

**NON-PUBLIC SESSIONS AND MINUTES**

The board reserves the right to enter into non-public session, closed to the public and media, following a majority vote of the members present.

The board's decision to enter non-public session must be included in the minutes of the public session. The board may enter non-public session only after a motion is made, seconded, and voted in the affirmative by a seconded roll call vote. The motion must state one (1) of the six (6) statutory grounds cited under state law.

The six (6) statutory grounds for which a board may enter non-public session are:

- 1) dismissal, promotion, compensation, or disciplining of any public employee; unless that employee has a right to and requests an open meeting;
- 2) hiring of a public employee;
- 3) discussion of matters that are likely to adversely affect the reputation of a person other than a member of the board;
- 4) consideration of the acquisition, sale or lease of real estate or personal property;
- 5) consideration or negotiation of pending legal claims or litigation; and
- 6) consideration of matters relating to the preparation and carrying out of emergency functions.

If the board going into non-public session is relying on other statutory grounds, then a reference to that law should be included in the minutes.

The minutes should explicitly identify each voting member and how the member voted on the motion to enter non-public session. A board member who is participating electronically shall state the reason for their alternate location.

Once in non-public session the board may only deliberate for those purposes and for the specific reason in which the board went into non-public session. The board is entitled to have present in non-public session whomever the board desires. However, administrators are not necessarily entitled to be present in non-public sessions.

Minutes of the non-public session must be kept on the form as designated on BEC-R.



All board members and any person(s) attending a non-public session are duty bound not to disclose any details of the discussion held.

Minutes of the non-public session shall include:

- 1) names of all board members and other person(s) present;
- 2) time and place of the non-public session;
- 3) a brief outline of the matters discussed;
- 4) a brief discussion of all final decisions reached by the board.

When the non-public session is completed, the board will reconvene into public session. The board will vote on any action to be taken in the public session.

Minutes of non-public session must be made publicly available within 72 hours of the meeting, unless the board votes to seal the minutes of the non- public session.

If a motion is made to seal the minutes, a second to the motion must be recorded, and 2/3 of the members present must vote in the affirmative to seal the minutes. A roll call will be made and each individual member's vote will be recorded. Minutes of non-public sessions may be sealed only if divulging such information which:

- 1) adversely affect the reputation of any person(s) other than a board member;
- 2) render a proposed board action ineffective;
- 3) for safety considerations pertaining to terrorism or other emergency functions of the board.

The reason to seal the minutes must be so recorded. Any vote to seal minutes of a non-public session should be taken immediately after reconvening into public session.

The board minutes of non-public sessions that are not sealed are public records and must be publicly disclosed and made available for inspection.

**Legal References:**

RSA 42:1-a, II (a) (b), *Oaths of Town Officers: Manner of Dismissal; Breach of Confidentiality*

RSA 91-A:3 I, II, III, *Access to Governmental Records and Meetings: Non-Public Sessions*

RSA 91-A:4, *Access to Governmental Records and Meetings: Minutes and Records Available for Public Inspection*

Policy BEDB, *Agenda Preparation for School Board Meetings*

Policy BEC-R, *Form for Non-Public Session Minutes*

Adopted 2012

