(COOP) Meeting Minutes

Priority/ Required by law

BEDG

MEETING MINUTES

A. **Minutes Required.**

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 committee) 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.

The Board will appoint a recording secretary to prepare the minutes of each meeting. Should the person so appointed be absent from all or part of a meeting (e.g., non-public session), the Chair, subject to being overruled by the Board, shall appoint a person to take the minutes.

In addition to “minutes” as described below, a more comprehensive “record” and/or “decision” may be required in the event of a “hearing” regarding individual rights/claims (e.g., teacher non-renewal, student expulsion, manifest educational hardship, etc.). In such instances, the Board and/or Superintendent should consult with counsel to assure that any statutory or regulatory requirements are satisfied.

B. **Required Content of Minutes.**

At a minimum, all minutes, including minutes of non-public sessions, must include:

1. the names of members participating;

2. persons appearing before or addressing the School Board (members of the public who do not address the board, and are there as attendees only, do not need to be identified);

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 or 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;

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 objection and discussion." (See RSA 91-A:2, II-a.);

8. the name of the person who produced or prepared the minutes (i.e., minute taker/recording clerk); and

9. the start and end times of the meeting.

NOTE: *See Section D below for additional content requirements for minutes of any meeting at which the Board enters a non-public session.*

C. **Approval and Access to Minutes.**

Approval and availability of minutes will depend in part on whether the minutes are of a public or non-public session, and as to non-public minutes, whether they are sealed or not. “Approved minutes” refers to the final version of minutes approved by vote of the Board. “Draft minutes” refers to minutes that have not been formally approved by the Board. “Sealed minutes” refers to minutes from a non-public session and which the Board has determined should not be disclosed pursuant to RSA 91-A:3, III and as discussed in Section D, and paragraph C5, below.

1. Location and Retention of Minutes. In accordance with Board policy EH, and N.H. Dept. of Education rule Ed 302.02 (j), all minutes will be kept at the office of the Superintendent. Minutes for non-public sessions that have not been sealed shall be kept in the same location and indexed in the same manner as for public minutes.

2. Access to Approved & Unsealed Minutes. Approved and unsealed minutes shall be available for inspection by the public during the

normal business hours of the SAU office, and in accordance with RSA 91-A:2 through 91-A:4 (subject to the exemptions stated in RSA 91-A:5), and Board policy EH. Requests for access to minutes shall be processed in accordance with District administrative procedures EH-R.

Additionally, all approved and unsealed minutes shall be posted in a consistent and reasonably accessible location on the District's web site, or the web site shall contain a notice describing where the minutes may be reviewed and copies requested.

3. Access to Draft Minutes and Minute Preparation Materials. "Draft" or "unapproved" minutes that have not been sealed will be available for inspection upon request at the SAU office during normal business hours. Drafts for public sessions must be available within 5 business days of the meeting, while drafts of non-public session minutes that have not been sealed by the Board must be available within 72 hours (3 calendar days) of the meeting.

   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.

4. Approval of All Minutes Other Than Sealed. Draft public minutes and non-public minutes that were not sealed will be circulated to the members of the Board before the meeting at which they are to be approved. Board members may send suggested changes back to the minute recorder **without copying the other members.**
   Changes made by the Board to draft minutes shall be recorded either by (i) retaining the draft with the final approved minutes , (ii)including notations (e.g., "redline" edits) in the final approved minutes, or (iii) outlined/described in the minutes of the meeting at which the Board approved.

5. Approval of Sealed Non-Public Minutes of Non-Public Sessions. Unless previously sealed by the Board, draft minutes for all non-public sessions will be made available for public inspection within seventy-two (72) hours after the non-public session.

   Drafts of non-public minutes will be provided to the Board, either (i) at the conclusion of the non-public session and may be approved at the time, prior to any vote to seal, or (ii) if sealed, provided to Board at the meeting, if any, at which they are to be approved. If copies of draft, sealed minutes are provided to Board members for the

purpose of review and/or approval, the copies shall be recovered by the Chair or recording clerk and destroyed. Only the official record copy may be retained, with a list maintained for sealed non-public minutes as described in Section D, below.

