

Our mission is to provide rigorous and varied educational opportunities that challenge and engage all students to attain their highest level of intellectual, social, physical, and emotional growth. (2007)

LITCHFIELD SCHOOL BOARD - SCHOOL ADMINISTRATIVE UNIT NO. 27

Litchfield, New Hampshire 03052

APPROVED MINUTES

June 3, 2009

(approved as amended 6-17-09)

Present:

Mr. Dennis Miller, Chair (*excused*)
Mr. Ralph Boehm, Vice Chair
Mrs. Cindy Couture, Board Member
Mrs. Pat Jewett, Board Member
Mr. Jason Guerrette, Board Member
Dr. Elaine Cutler, Superintendent
Mr. Steve Martin, Business Administrator
Mrs. Michele E. Flynn, Administrative Assistant

1) Public Session – Call to Order -Pledge of Allegiance **6:30 p.m.**

Mr. Boehm called the meeting to order at 6:30 p.m. Mr. Boehm is chairing the meeting in Mr. Miller's absence.

2) Review and Revision of Agenda

Revisions to the agenda included the addition of Manifest. Dr. Cutler also reminded Board members to RSVP to Mr. Kiestlinger regarding their attendance at the Varsity dinner on June 9, 2009.

3) School Board Comments

Mrs. Couture commented on the Underclass Awards ceremony held at CHS and announced that the parent attendance was the higher than in the past. She also commented on the Memorial Day parade and suggested that next year Board members march as a Board.

Mrs. Jewett mentioned the 275th Anniversary of the Town of Litchfield indicating that some planned activities are a parade, bonfire, teen dance, and fireworks. The planning committee meets each Thursday at 4:00 p.m. at the Town Hall for those that are interested in volunteering.

4) VLACS (Virtual Learning Academy Charter School) Proposal Approval

Dr. Cutler indicated that the VLACS proposal was reviewed by the Board on May 20, 2009 and the vote to approve the proposal was tabled until this meeting. The proposal is being revisited by the Board for approval.

Dr. Cutler explained that the proposal will result in no increased cost to the District as the funds currently used for PLATO will be used for VLACS. Ms. Lecaroz supported the proposal.

Mr. Guerrette voiced concerns that included the impact of more students using VLACS than anticipated and the future need for an additional facilitator. Dr. Cutler indicated that the PLATO program services students who are struggling, but is not working as well as expected. At the time PLATO was implemented, it was the only choice available. With VLACS, the program can be expanded to include potential student drop outs, as well as offering a myriad of higher level courses that cannot be currently offered at CHS. Dr. Cutler noted that it is expected that the number of students serviced will be within reasonable limits.

Mr. Guerrette expressed his disagreement with the proposal.

Mrs. Couture made a motion to approve the VLACS proposal as presented on May 20, 2009, replacing the PLATO program at no increased cost. Mr. Boehm seconded.

Mr. Guerrette queried about the suggested faculty member to facilitate the VLACS program and conflict of interest. Dr. Cutler indicated that no conflict of interest exists as this employee is on leave and works part time for VLACS. Board members briefly discussed the qualifications and rationale for the suggested facilitator. Mr. Guerrette disagreed.

The motion carried 3-1-0, with Mr. Guerrette voting in the negative.

5) Mosquito Control Discussion

Mr. Al Raccio of the Mosquito Control District shared mosquito control information with the Board. He thanked the Board for granting him the time to present the information.

Mr. Raccio noted that preparation and awareness for the upcoming mosquito and tick season is imperative. He emphasized that they are expecting an extreme tick season. Safeguards against mosquitoes and ticks can be found on the Mosquito Control link on the town website and at www.mosquito.org.

Mr. Raccio indicated that the three D's of protection are important: Drain, Dress, Defend. Some simple prevention for mosquitoes at home include: draining and washing out gutters, checking and emptying children's toys, changing the water in bird baths, and disposing of tires that may hold water. He indicated that it only takes an ounce of water and 3-5 days for mosquitoes to breed. Mr. Raccio suggested that the school district can encourage students to become involved by distributing a "game" that will challenge students to point out mosquito breeding areas at home. Mr. Raccio also mentioned that wearing light colored, loose fitting clothes can sometimes prevent mosquito attraction. Mr. Raccio indicated that defense, or self-protection, is key. He noted that the Mosquito Control District works on protection, self-defense, control testing, and treatment. The treatment is a controlled application of pesticide in specific areas that tested positive for breeding. These areas are under the purview of the Conservation Commission and the Board of Selectmen. Mr. Raccio spoke about choosing a mosquito repellent that has been registered by the Environmental Protection Agency. Approved repellents include: DEET, Picaridin, and Oil of Lemon Eucalyptus. He encouraged everyone to follow the directions on the labels carefully before application.

