

TRSU BOARD

Regular Meeting Minutes

Thursday, September 5, 2019

6:00 p.m.

Fletcher Farm, Roost

I. CALL TO ORDER/ROLL CALL

Board: Paul Orzechowski, Joe Fromberger, Wayne Wheelock, Dan Buckley, Fred Marin, Mary Albery

Staff: Meg Powden, Cheryl Hammond, Katherine Fogg, Mary Barton

Other Board Members: Rick Alexander, Jeff Hance, Doug McBride

Public: Shawn Cunningham

Mr. Orzechowski called the meeting to order at 6:01 p.m. He invited the board members to introduce themselves.

II. APPROVE AGENDA:

Mr. Fromberger **moved** to approve the agenda with the addition of discussion of the GMUSD request that the TRSU board revisit the open meeting law violation correction under Old Business. The motion carried unanimously.

III. APPROVE MINUTES:

A. August 1, 2019 Regular Meeting

Mr. Fromberger **moved** to approve the minutes from the August 1 meeting. There was discussion about the board having adopted the small board operating rules, meaning that seconds to motions are not necessary. The motion carried unanimously.

IV. PUBLIC COMMENTS:

Mr. Buckley advised that the Ludlow select board met Monday and voted unanimously to send the question of the purchase of the BRHS building, the baseball field and the property behind it to the voters on November 5, 2019. There will be an informational meeting not more than 10 days before that date. The Ludlow select board, the LMHUUSD board and the Black River Independent School board will all be in attendance and available to answer questions. The hearing date, time and location will be publicized when they are determined. There was discussion about the timing for a warning and the decision to hold this vote during the normal voting day (1st Tuesday after the 1st Monday in November).

Ms. Powden asked about Ludlow Elementary School being able to use the property. Mr. Buckley advised that he had requested that language be added into the deed that the LMHUUSD employees and students be allowed to continue to use the ball field and the property behind it in perpetuity for educational purposes. He advised that the subdivision won't happen until after the school closes. He reported that if the vote doesn't pass, the LMHUUSD board still has the ability to revise the subdivision such that the new buyer does not have those pieces of the property in the subdivision; rather they remain the property of the LMHUUSD.

Mr. Buckley advised that there was a good turnout to the meeting. He also reported that he had requested language be added to the ballot that the property could not be used for housing because the

town manager had brought it up to him in the past. He noted that the plan is to not make this property housing because there is no control over who lives there and given its proximity to the elementary school, that is concerning.

Mr. McBride reported that he had attended a curriculum presentation at CTES and he wanted the SU to know that Ms. Beaupre and her teachers that gave the information did a great job and it was helpful information. Mr. McBride also reported that Ms. Beaupre and her team dedicated the multi-purpose room to Mr. Thomson and he felt that this was a great honor and thought that the SU should find additional ways to honor those that put in similar amounts of service to the community to the schools. He also noted that Mr. Fromberger and Ms. Powden attending the presentation meant a lot to the community members and staff in attendance. He also thanked the staff at CAES for taking care of the school crossing signs that he had reported. He also thanked the board for amending the agenda to discuss the cure of the open meeting law violation.

Mr. McBride noted that when community members go to the school, many expect there to be internet access. He acknowledged that sometimes people park in the parking lot of the schools and use the internet to watch inappropriate content at the school. As a result, the administration has placed passwords on the internet access. He suggested that they revisit the issue and perhaps limit inappropriate sites or if someone is using it inappropriately, the proper authorities are notified. He felt that many families can't afford internet and the school providing it as a resource is helpful to the community. There was discussion about the schools' internet already being filtered, though not 100%, but sufficiently. Ms. Powden advised that the open internet is blocked because of the school's assessment program. The assessment companies would like the network secure. There was discussion about the library at CTES being a community library.

V. SUPERINTENDENT'S REPORT:

Ms. Powden reported that the 6 schools opening activities went well and all the staff have been very energetic. She also advised that this has been a great opening season for her—her first two years were full of Act 46 work and last year was the CAES flood.

