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XIV. ADJOURNMENT
# 2017-2018

## Distinguished Educators

<table>
<thead>
<tr>
<th>Name</th>
<th>School</th>
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<tbody>
<tr>
<td>Nathan Shartar-Howe</td>
<td>Abbot-Downing School</td>
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<td>Kathy Donovan</td>
<td>Beaver Meadow School</td>
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<tr>
<td>Liz Finney</td>
<td>Broken Ground School</td>
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<tr>
<td>Victoria Hopkins</td>
<td>Rundlett Middle School</td>
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<tr>
<td>Justin Bourque</td>
<td>Concord High School</td>
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<tr>
<td>Andy Briers</td>
<td>Concord High School</td>
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<tr>
<td>Kristina Peare</td>
<td>Concord High School</td>
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Agenda Item 1. Call to Order

Board President Jennifer Patterson called the meeting to order at 7:04 p.m.

Agenda Item 2. Approval of Agenda

The Board voted 8-0 (Nathan Fennessy abstained) to approve the agenda with several modifications: adding a facilities request and a non-public session regarding a personnel matter under Item VI. and replacing VII. (g) Hiring Process, with Leave of Absence (motioned by Ms. Patterson, seconded by Jim Richards).

The Board voted 9-0 to reconsider previous vote (motioned by Nathan Fennessy, seconded by Tom Croteau).

The Board voted 9-0 to approve the agenda with several modifications: adding a facilities request and a non-public session regarding a personnel matter under Item VI., replacing VII. (g) Hiring Process, with Leave of Absence, and approval of CEOPA contract under Item VIII. Negotiations (motioned by Mr. Fennessy, seconded by Mr. Richards).

Agenda Item 3. Presentations

Champions for Children

Abbot-Downing School – In 1995 while on Jeff Ginn’s day off, representatives from the Junior Achievement program stopped by Aubuchon Hardware in Concord looking for volunteers to do lessons with the children in the schools. Two employees volunteered him and throughout the following days nudged and convinced him to say yes. After his first lesson he commented, “I was hooked right off the bat.” He has worked in
grades 2, 3 and 4 at Rumford and Conant, and now ADS. Jeff arrives early, sits in the amphitheater and studies the lesson he will present to the children. Once he walks into the classroom, the lesson has become his own. Watching him work with children is magical – he is a natural storyteller and teacher, and the children are mesmerized by him. Jeff’s style of teaching has been shaped by his childhood experience of watching his father train race horses; he learned respect, understanding, and always finding the “good” side of any situation from him. Jeff focuses on the individual student, respecting and encouraging their contribution, and making each child feel valued. He moves around the room throughout his lessons and kneels down eye-to-eye with a child who is sharing. He leans in and speaks softly, acknowledging what that child has to contribute to the lesson. Jeff is also a supporter of youth-focused community groups including the YMCA, the Boys & Girls Club and the City Audi. Director Clint Klose of the CHS Theatre Program shared this:

For any theatre program to survive and exist, local business heroes must step up. One such hero is Mr. Jeffrey Ginn. The CHS Drama Club and Aubuchon Hardware have partnered together in such a business/school collaborative. It is solely through Jeff’s vision and passion that he and his business have donated thousands of dollars of paint and supplies in support of CHS local theatrical productions. He enthusiastically donates with a big heart, a hearty handshake and a huge smile on his face. The Concord community is a better place to live because of Jeff Ginn.

Beaver Meadow School – As BMS PTO Treasurer, Cheryl Scaramuzzi supports numerous events and activities that enhance programs and learning opportunities. She is not the type of volunteer who waits for someone to ask her to do something; she makes things happen. For the past few years, she has co-ordinated the annual craft fair and chaired the One Stop Shop event, spending hours reaching out to businesses and connecting them to the BMS community. When she heard about the Weekend Wagon Program that provides food for struggling families, she connected with a local business and started a raffle to raise hundreds of dollars. Cheryl has been involved as either a coordinator or a volunteer, and her friendly presence and dedication to students and staff is distinguished.

Broken Ground School – Jennifer Walton actually became a board member of the BGS PTA even before her oldest son entered a classroom at BGS. She became PTA treasurer five years ago and has been a mainstay on this volunteer group ever since, taking a leadership role to help BGS join the National PTA organization. She is a unique person who stays positive and upbeat no matter the challenges. Each year she quietly goes about all the paperwork involved in filing status, reporting membership and paying dues. When a new idea is floated at any meeting or gathering of parents and teachers, Jen is one of the first people to say ... “We can do that!” She is thoughtful and resourceful, volunteering to work at nearly every school activity: the fall Harvest
Fest, Book Fairs, Field Trips and spring Ice Cream Socials. She contributes treats to staff luncheons, making staff feel cared for and supported throughout the year. Jen always makes sure that volunteers have the necessary cash boxes for school events and keeps the membership aware of available funds. Jen always takes a turn selling tickets, joining a committee for the KIA theater program or manning a booth – but more than that, she is inclusive, welcoming other parents and encouraging them to participate as they can. She volunteers to take the annual Spirit Week Lip Sync donations at the door; sensitive to families’ varied means, she helps all join the fun despite perhaps limited resources. Jen is compassionate and kind, and lights up even the most mundane discussions with her vibrant, enthusiastic spirit. We value the volunteer hours she gives to BGS year after year.

Christa McAuliffe School – Intelligent, dynamic, selfless, nurturing, compassionate, and personable, Jan Smith retired from CMS several years ago after a career that included missing lunches and planning times, and providing countless afterschool hours to help her students become the most proficient learners they could be. She worked tirelessly to ensure that students believed in themselves and their potential successes. Fortunately, retirement did not keep Jan away from her calling. Traveling an hour both ways, she began volunteering in CMS second-grade classrooms after she retired, supporting students in her favorite academic endeavors: reading and writing. Jan reads aloud to students, facilitates engaging conversations, and mentors them to become excellent writers. When field trips or snow days interfere with her planned visits, Jan is quick to reschedule her time. Shortly after her retirement, Jan became involved with the Learning Through Teaching Collaborative at UNH and started helping teachers through sharing her own experiences. Traveling many miles to spread a little sunshine to those in need is what Jan does best. CMS is deeply grateful for Jan’s volunteer work, as well as her spirit, altruism, and genuine care for her colleagues and students.

Mill Brook School – Karrie Stone arrived at Mill Brook School on the first day of school three years ago, making a point to express her interest in becoming a part of the school community. Her daughter was entering kindergarten that year and her oldest daughter had also gone through MBS. She had the history of the school and was a strong advocate for education, willing to volunteer, a third child entering kindergarten in 2018. As school events kicked off, Karrie’s family was always present. She could be counted on to attend Parent/Teacher conferences, Title I events, and PTA events. She began asking questions about education; she had been volunteering for field trips, celebrations, or other activities and it was only natural that she begin to substitute teach at MBS between volunteering tasks. This year, she interrupted her substitute teaching to tackle the giant task of putting on a Book Fair. “Book Fair” sounds so innocent, but don’t let that fool you – this event takes over a school and can have a positive impact on the PTA budget. More importantly, it offers students an
opportunity to see, touch, and smell a new book sitting on a shelf. Most of us take for granted a trip to the bookstore, but many students do not have that experience – the Book Fair gives them that. Karrie combined her spirit to volunteer and to be in a classroom and created an amazing week-long Book Fair experience at MBS.

Rundlett Middle School – David Malay is a Health/Wellness teacher in “Blue Duke Nation.” He understands that setting an example by doing is more impactful than just stating words. Mr. Malay constantly pursues grant opportunities: if there is an opportunity to improve his program, he finds a new way to get the resource. This attitude has resulted in “Blue Duke” Health/Wellness classroom environments that are engaging and physically interactive. Examples of this include pedometers to support health/wellness goal setting and progress tracking; flexible in-class seating options such as cushions, yoga balls and bike desks; GoPro cameras and other tech for students to produce health/wellness PSAs. Mr. Malay’s focus in the area of grant acquisition is second to none in Blue Duke Country; he constantly pursues opportunities and finds new directions to increase the relevance and engagement of his instruction – and students enjoy themselves and learn more through this work. Mr. Malay also recognized the needs of students whose families are struggling with food insecurity and created the Blue Duke Care Closet program, involving a team of committed educators who work with community agencies to make sure students could go home with food when there was no food at home. This program has grown and now supports students multiple days of each week, with plans to expand. Students have jumped on board and are learning that service to others is an important and valuable part of being a good person. When we talk about empathy as a component of our Blue Duke Pride Rubric, this embodies that trait with real, powerful action. Mr. Malay’s commitment to excellence and service at RMS benefits students inside and outside the classroom – and that work has caused other educators, parents, and agencies to join him in serving the school community.

Concord High School – Lynn Head started as the CHS Drama Club Costume Designer in 2004. For the past 14 years, she helped costume students every year and in every show. At CHS alone, she has costumed over 30 productions and approximately 1,000 students have worn a costume provided or created by her. This means than Lynn has provided over 3,000 costumes for these 1,000 students. Lynn does more than just acquire clothes for students at CHS; she is a passionate, creative, organized, talented and calm backstage presence. She listens to students, helps them remain calm during stressful situations, and keeps them organized before, during and after productions. Students look forward to working on costume crews with her and to seeing her in and around Concord. Lynn continues to be the unsung hero of the CHS Drama Club: not only does she organize, acquire, create and accessorize costumes, she does alterations, washes, irons, steams and returns countless borrowed articles of clothing. She does not like the spotlight and much prefers the backstage area as her domain. Tonight, she steps into the limelight and is recognized as a true champion and hero for the CHS
Drama Club and CHS. She is a proud mother, wife, friend, colleague and kind and gentle human being, and we are proud of her for her countless volunteer hours and honorable work ethic.

The Board took a brief pause to allow school staff, volunteers and their families to leave.

Agenda Item 4. Public Comment—agenda items only
There was no public comment.

Agenda Item 5. Approval of Board Minutes
Ms. Patterson briefly reviewed the minutes of the March 5 regular Board meeting, the March 5 Budget Work Session, the March 7 and 12 Public Hearings, the March 14 Budget Work Session, and the March 19 Special Board meeting.

The Board voted 9-0 to approve the minutes of the March 5 regular Board meeting, the March 5 Budget Work Session, the March 7 and 12 Public Hearings, the March 14 Budget Work Session, and the March 19 Special Board meeting with one minor correction (moved by Ms. Redmond-Scura, seconded by Chuck Crush).

Agenda Item 6. Recognitions
Student Board representatives Logan Stevens and Helen Massah highlighted several activities and accomplishments among CHS students since the last Board meeting:

- The New Hampshire Interscholastic Athletic Association (NHIAA) and New Hampshire Athletic Directors Association (NHADA) awards were presented on March 12. These awards are presented to students who maintain high academic standards and are varsity athletes. The students who received these awards were: Ceylan Ayan, Tanya Blasko, Nicole Cacciola, Isabelle Dunn, Jillian Dusseault, Ella Fabozzi, Kathryn Jepson, Ashley Kelley, Caitlyn Kelley, Anna LeBrun, Djana Martin, Jaden Morin, Haley Munroe, Elizabeth Potter, Maria Wimpy, Joshua Adams, Spencer Burgess, Tejun Celestin, Colin Conery, Alexander Duncan, Adam Dwight, John Gorham, Samuel Habib, Nathanael Hillyer, Frederick Nichol, Nathaniel Nichols, Matthew O'Brien, Samuel Orzechowski, and Antonio Tomas.

- The National Association of Music Educators sponsors Music in Our Schools Month, celebrating the hard work and commitment that students invest in making music a part of their education and daily lives. Locally, the District has traditionally hosted four concerts throughout March showcasing the various ensembles in our school district, all at the Capital Center.
• On March 14, many CHS students observed 17 minutes of silence for the 17 students and staff who were murdered at Marjory Stoneman Douglas High School in Parkland, Florida on February 14, 2018.

• On March 24, a number of CHS students gathered and marched to the State House and, with students from other schools around the state, spoke to a rally about their ideas related to gun deaths and public policy. Senior Jon Weinberg met the VP of the United States at that time.

• Both the boys' and girls' Nordic Skiing teams won their 10th consecutive State Division I titles.

• The Cheerleading team won the State Division I title, and then went on to compete at “New Englands,” where they placed second.

• The annual District Art Show began earlier in March. CHS had many student works of art featured, as well as a few students who performed outside of the show. Mr. Fennessy commented that the show was well done and took a lot of time to organize and set up. He complimented those who put the show together.

• Every year, the junior class hosts a pageant, where the men of CHS “show their classmates what it takes to be Mr. CHS.” This year, senior Jordan Blanchard won the title. Liam Devanny was a close second, and Adrian Kennedy placed third.

