

Concord School District
Board of Education
Regular monthly meeting
September 3, 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, Business Administrator Jack Dunn, Director of Human Resources Larry Prince, Director of Facilities Matt Cashman*

Agenda Item 1. Call to Order

Board President Jennifer Patterson called the meeting to order at 7:02 p.m.

Agenda Item 2. Approval of Agenda

Chuck Crush motioned to amend the agenda to add a teacher leave of absence under the Personnel section.

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

Barb Higgins motioned to approve the agenda as amended.

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

Agenda Item 3. Update on Investigation

Ms. Patterson stated that in July 2019, the Board voted to engage independent investigator Attorney Djuna Perkins to investigate events that occurred in December 2014 and December 2018 to assess whether Board policies and procedures were followed at those times. The Board also hired Attorney Stephen Bennett as liaison between the independent investigator and the Board. She said that the Board expected to receive investigative report later in September. When it is received, the Board will review it with legal counsel and determine what information can be shared and what actions, if any, are appropriate. She reiterated that the decisions on disclosures are governed by state and federal laws guaranteeing confidentiality on behalf of students and employees. She said the Board will do whatever it can to share as much as it can with the public, particularly related to policy changes. She said that the Board understood that some members of the audience would like to present a petition to the Board, and that this petition, comments on the

investigation or comments on the petition, would be received during the second public comment period on which any topic can be addressed.

Agenda Item 4. Public Comment – agenda items only

Ms. Patterson described the Board’s process regarding public comment and briefly reviewed the agenda for the meeting. She reminded members of the public of the 5-minute time limit for each commenter, to be fair to all. She reminded the public that the purpose of Board meetings is to conduct the business of the Board.

Concord resident Betty Hoadley spoke to the upcoming Finance Committee meeting on September 30; the issue to be examined that night is close of figures for the last fiscal year, which will lead to a special Board meeting on October 28. She said she hoped the Board would find a way to hold the tax increase to its present amount, and that all Board members would be in attendance on September 30.

Hopkinton resident Darlene Gildersleeve spoke to agenda item No. 8, on the issue of reporting sexual harassment. She asked whether the investigator was trained in trauma-informed responsiveness. Ms. Patterson said this would be addressed when the Board came to that agenda item. There were a number of verbal disruptions from audience members. Ms. Patterson noted that comments about staff members would be heard in the second section of public comment. After several more interruptions, she recessed the meeting. Ms. Patterson called the meeting back to order after noting that the meeting would be recessed again if the audience interrupted to the point of the Board being unable to conduct its business.

Concord resident Gina Cannon commented that there appeared to be no requirement in Policy 521/414 that an alleged victim would be interviewed by someone with the knowledge of how to properly question a victim of sexual assault or sexual violence. She said that there needs to be some initial investigation but preferred that any in-depth interview be conducted by well-trained personnel. Regarding the form requiring an attestation [Note: this form, which is not part of any policy, was used solely for the previous Policy #414 when that policy addressed sexual harassment among adult staff members], she said it was not legal to have a minor attest and that, further, it was unfair to ask a victim to give an entire, complete statement up front. She said she is concerned about what the protocol would be for an initial investigation.

Agenda Item 5. Approval of Board Minutes

Ms. Patterson asked for a motion to approve the draft minutes of the regular Board meeting on August 5.

The Board voted 9-0 to approve the minutes of the regular Board meeting on August 5 (moved by Mr. Crush, seconded by Ms. Higgins).

Agenda Item 6. Recognitions

Jack Dunn presented a gift of playground equipment to BMS of over \$40,000, noting that the Board needs to accept any gift larger than \$5,000. Matt Cashman said that the project meets “universal design.” Mr. Dunn stated that the Rowe Family Trust will donate the money to PTO which will give it to the District for this equipment.

The Board voted 9-0 to approve the gift (moved by Tom Croteau, seconded by Mr. Richards).

