

The Right to Know Law establishes a person's right of access to meetings and records of the School Board. School Board Members shall not use electronic mail (electronic communication) to circumvent the Right to Know Law.

Electronic communication should be carefully limited to avoid creating an inadvertent meeting, albeit one where there is a failure to have a physical quorum at a noticed meeting place. Simultaneous electronic communication sent to a quorum of the School Board by a member discussing, proposing action on, or announcing how one will vote on a matter within the jurisdiction of the School Board would constitute an improper meeting. Sequential electronic communications among members of the School Board similarly should not be used to circumvent the public meeting requirement.

Electronic communication discussions, deliberations and votes on matters over which the Board has supervision, control, jurisdiction or advisory power shall not take place via electronic communication, if such an electronic communication were to occur, the electronic communication shall be considered a public document and forwarded to the SAU Offices for retention and appropriate public access under the Right to Know Law. Strategy or negotiations with respect to collective bargaining and consultation with legal counsel are exempt from these retention and disclosure requirements.

Legal References:

RSA 91-A The Right to Know Law

Attorney General's Memorandum on New Hampshire's Right to Know Law, July 15, 2009