

**FREMONT SCHOOL DISTRICT  
School Board Meeting  
October 28, 2008  
6:30 P.M.**

**School Administrative Unit #83  
Blackrocks Village  
5 Hall Road, Unit 1  
Fremont, NH 03044**

**I. CALL TO ORDER**

School Board Vice Chairwoman Peg Pinkham called the October 28, 2008 meeting of the Fremont School Board to order at 6:40 pm at the School Administrative Unit #83, Blackrocks Village, 5 Hall Road, Unit 1, Fremont, NH 03044.

**II. ROLL CALL**

Present were Chairman Jeff Rowell (arriving at 7 pm), Vice Chairwoman Peg Pinkham, Deb Genthner, Marian Guidoboni, Christine Kenneway, Superintendent Normand Tanguay, Financial Administrator Annmarie Scribner, Middle School Interim Principal Bill Marston and Elementary School Principal Dawn Lewis.

Members of the public included: B. Carolyn Weir, Kathie Richard, Mary Hale and Diane Gray.

**III. APPROVAL OF MINUTES: OCTOBER 14, 2008**

*Christine Kenneway made a motion to accept the public minutes of October 14, 2008 as amended. Deb Genthner seconded the motion. Motion passed 4:0. Jeff Rowell was not yet present.*

**IV. ACTION ITEMS**

**A. SCHOOL BOARD POLICIES WORKSESSION**

**FIRST READING: SECTION G: PERSONNEL (TABLED)  
SECTION J: JICD (TABLED)**

SECOND READING:

Dean Eggert and Alison Minutelli of Wadleigh, Star & Peters, PLLC, joined the Board to review legal updates made to certain policies, which were outlined on documents distributed to the Board tonight.

1. GBAA: SEXUAL HARASSMENT AND VIOLENCE – EMPLOYEES

Ms. Minutelli noted that this was also addressed in the September 22, 2008 policy draft; however, legal counsel did not have a copy of GBAA-R at that time. Therefore, the first paragraph was revised and should be added to Policy GBAA. (see October 28, 2008 letter for full text to be added.)

Mr. Eggert noted that recommendations were based on State or Federal statutes, laws and regulations. He said that the School Board set policies but must abide by legal requirements.

Mr. Marston asked when it was mandatory to report an issue of sexual harassment outside of the District. He said that if a certified person sees a child involved in harassment, he/she was obliged to report to the DOE. Mr. Eggert said that there was also a criminal reporting requirement and an obligation to report to the State Human Rights Commission if applicable. He also said that one major issue was an instance of student-to-student harassment and what patterns a School District should have known before the harassment incident. He said that if a District had knowledge of student-to-student harassment, a clear documented complaint needed to be made, as well as how the issue was resolved/"deposed of".

## 2. GBAA-R: THE SCHOOL DISTRICT SEXUAL HARASSMENT AND SEXUAL VIOLENCE REPORT FORM

Ms. Minutelli noted the revision of GBAA-R as provided on the October 28 letter from Atty. Eggert.

*Christine Kenneway made a motion to approve the second reading recommendations of Attorney Eggert to add to policy motion for GBAA and revision of GBAA-R. Marian Guidoboni seconded the motion. Motion passed 4:0. Jeff Rowell was not yet present.*

## 3. GBCD: BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

Ms. Minutelli noted additions to Policy GBCD regarding the cost for Criminal History Records checks of volunteers. Per RSA 189:13-a (IV), the "selected applicant for employment or designated volunteer" was required to pay for the "actual costs of the background investigation and a criminal history records check."

Mr. Marston said that the NHIAA had no regulatory authority over elementary and middle schools but that Fremont had officials who coached students. He asked if these coaches would still be accountable. Ms. Minutelli replied that the policy distinguished between volunteers and designated volunteers and criminal policy GBCD applied to designated volunteers.

Ms. Pinkham asked about allowing school facilities to be open to volunteers who worked with Fremont students and if volunteers' criminal histories should be checked. Mr. Eggert said that if the school did not run the after-school programming and background checks were done, it would be seen as endorsement (might then need 504 plans, etc). He said that if the School District did not want to "substantially endorse" a program, that it should be clarified as such by the School District.

Ms. Minutelli noted other additions including the provision of a clause, #11: RSA 649-A: 3, 649-A: 3-a, or 649-A: 3-b, regarding child pornography (p. 5 of Atty. Eggert's letter.) Atty. Eggert said that this conformed to the existing statute and strengthened the breadth of School Board checks. He said that it was a "salutary benefit to due diligence" on the part of the School Board and that it protected students and the District.