Superintendent Forsten described Opening Day and the following day of professional development. Consultant Linda Douglas spoke about the physiology of the brain and its connection to trauma. A 3-hour presentation by Stephanie Arroyo of the Granite State Children’s Alliance was provided to all District staff: the essential message was, “If you have a suspicion, ‘make the call.’” The Primex team (the District’s risk management entity) gave a presentation promoting safety in the schools which included reporting channels, options, confidentiality and timeliness related to preventing sexual harassment. Superintendent Forsten noted that administrators are putting in place a number of age-appropriate “key messages” for students, including that there is a system to keep us all safe, likening this to fire drills, drills for physical safety and personal safety. She said that messages would be rolled out at multiple levels and would familiarize students with definitions of sexual harassment, bullying, neglect, etc. She noted that several reporting options were in development, including an electronic reporting application that will come into play this week, and will promote a student safety system that actively involves students. Superintendent Forsten next presented administrative highlights from summer 2019, which included reflections on events from last spring, conversations with experts and continuous development of policies, procedures, reporting forms and awareness. She said each certified staff member will receive a copy of the booklet on professional ethics and conduct from the New Hampshire Department of Education.

Ms. Higgins noted that she and Ms. Kane attended the workshops on Tuesday, noting that they were very good, and encouraging other groups to schedule “Know and Tell” workshops. She said all staff were now consistently trained, and their questions were asked and answered. Ms. Kane said she was happy to have the chance to attend these well-done training sessions.

Mr. Richards thanked Linda Douglas and the groups which contributed to the day of training. Superintendent Forsten noted that all students would be involved in similar, age-appropriate training. Mr. Richards encouraged the administration to consider a parent evening. Superintendent Forsten noted that these opportunities would be proposed to the parent/teacher organizations. In response to a question from Mr. Crush about when training would be complete, Superintendent Forsten said she had met with the building Principals, all of whom had already started or would start on September 5.

Mr. Croteau asked how many District staff there are, and how the administration would check that all had attended the training. Superintendent Forsten replied that there had

been several points of signing in to the trainings. Jack Dunn noted that the District cuts checks to up to 952 people each week; 818 people had signed in for the trainings.

Agenda Item 7. Personnel

Larry Prince presented a professional leave of absence request.

The Board voted 9-0 to approve the leave of absence as presented (moved by Mr. Crush, seconded by Ms. Higgins).

Larry Prince presented several teacher nominations for 2019-2020:

Jennifer Bourgeois, Speech-Language Pathologist, Rundlett Middle School, \$64,205, 80% M-14, prorated 175 days. Jennifer replaces Jennifer Edwards (M-12 = \$61,743) – transfer to full-time position. Budgeted at \$61,743

Eric Dymont. Social Studies Teacher, Rundlett Middle School, \$73,783, M-11, one year only. Eric replaces Emily Bemis (B-10 = \$66,859) – LOA to reading position. Budgeted at \$66,859

Vincent Giannetti, Math Teacher, Rundlett Middle School, \$64,301, B-9. Vincent replaces Daniel Wilczewski (M+30-14 = \$86,572) – resignation. Budgeted at \$86,572

Michelle Pratte, Classroom Teacher, Beaver Meadow School, \$44,102, B-1, one year only. New position funded by Superintendent's Contingency

Robert Couturier, Music Teacher, Christa McAuliffe School, \$30,872, 40% M-12. Robert replaces Robert Fogg (40% B-10 = \$26,7744) – LOA to full-time position. Budgeted at \$26,744

Jessica Knight, Technology Integrator, Mill Brook School, \$37,075, 80% M-10, prorated 119 days. Jessica replaces Bethany Taylor (80% B-4 = \$41,350) – resignation. Budgeted at \$41,350

Heather Silveira, Classroom Teacher, Mill Brook School, \$61,125, M-6, one year only. New position funded by Superintendent's Contingency

