

A meeting of the Dover School Board was called to order by Chairperson Marjorie Fisher on Monday, March 14, 2005, at 7:02 p.m. in the City Council Chambers.

A. ROLL CALL: Present were Marjorie Fisher, Dorothea Hooper, Kara Winton, Audra Lurvey Doris Grady, and Heather Orion-Hindle. Absent was Carolyn Mebert.

Also present were Superintendent Dr. John O'Connor; Laurie Verville, Business Manager; Daniel Keegan, Student Representative; Richard Barrett, DTU President; Francine Kontos and Michele Boulanger, Dover High School teachers; and Hiroko Sato, *Foster's*.

B. PLEDGE OF ALLEGIANCE: Audra Lurvey led the Board in the Pledge of Allegiance.

C. CITIZENS' FORUM: No one addressed the Board.

D. APPROVAL OF MINUTES: Kara Winton moved, Heather Orion-Hindle seconded, to accept the following minutes. An oral **VOTE PASSED 6-0**.

1. Nonpublic Session #8, February 14, 2005 (Personnel)
2. Regular Session #2, February 14, 2005
3. Nonpublic Session #9, February 16, 2005 (Student Hearing)
4. Nonpublic Session #10, February 28, 2005 (Personnel)
5. Special Session #2, February 28, 2005 (DEIP Math Curriculum Adoption)
6. Budget Workshop Session #4, February 28, 2005
7. Nonpublic Session #11, March 7, 2005 (Personnel)
8. Budget Workshop Session #5, March 7, 2005

E. CONSENT AGENDA:

Doris Grady moved, Kara Winton seconded, to remove item 7.a. Final Approval, DHS Student Trip to Europe, April, 2005, from the consent agenda to be considered separately. An oral **VOTE PASSED 6-0**.

Kara Winton moved, Audra Lurvey seconded, to approve the consent agenda as amended. An oral **VOTE PASSED 5-1** (Grady opposed).

1. **Correspondence:**
 - a. Dover Parents Music Club letter dated February 7, 2005; Request for Waiver of Time Requirement for Rental
 - b. Job-Share Request letter dated February 8, 2005 - Cathy Spencer and Gretchen Clancy, Woodman Park School, 2005-2006 School Year
2. **Resignations/Retirements:**
 - a. Suzanne Vitko, Dover Middle School, Math Teacher
 - b. Dennis Bentley, Garrison Elementary School, Principal
 - c. Bill Redden, Dover High School, Physics Teacher
3. **Leaves of Absence:**
 - a. Elizabeth St. Cyr, Dover High School, Mathematics, Maternity Leave July 27 through October 3, 2005.
 - b. Michelle Diep, Dover High School, Mathematics, Leave of Absence, School Year 2005-2006

- c. Catherine Jones, Horne Street School, First Grade, Maternity Leave School Year 2005-2006
4. **Nominations:**
 - Sheet 1: Nomination & Election of Teachers (Bancroft)
 - Sheet 2: Nomination & Election of a Secretary, Aide, Custodian, and Summer Staff: (Billias to Raiche)
 - Sheet 3: Nomination & Election of Coaching Positions: (Brown to Towle)
5. **Overnight or Out-of-State – Staff Travel Requests:**
 - a. Shannon DeLello, Strategies for Working Successfully with Difficult Students, April 15, 2005, Boston, MA
 - b. Robert Thompson, Elizabeth Bouchard, Meghan Ricker, Daniel Boisvert, New England League of Middle School Annual Conference, March 20-22, 2005, Providence RI
 - c. Murray Ingraham, Measured Progress Conference, May 12 & 13, 2005, Danvers, MA
 - d. Dorothy Katz, Incorporating PECS Across the Day, March 25, 2005, Portland, Maine
 - e. Elizabeth Stone, 2005 AP Summer Institute for US History, July 10 – 15, 2005, St. Johnsbury, VT
 - f. Peter Wotton, National Ice Hockey Rules Committee Meeting, April 23 – 25, 2005, Indianapolis, Indiana
 - g. Peter Wotton, NH Athletic Directors Conference, May 25-27, 2005, North Conway, NH
6. **Professional Development Waiver:** None.
7. **Extended Travel (Student Trips):**
 - a. Final Approval, DHS Student Trip to Europe, April, 2005

Marjorie Fisher recognized Dennis Bentley who is retiring from the Dover School District after 26 years. She stated that he has been both a wonderful English teacher and an administrator who will be missed.