Ms. Powden reported that in early August the administrative team attended a 3-day retreat and invited the teacher leaders for the 2nd day. Together they developed a strategic plan of action. She shared the draft of the plan with the board. They intend to make it a 3-5 year plan that encompasses the learner (including capstone projects and personalized learning plans), instruction/intervention (including literacy programming, MTSS), data collection (for programming and addressing student needs), common performance assessments (integrating them into planning and classroom practice), proficiency based education (beginning with professional learning communities), and accountability (including a new supervision/evaluation tool). Mr. Orzechowski offered the feedback that the pictures included in the document are difficult to read. There was discussion about this plan being what will be discussed at Tuesday's board retreat.

Ms. Powden reminded the board that this board had approved the employee handbook, but the GMUSD board asked that they submit the handbook to the attorney and VSBIT for review. She advised that they have received the revisions, and hope to have them implemented in the handbook draft for the next meeting for the board to discuss and decide. She also noted that she was pleased that the Ludlow select board has agreed to move forward with the vote.

There was discussion about the potential plan for the BRHS building to be that the independent school rents two floors of the building. There was discussion about the cost of maintaining the building—about \$300,000 for the full building including custodial staff. Even scaled back, the costs will be at least \$100,000. There was discussion about the portion that will be paid by the independent

school. There was also discussion about moving some of the town offices into the building. There was discussion about the plan for the independent school.

Mr. McBride questioned if the board was comfortable that it doesn't need to maximize the value of the building. Mr. Buckley noted that in the articles of incorporation approved by the voters for the merger and school closure indicate that the LMHUUSD needs to offer the building to the town to purchase for \$1. If the town declines, they would then need to sell the building for fair market value. Mr. Buckley reported that the board clarified what is included in that purchase. The board, if selling to the town, would include the baseball/soccer field and the property behind it, with the caveat written into the deed that the school district continues to have the right to use that land for educational purposes. Mr. Buckley reported on some of the history of the property.

Ms. Powden reported that BRHS will be hosting a parent night on September 16 and they have invited the 6 schools that the students have expressed interest in: Green Mountain, Black River Independent School, Mill River, Long Trail, Springfield and Woodstock. There was discussion about the independent school no longer being known as Black River Academy due to confusion with the BRA Museum. There was discussion about Burr & Burton Academy (BBA) not having been invited since the BRHS students haven't expressed an interest in wanting to attend that school. There was discussion about BBA offering a bus from the bottom of Terrible Mountain, and Long Trail offering a bus as well.

VI. OLD BUSINESS:

A. Meeting Location

There was discussion about the options. Mr. Orzechowski noted that he felt that they should meet in every single school, but acknowledged the travel time. There was discussion about the Act 46 issues with Mt. Holly students attending Green Mountain being the travel time. Mr. Buckley felt it was unrealistic to expect a Mt. Holly resident to drive to Green Mountain for a meeting, or a Chester resident to drive to Mt. Holly for a meeting. He suggested that they stick to LES and CTES where both districts are represented, but the schools are centralized. Mr. Fromberger suggested that once per year, they visit each school, but normally remain centralized. There was discussion about the board being able to determine when and where it will meet from meeting to meeting. Mr. Fromberger advocated for the same date/time but the location can rotate from one meeting to the next. There was discussion about the Roost not being conducive to a large public, but any of the schools would be. Ms. Alberty noted that they have never run out of room at the Roost because not many people come. She suggested trying the various locations, but felt that they should revisit the location question if there aren't a lot of people in attendance. Mr. McBride thanked the board for considering this change for the public. He suggested that they should want to do this to increase public participation and they'll never know unless they try.

Mr. Fromberger **moved** to continue to meet on the 1st Thursday of the month and the board will determine at each meeting where the next meeting will be held.

B. Revisit Open Meeting Law Violation

Mr. Fromberger reported that at a prior meeting, the GMUSD board voted to instruct its three members that also sit on this board to request that this board consider revisiting the open meeting law violation and its cure. He noted that they requested that the TRSU board consider adopting the fixes that the GMUSD board adopted regarding the open meeting law violation. He felt that this board adopted a way of correcting the mistakes already, but the feeling is that the fixes adopted by the GMUSD board are preferable and clearer.