Jennifer Edwards, Speech-Language Pathologist, Mill Brook School, \$77,179, M-12. Jennifer was an 80% Speech-Language Pathologist at Rundlett Middle School and Strong Foundations Charter School for the 2018-2019 school year. Jennifer has been employed by Concord School District since November 2018. She replaces Debra Blanchard (M-14 = \$83,926) retirement. Budgeted at \$83,926

Mr. Crush asked whether the MBS classroom teacher position was because of higher enrollment. Larry said yes, and also a kindergarten teacher

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

Mr. Prince presented two coach nominations for 2019-2020:

Jennifer Ross-Ferguson, JV Volleyball Coach, Concord High School, \$2,356, Step 1, Group 10, 5.5%. Jennifer replaces Molly Emerson

Karen Gilson, Unified Soccer Coach, Concord High School, \$857, Step 1, Group 14, 2.0%. One-on-one student support, unified games. Karen replaces Lynn Reyes

Nicole Armaganian, JV Field Hockey Coach, Concord High School, \$2,570, Step 3, Group 11, 6.0%. Nicole replaces Paige Kingsley

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

Agenda Item 8. Communications & Policy

Ms. Patterson noted that, while the Committee did not meet in August, the Board needed to vote to adopt changes to Policy #414 to reflect the same changes made at the August 5 Board meeting to Policy #521 Sexual Harassment. The text of each policy is identical; each will be located in a separate section of the Board policies.

Superintendent Forsten noted that the reporting forms are not part of the policies. She said that anticipated policy changes from the US Department of Education will impact this policy. Ms. Patterson noted that these policies will be reviewed again at future meetings.

Mr. Croteau asked about the form requiring attestation [used only for the previous Policy #414, which was related to staff only] and who the referenced investigators are. Ms. Patterson reiterated that students are not required to use the form. Language will be considered at the next review to ensure that an alleged victim is interviewed in a trauma-informed manner.

Mr. Crush asked for clarification of the form requiring attestation. Superintendent Forsten reiterated that that form is no longer part of any policy. She noted that there is an electronic version being developed that is different from the current paper form, and both will be revised to be identical.

Mr. Richards reiterated that this policy will be redirected to the committee at its September 16 meeting to include more appropriate language regarding victim interviews.

The Board voted 9-0 to add the designation of Policy #414 Sexual Harassment and strike the existing policy #414 which has different language, as presented. The policy (numbered #414 and #521) will be reviewed at the next Committee meeting (moved by Ms. Patterson, seconded by Mr. Croteau).

Ms. Patterson noted that several grievances would be addressed at the September 9 Committee meeting, and one additional committee member was needed to reach a quorum.

Data Governance Plan

It was noted that the data governance plan, required by federal law, is very technical and protects both staff and student data.

The Board voted 9-0 to adopt the Data Governance Plan (motioned by Mr. Croteau, seconded by Mr. Richards).

Agenda Item 9. Proposed calendar of meetings

Superintendent Forsten presented draft Board calendars for September and October, including an information session on September 11 for Concord residents considering running for the School Board a Communications Committee meeting on October 16 to discuss policies 540 Code of Student Conduct, 536.1 Restraint and Seclusion, 812 Communication of Complaints about School District Employees, 414/521 Sexual Harassment and proposed policy 437 Employee-Student Relations, and several other committee meetings.