D. **Special Provisions for Minutes Relating to Non-Public Sessions.**

For any public meeting that includes a non-public session, additional information beyond that discussed in paragraphs B.1-9, is required both for the public meeting minutes, and for minutes specific to the non-public session, irrespective of whether the non-public minutes are "sealed" (see discussion in Paragraph D.2, below).

1. 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 (see D.2, below), and record how each member voted on the motion to seal.

2. Sealing Non-Public Minutes.

    a. As used in this policy, "sealed" minutes in reference to minutes of non-public sessions, means that the Board determined by 2/3 majority vote in public session that "divulgence of the information" (i.e., information in the minutes of the non-public session):

        i. Would affect adversely the reputation of a person other than a Board member;

        ii. Would render ineffective the action/proposed action taken in non-public session; or

        iii. Pertains to matters relating the preparation for and carrying out of all emergency functions intended to thwart a deliberate act intended to result in widespread or severe damage to property or widespread injury or loss of life (i.e., terrorism).

b. A motion to seal, if any, should be the first item of public business after the Board exits the non-public session, and must state one of the three grounds above allowing sealing.

c. If the minutes are not prepared/approved during the non-public sessions itself, the Board should discuss the content of the minutes prior to exiting so that any vote to seal will be an informed vote.

d. When making or voting upon a motion to seal, the movant/Board should consider and state the duration that minutes be sealed based upon the grounds supporting the sealing. This can be done either by stating a date they sealed until, or a date by which the Board might review the minutes' status. For instance, minutes sealed because divulgence of the information would likely affect adversely the reputation of a person other than a member of the Board might be remain sealed permanently, while minutes sealed because disclosure would "render the action ineffective" should be sealed only for as long as that reason exists or is anticipated to exist. Pursuant to RSA 91-A:3, III, non-public minutes relating to discussion about lease, purchase or sale of property (91-A:3, II(d)) must be made available "as soon as practicable after the transaction has closed or the Board has decided not to proceed with the transaction."

3. Minutes of the Non-Public Session Itself. In addition to the information included in all minutes as described in paragraphs B.1-9, above, minutes of the non-public session must include "all actions" and decisions (i.e., votes, including negative votes) taken by the Board, with a record of how each member voted. If the Board does not "seal" the minutes of the non-public session, then such information must be disclosed to the public within 72 hours of the close of the meeting.

4. 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. The list (referred to as the "Sealed Minutes List") shall include:

   a. the name of the public body (e.g., School Board, Policy Committee, etc.);
   b. the date, time and location of the public meeting (from meeting notice);

c. the start and end times of the non-public session;

d. the specific grounds upon which the non-public session occurred (e.g., RSA 91-A:3, II (b) and (c), etc.);

e. 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.);

f. the date the vote to seal the minutes occurred;

g. the date, if any stated in the original motion or subsequently, on which the sealed minutes will be unsealed; the motion to seal should,when possible, state the date the minutes should be unsealed or at least reviewed by the Board or other public body; and

h. the date, if any, of a subsequent decision to unseal the minutes.

The Sealed Minutes List shall be updated each time the public body seals non-public minutes, and the updated List shall be made available as soon as practicable for public disclosure.

5. Reviewing and Unsealing Previously Sealed Minutes. Pursuant to RSA 91-A:3, IV, starting on October 3, 2023, sealed minutes must either be reviewed within each ten year period or unsealed no later than expiration of ten years following the date they were sealed or last reviewed. The Board will review previously sealed minutes within the ten year period and those sealed minutes shall be unsealed by majority vote of the Board if the circumstances justifying sealing the minutes no longer apply. The Superintendent or Board Chair or their designee 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 or Board Chair or their designee 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 sealed because divulgence of the information would likely affect adversely the reputation of a person other than a member of the School Board, will remain sealed.

Legal References:

RSA 91-A:2 II, Public Records and Meetings: Meetings Open to Public
RSA 91-A:2, II-a,
RSA 91-A:3 III, Public Records and Meetings: Non-Public Sessions
RSA 91-A: 4 I, Public Records and Meetings: Minutes and Records available for Public Inspection

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