

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 policy EH.

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”
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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- 7, 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 (described in paragraph C.2., above), 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 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).

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.1-7, 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.
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:

*[NOTE: 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.]*

- 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.);

The Board establishes the following procedures pursuant to RSA 91-A:3, IV(a) for reviewing sealed minutes:

- a. Record of Minutes Sealed Prior to October 3, 2023. The Board directs the Superintendent for her/his designee to compile a log of non-public minutes that have been sealed prior to October 3, 2023 ("Record of Minutes Sealed Before 10/3/2023" or "Record") using information from the exterior of the envelopes or other available external notations for the sealed minutes. The preparation of the Record will include minutes that are also included on the Sealed Minutes List kept according to paragraph D, above.

The preparation of the Record shall not include reviewing the sealed minutes themselves. The Record should include as much of the same information for all previously sealed minutes as is required on the Sealed Minutes List (see paragraph D.4, above). The Record of Minutes Sealed Before 10/3/2023 shall be completed no later than January 1, 2025.

Upon completion of the log of previously sealed minutes, the Board will establish a schedule for completing a review of all of the previously sealed minutes no later than June 1, 2033.

- b. Initial Review of Previously and Newly Sealed Minutes. The Chair will designate three (3) board member[s] and one (1) alternate member to serve on the review committee. The reviewing committee will review all sealed non-public minutes according to the schedule established in the Record of Minutes Sealed Before 10/3/23, and for those minutes that are sealed after 10/3/23 according to the review date appearing on the Sealed Minutes List maintained according to paragraph D.

If the Reviewing Committee is a committee of more than one, then the initial review of sealed minutes shall be conducted in non-public session pursuant to RSA 91-A:3, II (m), but only in a duly notice meeting in full compliance with RSA 91-A:2.

In the initial review, the Reviewing Committee will inspect the sealed minutes to determine whether, in the Reviewing Committee's opinion, the reasons (see D.2.A.i-iii, above) that justified keeping the minutes from the public (i.e. sealing) under 91-A:3, III still apply.

If the Reviewing Committee is of the opinion that the reasons initially justifying the sealing of the minutes no longer apply, or if the minutes themselves do not include information upon which the then current board could determine that the minutes should not be disclosed, then the Reviewing Committee will recommend to the Board that the Board unseal those minutes.

If, however, the Reviewing Committee determines that the reasons justifying non-disclosure continue to apply, the Reviewing Committee shall assign a new date – within 9 years and 10 months thereafter- for the sealed minutes to be reviewed next. The Reviewing Designee will assure that the Sealed Minutes List

Nashua Board of Education Policy