Agenda Item 10. Public comment

Ms. Patterson described the Board's process regarding public comment. She reminded members of the public of the 5-minute time limit for each speaker, to be fair to all. She reminded the public that the purpose of Board meetings is to conduct the business of the Board. She reviewed Policy #812 that governs complaints about District employees. The central piece of this is understanding the Board's role: to supervise the Superintendent and to develop policies and annual budgets. Complaints must be brought forward in a respectful way; even though employees work for the District, this does not mean that complaints about their conduct are necessarily appropriate to bring forward in public. She said that complaints would be referred back to proper administrative channels. She said it was important to allow this policy to work, by following the chain of command. With respect to complaints regarding the Superintendent, she noted the core functionality of the Board in supervising the Superintendent. This does not mean complaints about the Superintendent are appropriate for public session. The Board will always determine whether a complaint will be heard in public session, according to RSA 91:A. Ms. Patterson noted that the Board was very serious about its job of supervising the Superintendent, and if there are mistakes, the Board would want to fix those mistakes. She said it was important to acknowledge the role of the media. She stated that the Board needs to have the time to fully understand what has taken place. She reminded the public that there were voices that cannot be heard for legal reasons, or others whose professional roles may not allow them to speak publicly and, in considering what action the Board might want to take, members need to understand all the facts. She said that while many people may not be able to speak freely –their voices are being heard by the Board. She asked the public to be respectful and constructive, and noted that all that written comments would be read.

In response to a question from Mr. Crush whether the Board meeting would end at 10 p.m., Ms. Patterson noted that the meeting might continue as long as the Board had a quorum [five members].

Concord resident Gina Cannon asked when the new, anonymous reporting system (using the model from Exeter, NH) would be in place. Superintendent Forsten said that those responsible for receiving anonymous tips had not yet been trained. The administration is still reviewing how other communities are handling this.

Hopkinton resident Darlene Gildersleeve said she felt a compliance officer was needed. She felt that new policies “had no teeth” without a compliance officer, who would work directly with the Board, not the administration. She presented a petition to remove Superintendent Forsten and CHS Principal Tom Sica with approximately 2800 signatures as “the will of the community.” She said she was asked by Concord resident and parent Amy Girouard to co-author the petition and found a group called CSD Advocates. She stated that “the community has voted no confidence in leadership” and noted that each Board member represents the community. She read portions of the petition, stating that it was a peaceful, non-violent document.

Hopkinton resident Anna Mandh age 14, commented on the effects of sexual assault for students, and suggested that the regular work of getting through high school could be much worse for someone also dealing with the effect of sexual assault. She said she wanted to be a voice for those who may not have spoken up yet.

Concord resident Amy Girouard commented that she personally had many issues with everything that has happened in the past year, particularly the lack of reporting. She stated that Darlene Gildersleeve does not speak for her.

Concord resident Jennifer Kretovic, as the chair of the Crisis Center of New Hampshire, said she wanted to make sure that the words “keep children safe in school” extend beyond the building walls to safe on buses and at all school activities. She stated that sexual assault is not the same as sexual harassment and that the Crisis Center continued to offer support to Concord students in Concord.

Concord High School junior Mattison Howard said that she signed up for a women’s self-defense course as part of PE. She stated the importance of reporting assault, sexually or otherwise, noting that over 63% of rape victims do not report to the police. She said that students are continually told that reporting is very important but felt that a different message was being conveyed to her by CHS administration; that they will take action against victims and witnesses. If a Principal punished a student for reporting, how could victims of sexual assault be expected to report? Ms. Howard said she very much likes CHS, especially some of her teachers and her peers who were brave enough to report.

CHS student Annika Ingersoll said that the high school has not taken the proper action regarding sexual harassment or assault. She stated that for a teen, reporting anything to anyone is a big step, and suspending someone for speaking up is negative in many ways. Students get suspending for fighting, smoking, skipping school – they should not be

suspended for reporting sexual harassment or assault. She said she felt CHS Assistant Steve Rothenberg's email on the first day of school, in which he stated "the events of the recent past do reflect on us, but do not define us," was accurate.

CHS junior Emma Parcels stated that CHS students and teachers are awesome, but how the administration handled the two incidents when students reported teacher misbehavior was wrong. She said Board members did not understand how much courage it took to report something to the administration, as it could impact one's reputation and possibly lead to a suspension. She said she thought something was off with [Mr. Leung], but said nothing at the time. She thought the administration let an environment develop where concerns were brushed aside and students were scared about the repercussions. She noted that she ate lunch in his room alone with him every day because the cafeteria was too overwhelming and inaccessible. She said she felt the administration purposely left a 16-year-old girl in a wheelchair alone with this predator. She said that parents, students, the community and she herself did not trust the administration. She asked the Board to make changes so this never happens again, by teaching students what to look for and listening to them.