• Tidal Force Robotics went to their first competition of the season at UNH last week. They did well, making it to the quarterfinals before getting eliminated. The team competed in 12 qualifying matches and ended regular play ranked 12th out of 42 teams. Since this was their first competition, many adjustments were made to the bot, “Tetras Toaster,” to make it more competitive on the playing field and, by the 6th match, the adjustments began to pay off. The team planned to compete on the upcoming weekend at Revere High School, hopeful that this competition will secure their place in the district competition. CHS junior Abby Hoxaj was nominated for the Dean’s award and will compete at the district competition for the right to compete at the World Championship.

• The National Organization for Future Healthcare Professionals (HOSA) is part of the Health Science program at CRTC. The group traveled to Dartmouth in March for a state conference that included both VT and NH HOSA members (300 attended of the total 600 members). CHS had 34 students compete; 26 placed first, second, or third in their competitive events. By placing, they are now eligible to travel to the HOSA National Conference in Dallas, Texas at the end of June.

• On April 5, 74 CHS Juniors will be inducted into the National Honor Society.

• CHS will be one of eleven schools competing at the New Hampshire Educational Theatre Guild State Drama Festival 2018 at Bow High School on April 26th and 27th. The public is welcome to attend all performances.
Ethan DeAngelis was chosen to represent New Hampshire at the National WWII Museum Leadership Awards in New Orleans this June. Ethan created a database that utilizes a GPS mapping program which families can use to locate their loved ones at the Veterans Cemetery in Boscawen. As recipient of the Billy Michal Student Leadership Award, Ethan wrote an essay describing the values of leadership, teamwork, tolerance, creativity and perseverance, and recounted his community service in compiling this database.

Business Administrator Jack Dunn presented the COMF lease for the facility on North State Street. The District has shared the building with the City since the early 2000s. The City proposed leaving the lease as it is currently, with a 3% “escalator” over the next five years.

The Board voted 9-0 to approve that the administration enter a 5-year lease with the City for the COMF (motioned by Mr. Cogswell, seconded by Tom Croteau).

Mr. Dunn noted that the Boys & Girls Club was considering a multi-year agreement to rent the former Eastman School for a long-term lease. Mr. Fennessy asked if the initial agreement would be just for the summer. Mr. Dunn said he was aiming for a 12-month lease; the space used would be the 60’s wing. Jim Richards asked if any renovations would be required. Matt Cashman noted that there had been a failure in the heating system in the rear of the building and the District was considering two heating units in two classrooms; any costs for heat would be covered by the rent. In response to a question from Ms. Patterson whether occupancy would be immediate, Mr. Dunn replied that it would be.

The Board voted 9-0 to authorize the administration to move forward with an at least 12-month lease agreement with the Boys & Girls Club for the former Eastman School (motioned by Mr. Croteau, seconded by Mr. Fennessy).

Non-Public Session per RSA 91-A:3, II (a)

Jennifer Patterson made a motion to move into non-public session at 7:55 p.m. under RSA 91-A:3 II (a) “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her ...”

The Board voted 9-0 by roll call to move into non-public session at 7:55 p.m. under RSA 91-A:3 II (a) (motioned by Ms. Patterson, seconded by Mr. Fennessy) to discuss “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her ...”

Ms. Redmond-Scura moved to come out of non-public session at 8:10 p.m.

The Board voted 9-0 by roll call to come out of non-public session (motioned by Ms. Redmond-Scura, seconded by Pam Wicks).
Ms. Redmond-Scura moved to seal the minutes.

The Board by roll call voted 9-0 to seal the minutes under RSA 91-A:3 II (a) "The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her ..." (motioned by Ms. Redmond-Scura, seconded by Mr. Cogswell).

Agenda Item 7. Personnel

Superintendent Forsten presented Paulette Fitzgerald as the nomination for the new RMS Principal. She described the Principal search process, the visit to Ms. Fitzgerald’s school in Claremont, and Ms. Fitzgerald’s visit to RMS. Mr. Richards spoke about the energy and positive approach she will bring to the RMS community.

Paulette Fitzgerald, Principal, Rundlett Middle School, $119,451, Step II. Paulette is replacing James McCollum (step IV = $129,136) – retirement. Budgeted at $129,136

The Board voted 9-0 to approve the administrator hire, as presented (moved by Mr. Richards, seconded by Ms. Wicks).

Larry Prince presented the list of Central Office administrators: Terri Forsten, Superintendent; Donna Palley, Assistant Superintendent; Robert Belmont, Director of Student Services; T. Matthew Cashman, Director of Facilities and Planning; John Dunn, Business Administrator; Larry Prince, Director of Human Resources; Pamela McLeod, Director of Technology; Terence Crotty, Director of Transportation; Donna Reynolds, Food Service Director.

The Board voted 9-0 to approve renewal of contracts for the Central Office administrators, as presented (moved by Ms. Patterson, seconded by Mr. Fennessy).

Larry Prince presented the list of CAA members by school: Thomas Sica, CHS Principal; James Corkum, CHS Assistant Principal; Thomas Crumrine, CHS Assistant Principal; Chali Davis, CHS Assistant Principal; Steven Rothenberg, CHS Assistant Principal; Michele Speckman, CHS Director of Special Education; Steven Mello, Director of Physical Education and Sport; Paulette Fitzgerald, RMS Principal; Heather Barker, RMS Assistant Principal; David Bartlett, RMS Assistant Principal; Cynthia Courounis, RMS Director of Special Education; Michele Vance, BMS Principal; Susan Lauze, BGS Principal; Kristen Gallo, CMS Principal; Philip Callanan, MBS Principal

The Board voted 9-0 to approve renewal of contracts for all CAA members, as presented (moved by Ms. Patterson, seconded by Mr. Fennessy).

Larry Prince presented one teacher nomination for the remainder of the 2017-2018 school year.
Shana Olszewski, Preschool Teacher, Mill Brook School, $13,178, 60% at B-1, prorated, one year only. Shana replaces Shira Siegel (60% at M-13 = $24,512) resignation. Budgeted at $24,512

The Board voted 9–0 to approve the teacher hire, as presented (moved by Mr. Crush, seconded by Mr. Fennessy).

Larry Prince presented several teacher nominations for the 2018-2019 school year: Kyle Averill, Mathematics Teacher, Concord High School, $44,075, B-2. Kyle held this position one-year-only. Budgeted at $55,718

Gabriel Cohen, Performing Arts Coordinator, Concord High School, $16,133, 20% at M-14. one year only. Gabe is requesting a 20% leave of absence from his full-time music teacher position to continue in this assignment. Budgeted at $11,144

A. Brin Cowette, Music Teacher, Concord High School, $10,312, 20% of B-5, one year only. This is in addition to Brin’s existing 80% music teacher contract. Brin replaces Gabe Cohen (20% of M-14 = $16,133) – leave of absence. Budgeted at $16,133

William Crowley, Social Studies Teacher, Concord High School, $8,067, 10% at M-14. This position replaces 10% of Bill’s existing full-time business teacher assignment. Budgeted at $8,067

Frank Harrison, Jr., ROPE Teacher, Concord High School, $16,133, 20% at M-14, one year only. Frank is requesting a 20% leave of absence from his full-time science teacher position to continue in this assignment. Budgeted at $11,144

Kristina Peare, Mathematics Teacher, Concord High School, $14,636, 20% at B-13, one year only. Kristina is requesting a 20% leave of absence from her full-time special education teacher position to continue in this assignment. Budgeted at $16,133


Alexandra Sargent, Kindergarten Teacher, Abbot-Downing School, $22,038, 50% of B-2. This is in addition to Alexandra’s existing 50% kindergarten position. New Position. Budgeted at $22,038

Selina Blaine, Preschool Teacher, Beaver Meadow School, $24,117, 50% of M-2. Selina held this position one-year-only. Budgeted at $24,117

Elizabeth Williams, Kindergarten Teacher, Beaver Meadow School, $41,580, B-1. New position. Budgeted at $48,234

Betty Hoadley, Kindergarten Teacher, Christa McAuliffe School, $40,333, M-14. This is in addition to Betty’s existing 50% kindergarten position. New Position. Budgeted at $40,333
Shawn Ogle, Classroom Teacher, Christa McAuliffe School, $44,075, B-2. Shawn is being recalled from RIF and replaces Meredith Shepherd (M-2 = $48,234) - new, one-year-only position 2017-2018. Budgeted at $44,075

Meredith Shepherd, Classroom Teacher, Christa McAuliffe School, $48,234, M-2. Meredith is being recalled from RIF to a new position. Budgeted at $64,032

Kaitlin Carlson, Classroom Teacher, Mill Brook School, $49,064, B-4. Kaitlin’s full-time classroom teacher position at Broken Ground School was cut for 18-19. New position. Budgeted at $49,064

Lorna MacDougall, Classroom Teacher, Mill Brook School, $55,718, M-5. Lorna’s full-time classroom teacher position at Broken Ground School was cut for 18-19. New position. Budgeted at $55,718

Clint Cogswell asked about the hiring of kindergarten teachers. Some of the teachers who are being hired for kindergarten are currently on staff.

The Board voted 9-0 to approve the teacher hires, as presented (moved by Mr. Fennessy, seconded by Ms. Redmond-Scura).

Larry Prince presented the Concord Education Association (CEA) nominations for 2017-2018, with a handout listing returning teachers by school, as well as current vacancies, which are or will be posted.

The Board voted 9-0 to approve renewal of contracts for all CEA members, as presented (moved by Mr. Fennessy, seconded by Mr. Croteau).

Larry Prince presented several coach nominations.

Kayla Chase, Assistant Spring Track Coach, Concord High School, $2,495, Step 1, Group 9, 6.0%. Kayla replaces Kyle Brown

Amanda Bacher, Girls JV Lacrosse Coach, Concord High School, $3,119, Step 3, Group 8, 7.5%. Amanda replaces Jenna Tewksbury

Kia DeAngelis, Girls Tennis Coach, Concord High School, $3,119, Step 1, Group 6, 7.5%. Kia replaces Philip Cistulli Jr. and Rebecca Killinger

Kyle Mosher, Co-Ed Supplemental Track Coach, Concord High School, $1,455, Step 2, Group 13, 3.5%. Kyle replaces Ross St. Onge

William Chavanelle, Boys Assistant Track Coach, Rundlett Middle School, $832, Step 1, Group 14, 2%. William replaces Meghan Malone

Paula Stewart, Girls Track Head Coach, Rundlett Middle School, $2,079, Step 1, Group 11, 5%. Paula replaces Jessica Boezeman

The Board voted 9-0 to approve the coach hires, as presented (moved by Mr. Croteau, seconded by Mr. Richards).

Veteran Salary Scale list
Fourteen Concord Education Association (CEA) members applied for the Veterans Salary Scale option for the 2018-2019 and 2019-2020 school years, out of 38 members who were eligible to apply: Julie Harrington, Diane Serard, Brenda Hastings, Lisa Mills, Susan Dabuliewicz, Rebecca Schaefer, Paul Bourassa, Jocelyn Jerry-Wolcott, Mary Palm, Kevin Greene. Those who accept would have to retire in 2020.

The Board voted 9-0 to approve the participants on the Veterans Salary Scale as presented (moved by Ms. Redmond-Scura, seconded by Mr. Croteau).

Larry Prince presented three professional leaves of absence, from Frank Harrison, Gabriel Cohen and Kristina Peare, each of which requested one-year leaves from their current assignments to take other assignments.

The Board voted 9-0 to approve the professional leaves of absence as presented (moved by Ms. Patterson, seconded by Ms. Redmond-Scura).

Agenda Item 8. Negotiations Committee

Mr. Fennessy reported that the Committee met on March 12 and March 21 to discuss negotiations. He brought forward a recommendation to approve the proposed collective bargaining agreement with the Concord Education Office Professionals Association (CEOPA). Among the agreement highlights are the following:

Salaries are increased 0.5% in Year 1, 0.5% in Year 2, and 1.25% in Year 3. All longevity levels are increased by $0.15 per hour in Year 1 (2018-2019) and by an additional $0.10 per hour in Year 2 (2019-2020) and $0.15 in Year 3 (2020-2021) for a total increase of $0.40/hour. The longevity stipend is increased $250 per year in Year 1 (2018-2019); $250 per year in Year 2 (2019-2020) and $250 per year in Year 3 (2020-2021) (Total of $750 increase, from $1,000 per year to $1,750 per year). Time on the recall list is reduced from 24 to 12 months. Basic life insurance coverage is increased from $45,000 to $50,000. The District agrees to keep employer/employee health insurance contribution percentages at current 2017-2018 levels for all three years of the agreement. The District retiree health insurance subsidy is eliminated for those hired on or after July 1, 2018 (no negative impact to existing employees). The TB test requirement upon hire is eliminated. Various position titles are updated. The estimate of "new money" arising from this contract will be $40,681.88 in Year 1, $39,365.59 in Year 2 and $39,977.74 in Year 3 for a total of $120,025.21 (includes new money for salary, FICA, and New Hampshire Retirement System).

