

DRESDEN SCHOOL BOARD
ORGANIZATIONAL MEETING
TUESDAY, MARCH 9, 2010
7:00 P.M., HANOVER HIGH SCHOOL LIBRARY

AGENDA

This meeting will be convened in a public session. Other topics arising after the posting of this notice may be discussed and acted upon.

1. Call to order – Hanover High School Library
2. Board of School Directors organization/election of School Board Officers
3. Business requiring discussion
 - a. Review of Timeline, Process for Recount, Revote
 - b. Committees, committee assignments
 - c. Retreat Date, possible topics
4. Nonpublic session in accordance with RSA 91-A:3 (II.a.) for discussion of personnel issues.
5. Adjournment

NEXT MEETING: Tuesday, March 23, 2010

Minutes of this meeting will be available for public inspection within five business days after the meeting (RSA 91-A:2). Such minutes may be reviewed in the office of the Superintendent of Schools, 41 Lebanon Street, Suite 2, Hanover, NH.

DRESDEN

What is the time line for the Dresden recount?

- **Within ten days of the vote**, "...a voter may demand a recount of ballots on any question submitted to the District meeting if the margin by which the question is passed or failed is less than 5% of the total votes cast on the question"
- **Upon receipt of the demand for a recount**, the district clerk shall issue an order of notice indicating the date, time and place of the recount, and shall notify an opposing voter at least five days in advance of the recount date. The recount shall occur no earlier than seven (7) days nor more that ten (10) days after the receipt of the demand in writing.

What is the process for the Dresden recount?

- The ballots shall be recounted by the District Clerk, the Moderator, and a majority of the Board of School Directors who shall constitute the Board of Recount. Because the majority of the board will be in attendance, the meeting shall be posted and shall be in public.

Is the re-count "final"?

- Following the recount procedure, the Board of Recount shall declare the results and shall, after (5) days from such declaration, **if no appeal is taken**, certify such result to the District Clerk. The District Clerk shall record the certificate and the results shall, **unless the result is changed upon appeal to the court**, be put into effect.

If the recount does not result in passage of the budget, what steps are needed to get a re-vote in Dresden?

- A special meeting will be called and the board shall follow same time line as used for the annual meeting.

What is the time line for such a re-vote?

- Hearing no later than 25 days before deliberative session
- Warrant posting 20 days before deliberative session
- Voting 5 days after the deliberative session
- **BOTTOM LINE:** It will take approximately 45 days from the date the Board approves a budget.

HANOVER

What steps are needed to get a re-vote in Hanover?

- Follow same time line for budget adoption.

What is the time line for such a re-vote?

- Hearing no later than 25 days before deliberative session
- Warrant posting 20 days before deliberative session
- Voting 5 days after the deliberative session



School Administrative Unit 70

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41 Lebanon Street Suite 2
Hanover, New Hampshire
03755-2147

Wayne F. Gersen, *Superintendent*
John P. Aubin, *Assistant Superintendent for Business*
Joanne M. Roberts, *Assistant Superintendent for Student Services*

Hanover
High School

Frances C.
Richmond
Middle School

Bernice A. Ray
School

Marion W. Cross
School

To: Bruce Williams, Jim Nourse, Deborah Gillespie
Fr: Wayne Gersen
Dt: March 5, 2010
Re: **Nomination of Teachers**

Because we do not have adopted budgets in either Dresden or Hanover, it is likely we will need to make some personnel cuts in order to prepare a budget that will secure public approval. For that reason, I am asking you to inform your teachers that we will not be acting on teacher nominations in March. Instead, we will defer action on any nominations until we are clear on the status of positions that will be retained following our budget review in the coming weeks.

Following our discussion in Administrative Council yesterday, I confirmed our interpretation of RSA 189:14-a (*copy attached*) with Board Attorney Cappy Nunlist; namely, that we are not legally required to issue contracts "...on or before April 15" in a circumstance where the budget has not been adopted by the "legislative body". In the case of Dresden and Hanover, the "legislative body" is the voters. Given our tentative revote target date of late May and the balance of the language in this RSA, it is evident that our ultimate deadline for issuing contracts will be May 14, which is "...the Friday following the second Tuesday in May". When we do issue contracts, we will likely restrict the issuance to those individuals who are certain to be funded in the 2010-11 budget.