Concord resident and parent Allison Smith said she was excited to be part of the Concord School District. She said she heard the two forms of reporting (online and written) differ significantly from each, and asked that the language be consistent. She said when she was in school, safety education was basic, but students are now taught how to be safe in many more areas; however, the approved models of active-shooter trainings, for example, vary across this state and all states. She said the training modules should be placed online so that parents learn more and continue this at home; she noted that the District had an excellent website that was very easy to navigate. Ms. Patterson suggested that she contact her child's building Principal and noted that the online reporting option arose from policy discussions.

Concord resident Karen Reid commented that it was her understanding that there must have been no policy years ago, since there seemed to be some people who did not know what to do in the past. She asked, as over 800 people went through the "Know and Tell" training, whether all staff now knew what to do. Ms. Patterson said that was the very reason for the training.

Concord resident Elizabeth Gerard [sic] said her son is a CHS junior, and she has not attended any previous Board meetings. She said she has worked worldwide in the field of domestic violence since 2000 and was surprised to hear that staff did not know procedures to the point of needing "Know and Tell" training. She described a recent situation of physical abuse in which she reported directly to the police. She said the "new policy" the Board developed was useless. She stated that everything the Board did should be transparent.

Concord resident Christina Philibotte noted that she is a high school English teacher in another district, and her daughter Maddie spoke earlier. She noted that it must be hard for teachers to focus on teaching and learning under these circumstances. She stated she

did not know how the community could move forward with the current leadership, especially if students or staff feel that if they speak, there could be repercussions. She noted that there are 1100 students in her school, with two School Resource Officers (SROs) at the high school and another for the whole district. In Concord, there is only one SRO for the entire district. She asked about the relationship between Concord Police Department (CPD) and the schools and asked whether, considering these officers deal with issues of sexual assault, equality, inclusion, lockdowns, etc., it would be possible to have two SROs. She also asked about training SROs receive for dealing with students or traumatic issues.

Concord resident Janet Sprague said she was disappointed with the way things have been handled relative to bullying and other issues, as none of that behavior was new. She said she spoke for her grandchildren, that it was important they attend school and not have to worry about their safety. She asked about the protocol when an incident is reported. She said she and all the members of the community do not care about the results of the investigation. She was interrupted by several members of the audience who disagreed with her on this point. She said she was speaking for a number of people that, regardless of the findings of the independent investigator, had no respect or trust in the current administration. A number of people in the audience verbally disagreed.

Concord resident Jennifer King said she was new to the district, with a son who just started at CHS this year and was excited about going to school. She said she hoped that Board members understood the enormity of the responsibility of taking care of the community's children.

Concord resident and parent Maureen O'Brien Adams said she has two children currently at CHS. She is a pharmacist and has interviewed the SRO at CHS and interviewed CPD and noted that drug use at CHS is alarming to her. She said the CHS PTA was dissolved last year, that she was guilty of not getting involved, but that this issue has brought out enough parents to reinstate the PTA, which would be another safety net of parent involvement. Pam Wicks remarked that she is the current BGS PTO president and emphasized that it was not Concord High School that decided a parent-teacher organization was not wanted. She said that schools do need active PTAs, with the involvement of parents.

Concord resident and parent Erin Sharkey spoke about the need for Riverbend counseling services to be available at CHS, as students are dealing with drugs, mental health, cutting, etc. She pointed out that students in the District are listening to what is happening at these meetings and said the Board is telling these children that the behavior of current administrators is acceptable.

