

Concord School District
Board of Education
Regular monthly meeting
July 1, 2019

Board members present: Tom Croteau, Chuck Crush, Barb Higgins, Nancy Kane, Jennifer Patterson, Liza Poinier, Jim Richards, Danielle Smith, Pam Wicks

Administrators: *Superintendent Terri Forsten, Assistant Superintendent Donna Palley, Director of Facilities Matt Cashman*

Agenda Item 1. Call to Order

Board President Jennifer Patterson called the meeting to order at 7:06 p.m.

Agenda Item 2. Approval of Agenda

Chuck Crush motioned to amend the agenda to allow public comment on any topic at the beginning of the meeting.

Ms. Patterson noted that, subject to Policy 132, she had planned to suggest amending the agenda to include a discussion of and vote on the proposed contracts with an independent investigator into how reports of concerning behavior on the part of a teacher had been handled in December 2014 and December 2018, and an attorney to act as liaison between the Board and the independent investigator. This amendment would allow public comment at the beginning of the meeting that would cover most of the items those in attendance were likely to speak to.

Mr. Crush tabled his motion.

Ms. Patterson motioned to amend the agenda to add an item of discussion at the end of the meeting following the second public comment session, whether the Board should enter into a contract with an independent investigator. Jim Richards seconded the motion.

The Board voted 9-0 to approve the amendment to the agenda made by Ms. Patterson to add the additional item described above (motioned by Ms. Patterson, seconded by Mr. Richards).

Mr. Crush withdrew his motion.

The Board voted 9-0 to approve the agenda as amended (motioned by Ms. Patterson, seconded by Ms. Higgins).

Ms. Patterson noted that public comment would not include discussion of any personnel by name. She drew attention to and read excerpts from Policy 136 Public Participation at Board Meetings and Policy 812 Communication of Concerns to School Officials, which describes the procedure to follow to bring concerns forward. She noted that the Communications Committee would be a more appropriate venue for some concerns. Mr. Richards said that although there is a 5-minute per-person limit on public comments, additional comments could always be submitted in writing.

Agenda Item 3. Public Comment – agenda items only

Concord resident Kate Frey stated that she and her husband, Quentin Goble, have two girls at Concord High School. They have always been supporters of the Concord public school system, and often volunteered when their schedules allowed. She said that her daughter Ana had Mr. Leung in 7th grade in 2014-2015. As reported in the media his behavior around a certain group of girls made her uncomfortable but, when she voiced her concerns to a few girls, she was immediately suspended for three days by Principal Tom Sica. The District settled the family's legal claim around this issue on June 5th. She said that they taught their kids to be respectful of their teachers and school administration, but now feel they need to make things right for their daughter and, now, for several other young women they've learned about recently in the media, who like her also reported concerns only to be marginalized and discredited by those in charge. She noted that she had hoped to say some of what she would say tonight in a private meeting promised to Ana and her family which would include an apology from the Principal and Superintendent. But nearly a month later, they have not had that meeting. She said she is glad that training on sexual misconduct and the proper way to address student complaints will be implemented for District teachers and administrators. She stated, however, that retaliation after reporting discrimination and sexual misconduct is also illegal under Title IX and after Ana spoke up and questioned her teacher, she was retaliated against in the months following, not just with a 3-day suspension. She detailed several of these acts: when "the predator" knew her daughter recognized his grooming tactics early in the school year, he demanded that she, an A and B student, undergo special education testing. She said that, in hindsight, they now believe he did this to discredit it her as "behaviorally and emotionally troubled." Whether true or not, her concerns should not have been valued any less. After she was suspended, she was left in the predator's classroom even after the parents asked the Principal to move her, and endured six months of public degradation and humiliation by the predator in his classroom. She stated that other teachers, their daughter's school counselor and the Principal all closed ranks with the predator and ignored incidents of bullying and unfair treatment against their daughter. Ms. Frey stated these were acts of retaliation on a 13-year-old girl, noting that the District must implement strong policies and trainings to protect victims and witnesses from retaliation and protect and support these victims/witnesses. She also spoke to the lack of transparency by the administration during this process. She stated that the Board hired a criminal defense attorney who specializes in

defending perpetrators of sexual assault and works for the same firm that already represents them – as their independent investigator. She stated that missteps and mistakes might be made and bad things might happen, but it is what is done to correct them that is important. She said that she and her husband did not push back as much as they should have by those in charge at Rundlett when their daughter was accused of spreading malicious and slanderous gossip while trying to protect her friends from a predator. She said they did not intervene as quickly when they should have when she was retaliated against and will always regret this; the first thing they did once they discovered all of this was to apologize to her, own their mistakes and promise her they would make things right going forward in order to earn back her trust. She urged the District to do the same: own its mistakes, apologize and earn back the trust of the kids and the community.

