

Concord School District
Board of Education
Regular monthly meeting
February 3, 2020

Board members: Jennifer Patterson, *President*; Gina Cannon (via telephone), Tom Croteau, Chuck Crush, Barb Higgins, Liza Poinier, Jim Richards, Danielle Smith, David Parker; student representatives Gaven Brown and Alice Richards

Administrators: *Superintendent* Frank Bass, *Assistant Superintendent* Donna Palley, *Business Administrator* Jack Dunn, *Director of Facilities* Matt Cashman

Agenda Item 1. Call to Order

Board President Jennifer Patterson called the meeting to order at 7:00 p.m. She described the process by which Board member Gina Cannon would participate via telephone, under RSA 91-A 2 III, which allows a member of the body to participate remotely if attendance in person is not reasonably practical, so long as a quorum is present in person. Another statutory requirement is that the Board member participating remotely can hear be heard, which it was established was the case. She also asked whether there was anyone else in the room with Ms. Cannon; she replied that her husband was present. For all votes, Ms. Cannon's vote was confirmed via roll call.

Agenda Item 2. Approval of Agenda

The Board voted 9-0 to approve the agenda (motioned by Jim Richards, seconded by Chuck Crush).

Agenda Item 3. Safety, security and well-being update

Dr. Bass reported about the use of Broken Ground School as the Ward 10 polling place on February 11 for the Presidential Primary, noting that BGS would be closed for students for that day. Administration and staff would report to school for professional development. Mr. Richards asked whether closure of Mill Brook School had been considered, due to the overflow of press and other safety considerations. Dr. Bass noted that he, Jack Dunn, Matt Cashman and Terry Crotty had all spent a considerable amount of time thinking through the issues related to MBS, and believed they had a workable plan, but would also not be averse to closure if the Board felt it was appropriate. Barb Higgins noted there are 16 buses that serve both MBS and BGS, and some MBS students would need to cross the BGS gym to get to their buses. Tom Croteau said the Board received a parent letter expressing concerns about traffic that day.

Mr. Croteau made a motion to ask Dr. Bass to close MBS on that day as well, and spoke about the challenges of herding children; keeping media and public out of the building; and traffic concerns. Ms. Higgins seconded.

In response to a question from Mr. Crush about whether there was voting at any other school in the District, Ms. Patterson noted there was not at this time, but that the District had expressed willingness to work with the City to potentially use additional schools as polling places going forward. She also noted that District personnel had engaged in extensive planning efforts to try to make it workable for the schools to remain open on February 11, but that there were too many challenges.

Mr. Richards said he was concerned about safety, but noted closing school could create a hardship for some parents as this is not typically a day off for these students. He asked whether anyone had checked whether the Boys & Girls Club/YMCA could provide programming that day. Donna Palley noted that there might be a problem with transportation, as these are usually after-school programs. District staff agreed to follow up to see what could be offered for that day.

The Board voted 9-0 by roll call to close MBS as well as BGS on February 11, Primary Day (moved by Mr. Croteau, seconded by Ms. Higgins).

Dr. Bass spoke next about the lawsuit brought by the Concord Monitor and the ACLU seeking the public release of the Perkins report. A hearing was held on January 24, and the judge has 30 days to issue a decision. Possibilities discussed by the parties during the hearing included issuing a stay pending a decision by the N.H. Supreme Court on extant cases involving similar issues; outright dismissal of the case, which was what the District's attorney requested; *in camera* review, which would allow the judge to see the report himself to assist in rendering a decision; or an order that all parties' attorneys meet to try to redact the report sufficiently such that it could be released to the public.