As noted above, please inform the teachers of the decision to withhold the issuance of contracts until we get the 2010-11 budget proposal completed but no later than May 14, 2010.

Cc: Dresden, Hanover School Boards
John Aubin, Assistant Superintendent
Joanne Roberts, Assistant Superintendent
Andrea Johnstone, HEA President

Where plaintiff teacher was dismissed for cause not specified by statute governing dismissal, school district was liable to extent of full salary for period for which teacher was engaged. *Spencer v. Laconia School Dist.* (1966) 107 N.H. 125, 218 A.2d 437. Schools ⇨ 144(8)

Words "to the extent of", within statute providing that school district shall be liable to any teacher improperly dismissed to extent of full salary for period for which teacher was engaged, were intended to fix full salary as outside limit of recovery rather than to require that it measure damages without regard to aggravation or mitigation. *Spencer v. Laconia School Dist.* (1966) 107 N.H. 125, 218 A.2d 437. Schools ⇨ 144(3)

2. Individual Liability

That school board member cast deciding vote not to renew teacher's contract, without having attended hearing pertaining to such dismissal, and thus rendered such dismissal, which was done in good faith, constitutionally impermissible and violative of due process did not render such member or other members individually liable in damages to such teacher who had sought dismissal so that he would have opportunity for hearing before board. *McDonough v. Kelly*, 1971, 329 F.Supp. 144. Schools ⇨ 62

3. Limit of recovery

School district, which dismissed plaintiff teacher in violation of statute governing dismissal, was entitled to have deducted from damages prescribed compensation that teacher earned at other employment during contract period. *Spencer v. Laconia School Dist.* (1966) 107 N.H. 125, 218 A.2d 437. Schools ⇨ 147.54

* 189:14-a Failure to be Renominated or Re-elected.

I. (a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) Any such teacher who has taught for 3 consecutive years or more in the same school district and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

II. Any teacher who has a professional certificate from the state board of education and who has taught for 3 consecutive years or more in the same school district in the state shall, after having taught for 2 consecutive years in any other school district in the state, be entitled to all of the rights for nonrenewal and hearing in paragraphs I(b), III, and IV of this section.

III. In cases of nonrenomination because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the board hearing, by a preponderance of the evidence that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination.

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence.

HISTORY

Source. 1957, 285:1. 1981, 250:1. 1986, 39:1. 1995, 174:2. 2000, 16:8. 2003, 204:2, 3, eff. Aug. 29, 2003.

Amendments—2003. Paragraph II: Chapter 204:2 substituted "Paragraphs I(b), III, and IV of this section" for "paragraph I(b)" at the end of the paragraph.

Paragraphs III and IV: Added by ch. 204:3.

—2000. Paragraph I(a): Substituted "or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May" for "if that teacher is not to be renominated or reelected".

—1995. Paragraph I(a): Substituted "April 15 if that teacher" for "March 31 if he" following "before".

Paragraph I(b): Deleted "to such teacher" following "notice" and substituted "the teacher's" for "his" preceding "rights" in the fourth sentence.

—1986. Amended section generally.

—1981. Substituted "31" for "15" following "before March" in the first sentence.

CROSS REFERENCES

Nonrenewal of teacher contract not subject to binding arbitration, see RSA 273-A:4.

LIBRARY REFERENCES

New Hampshire Bar Journal

For article, "Appeal Rights in Teacher Non-Renewal Cases: Does Hopkinton Provide Any Guidance?," see 46 N.H.B.J. 52 (Autumn 2005).

