



New Hampshire School Boards Association
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Synopsis of the Right to Know Law

I. Meetings Open to the Public, RSA 91-A:2

Definition of "Meeting"

- A "meeting" means:
 1. the convening of a quorum of the membership of a public body,
 2. whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously,
 3. for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.
 4. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters.
 5. "Meeting" shall also not include:
 - (a) Strategy or negotiations with respect to collective bargaining;
 - (b) Consultation with legal counsel;

- Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public.
- Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot.

Notice of Meetings

- Notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings.

Emergency Meetings

- An “emergency” shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body.
- Notice of the time and place of an emergency meeting shall be posted “as soon as practicable”
- The Board shall employ whatever further means are reasonably available to inform the public that a meeting is to be held.
- The minutes of the meeting shall clearly spell out the need for the emergency meeting.

Electronic Participation By Board Members

- A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication, subject to the following provisions:
 - (1) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical.
 - (2) Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.
 - (3) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting.
 - (4) For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action.
 - (5) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting.
 - (6) Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location.
 - (7) Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.
 - (8) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements relating to public meetings, and shall not circumvent the spirit and purpose of the Right to Know Law.
 - (9) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

II. Communications Outside of Meetings, RSA 91-A:2-a

- Unless exempted from the definition of "meeting" under RSA 91-A:2, I, public bodies shall deliberate on matters over which they have supervision, control, jurisdiction, or advisory power only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III.
- Communications outside a meeting, including, but not limited to, sequential communications among members of a public body, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

III. Minutes and Records Available for Public Inspection, RSA 91-A:4

- Every citizen has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5.
- After the completion of a meeting of a public body, every citizen, has the right to inspect all notes, materials, tapes, or other sources used for compiling the minutes of such meetings, and to make memoranda or abstracts or to copy such notes, materials, tapes, or sources inspected.
- Each public body shall make available for inspection and copying any governmental record within its files when such records are immediately available for such release.
- If a public body is unable to make a governmental record available for immediate inspection and copying, it shall, within 5 business days of request: (1) make such record available; (2) deny the request in writing with reasons; (3) or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied.
- The person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.