Mr. Raccio reported on the current program status of the Mosquito Control District (MCD). They have attained state permits for this year, are monitoring and controlling mosquito breeding sites identified last year, and will be checking for new sites over the next few weeks. The MCD is working with Michael Morrison and the State and applied for a grant to restore wetland areas to their original condition, thereby relieving mosquito breeding, at no cost to the town. The project, which will be handled by the Conservation Commission, will improve wetland functions. Mr. Raccio encouraged everyone to report any issues with mosquitoes or breeding areas at home or at school to the MCD. An agent will be sent to assess the situation and determine needs.

Mr. Boehm queried about the impact of the pesticides used by the MCD on dragonflies that eat the mosquitoes. He added that an area in the woods near Grassy Pond is infested with mosquitoes. Mr. Raccio indicated that the pesticides used for treatment has been genetically engineered for mosquito larvae and that the transfer is minimal. He added that the MCD team will assess the Grassy Pond area.

Dr. Cutler suggested that Mr. Raccio provide the SAU with the web link for the MCD for inclusion on the District website. Mr. Raccio gave a copy of the Three D's information sheet to the Board, which will be included on the District website. Mr. Raccio thanked the Board for the opportunity to present and discuss this important issue.

6) School Board Workshop - Ted Comstock and Barrett Christina, NHSBA

The School Board invited Ted Comstock, Executive Director NHSBA, and Barrett Christina, NHSBA Legal Counsel, to review the responsibilities of School Board members and address topics of concern. Mr. Christina distributed to the Board packets of information containing: an Information and Orientation Manual; Roles & Responsibilities of School Board Members; information about the NHSBA, Board ethics, and right to know.

Dr. Cutler indicated that topics that had been provided for discussion include: teacher dress code, right to know laws, manifest/expenditure oversight, no means no law, school board member positions v individual positions, non-public disclosure. Dr. Cutler deferred to Mr. Christina.

Topic: Staff Dress Code

Mr. Guerrette queried about teachers and the standards they should adhere to, as well as how to determine where the line is between personal freedom and professionalism (i.e. body piercings, tattoos). Mr. Christina provided a sample policy regarding Staff Dress Code that states staff should be clean, neat and well groomed; dress in a manner reflecting their assignments; dress in a manner that does not cause damage to district property; and dress and be groomed in such a way as not to cause a health/safety hazard. He suggested that if the Board decides to draft this type of policy they should include teachers in the discussion. Mr. Christina commented that sample policies are just templates that provide some direction in policy language. When drafting specific language or scope of policy, the NHSBA recommends districts work with their own legal counsel.

Topic: No Means No Law

Mr. Guerrette queried about warrant articles that fail and become part of the budget in the following year.

Mr. Christina provided a copy of the RSA's relative to Municipal Budget Law (32:6 through 32:14) and reviewed the "no means no" law, RSA 32:8, which states:

RSA 32:8 Limitations on Expenditures: *No board of selectmen, school board, village district commissioners or any other officer, employee, or agency of the municipality acting as such shall pay or agree to pay any money, or incur any liability involving the expenditure of any money, for any purpose in excess of the amount appropriated by the legislative body for that purpose, or for any purpose for which no appropriation has been made, except as provided in RSA 32:9-11.*

Mr. Christina explained that if a specific warrant article fails, the district or town cannot appropriate any money for the purpose stated in the warrant article. Mr. Boehm clarified that the district or town cannot appropriate any money for the purpose stated in the failed warrant article for that year. However, the money for the stated purpose can be included in the budget in year two (or the following year). Mr. Christina affirmed Mr. Boehm's clarification.

Mr. Guerrette was concerned with the methodology. Mr. Christina confirmed that the budget must be made available a week prior to the annual meeting and community members have ample time for review it and contact the Board or District administration with an questions or concerns.