Mr. McBride noted that he felt that it is difficult for their leader, Ms. Powden, to run the school districts and SU with the threat of litigation. He felt that the district leaders should be focused on running the schools and educating the children and if they can get rid of the “noise in the network”, including the “cure” for the open meeting law violation. He noted that it is his understanding that the GMUSD “cure” for the violation is acceptable to the complainant bringing the charges, while the TRSU “cure” is not acceptable to the Chester Telegraph. He felt that if they resolve the issue, Ms. Powden and her team can get back to the business of educating the students. He also felt that if they don’t resolve it satisfactorily, it will result in additional legal fees that will be shared by both districts. He advised that he isn’t saying that the original “cure” is not correct, but just that it isn’t acceptable to the complainant to his understanding. He is asking the board to entertain that discussion because it is his understanding that TRSU adopting the GMUSD “cure” will end this threat of litigation in this matter. Ms. Powden advised that she had consulted with Mr. Leopold, who also consulted with his colleagues and the Secretary of State to be sure that the “cure” he was prescribing was effective and accurate.

Mr. Buckley advised that the statute is quite clear and they should follow it, whereas if they follow an attorney’s opinion, they could then be spending more money on that attorney to defend his position in court. There was discussion about the GMUSD’s actions. The GMUSD board acknowledged their mistake, warned a later public meeting where they would take action on the executive session entry, as well as on the actions taken as a result of the executive session. Mr. McBride noted that the cure involves acknowledging the violation, hold another meeting within 10 days and ratify or void any actions taken as a result of the executive session. There was discussion about the TRSU board having retroactively entered executive session as part of their original cure.

Mr. Cunningham explained that part of the cure is to develop specific measures to prevent the board from incorrectly entering executive session in the future. The board discussed having had open meeting law training. They also advised that they had suggested adding the proper language for the motions to any agenda that includes executive session. Mr. McBride noted that whether they are right or wrong with the original cure, he understood that there is still a risk of litigation, whereas if they go forward with this version of a cure, they reduce that risk. There was discussion about the individual boards already having the open meeting law training scheduled for September 19. Ms. Powden advised that the SU’s legal counsel would advise that they have already satisfied the legal requirements. The board discussed not wanting to have the additional legal expense of pending litigation. The violations were on December 6, 2018, February 7, 2019, March 27, 2019, May 22, 2019.

There was discussion about the first meeting acknowledging the error, with the 2nd meeting ratifying or voiding the decisions made after the executive session, but also adopting specific measures to prevent this from happening again. Mr. McBride noted that one of the measures that the GMUSD board adopted was to attend training on open meeting law at least once, always having a copy of the open meeting rules present at a meeting where an executive session was warned. Ms. Powden recommended that the board chair always have a copy of the VSA at the meeting.

Mr. Buckley **moved** to revisit the open meeting law violation cure within the next 10 days to come in line with the statute. There was discussion about the need for a 2nd meeting and the timeline. The motion carried without opposition. The board set the subsequent meeting for Monday, September 9, 2019 at 6:00 p.m. at the Roost.

VII. NEW BUSINESS:

A. Policies, First Read D7 Version 2.0

Ms. Powden reminded the board of the prior discussions regarding this policy. The GMUSD board wanted the policy committee to revisit the policy. They have made revisions in response to those concerns and have presented this revision to the boards. The board questioned if everyone is grandfathered or if all people will need background checks. Mr. Marin advised that anyone with unsupervised time with students will need a background check and the district will cover the expense. The ski program and teacher appreciation day are examples of unsupervised contact. There was discussion about the regular staff being re-checked every three years. There was also discussion about these being federal checks, not just Vermont checks. The board discussed the budgetary impact. The policy will be returned for a second read and possible adoption at the next meeting.

B. Recommendations for Hire

Ms. Powden reported that she and Ms. Barton are happy to recommend Patrick Wheeler as a special educator at GMUSD. Mr. Fromberger questioned if the background and resume has been forwarded to the board. Ms. Powden advised that the TRSU board hasn't requested that she forward that information to them when she is making a recommendation for hire. She advised that Mr. Wheeler is in his 2nd career and has a Master's degree in education. Ms. Barton advised that there is reciprocity for licensing with Pennsylvania where he holds his license.

Ms. Alberty **moved** to approve hiring Mr. Wheeler as recommended as a special educator at GMUHS. The motion carried unanimously.