Concord resident Betsy McNamara thanked the volunteer Board for its work and expertise. Many people in this room have been champions of children for many years. She stated that Howie Leung was their son Sam's case manager for 3 years at RMS and almost 3 years at CHS, and that they had email/phone or text communication daily with him. She said they are still struggling to reconcile the man they knew with the monstrous acts he is accused of. She said she was horrified to learn that he continued teaching for months after the allegations were brought forward in December. She stated she believed Mr. Leung used special education students as a lure to young girls. She said that, while she has spent a great deal of time trying to determine signs of his intent, it was not her family's job to identify grooming strategies and predatory behavior. She said she believed District officials let his charisma and their friendship with Mr. Leung influence their reactions to reports of suspicious behavior. Ms. McNamara said she believes this administration could not lead this community out of the double crisis of sexual assault and of confidence on its own, and must seek professional guidance, or a citizen-led oversight committee.

Hopkinton resident Anne Mandh stated that she was 13 years old and had been a victim of sexual assault. She commented that the voices of the girls trying to report suspicious behavior had been muted, and that this was unacceptable. She stated that these girls were trying to get an education but might now be falling behind. She commented about the story of a girl who reported being sexually assaulted while on a bus to CRTC.

Hopkinton resident Darlene Gildersleeve stated that she was on the Board of Directors of Disability Rights Center, and that a number of Hopkinton students attend CRTC. As a parent of two children with disabilities, she was upset to hear a report that sexual abuse happened on a bus. She said that not only did bus driver not call DCYF as a mandated reporter, but that no one called the police. She said how the then-RMS student was treated likely discouraged other teens (and children with disabilities) from coming forward. She said she worked for a mental health agency and that calling DCYF is mandatory. She also stated that the independent investigator should not be "someone who is protecting criminals." She stated she believed there were other victims of this predatory teacher who would be coming forward.

Concord resident Jennifer Pierson stated that she was the Program Director of the Crisis Center of New Hampshire. She noted that there is no exception to the mandatory reporting requirement and there should be no policy suggesting that one makes such report only to a supervisor. She stated that special needs children are a vulnerable population and that, as part of the “seven stages of grooming,” victims almost always part of a vulnerable population. She stated that her agency has spent many years working with new generations to prevent sexual assault, as proved by Ms. Frey’s daughter. She said she felt her agency may not have done a good job educating the adults, however: faculty, staff, and administration. She wondered why, if children know when something is wrong and have the ability to come forward and speak as teenagers, adults do not do the same. She encouraged the Board to bring in experts, noting that her agency’s services are free of charge; its entire mission is to eradicate sexual and domestic violence.

Ms. Patterson described the planned July 8 meeting, noting that the Superintendent was planning to bring experts to this work. She stated that the Board wanted participation from the public in this work, and noted that further discussion of this topic would occur later on the agenda.

Concord resident Gina Cannon commented that as a community member, the way these internal investigations took place is disappointing. She stated that she was concerned that, even if her special needs child with communication issues was able to tell her something bad was happening, she would not be taken seriously. Ms. Cannon stated that people with disabilities were twice as likely, and children with disabilities were three times as likely, to be victims of sexual assault. Further, children with communication issues were 63 times more likely to be victims. She stated that the decision not to comply with the law mandating reporting, made on multiple occasions, was a misdemeanor, punishable with jail time. She asked the Board how she could send her daughter to CHS next year and know that she would be safe. She noted that education was compulsory but stated that, while she had to give her child into the care of school personnel, she did not think she would be safe.

There was no further public comment.

Agenda Item 4. Approval of Board Minutes

Ms. Patterson asked for a motion to approve the draft minutes of the regular Board meeting on June 3. Mr. Crush pointed out that, apropos the discussion of student safety reflected in those minutes, the Superintendent planned to meet with both DOE and the Concord Police Chief over the summer. Ms. Patterson noted that there was significant discussion about policy review at that meeting. She stated that the June 17 Special Board meeting was held to review and accept the sale of a bond to support the roofing projects.

The Board voted 9-0 to approve the minutes of the regular Board meeting on June 3 and the Special Board meeting on June 17 (moved by Mr. Crush, seconded by Ms. Higgins).

Agenda Item 5. Recognitions

Superintendent Forsten presented a number of summer highlights, including the roofing projects at CHS and BGS, which were on target for completion.

The Behavior Taskforce Leadership Team has been mapping current District resources by school, undertaking a preliminary data review using data-driven questions; establishing guiding questions for the Task Force; creating a schedule of meetings for the fall; developing opportunities for Board and community input.