Mrs. Couture explained that in Litchfield the Board presents the budget to the Budget Committee. The Budget Committee reviews the budget and may come across an item they do not think is a priority, so they remove that item from the budget. The Board takes the item to the people in a warrant article and the article fails. In the second year, that item may be included in the budget and the Budget Committee agrees, upon review of the budget, to leave the item in the budget. Mrs. Couture concluded that this process may not be clear to the community.

Mr. Guerrette stated that, according to Mr. Lemire, the Budget Committee does not go through the budget line by line. Mr. Martin indicated that the Budget Committee does not vote on every line item, but on significant cost items. Mr. Christina concluded that in the overall operating budget, money is transferrable and can be moved around where it may be needed.

Topic: Right to Know Laws.

Mr. Christina reviewed the Right to Know law as it relates to school board use of email. The law is not very clear on this issue and the legislature has taken this issue up for some years. The NH Supreme Court has not yet addressed the issue of when email communications become public records, but it was addressed in NH Superior Court (*Miller v Fremont School Board*). This case is instructive in helping school boards and administrators assess whether or not electronic communications are or may become public records. He recommended avoiding electronic communications, if possible; avoid discussing official board business or information about students and staff.

Mr. Christina suggested developing a policy to address the issue. He also recommended if a discussion does occur to include the emails in the minutes. In conclusion, Mr. Christina indicated that emails may become public records if:

- it is created or maintained by the public entity;
- it discusses official school business;
- the email is either created or in the possession of a quorum of the board.

Mrs. Couture queried about the remedies for "illegal meetings". Mr. Christina indicated that if the court found that an "illegal meeting" had been held, any decisions that are made in the meeting would most likely be deemed invalid. If it was found that the board was aware it was an "illegal meeting" they would be subject to pay the legal fees of the claimant.

Mr. Comstock recognized Mrs. Couture's service on the NHSBA Board of Directors. Mr. Comstock commented that most right to know challenges are made because people are suspicious of what a board is doing. Whether a legal challenge is made or not made, the damage is already done and public perception affected. Mr. Comstock advised that boards do everything possible to avoid this situation.

Mr. Guerrette was concerned with full disclosure of all communication and broader access. Mr. Comstock indicated that there is a fine line between full disclosure and the balance of the law. The law always provides a base line and

it is up to the Board to decide whether to provide more than the law requires. He added that the real question would be 'do you as a Board want to do it and what is the benefit of doing it?'

Mr. Guerrette indicated that the Board is not consistent with disclosure of information and communication to the public and that the Board is not trusted by the community. Mr. Comstock asserted that he would typically be informed of those issues and has not heard any such complaints.

Mr. Guerrette commented that based on past issues the Board creates a negative political perception. Mr. Comstock indicated that is not his perception of how this Board does business; there is complete access and any citizen can contact any Board member or the SAU Office.

Mr. Guerrette made comments indicating that the communication efforts of the Board and the SAU are not good enough, citing the low turnout at Deliberative Session and the March election as examples. Mr. Comstock indicated that district should be pleased with the turnout number that was shared as it is much better than some communities. Mr. Guerrette felt that many community members do not understand the information discussed at Deliberative Session and that there should be a better effort to educate them. Dr. Cutler indicated that there is much information (i.e. warrant article explanations, deliberative session informational flyers, etc.) that is disseminated to the public before the annual meeting time of year and that the information is posted online as well. Mr. Comstock expressed satisfaction that the SAU makes a reasonable opportunity reach out and to make information available to the community. He added that if the community is dissatisfied with the Board's decision(s), then they will show up; however, the fact that they do not show up is a testament of the faith people have in the Board. Mr. Guerrette stated that he believes people do not show up because they do not feel they have choices.

Topic: Liability of Board Members Participating in Public Forums

Dr. Cutler explained that there is a public forum in Litchfield where community members blog their questions/concerns about Board actions and communication. There have been comments made by Board members and Dr. Cutler queried as to the liability to the District associated with Board members blogging in a public forum.

Mr. Christina indicated that the District is not liable for anything that an elected official says when blogging in a public forum. If a Board member discloses confidential information learned in their capacity as a Board member the District could face liability and the Board member could face removal from office. The disclosure of private information about an elected official [according to RSA 42:1-a] could result in removal from office. He suggested that if Board members are blogging in a public forum that caution should be used.