C. FY19 Financial Review

Ms. Hammond distributed some of the financial reports. This includes a revised 1st page of the special education budget and a written explanation of some of the details on that page. She reported that she found some errors on her budget page and found that she wasn't requesting the right amount of reimbursement. As a result, they are expecting another \$80,000 in reimbursement which will take LMH out of deficit and will reduce the GMUSD deficit. Ms. Hammond reported that she and Ms. Barton have reviewed the service plans that make up the special education costs. They also reviewed the time studies that impact how much reimbursement they are eligible for. They will be paying very close attention to the next time studies. Mr. Fromberger questioned why anyone who should be working in special education was working in areas that aren't reimbursable. Ms. Barton advised that this is assigned by the leaders in the school and they are working with them to be sure that that doesn't continue to happen. Ms. Powden advised that sometimes it is due to the personnel being available at a specific time and maximizing the personnel, but due to this reimbursement issue, they will need to keep a closer eye on this in the future.

Ms. Hammond reported that in 2019, they received 17 new special education students in the district, 2 of whom with out of district placements, 5 came in with IEP 1:1 services, 6 came in from out of state which requires a new evaluation. Five students in the district needed outside placement since the district didn't have the capacity for placement within the district. She reported that there was a savings of \$81,000 in transportation that offset the cost of the new van. Last year there were 26 new referrals at a cost of about \$1500 per referral, so the \$212,000 over budget is minimal compared to all these unplanned added expenses. There was discussion about the cost of the out of district placement. There was also discussion about the autism program representing a future savings of several hundred thousand dollars, but not in the first year due to start up costs. Ms. Waite and Ms. Trimboli are working on a program for social and emotional needs to help bring more students back to the district.

Ms. Hammond reported that they have spent over \$1.3 on special education, with \$52,000 disallowed so it isn't a huge amount, but large enough to need to keep track in the future. There was discussion about the budgeted amount for special education versus what is actually spent historically. There was discussion about extraordinary special education costs and the issue with not budgeting appropriately,

but also not necessarily being able to budget appropriately. Ms. Hammond reminded the board that they begin planning in October of 2017 to for the July 2018-June 2019 school year so some things are difficult to predict.

Ms. Hammond noted that she is following the GMUSD's guideline of reporting any budget differences of over \$5000 to the boards. She also suggested that the TRSU members from the GMUSD and the LMHUUSD should report back to their individual boards when there is a budgetary discussion at the TRSU level. There was discussion about the special education expenses not being negotiable, therefore there wasn't anything that this board could have done about it, other than setting a budget higher than what the service plans dictated at the time.

Ms. Hammond noted that she was able to refund about \$740 back to the school districts from the central office. The legal expenses that were over budget have been discussed, as was the software for the central office. Ms. Hammond discussed the food service funds being a "pass through" at the central office. She also discussed the savings in the business manager position, as well as a few other smaller positions.

Ms. Hammond discussed the transportation funding going through the central office and having the transportation aid to offset the expenses. She also discussed the changes in bus driving personnel as well as the Mt. Holly bus repairs. There was discussion about the number of students taking the bus in some of the schools. The audit will begin on September 16. Ms. Hammond reported that Mr. McBride had asked at GMUSD for a report monthly about items that were unbudgeted or items that were going to be \$5000 over budget and then to carry that information forward from meeting to meeting. Ms. Hammond noted that she will be doing the same for each board so that there aren't surprises at the end of the year.

Ms. Barton discussed the iteam from UVM that helps with the special education assessments and because they are housing the person in the SU office, they receive 5 free assessments per year (at \$1250 per assessment). They are paid through the TRSU, but are fully reimbursed by UVM. There was discussion about some of the services that are provided through this consultancy. She discussed the expenses for special education going through the SU. Ms. Hammond noted that the only underbudgeted items at this point are the software expenses.

VIII. PUBLIC COMMENTS:

None.

IX. NEXT MEETING:

The next regular meeting will be Thursday, October 3, 2019 at 6:00 p.m. at Mt. Holly School. There will be a special meeting on Monday, September 9, 2019 at 6:00 p.m. at the Roost.

X. ADJOURNMENT:

Mr. Fromberger **moved** to adjourn at 7:54 p.m. The motion carried unanimously.

Respectfully submitted,

Amber Wilson
Board Recording Secretary