He spoke to his own takeaways from reading the Perkins report, noting that 10+ students and 30+ education professionals had been interviewed. He said the report was intricate and it was very difficult to parse out information that could be shared without identifying individuals. He said the report identified a systems failure in terms of communication and that student safety issues center around communication protocols and the need for follow-up. Dr. Bass said he was working with NHD OE's attorney to be sure they were in agreement in their understanding of possible shortfalls in District protocol and how to ensure that events like this would not happen again. Dr. Bass also stated that, although the NH DOE is an independent body and would make its own decisions, the District is coordinating efforts with them. NH DOE has offered to provide more training and to work with the administration (including Board members, if they would like to participate), as well as employees, from Principals to support staff, as everyone needs to know what their responsibilities are; what signs to look for; and the required timeliness of responses.

Dr. Bass reiterated that the Board was not involved in decisions about how to handle the issues related to Howie Leung until it became abundantly clear what had been happening, and did not know any details until reading the report. He emphasized that the Board has

no responsibility to manage staff other than the Superintendent. In addition, the Board holds an appellate status, such as when grievances or other personnel matters are brought to the Board as an independent jury (appellate body). If too much information was provided to the Board early on, this could taint Board members' judgment. They are required to render fair and impartial decisions; if they had prior or other knowledge, they would need to recuse themselves and the Board could not vote as an appellate body.

Dr. Bass spoke next about some student behavioral concerns that need to be addressed, particularly among elementary children. He noted that each case was individual in nature; each needed to be analyzed individually, as what might work well for one student might not work for another student. He noted that to some extent student behavior issues were driving the preparation of the budget, as the administration considered how best to respond in a meaningful, appropriate manner. He said he has continued to visit each school to work with Principals, staff and parents about individual children.

Dr. Bass addressed the need for changes in culture in the buildings and that a more collegial culture was a priority moving forward. He said that students also have been more invested in and proud of their schools, with student voices becoming a greater focus. He has been involved in plans to survey faculty/staff about their concerns and issues in each building, which will then be gathered and discussed with the administration to develop plans for positive changes. He said he had done that at CHS already and would continue school by school. He urged Board members to set up appointments and visit the schools.

David Parker commented that, as a Board member, he did not want to be surprised to hear the NH DOE had arrived at different conclusions about the Perkins report from those of the Board. He disagreed with Dr. Bass' view that the shortcomings were simply a failure to communicate, and suggested that unless the public learned who did what, they would still be frustrated, although perhaps due to personnel reasons not much more could be said.

Dr. Bass said he was committed to following through with the recommendations in the Perkins report, and that he did not expect any surprises from NH DOE, as he has been in close communication with them.

Mr. Crush stated that there were great things happening in the District, although he agreed with Mr. Parker that some members of the community were still angry and confused, per the recent editorial in the *Concord Monitor*. He suggested more Board discussion on ways to regain public trust (such as an additional report); but that the issue was in the legal system currently and could not be acted on. He said the bottom line was that there were always going to be some things the Board would not be able to share, and that the Board would somehow need to bridge the gap between the public's "right to know" and the Board's duty to protect the children and innocent staff. He suggested that perhaps the community did not fully understand the purpose of the Strategic Planning Task Force, which was to create synergy and better communication internally and with the community.

Mr. Croteau noted that the *Monitor* editorial board stated there were gaps that need to be answered but that, in fact, the Board cannot answer. He suggested meeting with the editorial board and asking them to specify those gaps, so that the Board could indicate

those things it could not tell them, and that this would probably be as much as could ever happen, although he thought the Board was doing that all along.

Ms. Higgins noted that when she recently spoke with a parent, she told him why she could not answer him. She said that no Board member or administrator would not want to share some of the information in the report, but that this was not how the educational privacy or personnel-related laws work.

Mr. Richards said he had had discussions with parents and with students who asked him, as a Board member, not to re-victimize them by releasing information. He said that some staff who participated voluntarily with interviews nonetheless did not want to be brought out in the public and made to testify. He said he was happy to hear about Dr. Bass' ongoing actions, and pleased with steps that had been taken to educate faculty/staff about what signs to look for and what to do. He encouraged Board members to continue conversations with community members.