Summer programs for students included Title I programs; special education programs; CHS credit recovery programs; ELL Programs; CRTC summer camp for middle schoolers

Summer Curriculum development for teachers included 62 teams of teachers (250 teachers in all); researching and developing curriculum from preschool to high school

Curriculum topics included: Preschool Social Emotional Learning; Professional Learning Communities; Kindergarten Curriculum; Elementary Computer Science; Elementary performance ensembles; Young Inventors Program; 6th Grade Digital Citizenship; Engineering - Middle School; Green Screen Studio – Middle School; High School Advisory Program; High School World Languages; Earth Science/Astronomy; Street Law Extended Learning Opportunity; Cognitive Behavioral Intervention for Trauma in Schools

Communications & Policy meeting on July 8 will focus on professional expectations; codes of conduct; sexual harassment; bullying, cyberbullying and harassment; and communication of concerns to school officials. She noted that student, staff and parent handbooks will be revised over the summer.

Superintendent Forsten also recognized teacher Adrienne Shoemaker, who was named distinguished educator by the National Federation of the Blind.

Agenda Item 6. Personnel

Superintendent Forsten presented one administrator confirmation for 2019-2020:

Timothy Herbert, Assistant Principal, Concord High School, \$123,734, Step III, M+30/CAGS. Tim replaces Chali Davis (step III, M+30/CAGS = \$123,734) – resignation. Budgeted at \$123,734

The Board voted 9-0 to approve the confirmation as presented (moved by Tom Croteau, seconded by Ms. Higgins).

Mr. Croteau noted that he served on the search committee for this position and was pleased with the candidate pool and this Mr. Herbert specifically, who had good knowledge about CRTC and would hit the ground running.

Superintendent Forsten presented several teacher confirmations for 2019-2020:

John Hatab, Art Teacher, Concord High School, \$25,177.80, 30% of M-14, one year only. John was a full-time Music Teacher at Beaver Meadow School until his retirement in June.

John had been employed by Concord School District since 1997. This is a new position funded through reallocation. Budgeted at \$25,971.60

Alyson Holt, Science Teacher, Concord High School, \$23,153.70. 30% of M-12, one year only. Alyson replaces Frank Harrison (20% of M-14 = \$16,785.20) – LOA and Lyn Vinskus (10% of M+30-14 = \$8,657.20) – LOA. Budgeted at \$25,442.40

Kathleen Allard, Music Teacher, Rundlett Middle School, \$68,711, M-9. Kathleen replaces Kevin Greene (M-14 = \$83,926) – retirement. Budgeted at \$58,612

Kara Gilson, Grade 6 Classroom Teacher, Rundlett Middle School, \$51,688, B-4. Kara replaces Susan Gamache (M-14 = \$83,926) – retirement. Budgeted at \$58,612

Leeanne Van Horn, Science Teacher, Rundlett Middle School, \$56,715, B-6, one year only. Leeanne replaces Jenifer O’Sullivan (M-14 = \$83,926) – LOA. Budgeted at \$83,926

Paige Belanger, Classroom Teacher, Abbot-Downing School, \$48,512, M-1. Paige replaces Sophia Ellis (M-14 = \$83,926) – retirement. Budgeted at \$83,926

Nicole LeCour, Classroom Teacher, Broken Ground School, \$48,512, M-1. Nicole replaces Lindsey Elefante (M-8 = \$66,197) – resignation. Budgeted at \$66,197

Chuck Crush – what about the RMS Special Education Coordinator? Terri – have re-opened the search. Also opened up RMS Assistant Principal search.

The Board voted 9-0 to approve the confirmations as presented (moved by Ms. Higgins, seconded by Nancy Kane).

Agenda Item 7. Capital Facilities

Mr. Richards reported that the Committee met on June 5 to discuss several aspects related to the future middle school project. The project history was reviewed, including the “visioning” sessions and the demographic study; grade configuration; and options to renovate the current building or to build new. The Committee recommended to the full Board that a new middle school be built, and renovation of the existing facility be removed from consideration. Business Administrator Jack Dunn presented three property options, along with their advantages and disadvantages: the existing site, a site on Curtisville Road, and One Monitor Drive. The Committee then recessed into non-public session under RSA 91-A:3 II (d) to consider “acquisition, sale or lease of real or personal property.” Mr. Croteau noted that the Committee would not be proposing building a wing, but re-building the entire school. In doing otherwise, disruption to students for three years would be insurmountable. Mr. Richards pointed out that the existing building is out of code (both safety code and educational expectations) and would be gutted to essentially a cinder-block shell. Ms. Patterson asked whether Board members had heard from anyone with concerns about building new. Mr. Croteau noted the editorial in the *Concord Monitor* that did not speak favorably about the *Monitor* site, which had been an

option the Board looked into. He stated the Board would make the best decision possible based on the expertise of architects, builders and experts on middle schools.