Ms. Minutelli reviewed information on the destruction of criminal record information whereby "positive" criminal history records should be destroyed within 30 days of receiving such information. If there was no criminal record, information should be destroyed immediately upon review of information. Ms. Kenneway said that it was interesting that criminal checks were done but needed to be destroyed within 30 days. She asked if there were records that criminal checks were done. Atty. Eggert replied that the School District needed to keep a log of criminal checks that were done and destroyed. Ms. Kenneway asked if this information should be added to the policy but Atty. Eggert replied that the way the process was handled would clarify the process. Ms. Minutelli said that, in the policy, the Superintendent was responsible for procedures being done (e.g. authorization.)

#### 4. EEA: STUDENT TRANSPORTATION SERVICES

Ms. Guidoboni said that the question originally was about students attending private school within the Fremont District being entitled to the same busing. Atty. Eggert said that State law said that students in the Community attending private schools could ride on School District busses. He said that no one had challenged the statute. He said that EEA correlated with ECAF. Atty. Eggert confirmed for Ms. Pinkham that in the case of school bussing, "community" meant "Town".

Ms. Lewis asked if private kindergartens were included in the bussing statute and Atty. Eggert said that they were included and they would need to be State-approved. Atty. Eggert explained that, in most School Districts, if there was a private school between the pick-up location and destination, the bus would stop, but, otherwise, busses would not deviate from the established route.

Atty. Eggert noted that if the School Board wanted to add audio taping to surveillance on busses, there would need to be a hearing.

Atty. Eggert also suggested adding EEA (b): pupils attending state-approved private schools.

#### 5. EGA: SCHOOL DISTRICT INTERNET ACCESS FOR STUDENTS

p. 36 of Policy packet: capitalize Internet

Atty. Eggert said that it was important to make sure codes of conduct and policy "seamlessly interact" and that there were consequences for violations (of Internet use.) He said that prior to adopting Internet policy, the School Board was going to hold a hearing first. Mr. Rowell asked if this was per an RSA and Atty. Eggert noted that there needed to be notice before disciplining students (e.g. for misuse of Internet in this case.) Ms. Guidoboni noted that parents signed off on various terms in the Handbook.

## 6. EBBC: EMERGENCY CARE AND FIRST AID

Atty. Eggert noted that his team reviewed Policy EBBC solely legally (no medical expertise) and that it was wise that the School District had the school nurse review it. Mr. Tanguay said that the nurse had signed off on the policy. Mr. Eggert said that the law was clear: people who stand by and do not help a child in an emergency were held liable rather than people who try to help even if they were not qualified in emergency care.

Ms. Pinkham suggested having the nurse's response in writing. Ms. Genthner said that the nurse said this policy was a "good broad policy" but that she thought it would be helpful to have a specific policy for those students who have known allergies. Atty. Eggert said he could assist with that.

Mr. Marston clarified that what Mr. Tanguay reported was what the nurse had told him as well. Atty. Eggert noted that the focus on Policy EBBC was narrowed to First Aid procedure and emergency care.

## 7. ECAF: AUDIO AND VIDEO SURVEILLANCE ON SCHOOL BUSES

Atty. Eggert noted that Policy ECAF related to Policies EEA and JICK so a reference would be necessary in those two places.

Atty. Eggert said that, regarding the wire tap law, it was a crime in NH to record statements of people without their knowledge. He said that if there was an audio component to the school bus surveillance, there would need to be a hearing first, then a decision could be made.

Mr. Rowell asked about the cost implication of using audio surveillance on school busses. Mr. Marston noted that reports show that half of bussing incidents in Fremont included physical misbehavior on the bus and half dealt with language used on the bus towards each other and/or to the bus driver.

Mr. Tanguay thought maybe audio could be considered just for the high school bus.

Ms. Guidoboni agreed that sometimes it would be beneficial to have an audio component to bus surveillance. Mr. Rowell noted that an audio recording on a school bus might be too noisy and jumbled.

Mr. Tanguay said that ECAF should be tabled until he could put together a report of bus incidents last year and this year as well as cost associated to audio surveillance.

Atty. Eggert suggested that if the School Board wanted to do audio as a "standard of care", they should set it as such and then follow through with it, otherwise, they could put it in the policy to reserve the right to do the audio piece on a random basis after the hearing.

