

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BEC
School Board Second Read/Adoption: May 4, 2016 Annual Policy Committee Review: April 19, 2017, 4/11/18, 5/6/20, 5/5/21-No Change Annual Policy Committee Review: April 11, 2018 – No Change School Board Annual Review: April 6, 2022 School Board Annual Review: April 5, 2023 School Board Annual Review: March 20, 2024	Page 1 of 2 Category: Recommended

NON-PUBLIC SESSIONS

The Board may meet in non-public session for any purposes set out in RSA 91-A:3. Every non-public session must be preceded by a public meeting even if only for the action to enter non-public session. The public meeting must follow all the requirements of the Right-to-Know law and related policies. Upon a motion properly made and seconded, the vote to enter non-public session will be a recorded roll-call vote made in public session. The motion calling for a non-public session will state the matter(s) to be discussed and will state the statutory exemption(s) for entering non-public session.

Discussion in the non-public session must be limited to the matters and statutory exemptions made in the motion. To discuss any other subject, the Board must go back into public session and make another motion to enter into another non-public session. The minutes of the non-public session must enumerate each and every subject discussed during the non-public session. A vote to approve the minutes of a non-public session affirms that no other subject was discussed for which each Board member is individually accountable.

The Board shall record minutes of all non-public sessions. Non-public session minutes will be made publicly available within 72 hours of the non-public session, unless the Board votes to seal the minutes. The Board may seal minutes of a non-public session only by a two-thirds vote. The Board may only vote to seal minutes of non-public sessions if divulging such information would:

1. Adversely affect the reputation of a person other than a member of the Board;
2. Render a proposed board action ineffective; or
3. Thwart safety considerations pertaining to terrorism or other emergency functions of the Board.

The deliberation to seal minutes must occur in public session, and the motion to seal occurs in public. The motion to seal the minutes must be properly made and seconded and state the exemption allowing the minutes to be sealed and the estimate of how long they will be sealed, such estimate not to be considered a definitive timeline but merely an estimate.

Minutes may not be sealed if the session contained discussion of any subject not covered by the exemption. The minutes if sealed should be organized to address one subject covered by an exemption at a time so that the relevant portions of the minutes may be unsealed independently. If it is expected that the minutes for a non-public session may be sealed, then a separate non-public session should be held for each subject, with a separate public motion to enter.

Sealed non-public minutes may only be reviewed by the Board at a proper non-public meeting. Individual members may not review sealed minutes outside of a Board review. Minutes of all sealed non-public sessions must be reviewed by the Board at least annually to determine whether they should be unsealed.

Board members are prohibited from publicly discussing matters that were properly discussed in non-public session beyond what is reported in the non-public minutes. This prohibition does not apply to subjects not included in the motion entering the non-public session.

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The Superintendent or his/her designated administrator, as well as necessary personnel, may attend all non-public sessions of the Board, except those non-public sessions that pertain to the Superintendent’s employment.

This policy affects public access to the Board and the public’s Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.

Legal References:

- RSA 91-A:3, Non-Public Sessions
- RSA 91-A:4, Minutes and Records Available for Public Inspection
- RSA 42:1-a, Oaths of Town Officers: Manner of Dismissal; Breach of Confidentiality