

AMHERST, MONT VERNON, SOUHEGAN, and SAU39 POLICY

EH - PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS

*Related Policies: BEDG, EHB & JRA
Related Administrative Procedures: EH-R & EHB-R*

The Superintendent is hereby designated the custodian of all “District records,” which term shall have the same meaning as “governmental records” as that term is defined in the state’s Right to Know law, RSA 91-A:1-a. Without limiting that meaning, District records shall include board or board committee minutes, documents, writings, letters, memoranda, e-mails, images, or other information of any kind kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.).

1. All requests, in accordance with RSA 91-A:4, are to be forwarded to the Superintendent, or designee, immediately upon receipt. If the requested governmental records exist, are properly disclosed to the public, and are readily available, the requested records shall be promptly made available for inspection or, if requested, copies provided. No fee shall be charged to inspect governmental records. A fee may be charged for copies that reflects the actual cost of making a paper copy or the actual cost of the electronic media onto which a copy is placed for delivery.
2. If the existence or location of the requested governmental records, in accordance with RSA 91-A:4, is uncertain, if a determination needs to be made as to whether some or all of the requested records are confidential or exempt from disclosure, if legal advice is needed regarding the request, or if redacted copies must be prepared to provide the properly disclosed records while preserving the confidentiality of information which is not properly disclosed, the Superintendent, or designee, will within five (5) business days of the request respond to the requestor in writing acknowledging receipt of the request and providing a statement of the time reasonably necessary to determine whether the request shall be granted or denied.
3. The Superintendent, or designee, may contact the person making the request, if the request is unclear or will be time consuming and onerous to fulfill, to determine if the person will clarify the request or agree to narrow the request. Any clarification or narrowing of the request shall be documented in writing and a copy provided to the person making the request.
4. In accordance with RSA 91-A:4, if the Superintendent, or designee, finds the requested governmental records exist and to be public in nature, they shall notify the person making the request and make the records or a copy of the records available for inspection. If requested, copies will be provided at cost. If the requested governmental records, in accordance with RSA 91-A:4 do not exist, the party requesting the information will be informed in writing that the requested governmental records do not exist.
5. If the Superintendent, or designee, finds the information not to be public in nature, they shall inform the requesting party in writing that the governmental records requested are not a public record and cannot legally be disclosed.
6. If the Superintendent, or designee, is unable to ascertain whether or not the information requested is public in nature, or whether the Right-to-Know law requires preparation of a copy of the governmental record that discloses public information while redacting confidential information/information exempt from disclosure, they are hereby authorized to request, on behalf of the Board, an opinion from the Board’s attorney as to the nature of the information. Such opinion requests will be made promptly following the request for the information. The Superintendent, or designee, shall notify the person

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making the request in writing that additional time will be needed to determine if the request will be granted or denied. Upon receipt of an opinion from legal counsel, the Superintendent, or designee, will promptly notify the person making the request of the outcome of the determination and where legally appropriate make the records available for inspection or copying.

All District records shall be retained, deleted or destroyed in accordance with Board policy EHB, and Administrative Procedures EHB-R. Minutes of school board meetings, and materials used to prepare the same, shall also be made available in accordance with Board policy BEDG.

The Superintendent, or designee, is authorized to contact the District's attorney for any matter related to requests for public records and/or the development of the written procedures required under this policy.

Legal References:

RSA 91-A, New Hampshire Right To Know Law

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

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Category: Recommended

Souhegan:

Adopted: 01/10/2008

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