The Board voted 9-0 that, regarding the middle school project, a new facility should be built and renovation of the existing facility be removed from consideration (moved by Mr. Richards, seconded by Mr. Crush).

Agenda Item 8. Communications & Policy

Ms. Patterson noted that the Committee met on June 10 to discuss existing policies and referenced state statutes related to student safety. The Committee discussed the development of a framework and process to review these policies over the course of the summer; create professional development for all employees; and review all student and parent handbooks. Public input had been offered with a focus on the special education population. Mr. Crush asked for clarification whether the Committee would engage community partnerships starting at the July 8 meeting. Superintendent Forsten said that experts would both be present, and contributing to the work at the meeting.

Agenda Item 9. City & Community Relations

Ms. Poinier reported that the Committee met with City administrators and City Council members on June 14. They discussed the City and District budgets, the upcoming middle school project, the Stable Building proposal, maintenance and financial issues related to Memorial Field, and the Committee's discussion with the City's Public Information Officer. Councilor Fred Keach expressed concern about the public's perception of recent communication from the District, and the safety of students.

Agenda Item 10. Proposed calendar of meetings

Superintendent Forsten presented draft Board calendars for July and August, highlighting the Communications & Policy Committee meetings on July 8 and July 22 to review policies related to student safety.

Jack Dunn said the District would start the process of refinancing the elementary school bond, which will be up in October 2020; he wanted the Board to be ready to tap the market if the time was right. He wanted to start the process at the August 5 Board meeting so the Board could take advantage of low interest rates.

Agenda Item 11. Public comment

Concord resident Kerrie Diers commented that the new middle school project has piqued her interest. She encouraged the Board to think about the value of a "walkable community school." She said that this was, to her, a very important consideration and asked that the

Board put a high priority on it. She said she hoped for many opportunities for public engagement on this project.

Concord resident Susan Lauze and Board member of the Concord Administrators Association (CAA) noted that she has served the District for four decades, the last 17 years as a building administrator, and said she was speaking on behalf of the CAA. Other members of the CAA executive board – Kris Gallo, Steve Rothenberg and Steve Mello – were also present. She noted that no input from CAA on this matter has yet been considered. She said the CAA welcomes an independent investigator to look into how the incidents related to concerns about Mr. Leung had been handled, with the expectation that all conclusions would be shared. She noted that due to privacy laws, the CAA is not able to comment on what has been reported in the news, or in the Board’s proceedings, but that knowing the full story was essential. She stated that the investigator must have full access to all people and all records, to ensure a fair and just process. The CAA asked the Concord community as a whole to be patient, and allow the independent investigation to be conducted in a thorough and professional manner. She stated that the District cares for its students, their families and the greater good.

Concord resident Amy Girouard said she hoped the independent investigation would shed light on this issue. She said that children with special needs who are not able to communicate, like her daughter, are vulnerable. She said she wanted to trust that her child was safe and would get a good education, and that if something happened, the District respond quickly, appropriately, and with a trauma-appropriate specialist. She also asked several questions about the goal of the “Behavior Task Force;” whether it was to eradicate behaviors, or understand why behaviors are occurring. She invited the CSD Board and all staff, families and students to see the movie “The Kids We Lose” on September 26 and 28 at the Red River Theatre, about the trauma inflicted on children when in restraint and seclusion.

Agenda Item 12. Other Business

Ms. Patterson noted that the Board was contemplating hiring Attorney Steven Bennett as its liaison to the independent investigator, Attorney Djuna Perkins of Massachusetts. Ms. Perkins was an Assistant Attorney General and has extensive experience with sexual assault investigations.

The Board voted 9-0 to enter into an agreement with Attorney Bennett to act as a liaison (scheduling witnesses, obtaining documents, etc.) and to enter into an agreement with Attorney Djuna Perkins to conduct the independent investigation into how Board policies and procedures had been followed in December 2014 and December 2018 (motioned by Ms. Patterson, seconded by Mr. Croteau).

Mr. Crush noted that the investigator is from Massachusetts and had no connection with this story in New Hampshire. Ms. Patterson noted that Attorney Bennett would be a point person – a liaison to the Board.

Mr. Richards clarified that Attorney Bennett would keep the investigation at arm's length from the Board. Mr. Croteau noted that the Board wants what the community wants – collaborative community support and safety for students.

Agenda Item 13. Adjournment

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

The Board adjourned at 9:25 p.m.

Respectfully submitted,

Jim Richards, *Secretary*
Linden Jackett, *Recorder*