DRESDEN SCHOOL BOARD COMMITTEE ASSIGNMENTS: 2010-11

STANDING COMMITTEES

Budget Committee: This committee meets with John Aubin, Wayne Gersen, Joanne Roberts, Assistant Superintendent for Student Services, Jonathan Brush, and Principals of the High School and Middle School in late November and early December to review the preliminary drafts of the Dresden budget for the subsequent school year. They provide a Board perspective on the budget development process and help guide the staff meet the budget parameters developed by the full Board in the early fall. Meetings are typically scheduled during the day and occur on a weekly basis in late November and early December. Because of the plan to initiate the budget process earlier we anticipate more frequent meetings in the coming year.

❖ **Current Members:** Robin Carpenter; John Chamberlin; Steve Woods

Education Committee: During the past year this committee did extensive work on the Dresden Futures Survey and report, which helped frame a set of fundamental priorities to guide the budget development and review process. The committee has scheduled meetings in the evening from 7:00 PM through 9:00 PM and on occasions during the day. The tentative work plan for the committee includes:

❖ **Current Members:** Linda Addante; Ann Day; Erika Finlayson; Gordon Spaeth

Negotiations: The Negotiations Committee will be negotiating with the HEA and the Support Staff in 2010-11. Also, as part of the HEA contract, the Negotiations Committee has served as the liaison to the Compensation Study Committee, which will continue its monthly afternoon meetings with the HEA and the Superintendent to discuss different methods of compensating teachers. The Negotiations Committee also serves as the Grievance Committee should such a meeting be necessary. Given the number of contracts that must be negotiated, the Board may wish to consider establishing two sub-committees, one for each bargaining unit.

❖ **Current Members:** Kari Asmus; John Chamberlin; Kevin Cotter

AD-HOC COMMITTEES

Athletic/Fitness Committee: This committee worked with Mike Jackson and representatives from the DAAC to review and evaluate the existing athletic and fitness programs and activities available to Dresden students and the athletic fee structure. The committee's is working to complete its review of the Athletic Code of Conduct and the evaluation of coaches.

❖ **Current Members:** Linda Addante; John Chamberlin, Erika Finlayson, Gordon Spaeth

LIAISON REPRESENTATIVES

- ◆ **Dresden Finance Committee:** (Determined by appointment from Hanover and Norwich Boards) Currently *Steve Woods* serves in this capacity.
- ◆ **Central Staff Development Sub-Committee:** The two liaisons meet monthly on the first Tuesday of each month during the school year to review staff development submissions, enrichment grants, and sabbatical requests submitted by Dresden and Hanover teachers. *Kari Asmus and Erika Finlayson* are liaisons for the current year.
- ◆ **NHSBA Delegate:** This individual represents the Dresden Board at the New Hampshire School Boards Association meetings. *John Chamberlin* is current liaison.
- ◆ **VSBA Delegate:** This individual represents the Dresden Board at the Vermont School Board Association meetings. *Linda Addante* serves as liaison to date.

- ◆ **High School Council:** High School Council, a representative assembly, meets once per week, typically late Friday mornings, to review issues at the school that are of particular interest to the students. The Board liaison attends as many sessions as possible to provide a Board perspective and to provide feedback regarding student concerns to the Board. *Linda Addante* represents the board in this capacity.
- ◆ **Dresden Athletic Advisory Committee (DAAC):** This committee advises the Athletic Director with the oversight of the High School's inter-scholastic athletic program. In the coming year this committee will be reviewing the recommendations of the Athletic/Fitness Committee (*see above*) as well as addressing issues brought to their attention by the Athletic Director. *Gordon Spaeth* serves as board liaison.
- ◆ **High School Committee on Instruction (COI):** This committee reviews new curriculum proposals, proposed changes to school-level policy, and develops the school-level budget. This committee typically meets on alternate Thursday afternoons during the school year. *Robin Carpenter* is the current Board liaison.
- ◆ **Richmond Advisory Committee (RAC):** This committee, which meets after school on an ad hoc basis, plays a similar role to that played by COI at the High School. *Carey Callaghan* currently serves in this capacity.
- ◆ **Hartford Area Career & Tech Center:** This liaison attends periodic meetings at the Hartford Area Career and Tech Center, which Hanover High Students attend for specialized Career training programs. The meetings are held four times per year in the morning. *Carey Callaghan* currently serves as liaison.