Doris Grady noted she had worked with Dennis during his teaching days and stated that young people who had Dennis as an English teacher would remember him as one of their best. "It will be a loss to see Dennis go; I wish him well in whatever he's going to do. He's been an asset to the community and we thank him."

Dorothea Hooper noted that she had worked with Dennis as an administrator on many committees and during negotiations, both with him and across the table from him. She stated that she had a lot of respect for his ability to do a multitude of things. "I, too, wish Dennis all the luck in the world."

Doris Grady stated that Sue Vitko, who was one of her students, was also retiring. Ms. Grady praised her ability, ambition, and the way she deals with children. "As her children grow, I hope she gives it thought to come back to the system because she is an asset to the kids she deals with."

7.a Final Approval, DHS Student Trip to Europe, April, 2005: Doris Grady requested that trip sponsor, Francine Kontos, approach the podium to answer questions.

Ms. Grady stated she found it confusing that the preliminary request for the 2005 trip was written when the art department was going on the 2004 trip. "For us, it's difficult for us to be looking at something a year from now, when you haven't gone on the (current trip)." Ms. Kontos indicated that she did not run a trip in 2004, but the reason preliminary approval was requested so early on was to give her students time to save for the trip.

Ms. Grady stated she had difficulty "with the educational tours be part of the Dover School System and we are held responsible more or less for whatever goes on the trip. We've had a couple lately that have had a few little problems. And, to look at another one, I'm just having difficulty saying, 'okay, it's okay for everybody to go abroad'." Ms. Kontos explained that she had organized four trips to Europe, two trips to New York City, and one weekend camping trip. "I've never had any problem. You've never had a complaint about one of our trips, ever." She stated her belief that the biggest advantage a student gets from these trips is exposure; seeing things live and not in books.

Ms. Grady asked if the trip could be organized and not be part of the school system. Ms. Kontos stated that a trip could be planned outside of school, but that, as advisor of the World Art Club, it is one of the goals to expose the students to other cultures and art from all over the world. "We are very clear with the kids before we go, what the rules are. I've always had them sign a form that says they are not allowed to use alcohol or drugs when they are over there and their parents sign it."

Ms. Grady asked how many of the 33 students going were art students. Ms. Kontos indicated approximately 30. She added that some of the students were music students only, and some were music and art students. Ms. Grady asked how many were just music students. Ms. Kontos indicated there were five. Kara Winton asked how many of the 44 persons going were students. Ms. Kontos stated that there were 34 students and that most were from Dover High School. She added that her son and nephew from Rhode Island were also participating. Ms. Hooper stated her opinion that travel is the best education you can offer children. She added that her concern was with "people we have no control over" going on the trip. Ms. Kontos stated that everyone going was from Dover or their families. She added that there were many meetings when the itinerary and expectations were discussed. Dorothea Hooper asked if the adults on the trip abide by the no alcohol rule. Ms. Kontos explained that had not been the case in the past and that it had never been discussed before. She added that four adults would be participating in the April 2005 trip who were not chaperones but were a part of the school community. Ms. Fisher asked if any of the chaperones on the trip were not teachers. Ms. Kontos explained that her husband and another art teacher's husband would be chaperoning on the trip.

Superintendent O'Connor recommended the Board consider adopting the following Draft Administrative Guidelines on Alcohol, Drugs, and Body Art – Standards of Behavior:

1. Students will not consume, purchase, or ship to home, alcohol while on a school sanctioned trip
2. Students will not consume, purchase, or ship to home, drugs while on a school sanctioned trip
3. Students will not purchase body art or piercing services while on a school sanctioned trip

4. Adult chaperones on all trips will adhere to the same standards of behavior as defined for student participants

Ms. Fisher asked if these guidelines would be in place for the trip in April. Dr. O'Connor stated that he would like to put the guidelines together for the April trip as well as others that would take place in this school year.

Ms. Grady noted that, in view of concerns raised by recent school-sponsored trips, the Board needed to determine if the district wanted to sponsor ANY trips and asked that the question be brought forward for later discussion.

