Hearing of complaints against a person or persons	1 M.R.S.A. § 405(6)(A)	Public officials, appointees, employees, or other persons if public discussion could damage reputation or violate right to privacy
Information in confidential records; discussion or review of <sup>1</sup>	1 M.R.S.A. § 405(6)(F)	Records made, maintained or received by school unit to which public access is prohibited by statute or regulation
Investigation of charges against a person or persons	1 M.R.S.A. § 405(6)(A)	Public officials, appointees employees or other persons if public discussion could damage reputation or violate right to privacy
Investigation of complaints against a person or persons	1 M.R.S.A. § 405(6)(A)	Public officials, appointees, employees or other persons if public discussion could damage reputation or violate right to privacy
Labor contract discussions [parties must be named]	1 M.R.S.A. § 405(6)(D)	Public employer and its negotiators
Labor contract meetings [parties must be named]	1 M.R.S.A. § 405(6)(D)	Public employer and its negotiators
Labor contract negotiations	1 M.R.S.A. § 405(6)(D)	Negotiations if parties have not agreed to open sessions

<sup>1</sup> See Confidential Records Chart, Appendix B.

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REASON FOR EXECUTIVE SESSION	STATUTORY CITATION	APPLIES TO (EXPLANATION)
Labor contract proposal discussions [parties must be named]	1 M.R.S.A. § 405(6)(D)	Public employer and its negotiators
Legal rights and duties of school unit; discussion of	1 M.R.S.A. § 405(6)(E)	Consultations between school unit and its attorney
Litigation, pending or contemplated; discussion of	1 M.R.S.A. § 405(6)(E)	Consultations between school unit and its attorney
Matters where duties of legal counsel to client under code of professional responsibility conflict with statute or where premature disclosure would disadvantage school unit; discussion of	1 M.R.S.A. § 405(6)(E)	Consultations between school unit and its attorney
Negotiations between Public Employer and Public Employees	1 M.R.S.A. § 405(D)	Labor negotiations if parties have not agreed to open sessions
Nonrenewal of teachers	20-A M.R.S.A. § 13201	Public school teachers
Promotion of officials/appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Resignation of officials/appointees/employees	1 M.R.S.A. § 405(6)(A)	Public officials, appointees or employees if public discussion could damage reputation or violate right to privacy
Settlement offers	1 M.R.S.A. § 405(6)(E)	Consultations between school unit and its attorney
Suspension of students	1 M.R.S.A. § 405(6)(B)	Public school students or students at private schools where tuition is paid with public funds

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<b>REASON FOR EXECUTIVE SESSION</b>	<b>STATUTORY CITATION</b>	<b>APPLIES TO (EXPLANATION)</b>
Use of property	1 M.R.S.A. § 405(6)(C)	Real or personal property attached to real property or interests therein if premature disclosure would prejudice competitive or bargaining position of school unit

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