Ms. Patterson commented that each Board member has spent hours trying to figure out how it might be possible to release more information and that Board members agree there is a strong public interest in the report. She said that what was most challenging, which she did not realize until she actually read the report, was how significant the privacy interests were – on every page. She emphasized that the report contains private information that the Board has a legal obligation to protect and that, from a legal perspective, this continues to be a very complex issue. She said although it has been difficult and frustrating not to be able to share with the community, it has been more important to protect the privacy of students and innocent others, which the Board could not have understood until they read the report. She said she was happy to hear that Dr. Bass was taking steps beyond what the Board members can take, as the Board supervises only one employee in its role of setting policy at a very high level and approving the annual budget

Ms. Cannon said she did not expect, until reading the report, how interconnected the identity of the various interviewees would be. She stated that it was not remotely possible to black out sufficient text to protect privacy interests and still have the report be readable. She thought it might be possible for a summary to be written about a number of systemic failures and where they were, without saying what particular people did or did not do.

Ms. Patterson noted that the second report does actually address the systemic failures, but acknowledged that it was hard to see “how the dots connect.”

Mr. Parker said he appreciated and agreed with most of the commentary, and that his commitment was to speak from the perspective of both Board member and member of the public. He said that when the first story came out in the *Monitor*, it included some staff names. After the Board allowed the Superintendent and Principal to resign, some members of public asked why the Board stopped there, why those individuals resigned, and what did they do. He said that other staff, if involved, need to “take ownership” in what happened. He suggested that the community might need to know that there would be major legal ramifications with the disclosure of certain identifying information, for example, “If we say [this], it’s going to cost us a million dollars.” He agreed to discuss

further as a Board why the Board's action stopped when it did, as he felt the Board had made significant moves without any explanation.

Mr. Crush stated that he felt there was a public perception that the Board had been "hiding behind the legal system." He said the Board involved several attorneys to help it work through all the significant legal considerations. He said he would like to hear from the community what specific information members of the public would like to have. He reiterated that the role of the Board involved three aspects: to hire and supervise the Superintendent; to serve as an appellate body; and to set policy. With that said, he acknowledged that he serves as an elected official, answerable to the public.

Mr. Croteau commented that when the Board commissioned the investigation in June/July, it wanted an attorney to conduct an investigation that was completely independent, with no role or connection with any Board member until the investigation and report were complete. The Board did not dictate how the investigation would be conducted. He said the attorney they chose, Djuna Perkins, Esq. interviewed a number of students and staff members over a period of months and developed her report. He stated that he hopes Judge Tucker would not say that the report should be released, as he does not want the students or staff to feel betrayed. He stated strongly that the Board and the administration are now asking staff to see, say, and report any suspicious behavior, but that if the staff knows that this is how the Board treats those who report, they might be considerably less willing to act.

Ms. Higgins noted that, while championing hundreds of students who were not involved and working to heal the District, this did NOT mean that the administration was not taking seriously the terrible things that happened. She thanked Dr. Bass for promoting a sense of safety for all, and reassuring staff of their value to the District. She said that good things that have been happening and it was OK to acknowledge this. The District is also taking care of the problems. These two things are not the same and they happen simultaneously.

Dr. Bass noted that he would report on the Strategic Planning Task Force at the Board's March meeting. He said the public would hear about the group's work, what they have developed, and what are the conduits from these groups to the schools.

Agenda Item 4. Public Comment– agenda items only. Ms. Patterson reviewed the relevant policy and gave guidance about input.

Concord resident and parent LisaBritt Solsky commented about safety and communications. She said she was interested in how the schools were internalizing messages and gave the example of the CHS lockdown in December.

