

CHECKLIST: PUBLIC BOARD MEETINGS AND MINUTES
ACCORDING TO NEW HAMPSHIRE RIGHT-TO-KNOW LAW: RSA Chapter 91-A

Created by S. Hollins for New Board and Board members
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___ Board is aware that public schools including chartered public schools are subject to the Right to Know Law

___ Board has provided training for its officers with meeting & minute responsibilities (Board Chair, Secretary, and Administrator).
Training covers required procedures and potential consequences of non-compliance

[Failure to notify the public properly subjects the agency to possible judicial sanctions, including an order declaring the meeting invalid, an order enjoining agency actions or practices, and an order assessing legal costs and fees. RSA 91 -A:7 and 8. See also Section IV of this memorandum]

___ Board officers & administrator have copies of the Right to Know guideline (free from the Attorney General's office & posted on the AG website: http://doj.nh.gov/publications/right_to_know.html)

___ Board presiding officer(s) know correct procedure for entering non-public session and taking action on non-public session topics;
Board officers know guidelines and have training for non-public session minutes

[A body or agency may exclude the public only if a recorded roll call vote is taken on a motion to go into nonpublic session which states the statutory basis for the nonpublic session.]

___ Board Secretary (and administrator) understand minute requirements for non -public session

[(1) The decision to hold a nonpublic session must be included in the minutes of the open meeting.

(2) Minutes of nonpublic sessions are required. These minutes (including any decisions reached by the body) must be disclosed within 72 hours unless two-thirds of the members present determine that disclosure of the information would:

(a) Likely affect adversely the reputation of any person other than a member of the body or agency itself; or

(b) Render the proposed action ineffective; or

(c) Pertain to terrorism]

___ The Board knows how to count voting members (people in office who are voting and not on leave of absence) and requirements for a quorum for a meeting .

___ The recording Secretary knows how to include the issue of "quorum" and the coming and going of members in meeting minutes

___ Board has one or more governing policies related to quorum and Right to Know Law Board Conduct

___ Board has established a regular meeting time

___ Board has established 2 proper places to meet requirements for meeting notices and someone to make these postings.

[Notice of the time and place of any meeting (including nonpublic sessions) must be posted in two appropriate places 24 hours (excluding Sundays and legal holidays) in advance of the meeting. These should be places where people are likely to see them, such as the location where the checklists or town warrants are posted, or the agency's office lobby or front door and the State House or Town Hall bulletin board]

___ Board notice gives info about business being conducted (often the agenda)

[the notice should so state and generally identify the topics to be addressed in each session, including a brief outline of the agenda for each session is recommended.]

___ Secretary of Clerk for the Board is ready with guidelines for holding an emergency meeting

[may be utilized if the chairman or presiding officer of the public body decides that immediate undelayed action is imperative; Notice shall be made by whatever means are available to inform the public about the meeting. For example, notice may be given over the radio, the body may post notice, and/or may notify by telephone persons known to be interested in the subject matter of the meeting. The nature of the emergency will dictate the type of notice which can be given. In any event, a diligent effort must be made to provide some sort of notice. In the event an emergency meeting is required in an adjudicative proceeding (see d. The minutes of the meeting must clearly spell out the need for the emergency meeting.]

___ Board has a Secretary or Clerk (board or other) to take minutes

___ Guidelines for Minutes are followed:

[Minutes must be recorded and must include:

(1) the names of the members present

(2) the names of persons appearing before the body

(3) a brief description of each subject discussed

(4) a description of all final decisions made, including all decisions to meet in nonpublic session. "Final decisions" include actions on all motions made, even if the motion fails. A clear description of the motion, the person making the motion and the person seconding the motion should also be included.

Minutes are a permanent part of the body's records and must be recorded and open to public inspection within 144 hours of the meeting.2 RSA 91 -A:2, II.

THERE ARE NO EXCEPTIONS TO THE MINUTE REQUIREMENTS FOR OPEN MEETINGS.

For additional information, we recommend the website for the New Hampshire Attorney General where the law, case law decisions, and an implementation guide can be found.]

This guidelines is provided by the New Hampshire Center for School Reform, Charter School Resource Center, www.nhschoolreform.org. Compliance training sessions, including active role-playing to demonstrate procedures for meeting governance are available for boards and school officials. info@nhschoolreform.org