Ms. Hooper asked Ms. Kontos, "Can you live with the guidelines you just heard?" Ms. Kontos asked for clarification as to whether the guidelines would apply to the four non-chaperoning adults. Dr. O'Connor stated his opinion that it was up to the trip directors to hold adults without supervisory responsibilities to a standard of appropriate conduct. Ms. Orion-Hindle stated her belief that non-chaperones should go on an all adult trip if they had a problem adhering to the no alcohol guidelines on a school-sponsored trip. Ms. Kontos again asked if the four non-chaperoning adults could be exempt for this trip since the guidelines had not been discussed prior to this point in time. She noted, "We've never had an adult act irresponsibly on a trip." Ms. Winton stated she did not feel it was right to impose the restriction on the April trip for the four adults in question since they were not previously informed of the guidelines.

Dorothea Hooper moved, Kara Winton seconded, to approve the Superintendent's Administrative Guidelines for extended travel. An oral **VOTE PASSED 4-2** (Grady and Orion-Hindle opposed).

Kara Winton moved, Dorothea Hooper seconded, a motion to give final approve for the April 2005 European trip. An oral **VOTE PASSED 4-2** (Grady and Orion-Hindle opposed).

F. SUPERINTENDENT'S REPORT: Superintendent O'Connor reported the following items:

1. Educational Information:

- The Superintendent congratulated the Green Wave Hockey and Girls' Basketball teams for their exemplary seasons. During the Superintendent's report, Principal Christopher George called to advise that the Boys' Basketball Team won against Trinity by 22 points.
- Superintendent O'Connor recognized and thanked the San Mino Corporation for a donation of three truckloads of furniture to the Dover Schools. He also thanked Special Education Director, Jackie Adams, for making arrangements for the donation.
- On March 8th, author and chef Marianne Esposito visited Dover Middle School at the invitation of the students, to conduct a cooking class.
- Dover Reads arranged for Rebecca Rule to conduct writing workshops with students in all of the Dover Schools, as well as a professional development workshop for teachers that would be conducted tomorrow at 3:45 p.m. in the Dover High School library.
- The Woodman Park School Design Team is looking for parents, community, and staff volunteers to review different option for the design and renovation of Woodman Park School. The Superintendent was contacted by two community members already, and requested others call him or the School Board Chairperson if they are interested in serving.

- Superintendent O'Connor called for interested individuals to serve on the Garrison Elementary School Principal Search Committee. Jean Briggs will serve as co-chair, along with a teacher from Garrison School. A timeline of events will be available by the end of this week. Dr. O'Connor asked for one or two Board members to serve on the committee. Dorothea Hooper and Kara Winton volunteered to participate.

Heather Orion-Hindle moved, Doris Grady seconded, a motion to accept the Superintendent's report. An oral **VOTE PASSED 6-0**.

2. **Education Achievements:** See above.

G. STUDENT REPRESENTATIVE REPORT: Daniel Keegan gave a brief report, stating that there will be an open house at the high school on March 15th. March is "Music in Our Schools Month" A choral concert will be held Wednesday and a band concert will be held on Thursday in commemoration.

H. COMMITTEE REPORTS:

1. **Cable Franchise Review Committee: Audra Lurvey reporting:** Ms. Lurvey reported that the committee completed ascertainment hearings at the end of February and would be meeting to look over and compile those results on the 31st of March.

I. POLICY - CHANGES - PROPOSALS: None.

J. POLICY ADOPTION: (2)

1. **Policy JFABD - Admission of Homeless Students:** Heather Orion-Hindle moved, Doris Grady seconded, to table adopt the policy in its second reading. An oral **VOTE PASSED 6-0**.

Admission of Homeless Students

To the extent practical and as required by law, the district will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs, and school nutrition programs.

Homeless students are defined as (per NCLB definitions) lacking a fixed, regular, and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Are abandoned in hospitals;
5. Awaiting foster care placement;

6. Living in public or private places not designed for or ordinarily used as a regular sleeping accommodation for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations, or similar settings;
8. Are migratory children living in conditions described in previous examples.

The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the district's decision and their appeal rights in writing. Unaccompanied youth will also be enrolled pending resolution of the dispute.

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. IF the student does not have immediate access to the immunization records, the student shall be admitted under a personal exemption. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from student's previous school shall be requested from the previous school pursuant to the district policies. Emergency contact information is required at the time of enrollment consistent with district policies.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will make reasonable efforts to coordinate the transportation services necessary for the student.

The district's liaison for homeless students and their families shall coordinate with local social services agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. The district's liaison will also review and recommend to the district policies that may act as barriers to the enrollment of homeless students.

No Child Left Behind Act, 2002
RSA 193:12

2. **JECB-R – NH DOE Technical Assistance Advisory – Residency:** Kara Winton moved, Doris Grady seconded, to adopt the policy in its second reading. An oral **VOTE PASSED 6-0.**

TECHNICAL ASSISTANCE ADVISORY RESIDENCY

Purpose.