Dr. Cutler queried about Board members participation in public forum discussions/debates about Board business and decisions. Mr. Christina indicated that privacy is limited and that participating in these types of discussions is treading on a slippery slope. He encouraged Board members not to participate in the message boards. He suggested that community members who have questions or concerns of the aforementioned type should be directed to the proper channels of communication.

Mr. Comstock commented that the question becomes 'what is the benefit of participating in these forums'. He indicated that it becomes an ethical question. All members of the Board are members of the Board and not individuals. Mr. Comstock cautioned that Board members who participate in blogs send a subliminal message of individuality and community members may not be able to make the distinction between Board member and individual.

Mr. Boehm commented that it doesn't preclude a Board member from presenting their minority view at Deliberative Session. Mr. Christina indicated that is the proper forum to do so.

Topic: Manifests/Oversight of Expenditures

Mr. Christina provided a copy of the sample policy for payment procedures and the NH DOE Administrative Rules. The budget is prepared and presented to the Board and the Board decides what to recommend. Expenditures are reviewed by the Board in the manifest. He indicated that the manifest should be signed by at least two Board members.

Mr. Guerrette commented that the manifest is reviewed by the Board and his concern is one of needs vs. wants. Mr. Comstock indicated that questions and concerns about expenditures should be discussed during the budget process.

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Campbell High School

Litchfield Board of Education
Public Session - 6:30 p.m.

Mr. Guerrette indicated that he felt all questions regarding expenditures should be part of the record because the people of the town are not satisfied with the size of the budget. Mr. Comstock indicated that the taxpayers approved the budget.

Mr. Guerrette commented that the choice between the recommended budget and default budget were bad choices and that the citizens are not well represented. Mr. Comstock noted that there is a balance between board member and citizen, and acknowledged that a member should bring their voice to the board as an elected member. He implored Board members to think of themselves as board members and not citizens.

Mr. Guerrette expressed strongly his concerns with the budget, manifests, and way of work of the Board. Mr. Comstock indicated that all members of the Board should respectfully acknowledge each member and understand the role and responsibilities that Board members are required to follow.

It was suggested that when it is expected that a Board member may have several questions about expenditures in the manifest that arrangements be made and time allotted for a response. The Board member can share the question and response at the next Board meeting, making it a matter of record, which will help the Board meeting flow more smoothly.

Mr. Guerrette queried about pre-determination of topics for non-public session. Dr. Cutler indicated that it is the Superintendent's responsibility to make the determination. Mr. Comstock noted that the Superintendent advises the Board in her professional expertise and your role as a Board is to respect and adhere to the Superintendent's decision and reason for items in non-public session. He added that most issues discussed in non-public session are privacy issues and liability can arise with too much discussion and disclosure of the discussion. Mrs. Couture indicated that the Board's non-public minutes consistently contain a short description and the resolution. Mr. Comstock advised that Board members should not hold non-public discussions in public. He added that the more detail in non-public minutes, the more likely the Board will be to seal the minutes. Sealing minutes should be done on a case-by-case basis.

Board members queried about discussions in non-public with individuals that disclose the contents in public. Mr. Comstock indicated that the Right to Know law provides the right of a person requesting a non-public meeting to waive privacy and disclose such discussion in public.

Mr. Comstock concluded the discussion reminding the Board to be aware of the following:

- best practices of school boards;
- act as a board, not as an individual;
- rely on what and who knows best;
- know your role as a board.

Dr. Cutler and Board members thanked Mr. Comstock and Mr. Christina for coming to the meeting and participating in the Board workshop.

7) **Summary of Non-Public Actions**

Mr. Boehm read the following non-public motions into the public minutes:

May 20, 2009:

Mrs. Couture made a motion to approve the minutes as amended. Mrs. Jewett seconded. The motion carried 5-0-0.

May 13, 2009: There was no non-public session.

May 6, 2009:

Mrs. Couture made a motion to approve the minutes as written. Mr. Boehm seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to accept the nomination of Joanna Preucel as Special Education teacher at CHS for a salary of \$43,256 for the 2009-2010 school year. Mr. Boehm seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to accept the resignation of Dan Kiestlinger, CHS Athletic Director, with sincere gratitude for his years of service. Mr. Miller seconded. The motion carried 5-0-0.

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Board consensus: to authorize Business Administrator to enter transportation contract negotiations with First Student and piggyback off of Nashua's contract for 2009-2010.

April 22, 2009:

Mrs. Couture made a motion to approve the minutes of April 1 and April 8 as written. Mr. Boehm seconded. The motion carried 5-0-0.