Concord resident and parent Kate Frey said those who had spoken up had been characterized as not supporting teachers and not supporting schools. She thanked CHS teachers Phil Klarner and Tim Beaulieu, and Dr. Bass for the information he provided. She said she had heard about egregious activity that occurred and needs to be addressed, referring to attorneys and private investigators that are in town. She said she could not stress enough how important privacy is. She said these attorneys were telling her about

former employees, and suggested that information was “going to get out there one way or another.” She reminded the Board that it does not report to its attorneys, and said she believed an executive summary of the Perkins report was needed. She said her family had been asked to participate in the investigation in the summer, and had their own concerns, and had over three hours of interviews. She said she believes an executive summary could be written that would fill in the blanks of what needed to be known; for example, why young girls were victimized for 8 years after what she indicated was an initial concern. She said she believed the Board or administration had an obligation to explain why her 13-year-old was suspended, and that the family have a right to know.

Concord resident and parent Dan Habib said he appreciated the Board’s candor and honesty and that he has never doubted that Board members have children’s welfare at heart. He stated that it was his opinion that the public’s right to know and lack of information from the District had continued to anger and foster parent disengagement. In response to Board members’ request for specific knowledge gaps, he said he wanted to know how Leung was able stay at the schools for years after concerns were first raised, and for several months after the December 2018 incident; why Mr. Sica and Ms. Forsten were separated from their employment; whether there were other staff who remain in the schools who made serious mistakes. He asked whether, if the court did not force disclosure, the Board would commit to informing the public to the greatest possible extent, within the confines of the law and student confidentiality. He suggested the second report was a good road map for moving forward and it might be worth more money to craft another report with more information on what went wrong. He said he did not join the Strategic Planning Task Force and asked whether his impression that it was closed to the public was accurate. He spoke against having police officers in every school and suggested the administration look at current vendor and partner agency contracts to see if there actually were positive effects from such programs.

Ms. Palley commented that the group was meeting in working session, and the media was not invited particularly.

Agenda Item 5. Approval of Board Minutes

Ms. Patterson briefly reviewed the minutes of the Board meeting on January 6, 2020.

Ms. Higgins spoke about the Board retreat on January 11. NHSBA Executive Director Attorney Barrett Christina attended to train the Board members on statutes governing their roles. The Board then reviewed the focus of each committee. Ms. Patterson commented that the Board considered ways to foster strong communication with the public, including possible public forums for more back-and-forth sessions to discuss various issues. Mr. Croteau commented that the retreat showed an active effort to involve all Board members in multiple and substantive roles, including active involvement of committee chairs and vice chairs in working with central office staff and developing expertise.

Mr. Parker commented that he felt that in the past there had been top-down planning of meetings, with few people setting the agenda, but this seemed to be changing. He said he hoped to see Board members, students, and the public in the same room discussing issues.

Mr. Richards reviewed the minutes of the Board budget preview on January 13, noting that there were significant budgetary considerations with the possibility of adding another SRO, expanded special education support positions at the elementary level, adding a School Safety Compliance Officer, among others. He stated that the District was already looking at a 1.75% increase in the tax rate even before any other decisions were made, due to contractual salary/benefit obligations. He said the Board was reminded that the State's biennial funding was not automatically renewed. The Board needs to consider facility items such as the middle school project, a review of the Assistant Principal positions, and extracurriculars including athletics and clubs. The Board voted to renew the District copier contract with Canon for an additional three years. He noted that the full budget process would begin on February 10.

The Board voted 9-0 to approve the minutes of the organizational meeting and the regular monthly meeting on January 6; the Board retreat on January 11; the special Board meeting on January 13 to hear a preview of the budget; and the special Board meeting on January 16 to review the Superintendent search process (moved by Mr. Richards, seconded by Ms. Higgins).

