

Concord School District  
**Emergency Non-Public Board Meeting**  
March 15, 2020

**Board members participating remotely:** Gina Cannon, Tom Croteau, Chuck Crush (left the meeting at 11:15 am), Barb Higgins, David Parker, Jennifer Patterson, Liza Poinier, Jim Richards, Danielle Smith

**Administrators, District staff, and City officials present:** Frank Bass, *Interim Superintendent*, Donna Palley, *Assistant Superintendent*, Larry Prince, *Director of Human Resources*, Jack Dunn, *Business Administrator*, Bob Belmont, *Director of Student Services*, Matt Cashman, *Director of Facilities*, Pam McLeod, *Director of Information Technology*, Paulette Fitzgerald, *RMS Principal*, Susan Lauze, *BGS Principal*, Katie Scarpati, *MBS Principal*, Kris Gallo, *CMS Principal*, Jessica Jordan, *CEAA Union President*, Mike Macri, *CEA Union President*, Concord City Manager Tom Aspell, Guy Newberry, *Interim Fire Chief*, Sean Brown, *Deputy Fire Chief*

Board President Jennifer Patterson who, like all Board members, was participating remotely, called the emergency meeting to order at 10:03 a.m. She explained that, because this was an emergency meeting under RSA 91-A:2, II, it was not legally required that a quorum of members be physically present at the meeting location; however, all participating members were required to be able to speak and to hear each other, and all votes would be via roll call.<sup>1</sup> Ms. Patterson confirmed the participation of each Board member and their ability to hear and be heard through the remote system. All members understood the meeting parameters and were able to hear and be heard.

Ms. Patterson asked Dr. Bass to identify those persons present at the SAU office, and he introduced the District staff and City officials whom he had invited to participate and to present information as needed.

Ms. Patterson then noted the reasons and circumstances that led her to call and post this emergency meeting and to have all Board members participate remotely. Under RSA 91-A:2, II, the nature of the emergency must be stated and included in the minutes; accordingly, Ms. Patterson read the following statement, and it is being included in these minutes:

*In calling the meeting, the Board President, in consultation with Interim Superintendent Frank Bass, determined that the Board needed to meet to determine the District's response to the COVID-19 emergency, so a plan of action including changes to events scheduled for tomorrow and the coming weeks could be communicated today to the school and greater Concord community. Specifically, there is a need for a clear plan and communication with respect to:*

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<sup>1</sup> The legal provisions relied on (RSA 91-A) are included at the end of these minutes.

- a. *Consideration of school closures* – including timing, rollout, process, ensuring all students have access to curriculum and other necessary resources and supports;
- b. *Budget process* – consideration of postponing the public hearings scheduled for the coming week, extending the budget process, and arranging for robust remote participation to avoid the need for large public gatherings; and
- c. *Hiring process for CHS Principal and permanent Superintendent* – consideration of modifying schedule/approach for these two hiring processes in light of the COVID-19 situation.

*The meeting was posted yesterday at approximately 12 noon, as soon as it was determined that a quorum of Board members would be available at the time selected. Last evening, Dr. Bass also sent an email to the school community describing the plan to hold the meeting, the matters to be considered, and that further communication would be issued immediately after the meeting.*

*The Board President also determined, in consultation with the Superintendent, that given the potential health issues associated with convening a public gathering, it was necessary to hold a virtual meeting, with all Board members participating remotely.*

*This is considered a “non-public” meeting under RSA 91-A because the public would not be able to observe or participate simultaneously. Such a meeting is permissible to consider emergency matters.*

Having read this statement, Ms. Patterson made a motion to enter non-public session under **RSA 91-A:3, II(i)**: “Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions.”

**The Board voted 9-0 to enter non-public session under RSA 91-A:3, II(i) (moved by Ms. Patterson, seconded by Barbara Higgins). The vote was by roll call with each member voting “Aye.”**

Ms. Patterson moved on to consideration of modifications to the Board’s scheduled budget process and schedule of meetings. She suggested that the Board consider postponing by two weeks the public hearings on the budget, to enable administrators and staff to use this time to focus on educational matters under the emergency circumstances, as well as to explore the possibility of new approaches to the process of obtaining public input on the budget in a manner that would avoid or minimize the need for public gatherings. This could include remote participation by Board members and/or the public.

Ms. Patterson noted that the April 15 deadline for issuing staff contracts was a driving factor in the timing of the budget process. She asked Dr. Bass and CEA President Michael Macri to speak to this issue. Dr. Bass and Mr. Macri indicated that there was a willingness to extend the budget timeframe by two weeks under the current circumstances. Dr. Bass and Director of IT Pam McLeod also indicated that they could look at options for remote participation.

Gina Cannon asked whether there could be consideration of a further extension of the budget process if it became prudent to do so under the circumstances. Administrators and staff indicated a willingness to have these further conversations if needed.