The Board voted 9-0 to approve the 3-year (2018-2020) collective bargaining agreement with the Concord Education Office Professionals Association (CEOPA) as presented (moved by Mr. Fennessy, seconded by Mr. Cogswell).

Agenda Item 9. City and Community Relations Committee
Mr. Cogswell reported that the committee (formerly the Joint City Council/School Board Committee) met on March 28. He noted that this was not a new committee but it has a new mission: to develop a better way of developing community relations and find ways to spread good news about what's happening in District schools.

Agenda Item 12. Proposed calendar of meetings

Superintendent Forsten discussed the proposed Board calendars for April and May, highlighting the April 11 Board training with the NH School Boards Association.

Superintendent Forsten recommended that the last day of school be established as June 15. She noted that this would be the last day of school for students, but the last day for teachers would be June 22, to fulfill their contract.

The Board voted 9-0 to establish the last day of school as June 15, 2018 (motioned by Ms. Patterson, seconded by Mr. Richards).

Agenda Item 13. Public comment

Daniel Reinemann, a Concord resident, is a CHS graduate (and former student representative to the Board) whose brother attends BMS. He brought two concerns to the Board’s attention:

1. Competency-based grading system. Mr. Reinemann noted that the ability to monitor progress over time is inadequate – the elementary levels have gone to a 4-point system, based on the point at which students should be at the end of the year. He suggested adding a mid-year evaluation point. He felt that the competency-based system offers a lesser impetus to complete homework or projects in a timely fashion, and less preparation for tests. He said that students feel that they do not need to put in the effort.

2. The requirement of fingerprinting for chaperones. Mr. Reinemann noted that he has been out of the District for some time. He asked the reason for this, as parent information is already on file with the District, and most volunteers are known to the school community. He worried that fingerprinting everyone would create a lack of trust within the Concord community, and expressed concerned about how/where this biometric information was being stored. If the information was stolen or hacked, as had happened with all employee W-2s several years ago, release of biometric information would be an extremely serious problem.

Ms. Patterson noted that some of Mr. Reinemann’s comments about grading were related to the new report cards, about which the District was still gathering feedback. Superintendent Forsten explained the state requirement for and process of fingerprinting; she noted that she is the only person to see the results, and the reports are then destroyed. Mr. Prince noted that the District pays for the fingerprinting.
Helen Massah commented about the competency-based grading at the high school level. She noted that, as a health science student, reporting on her own competencies has been helpful to her in marking her progress.

Agenda Item 15. Adjournment

The Board voted 9-0 to adjourn (motioned by Mr. Fennessy, seconded by Mr. Crush).

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Maureen Redmond-Scura, Secretary
Linden Jackett, Recorder
The meeting was called to order by Board President Jennifer Patterson at 5:30 p.m. The first agenda item was a recommendation from the Negotiations Committee for ratification of the Concord Educational Assistants Association (CEAA) successor collective bargaining agreement, with an effective date of September 1, 2018.

Nathan Fennessy, Negotiations Committee Chair, reviewed the highlights of the new agreement, including:

1.) 2-year agreement (Sept. 1, 2018 – August 31, 2020)

2.) Salary: 2.50% increase to those on top steps only – Year 1
   2.00% flat increase to the base – Year 2
   Cost: Year 1: $144,261.29
   Year 2: $157,593.20

3.) Health Insurance:
   Employee/employer contribution percentages to remain at current 2017-2018 levels for both years of the agreement:
   Single plan: Employer: 95%
   Employee: 5%
   Those hired on or after July 1, 2015:
   Employer: 85%
   Employee 15%

4.) Registered Behavioral Technician (RBT) Stipend:
   Members who are RBTs will receive a stipend of $0.30 per hour.
   Notification to the District of RBT status must be made by no later than August 31 in order for the increase to take place in that school year.

5.) Tuberculin Test: no longer required for new hires

6.) Retiree Health: The District contribution to the cost of health insurance will not be available to those hired on or after July 1, 2018.
The Board voted 7-0 (one abstention) to accept and ratify the new agreement (motioned by Mr. Fennessy, seconded by Chuck Crush). Mr. Croteau abstained from the vote, as his spouse is a member of this bargaining unit.

(Larry Prince exited the meeting)

Superintendent Forsten introduced Barrett Christina, Executive Director for New Hampshire School Boards Association, and Will Phillips, Staff Attorney for NHSBA. The School Board members were pleased to be members of NHSBA and appreciated the guidance from NHSBA around ongoing legislative issues and policy development.

The focus for the remainder of the meeting was for the Board to gain training in the areas of Right to Know under RSA 91-A, Meeting and Board Communications, Emails-Social Media Comments-Electronic Communications, Public Comments at Meetings and on District Websites, Board Member Social Media Pages, School Board Hearings, Legislative and Quasi-Judicial, Superintendent Responsibilities, Board Hearings, Hearing Procedures, Conflict of Interest, Collective Bargaining and Preponderance of the Evidence. There were also policies offered for consideration on social media websites and public participation at Board meetings.

(Powerpoint presentations and written information, attached)

There was a conversation about weapons on school grounds or at Board meetings. The conflict between federal and state laws was highlighted. The Board may consider developing a protocol for calling police if someone were to come to a school or to a Board meeting with a weapon. The police might ascertain whether the person has a permit to carry or not; they would not have the authority to ask them to leave the campus unless the person was being disruptive.

The Board voted 7-0 to adjourn (motioned by Maureen Redmond-Scura, seconded by Mr. Fennessy).

The meeting adjourned at 7:17 p.m.

Respectfully submitted,

Terri Forsten, Recorder
School Boards, The First Amendment, The Right-to-Know Law, the Digital World, School Board Hearings
Presented to the Concord School Board
Wednesday, April 11, 2018

RSA - 91-A – Right to Know Law Basics

Introduction

All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public’s right of access to governmental proceedings and records shall not be unreasonably restricted.

New Hampshire Constitution, Part 1, Article 8: “Accountability of Magistrates and Officers; Public’s Right-to-Know” (Emphasis Added).

91-A puts into statutory form the public’s right of access to government, including the “reasonable restrictions” contemplated by Part 1, Article 8.

The two core areas of right of access under 91-A are “meetings” of “public bodies,” and access to “governmental records.”

The statutory definitions of those three words/phrases, along with a few others, are key to understanding the breadth of 91-A as it applies generally to school boards, and more specifically to their emails and other electronic communications.

Key Definitions

“Public body” – includes “Any ... governing body, board ... school district, [or] school administrative unit, ... or any committee, subcommittee, or subordinate body thereof, or advisory committee thereto.” 91-A:1-a, VI.

“Advisory committee” – includes any “committee ... or other like body whose primary purpose is to consider ... issues designated by the [public body] so as to provide such [body] with advice or recommendations concerning the formulation of any public policy ... that may be promoted, modified, or opposed by such authority.” 91-A:1-a, I.

“Meeting” – means the convening of a quorum of the membership of a public body ... 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,... for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.” 91-A:2, I.

NOTE: For this presentation and 91-A, “email” or “electronic communications” will include all forms/platforms of digital or electronic communication technology and media, e.g., social media, blogs, text messaging, instant messaging, group chats, etc., irrespective of whether ordinary usage of that platform normally includes contemporaneous exchanges.
Where Technology and the Open Access Law Collide

From those definitions, it should be clear that email and other electronic communication among board members, can easily implicate both the governmental records and open meeting provisions of the 91-A.

So, where are the intersections between electronic communications and the Right to Know Law?

Meeting and Board Communications

As quoted above, RSA 91-A:2 establishes a three-prong test for whether a board communication (of whatever medium or form) should be deemed a meeting. A meeting occurs when:

1. A quorum of the body convenes;
2. In any manner in which they can communicate contemporaneously;
3. For the purpose of discussing or acting upon something over which the public body has supervision, control, jurisdiction or advisory power.

Prong #1 - Quorum

1. A quorum of the body convenes -

   In almost all matters, a school board quorum is a majority of the then-sitting members. RSA 21:15

   A couple of caveats/pointers:

   • If a board/committee member has a conflict on a matter, and has recused (should recuse) him/herself, then quorum is based upon the remaining membership.
   • Define the core membership of any standing or ad hoc advisory committee. This does not preclude additional, active, participants, but it at least helps with the determination of how 91-A applies in a situation (who is responsible for the committee’s charge).

Prong #2 - Contemporaneous Communication

2. Convenes in any manner in which they can communicate contemporaneously

   It is this prong that seems to present the most difficulty for public officials when identifying the intersection of the meeting provisions of 91-A with emails or other electronic communications.

   Assume a board member posts a comment on Facebook, or sends an email to quorum regarding a matter within the “jurisdiction” of the board.

   • Does that constitute a meeting?
   • Even if none of the other members respond?
   • What if a community member posted it? The Superintendent?
If a single board member sends an email to all of the other board members regarding a matter within the “jurisdiction” of the board, but none of the other members respond, is it a meeting?

At least one N.H. Superior Court Judge thinks so. In Porter v. Town of Sandwich, (Carroll Cty. Super. Ct., Do. #212-2014-CV-180), the Judge ruled that the “ability” to communicate contemporaneously was the key factor rather than whether such communication actually occurred.

This is not the prevailing view among school and municipal attorneys, and at least one other Superior Court judge, but that decision highlights the ambiguity. Also, it might suggest that no board member could ever post anything regarding a jurisdictional matter on Facebook, even on his/her own page.

Prong #3 - Jurisdiction

3. For the purpose of discussing or acting upon something over which the public body has supervision, control, jurisdiction or advisory power.

Almost any matter which directly or indirectly relates to the school or school district will likely fall within the school board’s “jurisdiction,” even when it doesn’t.

NOTE: 91-A:2, I excludes from the definition of “meeting,” “chance, social or other encounter not convened for the purpose of discussing or acting upon [jurisdiction] matters” provided that “no decisions are made regarding such matters.”

For example: what if a quorum of the board discusses the possibility of the board taking up a resolution on DACA?

For most New Hampshire school districts DACA would have – at best – an indirect connection to the statutory powers and duties of the board/district. Is DACA a matter within the “supervision, control, jurisdiction or advisory power” of a small town, New Hampshire school board?

Probably not, but the power to make the resolution itself – is!

In other words, don’t get caught up on the “jurisdiction” language. If board is talking about a subject as board business, then it probably meets the “jurisdiction” threshold.

RSA 91-A:2-a - Just to Be Clear

Taken on its own, the three-pronged meeting definition of 91-A:2, I would seem to open the door to all sorts of misinterpretations which had the effect of public bodies effectively and improperly conducting business outside of public meetings.

- But I only sent my email to one member (who then forwarded it to another, who sent it to another, etc.);

- I knew that three of the four recipients were at work, so they couldn’t communicate “contemporaneously” even if they wanted to;
• We were only batting some ideas around, we knew we had to vote at the meeting;

• It was only a straw poll.

Those misinterpretations – intentional or not - and others like them, led to the passage in 2008 of 91-A:2-a, which includes two paragraphs together serving as the “don’ts” reverse side of the coin to 91-A:2’s “do’s” relative to meetings.

• Paragraph I mandates that a board’s deliberations (including discussions) upon jurisdictional matters only occur in a public meeting (unless falling within one of 91-A:2, I “non-meeting” categories – a little more on that later).

• Paragraph II specifically prohibits the use of outside communications, including “sequential communications” to circumvent the spirit and purpose of 91-A.

Sequential Communications

While use of the sequential email to accomplish business which should otherwise occur in a meeting might be a 21st century development, but really is just a new-fangled extension of what is known in some areas as a “walking quorum.”

“Walking quorum” – a series of meetings, telephone conferences, or some other means of communication such that groups of less than a quorum are effectively meeting and can arrive at a consensus or understanding regarding governmental business that, collectively, would constitute a quorum. See, e.g., State ex rel Newspapers Inc. v. Showers, 135 Wis. 2d 77, 92, 398 N.W.2d 154 (1987).

The Bottom Line

Taken together, 91-A:2, I and 91-A:2-a make it pretty clear:

Discussion or action on official/jurisdictional matters should only occur in a properly held meeting.

