

**AUBURN SCHOOL DISTRICT
NON-PUBLIC SESSIONS**

The School Board reserves the right to sit in non-public session closed to the public and media when a majority of the members present and voting so vote (recorded roll call vote required). As required by law, the motion calling for a non-public session will indicate the matters to be discussed and the statutory exception stated.

The Board may entertain a motion to hold a non-public session only for those deliberations or for those purposes which the law recognizes.

RSA 91-A3 I and II.

- I. a. Bodies or agencies shall not meet in non-public session, except for one of the purposes set out in Paragraph II. No session at which evidence, information or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No body or agency may enter non-public session, except pursuant to a motion properly made and seconded.
- b. Any motion to enter non-public session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the non-public session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.
- c. All discussions held and decisions made during non-public session shall be confined to the matters set out in the motion.
- II. Only the following matters shall be considered or acted upon in nonpublic session:
 - a. The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him/her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.
 - b. The hiring of any person as a public employee.
 - c. Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.
 - d. Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
 - e. Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.

- f. Consideration of applications by the adult parole board under RSA 651-A.
- g. Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county correctional facilities by county correctional superintendents or their designee.
- h. Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.
- i. Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- j. Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA-541 or RSA 541-A.

- k. Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between the school boards, or committees thereof, involved in the negotiations. A contract negotiated by a school board shall be made public prior to its consideration for approval by a school district, together with minutes of all meetings held in nonpublic session, any proposals or records related to the contract, and any proposal or record involving a school district that did not become a party to the contract, shall be made public. Approval of a contract by a school district shall occur only at a meeting open to the public at which, or after which, the public has had an opportunity to participate.

No official, final action may be taken by the Board at a non-public session except as allowed by RSA 91-A:3. In order to act upon most items considered at a non-public session, the Board will reconvene in open session.

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 will 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.

Board members and any persons attending a non-public session are duty-bound not to disclose any details of the discussion held.

The Superintendent or his/her designated representative may attend all non-public sessions except those which pertain to the Superintendent's employment.

NOTE: Due to yearly changes in the Right-to-Know Law, frequent review of current language is advised.

Adopted: November 18, 1992
Adopted: October 12, 1999
Revised: May 12, 2011
Revised: June 14, 2016

Legal References:

RSA 91-A:3
RSA 91-A:4
RSA 42:1-a