**The Board voted 9-0 to cancel all Board meetings and hearings prior to March 30; to reschedule public hearings on the budget for March 30 and April 2; and to direct the administration to explore opportunities for virtual meetings with remote public participation, for future meetings (moved by Ms. Patterson, seconded by Chuck Crush). The vote was by roll call with each member voting "Aye."**

The Board next discussed the possibility of school closures, including timing, rollout, process, ensuring all students had access to curriculum and other necessary resources and supports. Dr. Bass and other administrators discussed the considerations and planning efforts currently underway. In addition, City Manager Tom Aspell and Deputy Fire Chief Sean Brown presented information on the emergency response and coordination efforts currently underway in the City, and the fact that the Fire Department website was being used as a central location for COVID-19 information for City residents. Board members asked questions and applauded the level of coordination that was occurring between the District and the City.

**The Board voted 9-0 to approve officially closing school in the District beginning Monday, March 16 through Friday, March 27; to authorize Superintendent Bass, in consultation with the Board President, to arrange for the timing and rollout of ensuring student access to curriculum and other necessary resources and supports; and to direct Superintendent Bass to continue to coordinate with state and local authorities and to communicate robustly with the Board and community on developments as they occur (moved by Ms. Patterson, seconded by Tom Croteau). The vote was by roll call with each member voting "Aye."**

The Board thanked the City officials for their work to address the COVID-19 situation and for their participation in the meeting, and paused the meeting briefly to allow their departure.

The Board next discussed the timing of the hiring process for the new Concord High School Principal, to include consideration of modifying the schedule in light of the COVID-19 situation. Dr. Bass noted that two finalist candidates had been selected by the search committee, and the plan was to have each spend a full day with the CHS community, including the opportunity to meet students, staff, parents, administrators and Board members. One candidate partially completed this process on March 13; the other candidate's visit was scheduled for March 18. Jim Richards and Ms. Higgins, the Board members participating in the search committee, felt it was important for the community to have the best opportunity possible to meet both candidates, while recognizing that there would need to be some adjustment given the closing of school for students. Other Board members agreed. Dr. Bass also agreed, but noted that timing was key in the hiring process, and that staying on the current schedule would be best if at all possible.

**The Board voted 9-0 to direct the Superintendent, in consultation with those Board members on the CHS Principal search committee, to move forward in an effort to continue on the present schedule of meetings with parents, staff, Board, etc., with modifications as needed to protect public health, in the hope of selecting a final candidate by March 20, to be brought to the Board on April 6 (or sooner if practicable) (moved by Ms. Patterson, seconded by Ms. Higgins). The vote was by roll call with each member voting “Aye.”**

The Board next discussed the hiring process for the permanent Superintendent, to consider whether to modify the schedule or approach in light of the COVID-19 situation. Mr. Croteau, who was leading the process along with Board member Danielle Smith, Business Administrator Jack Dunn and District consultant NESDEC, reported on the status of the process. The screening committee had met and some initial interviews were contemplated. These could be conducted via Skype. Technology Director Pam McLeod confirmed that resources were available for remote meetings. Ms. Smith noted that it would be prudent to do as many things remotely as possible. Mr. Croteau agreed that he would continue to lead the process, working with Ms. Smith, Mr. Dunn and NESDEC, and consulting with Superintendent Bass on the latest public health and safety developments/state and federal advisories. To the degree possible consistent with public health, the screening committee would review applications, select candidates for screening interviews, and conduct interviews remotely. The overall selection process, including finalist interviews and visits, would be extended as needed given the public health situation and the inadvisability of travel. No vote was needed as this process was already in place.

Dr. Bass shared his plans for communicating immediately following the meeting any changes and decisions that had been made, as well as in the days thereafter. Board members asked questions and voiced their appreciation for all District staff and administrator efforts.

Ms. Patterson noted that she would work with Director of Human Resources Larry Prince to create a “meeting notes” document that could be shared with the community by Dr. Bass. Ms. Patterson noted that it was not anticipated that the minutes would be sealed, as decisions taken would be announced following the meeting. Any sensitive information regarding students, staff or emergency conditions would not be included in the minutes.

**The Board voted 8-0 (Mr. Crush had left the meeting) to exit the non-public session at 11:35 a.m. (moved by Ms. Patterson, seconded by Ms. Higgins). The vote was by roll call with each member voting “Aye.”**

**The Board voted 8-0 to adjourn (moved by Ms. Higgins, seconded by Mr. Richards).**

The meeting adjourned at 11:37 a.m.

Respectfully submitted,

Barb Higgins, *Secretary*

Jennifer Patterson, *President and Recorder*

## **Relevant 91-A Provisions**

### **91-A:3 Nonpublic Sessions. –**

I. (a) **Public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II.** No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No public body may enter nonpublic session, except pursuant to a motion properly made and seconded.

(b) Any motion to enter nonpublic session **shall state on its face the specific exemption** under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by **roll call**, and shall require the affirmative vote of the majority of members present.

(c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.

II. Only the following matters shall be considered or acted upon in nonpublic session:

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(i) **Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions**, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

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III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

### **91-A:2 Meetings Open to Public. –**

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, 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, subject to the provisions set forth in RSA 91-A:2, III, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

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II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings. **Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. The names of the members who made or seconded each motion shall be recorded in the minutes.** Subject to the provisions of RSA 91-A:3, minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. **An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting ...**