This does not mean that any mention of a jurisdictional matter outside of a meeting is improper.

First – only deliberation and action are prohibited. An email on a purely administrative matter concerning the topic would not be (e.g., identifying the topic in order to schedule a meeting to deliberate upon it).

Second – a meeting requires a quorum – e.g., two members (of a 5+ member body) can legitimately discuss board business between themselves, but each should be careful not to pass any information from that discussion on to another board member.

Meeting Requirements

If/when the elements of a meeting are present relative to board communication, then – unless and to the extent a basis exists for a non-public session – the Right to Know law requires:
• Posted notice (24 hours, absent an emergency);
• Availability for the public to attend (subject to 91-A:3);
• Board deliberations and decisions in public;
• Physical presence at the location specified in the meeting notice (unless 91-A:2, III, regarding remote board member participation); and
• Appropriate minutes.

Non-Meetings
When a meeting is not a meeting

“Non-meetings” – 91-A:2, I carves out four specific categories of communications which, notwithstanding meeting the criteria above, are excluded from the definition of “meeting.” Only three apply to school boards, they are:

• Strategy and negotiations regarding collective bargaining;
• Consultation with legal counsel (must include ability for contemporaneous communication); and
• Circulation of draft documents.

NOTE: The concept of a “non-meeting” is not to be confused with non-public sessions under 91-A:3, which are beyond the scope of this presentation.

Emails, Social Media Comments and other Electronic Communications

Best Practices

• Most importantly, leave discussion and deliberation of official matters for a public meeting;
• Never use comments/email/texts to express ideas, concerns, opinions, etc. on jurisdictional issues or matters;
• Don’t use “reply all”;
• Whenever possible, the Superintendent or central office should be responsible for communications which are appropriate for the entire board;
• When communicating on informational matters via email, use BCC for all recipient addresses (other than perhaps your own, or an administrator (helps limit intentional or inadvertent use of “reply all” and wandering into substantive discussions);
• Use a district-provided email address for all electronic communications including district business, such communications are “governmental records.”
• Use caution with what you say in electronic communications both as to content and tone. Remember such communications are subject to the same public disclosure as a formal letter.
Pitfalls – Slippery Slopes - Violations

- Simultaneous e-mails sent to a quorum of a public body by a member discussing, proposing action on, or announcing how one will vote;
- Forwarding to a board member an email received from another board member regarding a jurisdictional matter;
- Straw polls or communications seeking “a sense of the board”;
- Posting any message regarding jurisdictional matters on any community pages, forums, etc.

“Governmental Records” – RSA 91-A:1-a, III

As with hard copy letters, and whether sent or received through a district account or a board member’s personal or business account, an email, etc. will be considered a governmental record if it contains information that is:

- created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or
- the school district, and
- which is in furtherance of its official function.

Think hard before forwarding constituent emails or complaints.

Public Comments at Meetings and on District Web Sites

Government Purpose v. Public Access

The primary purpose of school board meetings is to conduct the business of the board as it relates to school policies, programs, budget, and operations.

A school board meeting* is one that the public has a right to attend, rather than a meeting of the public where everyone might have the right to speak.

*NOTE: this presentation relates most specifically to board or other public body “meetings,” rather than a district’s annual meeting, or statutory public “hearings” (required during the budget process, or regarding video recording for teacher evaluations).

The general purpose of district websites, including social media pages, should be to inform the public, promote community involvement and collaboration.

But, in doing so, the District must recognize that all of the limitations, or considerations that apply with other forms of communication – e.g., confidentiality, protected speech, accessibility - apply equally to such digital platforms.

Public Meetings v. Meetings of the Public.

Likewise, the Right-to-Know Law, RSA 91-A does not create a right to speak at board meetings.

91-A is intended to further the right found in Part 1, article 8 of the New Hampshire Constitution, which protects the public’s right of access to governmental proceedings.
As such, 91-A is devoted toward assuring that meetings of public bodies will be open and governmental records available to the public.

Allowing Public Comment and Creating a Public Forum

Despite no legal mandate to do so, there is a longstanding tradition within New Hampshire of school boards (and other public bodies) to allow some level of public comment at board “business” meetings. Likewise, to the extent, if any, web presence is required, all school districts maintain a website, and many also have an “official” Facebook page.

As there is no statutory or Constitutional right for the public to speak at board meetings, the “power” to create the right of public comment is one reserved to the school board. Similarly, when a District or board establishes a web presence, it may preclude any and all two-way comments.

However, once a board decides to provide time or space for public comment, the board creates a “forum” for speech, which in turn implicates free speech protections under both the Federal and State Constitutions.

Public Comments and 1st Amendment Forums

“Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say.”

“(T)he First Amendment plays a crucially different role when, as here, a government body has, either by its own decision or under statutory command, determined to open its decision making processes to public view and participation. In such case, the state body has created a public forum dedicated to the expression of views by the general public.”


1st Amendment Forums

The United States Supreme Court has delineated three general types of public forums, each requiring different analysis to determine the scope of the public’s right to speech, and the government’s ability to regulate it.

1. Open Public Forums

2. Designated Public Forums (with a sub-class of “limited public forums”)

3. Closed or Non-Public Forums

1. Open or Traditional Public Forums

   - Public streets, sidewalks, public parks.
• The Supreme Court has repeatedly ruled that such places are generally open to all speakers and topics, subject only to reasonable "time, place and manner" restrictions.

• Speakers' in these areas enjoy the strongest First Amendment protections.

• *Restrictions on the content* of speech in a traditional public are subject to "strict scrutiny." Such exclusions must be "necessary to serve a compelling state interest and narrowly drawn to achieve that interest."

2. A: Designated Public Forums

• A governmental body creates a "designated public forum" when it opens public property for public expression even though the public property is not a traditional public forum. (Examples include municipal theaters, bulletin boards, web pages, meeting space opened to non-government assemblies.)

• After opening a designated public forum, the government is not obligated to keep it open.

• However, *so long as the government does keep the forum open, speech in the forum historically receives the same First Amendment protections as speech in traditional public forums* (i.e., strict scrutiny analysis).

B: Limited Public Forums

• Although not as clearly delineated by the Courts, a sub-class of the designated public forum is the limited public forum.

• Like the designated public forum, the limited public forum is created when the government allows speech in/upon public property which is not a traditional public forum.

• The distinction between designated and limited forums (although not always clear in the reported Court decisions), is that a limited public forum may be open only to certain groups or topics (provided that the limitations are not viewpoint based).

• For instance, a school may make its classrooms available as meeting space, but only to only to groups conducting "school related activities."

3. Closed or Non-Public Forums

• Government property that has not been open to public expression, such as a jail or a military base.

• Public schools are also, generally, considered closed or non-public forums.

• Government restrictions on speech in nonpublic forums must be *reasonable*, and may not discriminate based on speakers' viewpoints.
Public Comment – Designated or Limited Forum?

As suggested above, the classification of a “limited” rather than “designated” forum is not as well defined in the judicial opinions as one would hope, with many decisions using the two terms interchangeably.

In other (Circuit and District court) cases, however, especially regarding public comment at governmental body meetings, the distinction (and rationale for the distinction) is clearer.

For school boards weighing the pros and cons of allowing public comment, or the limitations on such comment once allowed, the distinction can be crucial – irrespective of whether the platform is board meetings, or on District/board websites and social media pages.


Public Comment – Designated or Limited Forum? OR – Maybe it is Closed?

The Lakewood language quoted in the previous slide was not crucial to the Court’s decision in that case, and therefore is considered “dicta,” perhaps instructive, but not controlling.

The lower court cases that have followed the Supreme Court’s decisions have used different standards, some using the strict scrutiny test used for open and “designated” forums, and some using the “reasonableness” standard used in closed forum cases.

Content Neutral v. Viewpoint Neutral

With closed or non-public forums, the government may restrict content (topic), but not viewpoint.

In one Supreme Court case the Court ruled that while a military base could on the one hand prohibit speech regarding the topic of abortion, it could not prohibit a pro-choice speaker while allowing a pro-life speaker.

In a few state court cases, courts have ruled that having allowed public praise or compliments for staff members during public comment, the board could not prohibit complaints or criticism. See, e.g., Bach v. Sch. Bd. of City of Va. Beach, 139 F. Supp.2d 738 (E.D. Va. 2001).

Regardless of the type of forum, any exclusion must be done on a viewpoint-neutral basis.

The School Board Meeting

“Meetings held by local governing bodies occupy their own corner of First Amendment jurisprudence. On the one hand, when a local board invites commentary from the public, it resembles the traditional public forum, which time immemorial has been sanctified as a place for unfettered debate and commentary, and the airing of various views....On the other hand, in the interest of the efficient execution of town business,
local governing bodies are generally granted latitude to regulate the public discussion.”

Allow or Disallow Public Comment?

This is essentially a political question that local school boards must grapple with. Boards may expand the scope of allowable public comments. However, bear in mind that the broader the scope of public comments, the more the board opens itself up for members of the public airing complaints and criticism, including attacks against individual students and employees.

Three General Options

1. Allow public comment on any matter, including raising issues such as personnel or student matters.

2. Limit public comments to topics specific to the purpose e.g., agenda items at a meeting, subject matter of a page (content-specific, viewpoint-neutral).

3. Do not allow public comment.

NOTE: NHSBA’s sample policies BEDH, KD and KD-R generally adopt option #2.

Board Member Pages

Additional Considerations for Board Member Pages

1. Notice of problems - In many instances (e.g., student on student sexual harassment, bullying, etc.), a district’s liability might arise only when it “knows or should know” of a situation;
   • If information is posted on a board member’s page, will that impute knowledge upon the district?
   • Does the member’s administered page make it clear that posting should not be construed as a communication to the district?
   • What if the board member him/herself did not see the post as it was a reply to a reply on another post, or he/she was not fully monitoring the page?

Board members do not lose their rights to speak as citizens, whether in person, writing or on Facebook, simply by virtue of their office.

However, no individual board member has the power or authority to speak on behalf of the board, without first having that authority approved by the board.

It is important, therefore, for board members to be clear when they are communicating their own views, as opposed to official positions of the board.

2. Messaging - There is the possibility that an individual believes that the page represents the board/district’s policies, statements or positions, and/or suggests that the individual member has authority to speak for the board. Although this generally would not be a substantial liability concern, it could significantly increase the district’s exposure to litigation. Examples of this might be if statements on the page
were defamatory or constituted an invasion of privacy. Although the district might ultimately prevail in the suit, the fact of the litigation itself could impose substantial financial and other costs.

Disclaimers:

Many of the potential risks for the District can be minimized by appropriate notices/disclaimers included prominently on the Board member's page and even comments.

This page is administered by _____________. Although _____________ is an elected member of the School Board, he/she created and maintains this ____________ in his/her personal capacity. The page is in no way affiliated with or sanctioned by the ____________ School District or its School Board. No comment or post on this page may be construed as an official communication by, to or with the ____________ School District, the School Board, or any of its members. Furthermore, no comment posted on this page may be considered as a communication - or an endorsement of a communication - by or on behalf of the ________ School District or its School Board.

School Board Hearings

From time to time, school boards must conduct adjudicative hearings relative to the rights of employees or students.

The source of these rights varies – some are established via state or federal statute while others are the product of NHDOE Rules. Others have their roots in Constitutional due process requirements. Further, local collective bargaining agreements and/or school board policies may grant students or staff a right to a hearing.

A sampling of the issues over which a board may conduct a hearing includes:

- Teacher dismissals (RSA 189:13)
- Teacher non renewals (RSA 189:14-a)
- Collective bargaining grievances (RSA 273-A:4; CBAs)
- Student Discipline (RSA 193:13 & 193-D)
- Manifest Educational Hardship (RSA 193:3)
- Bullying (RSA 193-F)

Because such hearings concern rights of individuals, the board, as a state actor, is required to adhere to general rules of due process, with greater procedural requirements imposed for more substantial individual rights, most of which are enumerated in various statutes and/or Department of Education regulations.

The importance of adhering to the procedures is essential. Failure to do so may result in substantial liability, and, more certainly, significant legal expenses.
One of the most crucial areas for a board to master when dealing with matters falling under the board’s quasi-judicial jurisdiction, is the relative responsibilities of the board and individual board members, as opposed to those of the superintendent and other administrative staff.

**School Board’s Two Functions: Legislative & Quasi-Judicial**

**Board Legislative Role**

The board’s legislative role consists of actions that are characterized by a high degree of discretion and judgment and that do not concern the rights of particular individuals in a particular matter.

This “political” role includes setting policies, preparing the budget, and setting long term and short term educational goals of the school district. A school board’s legislative role is summarized in New Hampshire Department of Education Administrative Rule Ed 303.01.