Mr. Rowell asked if it was required to post audio surveillance on the busses and Atty. Eggert said it was required to post that.

Ms. Pinkham asked if the hearing could be at a Board meeting and Atty. Eggert said that it could be done at a Board meeting either alone or with other items to draw people with a “breadth of interest.”

Mr. Eggert recommended adopting an “R” section as a procedure and not a policy.

#### 8. EHB AND EHB-R: DATA/RECORDS RETENTION

Ms. Minutelli reviewed an amendment to Policy EHB that discussed the keeping of student files up to age 21 or attainment of diploma, whichever came first.

Ms. Kenneway asked if, regarding Policy EGA, it was necessary to hold a public hearing on Internet policy and Atty. Eggert responded that it was not statutorily mandated that there be a hearing. He said that now citizens know more about the Internet. Mr. Rowell thought that the School Board could make note of it at a Board meeting.

Ms. Guidoboni suggested referencing the Wellness Policy to Policy IMAH (p. 75 of policy packet.)

*Christine Kenneway made a motion to adopt the second reading of Policies EGA and EBBC as amended and to adopt Policy EHB and EHB-R. Deb Genthner seconded the motion. Motion passed 5:0.*

(POLICIES EEA AND ECAF WERE TABLED)

Mr. Tanguay distributed a paper on IJOC – VOLUNTEERS. Ms. Kenneway noted that the years needed to be updated and Mr. Tanguay said that this had already been done on the new form. She suggested omitting the years in the second sentence up from the bottom on p. 73 of the policy packet of Policy IJOC (OMIT: “Plan for implementation: 1998-1999”.)

Ms. Genthner asked why the Superintendent part of Policy CBI had been tabled. Mr. Tanguay said that there had been a concern about the form. Atty. Eggert said that it was an issue of evaluating the extent to which the Superintendent did his/her duties. The Superintendent needed to be held accountable to report to the School Board any difficulties during the course of the year. He favored developing a job description for the administrative contract. Ms. Genthner asked if the Superintendent Evaluation Form (p. 48 of Policy packet) would be used from now on and Atty. Eggert suggested using it as a sample and note that it could be changed.

Mr. Rowell asked if the School Safety Plan complied with the Crisis Management Plan and Mr. Tanguay said that it was fine.

p. 29: JICD: STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS:

Ms. Kenneway asked for an example of student misconduct of online resources while away from school grounds. Mr. Eggert replied that this could happen, for example, when a student emails another student and threatens him/her with harm if an extra lunch was not brought to school the next day.

Mr. Tanguay noted that since Atty. Eggert had changes to JICD after it's adoption, it would go to another first reading at the next School Board meeting.

*Peg Pinkham made a motion to adopt policies in Sections C, E, I, J, and K, TBLING ECAF and with amendment to IJOC) as presented. Christine Kenneway seconded the motion. Motion passed 5:0.*

**V. NON-PUBLIC SESSION: RSA 91 – A: 2 I (c)**

*Motion was made by Peg Pinkham and seconded by Christine Kenneway to enter into non-public session to act upon a matter or matters referenced in RSA 91 – A: 2 I (c) at 8:49 pm. Vote was 5:0. Roll call was taken.*

**VI. RETURN TO GENERAL SESSION**

*Motion was made Peg Pinkham and seconded by Christine Kenneway to return to general session at 10:15 pm: Vote was 5:0. Roll call was taken.*

*Christine Kenneway made a motion to approve the non-public minutes of September 9 and 23 and October 14, 2008, as amended and to be sealed for one year. Deb Genthner seconded the motion. Motion passed 5:0.*

*Deb Genthner made a motion to seal the non-public minutes of tonight, October 28, 2008. Christine Kenneway seconded the motion. Motion passed 5:0.*

**VII. FUTURE AND FOLLOW UP AGENDA ITEMS**

Board Policies	Ongoing
Fremont Cooperative Planning Committee	Ongoing
Newsletter Content	Ongoing
Adult Education Program	TBD
Policy: Project Management Plan	TBD

**VIII. NEXT MEETING: NOVEMBER 11, 2008**

**IX. ADJOURNMENT**

*At 10:30 PM, Deb Genthner motioned to adjourn. Christine Kenneway seconded the motion. Motion passed unanimously; 5-0.*

Respectfully submitted,

Susan Perry,  
School Board Secretary

**QUESTIONS & ANSWERS**

SCHOOL BOARD MEETING: