

**Green Mountain Unified School District Board**  
**Regular Meeting Minutes**  
Thursday, July 18, 2019  
Green Mountain Union High School, Library Learning Commons  
6:00 p.m.

**I. ROLL CALL/CALL TO ORDER:**

**Board:** Jeff Hance, Joe Fromberger, Wayne Wheelock, Doug McBride, Lois Perlah, Mike Studin, Fred Marin, Rick Alexander

**Staff:** Lauren Fierman, Mike Ripley, Todd Parah, Cheryl Hammond, Meg Powden, Deb Beaupre, Amy Hamblett, Pam O’Neil

**Student Reps:**

**Public:** Shawn Cunningham, Tim Vincent, Mike Kennedy, Margo Caufield, Sharon Huntley, Dave Venter

Mr. Fromberger called the meeting to order at 6:00 p.m. He invited the board members to introduce themselves.

**II. APPROVE AGENDA:**

Mr. Fromberger noted that he needed to add an executive session to discuss an action filed by the attorney general alleging and employee discrimination. During the executive session, they plan to discuss the details of that action. Mr. Wheelock **moved** to approve the agenda with the amendment. Mr. Marin seconded and the motion carried unanimously.

**III. MINUTES:**

**A. June 20, 2019 Regular Meeting**

Mr. Marin **moved** to approve the minutes of June 20, 2019 meeting. Ms. Perlah seconded. Ms. Powden made a correction to the administrator’s report and Ms. Hammond noted a correction to the bus loan discussion. The motion to approve the minutes as amended carried unanimously.

**IV. PRESENTATION:**

**A. Tim Vincent, VSBIT (Vermont School Boards Insurance Trust)**

Mr. Fromberger noted that Mr. Vincent is present to give a report on the current state of all the insurances for the TRSU and the school districts. Mr. Vincent introduced himself. He noted that VSBIT originally began as a workers compensation program and a number of years ago converted into more coverage. He noted that currently they cover about 80% of SU’s and districts in VT. They are a risk pool that is regulated at the state level. He explained how the VSBIT risk pool uses “re-insurance agreements”. He noted that the claims adjusters are in his office. He noted that Cyber Liability, Boiler Machinery, Crime and Environmental Liability are “pass-through” coverages. There was discussion about the school violent event only being \$50,000 aggregate coverage. Mr. Vincent noted that there are some other coverages in a violent event, such as property, worker’s compensation, etc. This coverage is for grief counseling, and EMS expenses.

Mr. Vincent reported that they review insurance coverages annually. They work with a national public entity sector and develop catastrophe modeling to be sure they are providing adequate coverage. Mr. McBride questioned if the coverage for the property is adequate provided they can

rebuild for under the \$250,000,000 limit. Mr. Vincent reported that every 4 years, each school in their coverage is re-appraised.

There was discussion about the coverage being provided at the SU level, so if one school was in a flood zone, while another one isn't, the coverage isn't broken up by the school's needs, rather calculated by the SU needs. Mr. Vincent described the process that VSBIT underwent to get Flood Zone A coverage after TS Irene.

Mr. Vincent discussed the various liability coverages being \$10,000,000 per occurrence. He described general liability (injuries, etc.), automobile liability, and Educators Legal liability (wrongful termination, errors & omissions, etc.). He also discussed some additions to school to work insurances with the new work-based learning. Mr. Vincent discussed the environmental coverage that was recently added due to lead testing and the potential radon bill. He discussed the coverage, including the general liability and property portion of the coverage. Mr. Vincent noted that this coverage doesn't cover the remediation of an environmental problem, but does cover the liability from such a problem.

Mr. McBride questioned the Cyber Liability coverage and whether it would protect the district from Ransom-ware. Mr. Vincent noted that the coverage covers the software, the hardware and the recreation of the data, as well as the liability for a potential breach. He reported that the safety audit team performs free safety audits. They will also hold training programs such as bullying prevention, anti-harassment training and other trainings. Ms. Powden reported that they are taking advantage of some training through VSBIT in late August. Mr. Vincent also reported on some of the grants available to VSBIT members, including legal counsel grants and school safety grants.

Mr. McBride questioned the exclusion of medical malpractice. Mr. Vincent advised that it only excludes if they run a clinic. But regular nursing services are covered. There was also discussion about replacement costs versus actual costs. There was also discussion about no coverage for underground storage tanks. Mr. McBride questioned the school board members' liability coverage. Mr. Vincent noted that the school board liability coverage applies if the action arises out of the normal school board members' duty. Mr. McBride noted that it sounds like the SU is carrying adequate coverage, similar to that of other SU's in the state. Mr. Vincent confirmed.

Mr. Cunningham questioned if a lawsuit is served on the SU or one of the districts, does VSBIT have a play in the suit process. Mr. Vincent confirmed that VSBIT chooses legal counsel and has settlement authority. Mr. Vincent noted that VSBIT should be notified if there is a legal claim. Mr. McBride questioned if VSBIT is aware of the current legal issues. Mr. Vincent noted that VSBIT currently uses the same attorneys that the SU uses out of Burlington.

**V. OLD BUSINESS:**

**A. Recommendation for Hire**

Ms. Powden reminded the board of last month's recommendation to hire Michael Kennedy as the food service director. She noted that at the board's request, they fully vetted Mr. Kennedy and secured an updated resume from him.

**B. Employee Handbook**

Mr. Fromberger reminded the board of prior discussions regarding the employee handbook and the various revisions. Ms. Powden noted that the final version has been sent out with tracked changes.

Mr. McBride noted that he is not an employee specialist, but does have a legal background. He had several different issues with the handbook. He felt that the handbook contains several aspirational statements that go beyond legal requirements, but also set standards that they would be subject to in a case of employee litigation. He also noted the handbooks are usually written from an employer perspective to protect the employer from litigation, but this seems to be written from an employee perspective. He also noted that an employee specialist may make certain conclusions with the use of “zero-tolerance”, “will not”, “do not”. He suggested using language that indicates that the SU “follows legal statute”. He recommends that the handbook not be passed and that they find someone, such as VSBIT, who might review this handbook thoroughly and tighten the language to a more employer driven version. Mr. Fromberger suggested that Mr. McBride summarize these conclusions with examples to send to Ms. Powden to seek assistance from VSBIT. Ms. Hammond noted that the handbook has not been reviewed by VSBIT. Mr. McBride noted that it is common for employers to not have their handbook reviewed legally, but those employers also sometimes find themselves in a legal trap situation and he would like to avoid that with the SU/SD entities.

Further discussion of the handbook has been tabled until the handbook can be reviewed by VSBIT.

#### **C. Recommendation for Hire (continued)**

Ms. Powden distributed the revised resume and verification letters for Mr. Kennedy. The board reviewed the resume and letters. Mr. Fromberger noted that the superintendent is recommending Mr. Kennedy as the food service director for the GMUSD and this position would encompass food service at all three schools. Mr. Marin **moved** to accept the recommendation of the superintendent to hire Mr. Kennedy. Ms. Perlah seconded. Mr. Studin noted that he still has many concerns voiced at the previous meeting. Ms. Powden questioned if his concerns have anything to do with Mr. Kennedy’s expertise or his ability to run a food service program. There was discussion about there being a large step between chef and food service director. Ms. Fierman noted that of all the candidates, they invited 3 to interview, 2 showed and the food service committee’s unanimous decision to recommend him for hire. She noted that Jack Carroll also shared these feelings and that he felt that Mr. Kennedy was fully qualified. She noted that Mr. Kennedy has come in for a day of job shadowing as well as spent a week in the buildings interacting with the staff and the students, and after that it still remains the opinion of the committee and Mr. Carroll that Mr. Kennedy is qualified.

Mr. Fromberger noted that if the recommendation is not approved, there may be other considerations or the direction to find someone else. Ms. Powden noted that Ms. Fierman has voiced concerns about what isn’t getting done. Ms. Fierman noted that school will be beginning soon and they need to ensure that the new director takes the requisite food safety law trainings and assists Mr. Parah with securing the necessary kitchen repairs. Ms. Perlah noted that she is familiar with one of Mr. Kennedy’s recommenders and she would take that recommendation seriously. Mr. Marin noted that he was involved in the first round of the interviewing and shadowing process. He felt that having Mr. Carroll’s support of Mr. Kennedy was a key point. Mr. Hance questioned how many students were at the last school—he noted that there were 385 and they served about 240 in Claremont and at Fall Mountain he served about 190 students. He noted that he worked for the Abbey Group at the same time as the Inn. He also noted that he returned to the Inn a few times to help the owner. The motion carried with 3 votes against—Mr. Alexander, Mr. McBride and Mr. Studin.

#### **D. Legal Bills**

Mr. Fromberger noted that the breakdown of the legal bills are in the board packet. Mr. McBride questioned the \$54,000 for negotiations and the allocation to TRSU, GMUSD, LMHUUSD. He

noted that the TRSU doesn't have its own money so therefore the TRSU funds are further allocated to the member districts. Ms. Powden noted that there are TRSU employees that were covered by the negotiations and Mr. Fromberger noted that they have their own budget (albeit funded by the SD's) Mr. McBride also questioned if they are up against any caps for litigation coverage as the claims come in against the SU and SD. He questioned if the cap is an aggregate cap or a cap per claim. Ms. Hammond will check with Mr. Vincent. Mr. McBride noted that a single trial could make them hit that cap of \$100,000.

Mr. McBride noted that the \$82,000 in legal bills are shocking. They are 300% over budget for GMUSD legal fees. He felt that because they are going to be talking about another suit later, these numbers are going to rise. Mr. Studin noted that the arbitration case is for one GMUSD employee so it is not split with the other SD. Ms. Hammond noted that they haven't received all the legal bills yet.

Mr. Cunningham questioned the grievance legal expense. Ms. Hammond noted that these are for claims. Mr. McBride questioned if the TRSU would be litigating the Chester Telegraph claim for executive session violations. He thought that TRSU feels they have cured the violation, but he thinks that the Chester Telegraph does not feel that way and may take it to the attorney general. He questioned if the TRSU is prepared to fight it and pay for another attorney or if they will be taking additional actions to satisfy the Chester Telegraph. Ms. Powden noted that Mr. Orzechowski feels that the problem is resolved. Mr. McBride noted that if this continues, there can be misdemeanor charges filed against board members and \$500 per member fine.

Mr. McBride **moved** to direct the TRSU board members that represent GMUSD to submit a motion to the TRSU board to follow the cure that GMUSD adopted. Mr. Alexander seconded. Mr. McBride noted that it is his understanding is that if the board follows that action, the Chester Telegraph will cease the litigation action they are likely planning. Mr. McBride felt that the TRSU actions do not adequately "cure" the violation. The motion carried unanimously.

Mr. Fromberger noted that TRSU representation will be discussed later in the meeting.

Mr. McBride noted that the GMUSD passed a motion to require training for board members whether online or in person. There was discussion about the legal deductible being \$5000 per claim. There are currently 2 claims that the SD is involved in. Arbitration and Mediation is separate and is billed on an hourly basis plus mileage.

Mr. Cunningham noted that arbitration takes the court and lawyers out of the picture, but it appears that the lawyers are involved in the SD's arbitration for an \$8000 expense. There was discussion about some arbitration sessions happening with NEA attorneys therefore it is in the SD's and SU's interest to have an attorney present.

## **VI. COMMUNICATION:**

### **A. Board Comments**

Mr. Fromberger noted that the board members passed a motion to secure training on how to enter executive sessions in the proper way. The VSBA conducted a training at the TRSU level. He has been in contact with her and she will be coming to the September 19<sup>th</sup> regular meeting to conduct that training. The first half hour will be assigned to the training.

Mr. Fromberger noted that in his role on the regional planning commission, there have been discussions about alternate energy, such as solar collectors. He suggested exploring the feasibility of using the school buildings or grounds to support such systems to help save resources. He noted

that the SU is spending \$123,000 per year on electric. He suggested having the facilities committee convene to review proposals for such systems to determine feasibility and discuss various options.

Mr. Venter noted that Mt. Holly has a windmill and some solar collectors and realized a 13% savings. There was discussion about options that have no capital expense. The board consensus was to support this process. Ms. Powden noted that Green Lantern also contacted her today. Mr. Fromberger requested that Mr. Alexander take the lead on this process given his expertise and network.

Mr. McBride followed up on the April 21 motion and asked how the motion landed. Mr. Fromberger noted that the motion to move the meetings passed and the logistics are still being worked out. The next two meetings have been moved.

Mr. McBride questioned the motion about honoring Dr. Bont. Ms. Powden reported that she would be including that in her report.

Mr. McBride questioned the US News & World Report reporting on GMUHS's smarter balance scores being under 20% proficient which is well below expectations. He asked Ms. Powden to speak to that and what they can do. Ms. Powden noted that this year they have hired a full time math interventionist. She also noted that it is difficult to get "buy-in" from students on the SBAC's because there isn't a "return"—they don't need these scores for college so several students don't try as hard. Ms. Fierman noted that the benchmark is low, but not as low as that report. 30% of 7<sup>th</sup> graders, 35% of 8<sup>th</sup> graders and 44% of 9<sup>th</sup> graders met the benchmark. She reported on the math coaching for the teachers. She also reported that the Vermont scores are also lower than expected. It is a long-term concern. She noted that they are looking at growth—such as last year's 7<sup>th</sup> grade scores compared to this year's 8<sup>th</sup> grade scores. She reported that growth isn't as good as they would like, but that is their focus. She also reported that the students are taking interim tests to focus on the skills that they need to perform well on the test. Ms. Fierman noted that there have been recent changes at the elementary level that should be affecting these scores positively.

She also reported that the FRL students underperform the non-FRL students mildly, but the male students far under-perform the female students in most grades, except last year's 8<sup>th</sup> graders. There was discussion about how and where to find the reports. Ms. Fierman noted that there are unreported results on the VT AOE website.

Mr. McBride acknowledged that one number is not the focus, but at the same time the 20% proficiency level is staggering and the board can't run from that. He was concerned that there will be students who will be leaving the school system non-proficient. He also questioned why this discussion isn't at the top of the agenda and felt that they should hear it from the administration, not US News & World Report. He suggested that this board needs a 5 year rolling average of test results. Mr. McBride noted that the board gets lost in the tests if they change from time to time. Ms. Beaupre noted that the board had discussed having a retreat. She at the time suggested that if they had a retreat and set goals for the administration the administration could do a better job or providing the information that the board wants. She also noted that she was surprised at the level of detail the board wants but can provide that if they are so advised.

Mr. Marin noted that he retired from teaching Chemistry and had a valedictorian who scored a zero on one of the standardized tests because he had "no skin in the game" and didn't try on the test. He felt that when there is no motivation to do well, many students will not try their hardest

and suggested being careful about putting too much weight on the testing. He also noted that if the standard test is changing every 3 to 4 years, there isn't a valid baseline. Ms. Fierman noted that this is true, but they still want everyone to do better.

Ms. Caufield noted that she is more concerned about her students longitudinally. She noted that students scoring poorly on tests doesn't necessarily define later success. Ms. Powden noted that earlier in the year she shared the continuous improvement plan for the school and the number one goal was to address the math scores.

Mr. McBride **moved** to request the SU provide this board a 5 year rolling report of test scores of the various tests. Mr. Fromberger suggested that he instruct the superintendent to provide that information. Mr. McBride withdrew the motion since it would be satisfied in another way. Mr. Studin suggested that the SU can provide another metric that might be more appropriate.

Mr. Wheelock questioned the fuel tank remediation in Cavendish. Ms. Beaupre noted that Cavendish will be working with Mt. Holly to pool resources and find an ecologically friendly solution for both schools. They are looking into replacing the underground fuel tank with an above ground LP tank. Ms. Hammond reported that they are looking into other alternatives. Mr. Parah suggested getting the folks from Energy Efficiency Inc to the schools to discuss alternatives.

## **VII. ADMINISTRATORS' REPORTS:**

Ms. Powden reported that the administrators will be going on a retreat August 6-8. They will be inviting the teacher leaders on August 7. She also shared information about the changes in staffing for all three schools. She also reported that there is a special education position for GMUHS that has opened. This person would be a TRSU employee. Ms. Powden reminded the board of the TRSU blog. The link can be found on each school's website. The administrators are each choosing a week to post on the blog.

Ms. Powden reported on current legal action involving the SU and GMUSD, as well as times when an attorney has been retained. She reported that they have received an employment discrimination claim through the Attorney General's office regarding a former support staff member. The claim has been sent to VSBIT and the SD's legal counsel. She also reported that she retained a lawyer recently for a public records request that was made by a community member regarding a CTES situation.

Ms. Hammond noted that so far there are no expenses that are over \$5000 over budget. She advised that there are some professional development expenses that were not budgeted. She reported on the \$50 in books for CTES not having been budgeted. She reported that the dental expense was in the contingency, but wasn't listed in the budget. She will be moving that soon. She asked the board how to remind them that she reported this at this meeting. There was discussion about perk charts or other ways to note this.

Ms. Powden reported that there are 2 outstanding grievances that are not yet resolved. They have retained legal counsel and are working with the NEA to resolve them. They have received public records requests.

She reported that CTES has a new addition to their fence which will improve safety. She noted that CAES has installed a double entry with tinted glass funded through a safety grant. The mobile classroom is going to be re-roofed and this is in the budget. Mr. Parah reported that they are moving the nurse's office near the gallery. The office will be wheelchair accessible.

Ms. Powden reported on Act 173 which changes the special education funding model has been delayed. She reported that there is legislation requiring lead testing before December 1, 2020. There is a new Act 1 that requires the state board to consider ethnic and equity standards. She explained what this would mean for the state board. She also reported on the workforce development bill that addresses changes at the technical centers, and at VTC.

Ms. Powden reported that the age limit for tobacco use will rise from 18 to 21 as of 9/1/19. She also noted that she misspoke last meeting regarding the equipment lease and it is a \$25,000 reduction which allows the SU to replace some laptops for staff as necessary. They have also successfully applied for erate funds for the technical expenses.

Ms. Powden noted that she has been working with Ms. Caufield and Doris Eddy on some solutions. They were looking an oak tree but Ms. Eddy suggested planting a magnolia tree which was Dr. Bont's favorites.

There was discussion about the TRSU employee who will have a license issue and the SU's need to proactively replace that person in the event that they do not secure the proper license. Mr. McBride thanked Ms. Powden for completing this report.

Ms. Beaupre noted that she has a staff appreciation calendar and asked the board to participate in two different sessions to help thank the teachers for their work. She also noted that CTES hosts an opening day breakfast and she wants to dedicate this day to a special person and name the "café-gym-atorium". Ms. Fierman noted that her report included the discipline data for the month of June and she will include this data in her future reports, and can also share the year to year data. There were 1748 discipline issues in 2010 and last year there were 374 issues. Mr. Ripley noted that he brought in the program, but it is due to the teachers implementing it and guidance helping with emotional issues that is making it work.

## **VIII. NEW BUSINESS:**

### **A. Elevator Bid Approval**

Mr. Parah noted that the elevator has had a small leak for several years but has passed inspection. He noted that the elevator leak increased, but still passed. They secured 2 bids—Otis and Baystate. Otis came in \$1100 lower than Bay State, but didn't bid on the entire RFP. He recommended that they stay with the Bay State bid because they are getting more for the money. He recommended taking the funds from the capital improvement fund. The Bay State bid is \$20,743 and the work should be completed before school begins if approved tonight. The parts take 4 weeks to get here and 4 days to be installed. They still need to get a waiver from the state since there were only 2 bids, but that shouldn't be a problem. Mr. Studin **moved** to accept the Bay State bid for \$20,743 for the elevator repair and fund it from the capital improvement fund. Mr. Wheelock seconded. Mr. Studin questioned if permits were required. Mr. Parah noted that both bids include permitting. The motion carried unanimously.

### **B. TRSU Representation**

Mr. Fromberger noted that Ms. Brown and Ms. Lamphere have resigned from representing the GMUSD board on the TRSU board. He noted that Mr. Wheelock has expressed an interest. He also noted that Mr. Marin is currently the alternate on the board and they could ask him to be the "regular" and fill the alternate position.

Mr. McBride **nominated** Mr. Wheelock to represent the GMUSD on the TRSU board. Ms. Perlah seconded the nomination. Mr. Wheelock was appointed unanimously.

Mr. Fromberger noted that Ms. Brown's notice was ambiguous and doesn't have a particular timeline. Mr. Hance **nominated** Mr. Marin to represent the GMUSD on the TRSU board. Ms. Perlah seconded the nomination. Mr. Marin was appointed unanimously.

Mr. Fromberger noted that it is important for the board to consider an alternate given the size and composition of the TRSU board. Ms. Huntley questioned if Ms. Brown and Ms. Lamphere were both remaining on this board. Mr. Fromberger confirmed that was his understanding. There was discussion about Ms. Mahusky still serving on this board. Mr. Hance volunteered to serve as the alternate on the TRSU board. He was appointed unanimously.

**IX. PUBLIC COMMENTS:**

None.

**X. NEXT MEETING AND AGENDA ITEMS:**

The next regular meeting will be held on August 15, 2019 at 6:00 p.m. at CAES. Ms. Powden noted that they might need to hold a special meeting regarding a recommendation for hire. The special meeting is tentatively scheduled for August 25, 2019 at 6:00 p.m. at GMUHS.

**XI. EXECUTIVE SESSION (Title I V.S.A. § 313 (A)(1)(E)):**

Mr. Marin **moved** to find that premature general public knowledge regarding the Attorney General's notice of a discrimination claim would place the Board and an employee at a substantial disadvantage because it would reveal defense strategies. Mr. Studin seconded. The motion carried unanimously.

Mr. Marin **moved** to enter executive session at 8:16 p.m. for the purpose of discussing the pending litigation under the provisions of Title 1, §313 (a)(1)(E) of Vermont Statutes (pending or probable civil litigation or a prosecution, to which the public body is or may be a party) inviting Ms. Powden and Ms. Beaupre. Mr. Studin seconded. The motion carried unanimously.

The board returned from executive session at 8:45 p.m. No action was taken.

**XII. ADJOURNMENT:**

Mr. Marin **moved** to adjourn at 8:46 p.m. Mr. Studin seconded and the motion carried unanimously.

Respectfully Submitted,

Amber Wilson  
Board Recording Secretary