**Board Quasi-Judicial Role**

The board’s quasi-judicial role involves making decisions that determine the rights of particular individuals in specific matters that fall within the school board’s jurisdiction.

- A matter is judicial or quasi-judicial if board members “are bound to notify, and hear the parties, and can only decide after weighing and considering such evidence and arguments as the parties choose to lay before them.” *Winslow v. Holderness Planning Board*, 125 N.H. 262, 266 (1981).

- A board’s quasi-judicial role is limited to the matters for which it has been granted jurisdiction by law.

School Board members, when acting in a quasi-judicial role and when acting within their jurisdiction, have immunity from civil liability. *Sweeney v. Young*, 82 N.H. 159 (1925).

To enjoy this immunity, it is very important that the members and the Board act only within its jurisdiction, comply with law, and follow proper procedures.

*Slide prepared with materials graciously provided by Peter Phillips, of Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C., of Salem, N.H.*

**Superintendent Responsibilities**

- Implement school board policies – Ed. 302.02 (r);
- Nominate teaching staff - RSA 189:39; RSA 189:14-a; Ed 302.02;
- Recruit, supervise and evaluate all staff - 194-C:4, II (b);
- Process collective bargaining grievances - 194-C:4, II (b);
- Compliance with all laws, rules and regulations – including, e.g., anti-discrimination, sexual harassment - 194-C:4, II (d);
- Pupil governance and discipline – RSA 194-C:4, II (m);
• Place employees on administrative leave for cause (e.g., investigations, pending discipline) – 189:31;

• Prepare and “prosecute” dismissals, non-renewals and other actions in personnel matters – RSA 189:13, 189:14-a, Ed. 204.02.

Board Hearings and RSA 91-A the Right-to-Know Law

Board hearings must occur during properly noticed “meetings.”

If the hearing is non-public (discussed later):

• the Board must open a public meeting and vote to go into non-public session.

• Following the non-public hearing, the Board must return to public session to vote to seal the minutes of the non-public session and to adjourn the public meeting.

Minutes must be taken and approved.

• For non-renewal hearings, a verbatim record is required, either by audio recording or stenographer; the minutes can be a summary.

• The votes of the Board must be part of the minutes, recorded by roll call if in non-public session.

• It is important that the decision and the minutes use the same language to describe the ultimate decision/action of the Board.

Non-renewal, dismissal and most grievance hearings qualify as reasons to enter non-public session under RSA 91-A:3, II(a):

“The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or 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.”

General Considerations and Practice Tips

NHSBA recommends that its member districts consult with local counsel for the specific procedures to employ when called upon to act in their quasi-judicial capacity.

In more complex, high-stakes matters, or for boards that do not regularly conduct hearings, it may be prudent for the board to engage a third party to assist the board in the conduct of the hearing.

Direct early complaints and concerns regarding employees, students or other individuals to the appropriate district or SAU personnel (“chain of command”).

Adhere to the chain of command; failing to do so may undermine managerial employees’ abilities to do their jobs and, worse yet, create unnecessary liability risks and/or legal challenges,

• disqualification of board members,

• destruction of evidence,
• witness intimidation,
• defamation,
• improper meetings under the Right-to-Know law, etc.

Even when the District is able to overcome such challenges, doing so often only occurs after significant costs and in both money and time (board and administration).

A majority of the Board may vote to delegate a task within its jurisdiction to one or more of the board members. For example, the board may vote to delegate its responsibility for holding a non-renewal hearing to a subcommittee of the board, or assign the responsibility of drafting a decision (or working with an attorney to do so).

Board members risk personal liability when they act alone. Statutes which protect board members from personal liability (RSA 31:104 – :106) apply only when board members act in good faith and within the scope of their official authority. Since individual board members have no legal or official authority to act alone, acting alone exposes an individual board member to personal liability.

See Chadwell v. Lee County School Board, 535 F. Supp. 2d 586 (W.D. Va. 2008), in which a jury returned a verdict against a local school board for $300,000 in compensatory damages, and against three individual school board members for $15,000 in punitive damages, agreeing that plaintiff school administrators had been demoted due to their constitutionally protected political views, and that the personnel actions had been initiated by school board members.

In upholding the jury's award, the Chadwell court noted that the case:

should be a lesson to local school board members, if one is needed, of the danger to micromanagement of personnel issues. Even aside from the claims of political motivation, it is far better for school board members, most of whom are part-time volunteers, usually ill-paid for their time spent, to concentrate on selecting a well-qualified professional superintendent in whom they have faith, and leave to that person the selection and assignment of subordinate school personnel. The evidence here, where the board spent much of its time selecting slots for individual teachers and supervisors, shows exactly the wrong way to go. Instead, a school board should utilize its time deciding the appropriate education policy for the community and making sure that the superintendent implements that policy. 535 F. Supp. 2d 586, 604.

Hearing Procedures
Department of Ed Rules

• Ed. 204.01 provides the general procedures for most other quasi-judicial hearings — including teacher dismissals.
• Ed. 204.02 pertains only to non-renewals.
• Other rules include provisions for other specific types of hearings (e.g., 317.04 for student suspensions/expulsions, and pending rule 320 for manifest hardship proceedings.

• Ed. Rule 204.02 is more comprehensive than 204.01 in process. The following slides will note some of the more significant differences.

Collective Bargaining & Labor Law

• The exact process / procedures required for Board level grievance review may be subject to provisions of specific Collective Bargaining Agreements, PELRB decisions, and/or court holdings.

• Absent any of those relative to the specific matter before the Board, Ed. 204.01 applies.

Additional Appeals

• EEOC, HRC, PELRB, Dept of Labor, State and Federal Courts, Arbitrators

• The NH Supreme Court will grant certiorari and will consider whether the State Board exceeded its jurisdiction or authority or otherwise acted illegally, abused its discretion, or acted arbitrarily, unreasonably, or capriciously. Petition of Dunlap, 134 N.H. 533 (1991)

In Dunlap, the State Board upheld a local board’s decision to non-renew a teacher based upon a condition claimed to be protected under the ADA and RSA New Hampshire’s anti-discrimination law. Among other things, the Court also ruled that the non-renewal hearing statute did not afford sufficient due process/remedies as provided for under 354-A.

Conflict of Interest – Recusal

Recusal - Do You Participate?

The standard for when a School Board member must recuse himself or herself from participating when the Board is sitting in a quasi-judicial capacity is different from the standard when the Board is sitting in its legislative or executive roles.

• A School Board member must recuse himself or herself if he or she has actual bias or prejudice against the teacher who is the subject of the hearing. Appeal of Hopkinton School District, 151 N.H. 478 (2004).

• A School Board member must recuse himself or herself if he or she has prejudged the issue, either as a Board member or before joining the Board. Winslow v. Holderness, 125 N.H. 262 (1984).

• A School Board member must recuse himself or herself if he or she has a direct personal or pecuniary interest that is immediate, definite and capable of demonstration, and is not speculative, uncertain, contingent, or remote. Atherton v. Concord, 109 N.H. 164 (1968).

This ground for recusal applies to both quasi-judicial and legislative/executive decisions.
Failure to recuse when one should have will result in the board’s decision being vacated and remanded (sent back for a re-do) *Totty v. Grantham Planning Board*, 120 N.H. 388 (1980) or, in the most extreme cases, reversed.

**Preponderance of the Evidence**

The Superintendent must satisfy the board that based solely upon the evidence at the hearing, the reasons stated in the notice are more likely than not to be true.

The Superintendent does not have to prove the ground(s) beyond a reasonable doubt, as is required in a criminal case. What the Superintendent has to prove is that the ground for non renewal is more likely than not.

Adopted from NH civil jury instructions:

“Imagine in your mind the scales of justice. For each ground asserted by the Superintendent, put all the credible evidence on the scales, with the evidence supporting the Superintendent’s position on one side of the scale and the evidence in favor of the teacher’s position on the other side of the scale ... If the scales tip, ever so slightly, for the Superintendent’s position, then on that ground the Superintendent has sustained his or her burden of proof. If the scales tip in favor of the teacher’s position, or remains level, then the Superintendent has failed to prove that ground ... Consider all the evidence in the case no matter who produced it. Keep in mind that it is the quality or weight of the evidence that is important, which is not necessarily determined by the number of exhibits or witnesses.
TO: Members, Concord School Board
FROM: Larry Prince, Director of Human Resources
DATE: May 7, 2018
REFERENCE: Teacher Nominations 2018-2019 School Year

All salaries are based on the 2017-2018 CEA salary schedule. Steps reflect 2017-2018 placement unless otherwise indicated with an asterisk.

Fiona Quirk
Concord, NH
Education: University of New Hampshire, Durham, NH, MS/01
University of New Hampshire, Durham, NH, BS/91
Experience: Broken Ground/Concord High School
Occupational Therapist, part-time, 17-18
Broken Ground School
Occupational Therapist, part-time, 06-17
Community Bridges, Concord, NH
Occupational Therapist, part-time, 00-03
Newmarket Public School, Newmarket, NH
Occupational Therapist, 97-99
Nashua Public School, Nashua, NH
Occupational Therapist, 96-97
The Hug Center of New England, Waltham, MA
Occupational Therapist, 95-96
Franciscan Children’s Hospital & Kennedy Day School, Boston, MA
Occupational Therapist, 95-96
Spaulding Rehabilitation Hospital, Boston, MA
Occupational Therapist, 92-94
Fiona replaces Miriam Lebby (M-14 = $80,665) – retirement
Budgeted at $80,665
Jessica Anderson
Manchester, NH
Education: University of New Hampshire, Durham, NH, M.Ed./15
University of New Hampshire, Durham, NH, BA/14
Experience: Concord High School
- English Teacher, 17-18
- ELL Teacher, 15-17
Jessica replaces Elizabeth York (20% of M+30-14 = $16,632) – LOA
Jessica is requesting a leave of absence from her 20% ELL teacher position to continue in this assignment.
Budgeted at $16,632

Nancy Emery
Hopkinton, NH
Education: Washington University, St. Louis, MO, AB/79
Experience: Concord School District
- Latin Teacher, 96-13
- Whitfield School, St. Louis, MO
  - Latin/Social Studies Teacher, 83-87
Nancy replaces Michael Brown (20% of M-2 = $9,647) and 20% new from reallocations
Budgeted at $25,780

Melissa Louf
Bow, NH
Education: San Diego State University, San Diego, CA, BA/89
Experience: Concord High School
- ELL Teacher, 17-18
- Bow School District, Bow, NH
  - ELL District Coordinator/Teacher, part-time, 15-17
Melissa replaces Jessica Anderson (20% of M-3 = $10,146) – LOA
This is in addition to Melissa’s 60% ELL teacher assignment.
Budgeted at $10,146

Elizabeth York
Concord, NH
Education: University of New Hampshire, Durham, NH, M.Ed./90
University of New Hampshire, Durham, NH, BA/89
Experience: Concord High School/CRTC
- English/Special Education Reading Teacher, 09-18
- English Teacher, part-time, 90-92, 93-09
Beth is requesting a leave of absence from 20% of her CHS English teacher position to continue in this assignment
Federal Funds

School Board Nominations
May 7, 2018
<table>
<thead>
<tr>
<th>Name</th>
<th>School/Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emily Wilkes</td>
<td>Abbot-Downing School, Classroom Teacher</td>
<td>$50,728</td>
</tr>
<tr>
<td>Concord, NH</td>
<td></td>
<td>M-3</td>
</tr>
<tr>
<td>Education:</td>
<td>Southern New Hampshire University, Hooksett, NH, M.Ed./15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brigham Young University, Rexburg, ID, BS/07</td>
<td></td>
</tr>
<tr>
<td>Experience:</td>
<td>Beaver Meadow School</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Classroom Teacher, 17-18</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Abbot-Downing School</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Classroom Teacher, 15-17</td>
<td></td>
</tr>
<tr>
<td>Emily replaces Luanne Snow (M-14 = $80,665) – retirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budgeted at $80,665</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elizabeth Collopy</td>
<td>Mill Brook School, Preschool Teacher</td>
<td>$50,728</td>
</tr>
<tr>
<td>Barrington, NH</td>
<td></td>
<td>M+30-2</td>
</tr>
<tr>
<td>Education:</td>
<td>University of New Hampshire, Durham, NH, M.Ed./08</td>
<td></td>
</tr>
<tr>
<td></td>
<td>University of New Hampshire, Durham, NH, BA/03</td>
<td></td>
</tr>
<tr>
<td>Experience:</td>
<td>Mill Brook School</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Preschool Teacher, part-time, 15-18</td>
<td></td>
</tr>
<tr>
<td>Elizabeth replaces Shira Siegal (60% of M-13 = $46,404) – resignation and Elizabeth Collopy (40% of M+30-2 = $20,291) – RIF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budgeted at $66,695</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Mary Palm has declined the veteran salary schedule for 2018-2020. The District is recommending the next applicant, in order of seniority, from the applicant list. William Crowley will have twenty days to accept or decline the offer.

<table>
<thead>
<tr>
<th>CEA MEMBER</th>
<th>POSITION</th>
<th>LOCATION</th>
<th>YEARS OF SERVICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Julie Harrington</td>
<td>Classroom Teacher</td>
<td>Rundlett Middle School</td>
<td>24.00</td>
</tr>
<tr>
<td>2. Diane Serard</td>
<td>Classroom Teacher</td>
<td>Abbot-Downing School</td>
<td>21.95</td>
</tr>
<tr>
<td>3. Brenda Hastings</td>
<td>Classroom Teacher</td>
<td>Broken Ground School</td>
<td>21.57</td>
</tr>
<tr>
<td>4. Lisa Mills</td>
<td>Special Education Teacher</td>
<td>Broken Ground School</td>
<td>20.00</td>
</tr>
<tr>
<td>5. Susan Dabuliewicz</td>
<td>School Nurse</td>
<td>Beaver Meadow School</td>
<td>20.00</td>
</tr>
<tr>
<td>6. Rebecca Schaefer</td>
<td>School Counselor</td>
<td>Concord High School</td>
<td>20.00</td>
</tr>
<tr>
<td>7. Paul Bourassa</td>
<td>Classroom Teacher</td>
<td>Christa McAuliffe School</td>
<td>20.00</td>
</tr>
<tr>
<td>8. Jocelyn Jerry-Wolcott</td>
<td>School Counselor</td>
<td>Concord High School</td>
<td>19.90</td>
</tr>
<tr>
<td>9. Kevin Greene</td>
<td>Music Teacher</td>
<td>Rundlett Middle School</td>
<td>18.00</td>
</tr>
<tr>
<td>10. William Crowley</td>
<td>Business Teacher</td>
<td>Concord High School</td>
<td>18.00</td>
</tr>
</tbody>
</table>
Concord School District
Joint Facilities and Finance Committees
April 4, 2018

Committee: Joint Facilities and Finance Committee
Date: April 4, 2018

Capital Facilities Committee members present: Jim Richards, Chair, Nathan Fennessy, Liza Poinier, Pam Wicks
Finance Committee members present: Tom Croteau, Chair, Jim Richards, Pam Wicks, Chuck Crush
Administration: Terri Forsten, Superintendent, Jack Dunn, Business Administrator, Matt Cashman, Director of Facilities and Planning
Other School Board members: Jennifer Patterson, Maureen Redmond-Scura

Agenda:
1. Abbot-Downing Historical Society (ADHS) interest in "Stable building"
2. 2016-2017 Bond proceeds
   a. Technology
   b. Buses
   c. CRTC childcare center - Stable
   d. Steam-to-natural gas
3. Roof, HVAC and window projects
   a. Reprioritizing bond funds
4. Public infrastructure grants
   a. Surveillance development
   b. Access control and security alerting
5. Rundlett Middle School – facility planning and development
   a. Demographic study
   b. Bonding the project

Finance Committee Chair Tom Croteau called the meeting to order at 5:31 p.m., noting that it was a combined meeting of the Facilities and Finance Committees. Director of Facilities Matt Cashman introduced Merwyn Bagan from the Abbot-Downing Historical Society (ADHS), who spoke to the interest by the Abbot-Downing Historical Society in the "Stable building" located off Warren Street near CHS. His vision was to create a museum to house the Abbot-Downing Historical Society’s collection of Concord coaches.
Several questions about the Board’s prior intent to use the Stable building as a preschool were discussed. Board members were interested in having further conversations about how such a transfer would occur and whether the City might offer something in trade for this property.

Cathy Furlong, a retired District teacher who works at the Family Center at Beaver Meadow School, noted that she was also working with ADHS to engage fourth grade students with the history of the famous Concord coaches.

Business Administrator Jack Dunn reviewed the components of the $12 million bond and related expenditures to date. The $2 million set aside for technology and for buses has been spent to support related purchases. The steam-to-gas conversion is ongoing, with over $500,000 remaining in the $9 million bond set aside for this project. Mr. Dunn introduced the idea of repurposing $1 million in the bond that had been set aside for the Stable building to address CHS and BGS roof projects and HVAC and window replacement at the Eastman School building.

Mr. Cashman spoke to issues at CHS with a portion of the roof and at BGS with the roof over the third-grade wing. Mr. Cashman answered questions about the quality of the current roofs at both schools. The estimated cost for the CHS roof would be $685,000; the estimated cost for the BGS would be $250,000.

Mr. Dunn recommended that the Board use the remaining $65,000 to convert the Eastman School building from oil to natural gas and to replace windows at Eastman.

The Finance Committee voted 4-0 to recommend that the Board direct the administration to prepare necessary financial, legal and public documents and meetings to reprioritize the $1,000,000 bond funds for Concord High and Broken Ground Schools, and for HVAC and window replacements at the Eastman School building (moved by Mr. Croteau, seconded by Jim Richards).

Mr. Dunn reviewed the Public School Infrastructure Grant Funds to support improved security and access at CHS. He reminded Committee members that this was a reimbursement grant, which meant that the District must pay the costs of the projects up front and then would be reimbursed from the State department for 80% of expenditures.

Following a conversation about these projects and their timelines, Mr. Croteau made a motion regarding use of a portion of the Facilities and Renovation Expendable Trust for security upgrades. Chuck Crush seconded the motion. Mr. Richards recommended

<table>
<thead>
<tr>
<th>GRANT</th>
<th>REQUESTED</th>
<th>STATE MATCH</th>
<th>DISTRICT OBLIGATION</th>
<th>STATE ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveillance</td>
<td>354,632.00</td>
<td>80%</td>
<td>70,926.40</td>
<td>283,705.60</td>
</tr>
<tr>
<td>Access Control</td>
<td>589,089.00</td>
<td>80%</td>
<td>117,817.80</td>
<td>471,271.20</td>
</tr>
<tr>
<td>TOTALS</td>
<td>943,721.00</td>
<td>80%</td>
<td>188,744.20</td>
<td>754,976.80</td>
</tr>
</tbody>
</table>
that the final bullet include the Capital Facilities Committee (originally it had simply referenced the Finance Committee).

The joint committees voted 6-0 to recommend to the full Board to authorize the administration to use the Facilities and Renovation Expendable Trust to pay for the security upgrades to CHS in an amount up to $943,721 under the following conditions:

- Upon completion of the project, the state portion of up to $754,976.80 or 80% of funds expended would be deposited back into the Facilities and Renovation Expendable Trust
- Upon completion of the project, the administration would present a plan to reimburse the District obligation of $188,744.20 or 20% to the Facilities and Renovation Expendable Trust
- The Capital Facilities and Finance Committees of the Board would be updated periodically on the status of the project (moved by Mr. Croteau, seconded by Mr. Crush).

Mr. Dunn presented the administrators’ recommendation for Davis Demographics to be awarded the contract for a demographic study of the District.

The Finance Committee voted 4-0 to support the recommendation that Davis Demographics be contracted with to complete the demographic study for the District (moved by Mr. Richards, seconded by Mr. Croteau).

Mr. Dunn reviewed current debt service and District bond history. He shared preliminary points for financial planning consideration.

The joint Committees voted 6-0 to adjourn the meeting (motioned by Liza Poinier, seconded by Nathan Fennessy).

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Tom Croteau, *Chair, Finance Committee*
Jim Richards, *Chair, Capital Facilities Committee*
Matt Cashman, *Recorder*
Committee chairperson Nathan Fennessy called the meeting to order at 5:35 p.m. The agenda was to consider a proposed resolution regarding candidates' financial disclosure, and continue to review and revise Board policies, specifically in Section 400, Personnel.

Candidates' Financial Disclosure

School Board Clerk Roger Phillips had offered a recommendation at the last meeting related to the need for candidates who run for public office to submit financial disclosure information for spending above $500. Attorney Ed Kaplan recommended mirroring the city's ordinance, and the Superintendent will bring a draft for consideration in May. Mr. Fennessy asked Superintendent Forsten to check with Attorney Kaplan about enforceability.

Policy #411 Physical Examinations

There was a question whether language regarding "additional examinations" would possibly commit the District to pay for additional exams and/or treatment. The intent would be to pay only for the additional exam required/requested, not for associated treatments, etc. Attorney Will Phillips from NHSBA reviewed the existing language and noted that it did not indicate a liability to pay for additional exams. The Committee struck the last sentence of the current policy “d.” and added, “The District will bear the cost of any medical examination which the District may require, but shall not, however, be responsible for any costs for treatment(s) indicated by, resulting from or relating to such examination.”

Policy #521 Sexual Harassment

The Committee had agreed to review and revise the student sexual harassment policy after a review and update of Policy #414, Sexual Harassment, under Personnel. Several differences are apparent between the staff and the student-focused policies.

The Committee decided to adopt the NHSBA sample policy, with additional language under section IV. Superintendent Forsten noted that some of the language on reporting and investigating procedures derives from the Office of Civil Rights.

Superintendent Forsten indicated that a specific reporting form would be created for this policy. If a complainant chose not to use the form, subsequent investigation would need
to fulfill the areas which the form would otherwise cover. The Superintendent would report annually to the Board on completed investigations and how each is resolved.

Policy #423 Placement on Salary Schedule Steps

The District’s collective bargaining agreement with CEA (and other collective bargaining units) provides clarity to placement on a salary schedule. Mr. Fennessy suggested that changes to collective bargaining laws might necessitate this policy. The Committee recommended deleting this policy.

Policy #423.1 Vocational Teachers, Creditable Experience

This is addressed in the CBA for the CEA; this policy is not necessary. The Committee recommended deleting this policy.

Policy #423.2 Salary: Advancement to a Higher Degree Category

The Committee discussed setting a timeline for this process. After some discussion, the Committee recommended deleting this policy.

Policy #423.3 Advance to Higher Salary

As this policy is referred to in the collective bargaining agreement for CEA and after some discussion, the Committee recommended deleting this policy.

Policy #424.1 Leaves of Absence for Health Reasons

This topic is addressed in each of the District’s collective bargaining agreements; this policy is lenient in that it offers up to 38 weeks of leave for “health reasons.” The Committee recommended deleting this policy and revising the NHSBA policy on FMLA.

Policies #424.2, 424.3 Leaves of Absence

The District currently has two related policies: Policy #424.2 Leaves of Absence for Military Obligations and Policy #424.3 Leaves of Absence for Military Service. The NHSBA policy, Military Leave, encompasses the District’s current two policies and defers to the USERRA. The Committee recommended adopting the NHSBA policy, Military Leave.

Larry Prince joined the meeting.

Policy #424.4 Unpaid Leaves of Absence

The Committee recommended adding “Professional” to the title of this policy, “Unpaid [Professional] Leaves of Absence,” to allow unpaid leaves for those who want to pursue professional development but want to maintain their position in the District.

Policy #425 Subpoena/Jury Duty

This policy is referred to in several collective bargaining agreements. The Committee reviewed the policy, without changes.

Policy #426 Guidance Counselors

The Committee recommended minor textual changes to the policy, which would cover extra work days over and above the counselors’ individual contracts. The Committee changed the title to School Counselors – Additional Days.
Policy #428 Death Benefits (Sick Leave)

This policy is referred to in several contracts. In such a case, the District pays out 100% of the employee's accrued sick time, regardless of percentages specified in contracts. Mr. Prince noted that the insurance carrier has indicated that if no beneficiary is named, these payments must be made to the deceased's estate. He noted that this payment would be made regardless of whether a particular employee's contract allowed any sick-day payout upon leaving the District. Mr. Prince will further research this policy and return to the Committee next month with information about which collective bargaining agreements have language that references this policy.

Policy #429/681 Instruction of Temporarily Home-Bound Students

This policy may be misplaced in the "Personnel" section; it should be maintained in the "Instruction" section. If continued, it should be updated to 10 hours/week.

The Committee voted 4-0 to recommend to the full Board a first reading of the policies which were reviewed, revised, or suggested to be deleted (Policies 411, 521, 423, 423.1, 423.2, 423.3, 424.1, 424.2, 424.3, 424.4, 425, 426, 429/681 (moved by Maureen Redmond-Scura, seconded by Ms. Patterson).

The Committee voted 4-0 to adjourn (moved by Ms. Patterson, seconded by Mr. Croteau).

The committee meeting adjourned at 7:05 p.m.

Respectfully submitted,

Nathan Fennessy, Chair
Linden Jackett, Recorder
Concord School District Policy #411
Physical Examinations – Employees

1. Physical Examinations for School Personnel
   a. Physical examinations for employees shall be scheduled after a conditional offer of employment has been made but prior to the start of employment. All school personnel shall be required to have a pre-employment medical examination by a licensed physician qualified to practice medicine in at least one of the states of the United States. Any offer of employment is conditional upon successful completion of a medical exam.

   Any person who objects to all or part of any medical examination because of religious beliefs shall be exempt from said examination, except that no such exemption shall be granted if state or local authorities determine that such exemption would constitute a hazard to the health of persons exposed to the unexamined individual.

   If the prospective employee has had a physical within one year prior to the start of employment with the District, the candidate may, as an alternative to a medical exam, have their physician complete the District’s “Health Examination Form.”

   b. Bus drivers must not only have a post-offer pre-employment physical examination, but in addition, bus drivers must thereafter complete physical examinations as required by state law at District expense.

   c. The District shall be responsible for the cost of required pre-employment physical examinations. Extra laboratory and x-ray procedures, not normally included in a routine physical examination, will not be paid for by the District.

   d. The Superintendent may require a medical examination for any employee if at any time he/she has reason to believe that the employee’s physical or mental health may be detrimental to the welfare of pupils or other employees. The District will bear the cost of any medical examination the District may require, but shall not be responsible for any costs for treatment(s) indicated by, resulting from or relating to such examination. The Superintendent may require medical examinations at intervals when the request is job-related and consistent with business necessity and consistent with state and federal law.

2. Tuberculin Testing Program for School Personnel
   a. A tuberculin skin test may be required in the post offer pre-employment physical examination if the attending physician detects the individual exhibits symptoms of tuberculosis.

   b. Employees with positive skin tests will be referred to their physician for evaluation and treatment as well as the tuberculin skin test program at the New Hampshire Department of Public Health. Prior to returning to work, employees must submit
documentation from their physician stating they are able to return to work with or without a reasonable accommodation and with recommendations, if any, for future testing.

e.c. Employees with a negative skin-test are not required to be retested unless the individual presents symptoms of a prolonged respiratory illness as determined by a licensed physician.

Legal References:
RSA 200:36, Medical Examination of School Personnel
RSA 200:37, Medical Examination of School Bus Operators

Corresponds to NHSBA Policy GBGA
A teacher's initial placement on an appropriate salary step will be determined by:

1—Degree Status

2—Experience. One year of credit will be given for each year's experience that exceeds one-half of a school year. This experience must have been full-day and under contract. Experience credit will be granted for substitute teaching provided that the teaching was done with the same class/ies for a period that exceeds 90 full days in a school year.

Exceptions to this policy will be found in Policy #423.1 Vocational Teachers, Creditable Experience.

Adopted 1975. Revised February 1984
Concord School District Policy #423.1

Vocational Teachers, Creditable Experience

Teachers certified in a vocational education area and hired to instruct students enrolled in Concord Regional Technical Center will be allowed one (1) year experience on the current teachers' salary schedule for each two (2) years of job-related experience in the private sector.

This policy applies only to vocational instructors hired for the 1980-81 school year and thereafter.

Concord School District Policy #423.2
Salary: Advancement to a Higher Degree Category

Written evidence of qualifications (e.g., transcript of credits) for a higher salary level will be submitted to the Superintendent. Upon acceptance, the teacher will be advanced to the appropriate track for the subsequent school year.

Additionally, to qualify for the M+ 30 level, graduate course work must receive prior approval of the Superintendent and commence after completion of all requirements for the Master’s Degree.

Adopted 1966. Revised January 1984
Concord School District Policy #423.3
Advance to Higher Salary

The School Board reserves the right, on unanimous recommendation of the Superintendent, the assistant Superintendent, the Principal and the department head, if any, to hold an employee at the same salary provided a written warning signed by the administrators named above, and subsequent conferences including all parties concerned, have preceded the unanimous recommendation.

Adopted July 1983.
Concord School District Policy #424
Family and Medical Leave Act

Consistent with the federal Family and Medical Leave Act of 1993 (FMLA), the District recognizes that eligible employees have access to unpaid family and medical leave. Employees should consult regulations that implement the Act for more specific definitions and criteria for use. It is not the intent of this policy to provide additional or different provisions than those specified in the Act and its implementing regulations.

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal, or family leave for purposes of family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of medical leave.

The employee shall notify the District of his/her request for leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District may require a certification from a health care provider if medical leave is requested.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the FMLA, including information concerning the enforcement of the Act.

The user of this policy is also directed to the applicable provisions of any collective bargaining agreements in the District.

Legal References:

Title 29 § 2601 et. seq.

Adopted ____________, 2018
Corresponds to NHSBA Policy GCCBC
Concord School District Policy #424.1

Military Leave

An employee will be eligible for all considerations of military leave in accordance with applicable state statutes and the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Uniformed Services consists of Army, Navy, Air Force, Coast Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard, Air National Guard, State National Guard, and any other category of persons designated by the President of the United States in time of war or emergency.

The employee must provide to the Superintendent advance written notice, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable. The employee must provide either written documentation evidencing performance of military duty or identify the military command in order for the school to verify the request.

Any employee who is a member of a reserve component of the United States armed forces or a member of the National Guard shall be entitled to a leave of absence without loss of pay or time.

Applicable state law and applicable provisions of the USERRA will govern any employee’s re-employment with the District. Notwithstanding those provisions, the District may still exercise its rights under RSA 189:14-a.

Legal References:
- 38 U.S.C. §4301 et seq., Uniformed Services Employment and Reemployment Rights Act
- RSA 110-C, National Guard; Rights and Protections
- RSA 112, Public Officers or Employees; Military Leave

Adopted __________, 2018
Corresponds to NHSBA policy GCCAD
Concord School District Policy #424.1
Leaves of Absence for Health Reasons

Leaves of absence for health reasons may be granted by the Superintendent up to, and not exceeding, 190 school days. Requests for such leave must be accompanied by written documentation from the individual's physician, which may be subject to review by a School District-appointed physician. Time spent on leaves following use of accumulated sick leave will be without pay or experience credit.

Concord School District Policy #424.2
Leaves of Absence for Military Obligations

If an employee is required to perform military obligations as an Armed Forces reservist or National Guard member during the contracted school year, he/she will be paid the difference between that which is received in military pay and the pay that would be received as a School District employee for the same time period.

Concord School District Policy #424.3
Leaves of Absence for Military Service

Leaves of absence for military duty will be decided on an individual basis. The School Board may, under certain conditions, grant experience credit for salary schedule advancement.

Concord School District Policy #424.4

Unpaid Professional Leaves of Absence

Leaves of absence without pay may be granted for approved purposes by the School Board. Such request should be submitted to the Superintendent, who considers each request individually. Teachers requesting an unpaid leave of absence for professional purposes in duration of one full semester or longer must have been employed by the District for at least five (5) years, must submit the leave request at least ninety (90) days prior to the start of the leave and must demonstrate the leave will provide the following:

1. A benefit to the professional – how the results of their leave will benefit or improve their classroom teaching skills and/or technique(s); and

2. A benefit to the District – how the District will benefit from their having taken a professional leave of absence; or by introducing a new program or returning a discontinued program to the District.

Time away from the District for professional leave does not necessarily lead to an increase in salary.

Concord School District Policy #425
Subpoena/Jury Duty

An employee of the District who is subpoenaed to testify or requested to serve on jury duty will receive his/her regular pay from the District. An employee who receives recompense for jury duty will return it to the District.

Concord School District Policy #426

School Guidance Counselors – Additional Days

The Superintendent is authorized to have School Counselors honor requests from secondary building Principals to have individual/s of the guidance staff work additional days beyond the established work year for teachers. Recompense for these additional days will be at a per diem rate according to an individual's basic teaching contract.

Adopted 1974. Revised December 1983; __________, 2018
Concord School District Policy #429

Instruction of Temporarily Home-Bound Students

A School District student will be designated as home-bound when the student is not able to attend school on a short-term basis as a result of a temporary illness or injury, as certified by a medical professional. A home-bound student will be eligible to receive five (5) hours per week of tutoring by a District instructor, to be approved by the Superintendent.

*Also Policy #681
The purpose of this policy is to maintain a learning environment for students that is free from sexual harassment or other improper or inappropriate behavior that may constitute harassment as defined below. Sexual harassment is against the law and is against Board policy. Any form of sexual harassment is strictly prohibited. It is a violation of this policy for any student to harass another student through conduct or communication of a sexual nature as defined by this policy. The District will investigate all complaints, either formal or informal, verbal or written, of sexual harassment and will discipline any student who sexually harasses another student.

I. Sexual harassment/sexual violence defined

Sexual harassment of students shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;

2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student;

3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student’s educational performance or opportunities; or creates an intimidating, offensive or hostile educational environment.

Relevant factors to be considered will include, but not be limited to: did the student view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students.

Examples of sexual harassment may include, but not be limited to: physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings, pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

II. Reporting Procedures

1. The Superintendent or his/her written designee is responsible for implementing all procedures of this policy. Additionally, the Superintendent may develop and implement additional administrative regulations in furtherance of this policy.

2. Any student who believes he or she has been the victim of sexual harassment should
report the alleged act(s) immediately to any District employee or the building Principal. If a student initially reports the alleged act to a District employee, that employee shall immediately notify the Principal, who shall then immediately notify the Superintendent.

3. The Board encourages all students and staff members to use the report form available from the Principal or Superintendent.

4. In each building, the Principal is the person responsible for receiving oral or written reports of sexual harassment. Upon receipt of a report, the Principal will notify the Superintendent immediately without screening or investigating the report. If the report was given verbally, the Principal shall reduce it to written form within 24 hours and then forward it to the Superintendent. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the Principal, the complaint shall be filed directly with the Superintendent.

5. The Board designates the Superintendent as the District Human Rights Officer to receive any report or complaint of sexual harassment. If the complaint involves the Superintendent, the complaint shall be filed directly with the Board.

6. Submission of a complaint or report of sexual harassment will not affect the student's standing in school, grades, work assignments, eligibility for extra-curricular activities or any other aspect of the student's educational program.

7. The use of formal reporting forms provided by the District is voluntary. The District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations and the necessity to investigate allegations of sexual harassment and take disciplinary action when the conduct has occurred.

III. Investigation and Recommendation

The Superintendent, as the designated Human Rights Officer, will authorize an investigation upon receipt of a report or complaint alleging sexual harassment. This investigation may be conducted by District officials or by a third party designated by the Board.

If District officials conduct the investigation, the investigation should consider the surrounding circumstances, the nature of the sexual advances, the relationship between the parties and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment requires a determination based on all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. Students who are interviewed may have a parent or other representative present.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.
If the Board determines that a third-party designee should conduct the investigation, the District agrees to assent to that party's methods of investigation.

Upon completion of an investigation conducted by either District officials or a third party, the Superintendent will be provided with a written factual report and recommended action. The Superintendent shall update the Board annually on the number and disposition of complaints.

IV. District action

If the investigating party determines that the alleged conduct constituted sexual harassment, the Superintendent or Principal may discipline the offending student. Such discipline may include, but is not limited to, detention, in-school suspension, out-of-school suspension, or expulsion. Education on this topic will also be considered. Discipline will be issued in accord with other applicable Board policies. Due to FERPA and other privacy-related laws, the victim will not be informed of what discipline was imposed.

If the investigating party determines that the alleged conduct did not constitute sexual harassment, both the complaining party and the accused will be informed of such. No disciplinary action will be taken.

Conduct which does not rise to the level of sexual harassment as defined by the policy, but is nonetheless inappropriate or is in violation of other Board policies, will be addressed on a case-by-case basis by the Superintendent or Principal, who may still impose discipline or order the offending student to engage in some remedial action.

V. Reprisal

The District will discipline any student who retaliates against any other student who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment or sexual violence complaint. Retaliation includes, but is not limited to, any form of intimidation, threats, reprisal or harassment.

VI. Right to alternative complaint procedures

These procedures do not deny the right of any student to pursue other avenues of recourse, which may include filing charges with the Commissioner of Education, initiating civil action or seeking redress under state criminal statutes and/or federal law.

VII. Sexual harassment or sexual violence as sexual abuse

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under New Hampshire law. In such situations, the District shall comply with all pertinent laws.

Nothing in this policy will prohibit the District from taking immediate action to protect victims of alleged sexual abuse.