Agenda Item 6. Recognitions/Reports

CHS teachers Tim Beaulieu (Math) and Phil Klarner (Physics) gave a presentation on the integrated Algebra 2 and Physics class with students Frank Mucyo, Fred Nshimiyimana, Duvan Morikawa Montenegro and Joseph Gimaranzi. This class offers a project-based learning environment with less direct instruction in which students design, build, test, and refine their projects. They need to justify the projects mathematically; use mathematical models to solve problems; and interpret functions in a physics context. Joseph said Mr. Beaulieu and Mr. Klarner were great teachers who explained concepts and worked with students to make sure they understand the terminology and concepts. Students like that the class connects math and science. He said these teachers "Teach you something until you learn it," rather than letting students pass a class without actually mastering all of the material in an integrated way.

Student Board representatives Gaven Brown and Alice Richards noted that they attended the January 8 Policy committee meeting for a discussion of student and staff feedback on Policy 437 Employee-Student Relations. This policy is now ready for the Board's review. They noted that midterm assessments were the week of Jan 14-17, and students were dismissed early on all exam days. The students joined Superintendent Bass and Board member Barb Higgins in a half-hour recorded conversation during which they spoke about the Policy #437 work, the importance of a school culture featuring open communication among staff, students, parents, and administration, and that it was effective to have students feel as if the school was "theirs," in terms of the impact they could make. They

also talked about how impressive this impact on the culture has been in such a short time, and how much they look forward to the future growth of their school community. They noted that this show could be found on YouTube and ConcordTV. They invited everyone to give them leads about events the Board would like to hear about, and said they were looking forward to continuing their work with the Board on upcoming policies. Ms. Higgins commented all constituents' input was required to make a school community work well, and that the student voices were equal to hers and Dr. Bass'.

Superintendent Bass presented a brief update on the permanent CHS Principal search process, noting that there were 16-17 members of the committee, which would meet on February 13 and February 20. The committee's job was to select two or three applicants, which the full Board will then consider.

Agenda Item 7. Update on Superintendent search

Ms. Patterson said the minutes of the January 16, 2020 Board meeting at which the Superintendent search was discussed were on the website and ConcordTV. She mentioned NESDEC's upcoming focus on community input, including an online survey (about which an email was sent to staff, students and parents) and public focus groups scheduled for February 4 and February 5. Separate sessions were scheduled for administrators, staff and students. After this, the Board will move into screening committee phase, for which the point of contact would be Tom Croteau.

Mr. Croteau encouraged community members to take the online survey. He said the Board would discuss assembling screening committee at greater length in a future meeting. He suggested that if any member of the public knew of a person interested in being on the screening committee to let him know. He said the screening committee would meet twice with NESDEC, as well as conducting interviews of applicants, and that the time commitment would be significant including night and weekend meetings. The committee would meet on March 4 and again on March 10 to review applications and set up a timeline, followed by interviews. At the end of this, the screening committee is charged with recommending two or three qualified candidates to the full Board.

Agenda Item 8. Personnel

Business Administrator Jack Dunn presented one staff nomination.

Allison Shippos, Occupational Therapist, District, \$28,862, B-10, prorated 79 days. Allison replaces Jennifer Hume (60% M-1 = \$12,407 prorated 78 days) – resignation. 40% New position, 60%, budgeted at \$19,553

The Board voted 9-0 to approve the staff nomination as presented (motioned by Ms. Higgins, seconded by Mr. Crush).

Ms. Patterson spoke about the School Safety Compliance Officer job description; expressed interest in filling this position soon; and made a motion to approve funding and filling the

position immediately. She noted that St. Paul's compliance officer Jeff Mahar had told her there were not many like positions in K-12 public schools. She said that the job description looked good and would ensure a degree of independence and removal from individual buildings. The compliance office would conduct training in the schools, gather information and conduct interviews, among other tasks.

Mr. Parker suggested not making this a multi-year position. Ms. Patterson noted that all staff members except the Superintendent are on one-year contracts, but their positions are budgeted for so that there is job stability. Mr. Richards suggested that the Board or the Superintendent review the job description and this individual's performance after a year. Mr. Parker suggested that this was a huge job, as described. Dr. Bass noted that the position would be brand new, and agreed that it should be evaluated in a year regarding its effectiveness. He said the job description might change after the first year.

The Board voted 9-0 to move forward with filling the School Safety Compliance Officer position subject to review and evaluation of the position and the program by the Superintendent, to be brought to the Board in January 2021 with a decision in February whether the position would continue or be changed (motioned by Mr. Croteau, seconded by Liza Poinier).

Mr. Richards said he wanted it on the record that filling this 200-day-per-year position now would add \$137,000 to the budget, and that it needed to be on an annual basis.

Mr. Dunn noted that if the position was posted now, it would be prorated to June 30 but that, in the budget process, the Board would see the nomination for a 200-day position from July 1 to June 30.

Agenda Item 9. Communications and Policy Committee

Ms. Patterson noted that the Committee had met on January 8 to discuss feedback from students and staff on proposed policy #437 Employee-Student Relations, which was before the Board for a first reading.

Ms. Patterson reported on the January 23 meeting, at which Policy #536 Restraint/ Seclusion was discussed. It was pointed out a number of times that this policy is mandated by law and that the language in the policy was taken directly from the statute. The committee discussed the history of the policy, staff training on restraint and seclusion (Crisis Prevention Interventions), and the actual implementation of restraint and seclusion at Broken Ground School. She said there were some questions about how this policy is implemented in the District and that she looked forward to further discussion after the budget process and after the Superintendent search was complete.

Agenda Item 10. Instructional Committee

Ms. Higgins presented the report of the meeting on January 27, at which several sabbatical proposals were considered. The committee voted to recommend to the full Board one

summer/fall teacher sabbatical leave, focused on trauma-based learning and student safety in the schools. The sabbatical report would be an online manual for District staff, including specific lesson plans. She said the sabbatical could be approved by the Board without committing the Board to funding it.

Mr. Parker asked why learning about trauma-informed teaching would be restricted to one person when it should routinely be included for all teachers.

Ms. Patterson said there was a financial implication to granting a sabbatical. Mr. Richards asked what would happen if the sabbatical was approved but not funded in the budget. He noted that this would be an additional expense that would have to be added into the budget. In response to a question from Mr. Richards, Mr. Dunn replied that the cost would be between \$48,000 and \$50,000, and that this was, conceptually, included in the budget.

The Board voted 9-0 to conceptually accept the sabbatical for the summer/fall 2020-2021 school year, contingent on its approval during the budget process (motioned by Ms. Higgins, seconded by Mr. Parker).

Agenda Item 11. Acceptance of gifts

Jack Dunn summarized two gifts being made to the District, noting that one of them required a vote of the full Board per Policy #214.

Robert and Marianne Fleischman have offered to donate \$15,000 to pay off Food Service balances. All donations will be held and applied at the end of the school year, unless otherwise specified.

Mr. Dunn noted that he is also working through possible tax implications toward a plan to allow donations to Food Service to be made online and directly.

The Board voted 9-0 to accept the gift of \$15,000 from Robert and Marianne Fleischman, with its utmost thanks, to clear Food Service accounts, to be applied at the end of the year (motioned by Ms. Higgins, seconded by Mr. Croteau).

Mr. Dunn described the offer of a water cooler–bottle filling station at Beaver Meadow School donated by A K Plumbing & Heating, LLC of Concord, a value of \$1,162.00. The Board expressed its sincere thanks to A K Plumbing & Heating for this generous gift.

Agenda Item 12. Proposed calendar of meetings

Ms. Patterson discussed the proposed Board calendars for February, March and April, highlighting budget Work Sessions, and the simultaneous Superintendent search process. The final budget vote was planned for March 26, with the 3-5 Superintendent finalists to be announced on the same day.

Agenda Item 13. Public comment

There was no public comment.

Agenda Item 14. Adjournment

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

The Board adjourned at 10:00 p.m.

Respectfully submitted,

Barb Higgins, *Secretary*