

PELHAM SCHOOL DISTRICT POLICY

BEDG – MINUTES

Category: Recommended

Under RSA 91-A, the School Board, and each of the School Board's committees (irrespective of whether standing or ad hoc, and irrespective of whether deemed a sub-committee or an advisory committees) is required to keep minutes for every "meeting" as defined under 91-A:2, I. As used below, "Board" shall mean and include the District School Board, and each such Board committee.

Required Content of Minutes

The Board will keep a record of the actions taken at Board meetings in the form of minutes. At a minimum, all minutes, public and non-public, shall include:

- 1) the names of members participating,
- 2) persons appearing before the School Board (any persons other than board members who address the board or speak at the meeting;
- 3) a brief description of each subject matter discussed;
- 4) identification of each member who made a first or second of any motion;
- 5) a record of all final decisions;
- 6) When a recorded roll call vote on a motion is required by law or called for by the Chair (or other presiding officer), a record of how each Board member voted on the motion; and
- 7) In the event that a Board member objects to the subject matter discussed by the Board, if the Board continues the discussion above the member's objection, and upon the request of the objecting member, then - and irrespective of whether the objection/discussion occurred in public or non-public session - the public minutes shall also reflect (i) the objecting member's name, (ii) a statement that the member objected, and (iii) a "reference to the provision of RSA 91-A:3, II that was the basis for the discussion." (See RSA 91-A:2, II-a.).

Approval and Access to Minutes

Copies of the draft minutes of a meeting will be sent to the members of the Board before the meeting at which they are to be approved. The preceding sentence, however, shall not apply to minutes of non-public sessions when the Board has sealed such minutes by a recorded roll call vote taken in a public session with 2/3 of the board members present supporting the motion. Drafts of non-public minutes will be provided to the Board either at the conclusion of the non-public session and may be approved at the time - prior to any vote to seal, or if sealed, provided to the Board at the meeting at which they are to be approved.

Draft minutes of all public meetings, clearly marked as drafts or "unapproved", will be made available for public inspection upon request no later than five (5) business days after each public session. Minutes for non-public sessions shall be kept as a separate document. Draft minutes for all non-public sessions, will be made available for public inspection within seventy-two (72)

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hours after the non-public session, unless sealed in accordance with the statutory procedure described in the preceding paragraph.

Notes and other materials used in the preparation of the minutes must be retained until the minutes are approved or finalized, and shall likewise be available for inspection during that period.

All minutes, including draft minutes, will be kept in accordance with RSA 91-A:2 and RSA 91-A:3 and will be in the custody of the Superintendent. Requests for access to minutes shall be processed in accordance with Board Policy EH and administrative procedures EH-R.

Approved minutes, except those non-public session minutes which are sealed, shall be consistently posted on the District's website in a reasonably accessible location or the web site shall contain a notice describing where the minutes may be reviewed and copies requested. Draft minutes will be available for inspection at the District's administrative office.

Special Provisions for Minutes Relating to Non-Public Sessions

For any public meeting that includes a non-public session, additional information is required both for the public meeting minutes, and for minutes specific to the non-public session, regardless of whether the non-public minutes are “sealed”.

Information Regarding Non-Public Session Included in Public Minutes

The public minutes of the meeting at which the non-public session occurs must include the statutory reason given in the motion as the foundation for each non-public session, as well as a roll call record of how each Board member voted on the motion to enter. Public minutes must also reflect any motion to seal, along with the statutory reason permitting the sealing, and record how each member voted on the motion to seal.

Sealing Non-Public Minutes

Sealed minutes shall be reviewed periodically and unsealed by majority vote of the Board if the circumstances justifying sealing the minutes no longer apply. The Superintendent shall identify and bring to the Board's attention minutes which have been sealed because disclosure would render the proposed action ineffective where the action has been completed and the minutes no longer need to be sealed. The Superintendent will also identify any other sealed minutes where the justification for sealing no longer applies due to the passage of time. Generally, non-public session minutes are sealed because divulgence of the information would likely adversely affect the reputation of a person other than a member of the School Board, and will remain sealed.

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Sealed Minutes List

In order to comply with RSA 91-A:3, III, the Superintendent is directed to maintain a list of all sealed minutes for non-public sessions occurring after July 1, 2021. Items marked with an * are specifically required under RSA 91-A:3, III. The remaining items on the list are recommended to help assure compliance. The list (referred to as the “Sealed Minutes List”) shall include:

- the name of the public body (e.g., School Board, Policy Committee, etc.); *
- the date, * time * and location of the public meeting (from meeting notice);
- the start and end times * of the non-public session;
- the specific grounds upon which the non-public session occurred (e.g., RSA 91-A:3, II (b) and (c), etc.); *
- the specific grounds upon which the minutes were sealed (e.g., “disclosure would render the action ineffective” or “disclosure would likely adversely affect the reputation of a non-board member,” etc.);
- the date the vote to seal the minutes occurred; *
- the date, if any stated in the original motion or subsequently, on which the sealed minutes will be unsealed; the motion to seal should,4 [delete fn.] when possible, state the date the minutes should be unsealed or at least reviewed by the Board or other public body; and
- the date, if any, of a subsequent decision to unseal the minutes.

Reviewing and Unsealing Previously Sealed Minutes

The Board will review previously sealed non-public minutes within ten years of the date the minutes were first sealed, or within ten years of the last time those minutes were last reviewed by the Board. The minutes shall be unsealed by majority vote of the Board if the circumstances justifying sealing the minutes no longer apply. Minutes which are not reviewed after 10 years will be automatically unsealed. Although discussion of whether to unseal such minutes should occur in non-public session pursuant to RSA 91-A:3, II (m), any vote to unseal must occur in public session.

District Policy History:

Adopted: July, 1998

Revised: November, 1999; April, 2006; February 2021

Revised: February 21, 2024

Legal References:

RSA 189:29-a Records Retention and Disposition

RSA 91-A:2 Meetings Open to Public

RSA 91-A:3 Non-Public Sessions

RSA 91-A:4 Minutes and Records Available for Public Inspection