CSD File: BEDG

CANDIA SCHOOL DISTRICT
MINUTES

The Board will keep a record of the actions taken at Board meetings in the form of minutes. Minutes shall include the names of members participating, persons appearing before the School Board, a brief description of each subject matter discussed, and a record of all final decisions. All motions and seconds must be recorded as well. When a recorded roll call vote on a motion is required by law or called for by the Chair, the minutes will record how each board member voted on the motion.

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, including the Board's Recording Secretary (Board recording secretary required language)

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) start and end times of the meeting

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. Amendments to the minutes may be made at the meeting at which they are to be approved.

All 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. Draft minutes of all public meetings, clearly marked as drafts, will be made available for public inspection 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, unless sealed by a recorded roll call vote taken in public session with 2/3 of the board members present supporting the motion, will be made available for public inspection within seventy-two (72) hours after the non-public session.

Approved minutes, except those non-public session minutes and those which are sealed, shall be consistently posted on the District's web site 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.

Sealing Non-Public Minutes.

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):

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

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

c. Pertains to matters relating to 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).

- 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.

- 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.

- When making or voting upon a motion to seal, the Board member who made the motion 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 are 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 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."

Minutes of the Non-Public Session Itself. In addition to the information included in all minutes as described in paragraphs B.1-7, 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.

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 as soon as practicable for public disclosure.

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 the expiration of ten years following the date they were sealed or last reviewed. Minutes sealed prior to October 3, 2023 must be reviewed and/or unsealed by October 3, 2033.

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.

Legal References:
RSA 91-A:2 II-a, RSA 91-A:3 III Public Records and Meetings: Non-Public Sessions and RSA 91-A:4 I Public Records and Meetings: Minutes and Records available for Public Inspection, RSA 189:29-a Records Retention and Disposition

Adopted: October 12, 1999
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