Concord resident and parent Dan Habib thanked the Board for its hard work. He said he was moved by the students who spoke earlier. He said he has continued to see people in positions of authority fail to take responsibility, and he can only think that they have been given legal advice not to take responsibility. He has not heard the Board state it will release the independent investigator's report. He said he felt the community would not

move past this until it is understood how this happened. He stated that the report must be made public in the most transparent way possible.

Ms. Patterson noted that it was completely the Board's decision about how the information in the report will be shared, and that there would be legal constraints about what can be shared publicly.

Concord resident and parent Lisabritt Solsky stated that no one from the administration recognized or acknowledged the content of her daughter's comments at the last Board meeting. She said the Superintendent's August note to staff set the community back. She said what people are hoping for is true action. She said that if the report was going to absolve people, "we don't have to do anything anymore." She said she admired students who came forward to speak.

Concord resident and parent Kate Frey thanked Board members for the heartfelt apology her family received from the Board president, but said she was disappointed in the Superintendent's response. She said her family did have a meeting and did receive an apology. She said she was troubled by the Superintendent's letter to staff from last week. She said her family's focus now was to encourage other students to report, and she felt the letter pitted students and teachers against one another. She said she was disappointed there wasn't more information available at this meeting.

Concord resident Tom Madson said he was a high school teacher for 31 years and on a School Board for 12 years. He shared that at some points he needed legal representation, the Board needed its legal representation, and the consortium he was involved in also needed legal representation. He asked the administration to put a deadline on the training of students in all the areas of safety. He asked that the posters being placed in each school be checked for age-appropriate language. He said he has problems with administrators interviewing children one-on-one, particularly of a younger age. He said he was upset with the Superintendent's letter.

Concord resident Max Schultz said he is an administrator for a public safety agency in the state but was speaking as a parent. He said as much of the report as possible should be released to the public. He said he does not trust the administration and that this matter has been handled badly. He asked who failed to do the right thing regarding policies and procedures, and that this egregious behavior and lack of leadership have led to harm. He said he hopes that when the Board has all the facts, that it does the right thing.

Ms. Patterson said that she agrees with the speaker, that these problems are the Board's responsibility.

Concord resident and parent Matthew Paul commented on the letters he felt were dismissive and showed a level of hubris. He said the apology letter was sad and that change needed to happen at the top.

Concord resident David Parker apologized for his previous comment. He apologized to the Assistant Superintendent for his earlier comments about administrators not receiving professional development; that he was wrong in this. He said he has a conflict of interest,

as he works with the District. He said he did not like to be told how he could complain. He said his issue was with the Board, that it needed to demonstrate by action that it was willing to change.

Concord resident, parent, grandparent, former administrator and School Board member Clint Cogswell said he served on the Board during some of the time some of these events were happening. He apologized to the community and said, as a person who cares deeply about children and the community, he would have done anything he could to have prevented the situation. He said that, serving on the School Board for 10 years, there was not one second he did not look to his community for guidance and listened to their comments with respect. He also stated that his grandson would not have graduated high school as easily as he did had it not been for Tom Sica, who he said is a fine person.

Deerfield resident and parent Don Lary commented about feelings when his child went to school for the first time, noting that every parent of a kindergartener should be concerned about what could happen to their children. He said that, if a parent has apprehensions or fears, they are real.

Concord resident and CHS parent Penny Duffy commented on the paper and the digital reporting forms. She said that some students do not access information the same way as others; her daughter is blind, for example. She said her daughter cannot read the posters that were referenced and asked the Board to find ways to reach students who may need to access information differently. She said she hoped that the independent investigator's report in some form would be made public. She said she was waiting to hear what happens and was grateful for the investigation.

There was no further public comment.

Ms. Patterson noted the Board would host an information session on Wednesday, September 11 for Concord residents considering running for election to the School Board.

Agenda Item 11. Other business

There was no additional business before the Board.

Agenda Item 12. Adjournment

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

The Board adjourned at 9:45 p.m.

Respectfully submitted,

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