Mr. Boehm made a motion to accept the nomination of Kelly Ardita as a Special Education teacher at LMS at a salary of \$49,827 for the 2009-2010 school year. Mrs. Couture seconded. The motion carried 5-0-0.

Mr. Boehm made a motion to accept the nomination of Susan Ostler as a Grade 4 teacher at GMS at a salary of \$38,327 for the 2009-2010 school year. Mrs. Couture seconded. The motion carried 5-0-0.

Mr. Boehm made a motion to accept the nomination of Lauren Smith as a Grade 2 teacher at GMS at a salary of \$38,327 for the 2009-2010 school year. Mr. Guerrette seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to accept the nomination of Susan Alario as a Grade 2 Temporary teacher at GMS at a salary of \$38,327 for the 2009-2010 school year. Mr. Boehm seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to accept the nomination of Lisa Tremblay as a Grade 1 teacher at GMS at a salary of \$38,327 for the 2009-2010 school year. Mr. Boehm seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to accept the retirement of Carolyn Cogan, LMS teacher, with sincere appreciation and gratitude for her many years in Litchfield. Mr. Boehm seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to accept the resignation of James Bliss, LMS Athletic Coordinator, with sincere appreciation and gratitude for his many years in Litchfield. Mr. Boehm seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to approve a job share for the HS Athletic Director position. Mr. Boehm seconded. The motion carried 4-0-1, with Mrs. Jewett abstaining.

Mr. Boehm made a motion to approve separation pay for James Bliss. Mrs. Jewett seconded. The motion carried 5-0-0.

Mr. Boehm made a motion to approve separation pay for Dan Kiestlinger. Mrs. Couture seconded. The motion carried 3-2-0, with Mrs. Jewett and Mr. Guerrette voting in the negative.

April 8, 2009:

Mrs. Couture made a motion to approve an extended, unpaid leave for Doug Grieve, Director of Guidance at CHS, until June 1, 2009. Mr. Boehm seconded. The motion carried 5-0-0.

Mr. Boehm made a motion to approve the recommended administrative team salaries as presented. Mrs. Couture seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to approve an extended, unpaid leave for Kerri Morrison through the next school year. Mr. Boehm seconded. The motion carried 5-0-0.

April 1, 2009:

Mrs. Couture made a motion to approve the minutes as written. Mrs. Jewett seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to accept the resignation of Laura Quaglietta, a teacher at GMS. Mr. Boehm seconded. The motion carried 5-0-0.

Mrs. Couture made a motion to approve a one-year, unpaid leave of absence for Jillian Lee, a second grade teacher at GMS Second Grade teacher. Mrs. Jewett seconded. The motion carried 5-0-0.

Mr. Guerrette disagreed with the vote recorded for the following motion from April 8:

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Mr. Boehm made a motion to approve the recommended administrative team salaries as presented. Mrs. Couture seconded. The motion carried 5-0-0.

Mr. Guerrette indicated that he believes he voted in the negative and asked to amend the vote. Mrs. Couture indicated that she would like to address the request at the next meeting in order to research the meeting notes. The request will be revisited at the June 17 Board meeting.

8) Manifest

Mr. Boehm queried about the purchase of disk drives at \$837.00 per unit. Mr. Martin indicated that the drives are large drives that are being purchased with federal funds for student digital portfolios. The drives are not pc drives.

Mr. Guerrette queried about a payment for an Alvirne student. Dr. Cutler indicated that the student is a Litchfield resident that is tuitioned to Alvirne under special services.

Mr. Guerrette queried about the expenditure for supplies for a dugout. Mr. Martin indicated that a student offered to repair the dugout as part of their project and the District would purchase the supplies. Inadvertently, the student's parent purchased the supplies and submitted the receipts.

Mr. Guerrette queried about a laptop for \$1600. Mr. Martin indicated that the computer was for an LMS student who is visually impaired. The laptop contains a 17" monitor and additional memory.

9) Adjourn

Mrs. Couture made a motion to adjourn at 9:18 p.m. Mrs. Jewett seconded. The motion carried 4-0-0.

10) Upcoming Meetings

>Litchfield School Board: June 17, 24, 2009 - CHS Media Room - 6:30 PM

Respectfully submitted,

Michele E. Flynn
School Board Administrative Assistant