VIII. Age-Appropriate sexual harassment policy

Per the requirements of Ed 303.01(j), the Board is required to establish a policy on sexual harassment, written in age-appropriate language and published and available in written form to all students. This policy is intended to apply to middle school- and high school-aged students.
The Superintendent and Principal(s) are charged with establishing policies, rules, protocols and other necessary age-appropriate information or materials for the District's elementary schools.

IX. Bypass of policy

Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to: N.H. Commission on Human Rights, at 2 Chennell Drive, Concord, NH 03301, phone 603-271-2767 or US Department of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02203, phone 617-565-1340.

Legal References:

   Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy
   Ed 306.04(a)(9), Sexual Harassment
   Appendix: GBAA-R, BBA-R

Adopted __________, 2018
Corresponds to NHSBA Policy JBAA

1. Concord School District’s commitment to providing an educational environment free from sexual harassment.

   We are committed to providing an educational environment in which everyone is respected, and no one is harassed because of their sex. Sexual harassment of any employee or student by any other employee or student, or by anyone with whom an employee or student interacts while fulfilling job or school responsibilities, is against the law and violates this policy. Concord School District will not tolerate sexual harassment.

   The School Board has adopted this policy so that everyone will know what sexual harassment is, and how to report complaints of sexual harassment. This policy defines sexual harassment and gives some examples of the behaviors we will not tolerate. It also explains how any employee, student, or parent can report harassment. We will not tolerate retaliation against anyone who complains of harassment. Retaliation violates this policy and the law.

   When the District receives a complaint of harassment, we will investigate the complaint. If we find that harassment has occurred, we will take action to correct the situation and to stop the harassment. An employee or student who engages in harassment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

2. What is sexual harassment?

   Sexual harassment is against the law. It is a form of sex discrimination that is prohibited by three different laws: Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and New Hampshire's Law Against Discrimination. Under these laws, the legal term “sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or nonphysical conduct of a sexual nature when:
Submission to such conduct is made explicitly or implicitly a term or condition of an employee's employment or of a student's academic status;

Submission or rejection of the conduct is used as a basis for employment or academic decisions affecting the individual, or for awarding or withholding favorable employment or academic opportunities, evaluations, or assistance; or

The conduct has the purpose or effect of unreasonably interfering with an individual's performance at work or school or creates an intimidating, hostile, or offensive work or educational environment.

3. What behavior is prohibited?

The definition of sexual harassment is broad, so it is not possible to list all of the behaviors that may constitute sexual harassment. The following are some examples of conduct which may constitute sexual harassment if they are unwelcome:

- Sexual advances or pressure for sexual activity;
- Sexual jokes, pictures, cartoons;
- Comments about sexual conduct;
- Verbal abuse of a sexual nature;
- Offensive sexual behavior;
- Requests for sexual favors accompanied by implicit or explicit threats concerning one's job, grades, letters of recommendation, etc.;
- Comments about someone's body, clothing, or sexual activity;
- Leering, staring, whistling;
- Sexual gestures or suggestive comments;
- Asking someone about their sexual experiences or gossiping about them;
- Brushing, touching, patting, or pinching someone;
- Displaying sexually suggestive or demeaning objects, pictures, writings, graffiti, or posters; or
- Verbal abuse consistently targeted at any one sex, even if the content of the abuse is not sexual.

The above behaviors are prohibited in any form, whether they are said or done in person, over the telephone, via e-mail, over the Internet, or using any other form of communication.

All employees and students should also be aware that retaliation against someone who has complained of harassment is prohibited. Retaliation against anyone who has complained or who has participated in an investigation is unlawful and will not be tolerated by the District.

4. Who might be a "harasser"?
Sexual harassment can occur between supervisors and subordinates; between faculty or staff and students; between students or co-workers; between contractors or visitors and students or employees; or between any combination of these people. The alleged harasser and alleged victim may be of different sexes or of the same sex. "Same sex" harassment is prohibited like any other form of harassment.

5. What should you do to stop unwelcome behavior?

Sometimes, telling the harasser that his or her behavior is unwelcome will stop the behavior or comments. Employees or students who believe they are being harassed are encouraged to let the person engaging in the conduct know how they feel, but are not required to do so.

In addition, any employee or student who believes that he or she has been harassed should report the incident in accordance with our complaint procedure, which is described below. Parents or guardians may also file complaints on behalf of students.

Employees who observe harassment of students are required to report the harassment in accordance with the complaint procedure. Employees who fail to report will be subject to disciplinary action. If you are not sure whether something you have observed may constitute harassment, report it so that the District can make that determination.

6. How do you report a complaint of harassment or retaliation?

Each building in the District has one or more assigned sexual harassment investigator. We also have sexual harassment investigators assigned to the whole District. A complete list of all our investigators and their addresses and telephone numbers is attached to this policy. Each year every school will list the names, addresses and telephone numbers of their investigators, as well as the Central Office investigators, in their student handbooks. In addition, this policy will be posted in or near the main office of each building.

Employees, students, and parents or guardians should report complaints of sexual harassment or retaliation to their building sexual harassment investigator. If for any reason you are not comfortable discussing the matter with your building investigator, you may contact the District investigator directly. If the District investigator is not available, you should report the complaint directly to the Superintendent.

Complaints may be made orally or in writing. Whenever possible, complaints should include a description of the alleged harassment, the date(s) of the alleged harassment, and the name(s) of the alleged harasser(s).

In order to ensure a prompt investigation and corrective action, complaints should be filed as soon as possible. Delays in reporting can make an investigation more difficult, and may also delay corrective action.

7. What happens once a complaint is filed?

When the District receives a complaint of sexual harassment, we will promptly and fairly investigate the complaint. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances, and
consistent with the District's legal obligations, including the obligation to thoroughly investigate complaints. If the complaint involves a student under the age of eighteen, his or her parents will be notified.

The investigation will include a private interview with the person filing the complaint. If the person making the complaint is a student, his or her parent(s) or guardian(s) may also participate in the interview. Where appropriate, the investigation will also include interviews with other witnesses. The investigator will also conduct a private interview with the person(s) alleged to have committed sexual harassment.

The investigator will provide a written investigation report to the Superintendent within twenty (20) days of receiving a complaint of sexual harassment. If the allegation of sexual harassment involves the Superintendent, the investigation report will be sent directly to the President of the Board.

Within ten (10) days of receiving the investigation report, the Superintendent will determine whether or not corrective action is appropriate. In the event the complaint involves the Superintendent, the determination will be made by the President of the Board. In circumstances where it is appropriate to do so, we will inform the person who filed the complaint and the person alleged to have committed the harassment of the results of the investigation and/or the corrective action, if any.

8. What corrective actions might the District take?

If it is determined that inappropriate behavior has occurred, the District will act promptly to eliminate the offending conduct and, where appropriate, impose disciplinary action. Appropriate corrective actions will vary depending on the circumstances. Examples of corrective actions include, but are not limited to:

- Monitoring the treatment of an employee or student;
- Issuing an oral or written warning;
- Training or counseling the harasser to ensure he or she understands why his or her conduct violated the harassment policy;
- Job or class transfer or reassignment;
- Suspension;
- Expulsion; and
- Termination of employment.

9. How are students, staff and parents notified of policy?

The Superintendent shall provide notice to students and staff of this policy through appropriate references in the student and employee handbooks, or through other reasonable means. The Superintendent shall also make all contractors contracting with the District aware of this policy.

10. Whom can you contact if you have questions or concerns?
Any employee, student or parent of a student with any questions or concerns about harassment may contact their building sexual harassment investigator, a District investigator and or the Superintendent. Anyone who is not satisfied with the handling of a sexual harassment complaint may contact the Superintendent.

Also Policy #414
Attachment
Concord School District Policy #681-
Instruction of Temporarily Home-Bound Students

A District student will be designated as home-bound when the student is not able to attend school on a short-term basis as a result of a temporary illness or injury, as certified by a medical professional. A home-bound student will be eligible to receive five-ten (510) hours per week of tutoring by a District instructor, to be approved by the Superintendent.

Adopted 1970. Revised 1976; 1983; October 1, 2012; __________, 2018
*Also Policy #429
Committee members present: Clint Cogswell, Chair, Chuck Crush, Maureen Redmond-Scura

Committee member absent: Liza Poinier

Other School Board members present: Tom Croteau

Administration: Superintendent Forsten, Superintendent

Committee chair Clint Cogswell calling the meeting to order at 6:00 p.m.

Superintendent Forsten provided an overview of the agenda and referred Committee members to the associated PowerPoint in their online folder.

Joshua Hardy, from Concord TV, attended the meeting following Liza Poinier’s communications with Doris Ballard about expanding the Board’s partnership to support communications. Mr. Hardy offered several ideas for the Committee to consider: video clips from Board and Committee meetings, Ask Me Anything, and Celebrating Star Students and Staff. He shared that he has spoken with the Board’s student videographers to note times of special presentation that the Board might want to pull out and post on the District’s social media sites. The Committee recommended that those clips be sent to Director of Technology Pam McLeod.

Mr. Croteau suggested that at the end of meetings, members consider whether some part of the video could be pulled forward for focused information to the community.

Mr. Hardy also spoke about the Ask Me Anything idea, describing this as a script with a focused conversation that could take place in the ConcordTV studio or on location. This could include anything or anyone the Board would like to highlight. For example, the new RMS Principal, Paulette Fitzgerald, or the new ADS Principal, could be featured to help the community begin connecting with her.

The final idea was highlighting students and staff. Committee members discussed several titles: “Concord School District – Celebrating Excellence,” “Celebrating Distinction in Concord Schools,” “Showcasing our Passion for Learning in CSD,” or “Shaping our Future in Concord Schools.” Associated topics included student clubs, afterschool programs, PACE, report cards, instructional practices, science at CHS or students in action. Mr. Hardy explained that these would be quick (10-15 minutes) and easy to create. He said he was willing to offer time in the studio and to go on location. Mr. Hardy noted he planned to attend this Committee's meetings. Members expressed appreciation for his ideas and energy.

Mr. Cogswell noted that he had spoken with Lola Dufort of the Concord Monitor about offering support. She explained that the Monitor staff would consider stories brought to
their attention but did not anticipate developing an absolute space for ongoing articles. Mr. Crush had also reached out to Tim Sink of the Chamber of Commerce but has not yet spoken with him.

Superintendent Forsten discussed developing a District brochure to highlight the opportunities and programmatic strengths in the District. She shared copies of the CRTC brochure and the brochure for the Cambridge Public Schools in Cambridge, Massachusetts (available in PDF format in the Committee's electronic folder). The Committee discussed the strengths of each brochure and expressed interest in moving forward with this project.

Committee members agreed to move their next meeting to Monday, May 21 at 6:00 p.m. The agenda will include the development of a District brochure, updates from conversations with Tim Sink, and a conversation about the District's connection to the City's website.

The Committee voted 3-0 to adjourn (motioned by Ms. Redmond-Scura, seconded by Mr. Crush).

The meeting adjourned at 7:04 p.m.

Respectfully submitted,

Clint Cogswell, Chair

Terri Forsten, Recorder
## Enrollment Report May 2018

### Elementary School Enrollment

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### District Total (not including preschool numbers)

- **Totals**: 268, 315, 290, 300, 325, 334, 1832

### Middle School Enrollment

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### Preschool Enrollment

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<td><strong>Total</strong></td>
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### District Total

- **District Total**: 4399
## Monthly Enrollment Report Summary

### 2017-2018 School Year

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**Note:** The table above provides a summary of monthly enrollment counts for various schools and the total K-12 enrollment for the 2017-2018 school year.
# May 2018 Board Meetings

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<thead>
<tr>
<th>Sun</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thu</th>
<th>Fri</th>
<th>Sat</th>
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<tr>
<td>7:00 p.m.</td>
<td><strong>Board meeting</strong></td>
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<td><strong>Negotiations</strong></td>
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<tr>
<td>5:30 p.m.</td>
<td><strong>Communications &amp; Policy</strong></td>
<td>5:30 p.m.</td>
<td><strong>Instructional</strong></td>
<td>6:30 p.m.</td>
<td><strong>Special Board meeting</strong></td>
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<tr>
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June 2018 Board Meetings

<table>
<thead>
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<th>Sun</th>
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<th>Tue</th>
<th>Wed</th>
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<th>Fri</th>
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<td>6:15 p.m. Retiree reception 7:00 p.m. Board meeting</td>
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<td>5:30 p.m. Negotiations</td>
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<td>14</td>
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<tr>
<td>5:30 p.m. Communications &amp; Policy</td>
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<td></td>
<td>5:30 p.m. Capital Facilities Tour of BMS</td>
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