Concord School District
Board of Education
Communications and Policy Committee

Date: May 22, 2019

Committee members present: Jennifer Patterson, Chair; Tom Croteau, Nancy Kane, Chuck Crush

Other Board members present: Barb Higgins, Liza Poinier, Jim Richards

Administration: Terri Forsten, Superintendent; Donna Palley, Assistant Superintendent

Jennifer Patterson called the meeting to order at 5:47 pm. The agenda included the review of several policies, including a new policy on the administration of federal grant funds. She noted that the committee would recess into non-public session at the end of the meeting to consider a school assignment request under Policy 517 Manifest Educational Hardship.

She stated that the Board held a non-public meeting on May 21 about concerns related to the April 2019 arrest of a Concord High School teacher, noting that reasonable questions about the matter had arisen from both the public and Board members. She said that while the Board takes very seriously its responsibility to conduct its business transparently, there are a number of situations about which the Board cannot share certain information. She said that, while she is a champion of NH RSA 91-A, New Hampshire’s “Right to Know” law, it also requires the Board to honor certain exceptions. For example, personnel matters are exempted from disclosure, and all persons’ due process rights are inviolable. She said it was important, too, that the Board not take any step that might impede or interfere with a criminal investigation. Finally, she noted that very strong state and federal laws are in place to protect student privacy. These legal provisions constrain even the information that Board members can receive. Were a personnel action to be taken, an appeal could be brought to the Board, and previous knowledge might constrain the Board’s response.

She said that the Board does want to hear questions from the public but may not be able to answer them. She next suggested several positive steps the Board and the community could take going forward. These included: making sure strong policies consistent with the law are in place, as significant changes in sexual harassment and related laws have recently been made; working with the Superintendent to ensure the District is offering training and education in these areas, so that everyone understands that the policies are
in place and how to interpret them; continuing the Board conversation about both internal and external clear and timely communication.

The committee then discussed a new, required policy on administration of federal grant funds. Superintendent Forsten stated that these regulations were created at the federal level. The District received notice from its auditors that these policies were not in place. Previously, the Superintendent has signed an annual statement about distribution of funds and its adherence to the entitlement regulations of federal grants. She noted that the Board has until June to have these policies adopted.

Superintendent Forsten noted that the sample offered by the auditors was a very long document, and suggested breaking it into a number of smaller related policies. Ms. Patterson noted that the Board's fiscal policies are in section 300 of the policy manual, and suggested numbering these new policies from 390-399. She suggested the Committee recommend that the Board adopt the policies as a whole, as they are mandatory, and consider any modifications at a later time. Because these are urgent and required policies, she would consider a motion at the Board meeting to waive a first reading in order to get them adopted.

It was decided to modify the language of the first paragraph and add it to each smaller policy, as stated:

*Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this policy, and any administrative procedures adopted implementing this policy.*

Ms. Patterson noted that one policy break-out is very short and suggested combining it with another. Superintendent Forsten will review this before the June Board meeting.

The committee voted 4-0 to recommend that the set of policies which shall constitute all the components of the required policy for administration of federal grants funds, as presented, be adopted by the full Board at its June meeting (motioned by Ms. Patterson, seconded by Chuck Crush).

The Committee then reviewed the Board’s two policies and procedures connected to sexual harassment, Policy #414 (for staff) and Policy #521 (for students). The last page of Policy #414 includes the reporting form. The legal references from each policy (Ed 303, Ed 306, and RSA 354-A) were also presented.

Superintendent noted that prior to 2018, the Board did not have a policy specific to students. In March 2018, the Board revised Policy #414. She said she was not aware of any changes to the law recently, and NHSBA has not made a revision to its model policies on this issue since 2017.

Barb Higgins suggested that it should be crystal clear which policy applies to students.
Ms. Patterson noted that Policy #414, which also applies to third parties, is much broader than Policy #521 Students.

Nancy Kane asked whether Policy #521 is included in student handbooks; Superintendent Forsten showed where on the District website this was kept.

Chuck Crush asked whether an outside consultant has ever reviewed Board policies. Ms. Patterson explained that the Committee’s charge is to carefully consider and update Board policies, referring to the New Hampshire School Board Association and occasionally its own legal counsel for legal research.

Jim Richards asked whether and when students and teachers are told to read the handbook. Superintendent Forsten said she will check with the CHS Principal on that.

Mr. Crush said the Board must differentiate between sexual harassment and child abuse (Policy #432 Child Abuse and Neglect). Ms. Higgins suggested the child abuse policy should be more specific than it is. Ms. Patterson noted that it would be useful to review how the policies interplay with one another. Mr. Crush suggested that the Committee include the child abuse policy in a future discussion. Superintendent Forsten suggested the Committee could review these three policies at a summer meeting.

Tom Croteau suggested adding student-friendly text to the student handbook encouraging students to feel comfortable about coming forward. He would like to make reporting less stressful.

Ms. Kane suggested focusing Nancy on Rundlett Middle School, as the culture of respect is established there.

Ms. Patterson opened the floor to public comment.

There was no public comment.

Manifest Educational Hardship situation

Ms. Patterson motioned to move into non-public session at 6:55 p.m. under RSA 91-A:3 II (c) that states, in part: “… Matters which, if discussed in public, would likely affect adversely the reputation of any person …”

The Committee by roll call voted 4-0 to move into non-public session at 6:55 p.m. under RSA 91-A:3 II (c) (motioned by Ms. Patterson, seconded by Mr. Croteau) to discuss a personnel issue.

The committee recessed into non-public session.

Ms. Patterson moved to come out of non-public session at 7:15 p.m.

The Committee by roll call voted 4-0 to come out of non-public session at 7:15 p.m. (motioned by Ms. Patterson, seconded by Ms. Kane).

The Committee came out of non-public session at 7:16 p.m.
Committee members voted 4-0 to adjourn (motioned by Ms. Patterson, seconded by Mr. Crush).

The meeting adjourned at 7:16 p.m.

Respectfully submitted,

Jennifer Patterson, Chair
Linden Jackett, Recorder