The purpose of this Technical Assistance Advisory is to clarify existing law with respect to a pupil's district of residency and school district liability for educational costs when a child is placed in a home for children; the home of a relative or friend by the Department of Health and Human Services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463; health care facility; or state institution.

Definitions. The following definitions shall apply:

- (a) "Legal residence" means, in the case of a minor, where the parents reside, except:
 - (1) If parents live apart and are not divorced, legal residence is the residence of the parent with whom the child resides.
 - (2) If parents are awarded joint legal custody the legal residence of a minor child is the residence of the parent with whom the child resides.
 - (3) If a parent is awarded sole or primary physical custody, legal residence of a minor child is the residence of the parent who has sole or primary physical custody.
 - (4) If the parent with sole or primary physical custody lives outside the state of New Hampshire, a minor child does not have residence in New Hampshire.
 - (5) If the parents are awarded joint or shared physical custody legal residence of a minor child is the residence of whichever parent has primary physical custody. If primary physical custody is not awarded by a court of competent jurisdiction the legal residence of a minor child is the residence of the parent with whom the child resides more than 50% of the school week, or 3 days out of the 5-day school week.
- (b) "Legal guardian" means a person appointed by a probate court in New Hampshire or a court of competent jurisdiction in another state, territory, or country. A legal guardian shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents.
- (c) "Legal resident" as defined in RSA 193:12, III means:
 - (1) Legal resident of a school district is "a natural person who is domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there, coupled with an act or acts consistent with that intent.
 - (2) A married person may have a domicile independent of the domicile of his or her spouse.
 - (3) If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time.

- (4) A person may have only one legal residence at a given time.”
- (d) “Home for children or health care facility” means any
- (1) Orphanage;
 - (2) Institution for the care, treatment, or custody of children;
 - (3) Child care agency as defined by RSA 170-E: 25, II and III;
 - (4) A residential school approved under RSA 186:11, XXIX; or
 - (5) A program approved pursuant to Ed 1133.
- (e) “Child of homeless parents” means a child whose parents:
- (1) Lack a fixed, regular, and adequate residence; or
 - (2) Have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as:
 - a. Public assistance hotels,
 - b. Emergency shelters,
 - c. Battered women’s shelters, and transitional housing facilities, or
 - d. A public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.
- (f) “Home of a relative or friend” means an unlicensed home of a relative or friend where a child has been placed by the Department of Health and Human Services or a court of competent jurisdiction. “Friend” means any non-relative.
- (g) “Legal custody” means an award of legal custody by a court of competent jurisdiction, in this state or in any other state. A parent shall not have legal custody if legal custody has been awarded to some other individual or agency, even if that parent retains residual parental rights.
- (h) “Placement” means the physical placement of a child in a residence. For purposes of assigning financial or programmatic responsibility for a child’s education or special education and related services, it shall not include incidental, transient, or short-term stays of an emergency nature.

Legal Residence and Right of Attendance.

- (a) No person shall attend school, or send a pupil to the school, in any district of which the pupil is not a legal resident, without the consent of the district or of the school board.
- (b) In accordance with RSA 189:1-a, “It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21, whichever occurs first; provided, that the board may exclude

specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school, and further provided that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.”

- (c) “Whenever any child is placed and cared for in any home for children, or is placed by the Department of Health and Human Services in the home of a relative or friend of such child pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, such child, if of school age, shall be entitled to attend the public schools of the school district in which said home is located unless such placement was solely for the purpose of enabling a child residing outside said district to attend such schools, provided that the school district for a child placed in a group home, as defined in RSA 170-D:25,II(b), within a cooperative school district, shall be the cooperative school district.”
(RSA 193:28)

Education of a Child Placed and Cared for in any Home for Children.

- (a) Nothing shall limit or abridge the right of any child placed and cared for in any home for children, as defined in RSA 193:27, to attend school in the district in which the home is located.
- (b) Any child placed in the home of a relative or friend by the Department of Health and Human Services, or by a court pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, may attend the public schools of the school district in which the home for children or home of the relative or friend is located.
- (c) Whenever a parent or guardian voluntarily places a child with a relative at the recommendation or request of the Department of Health and Human Services, that child shall be permitted to attend the public schools of the school district in which that relative resides provided that:

“Upon request of the school district, the Department of Health and Human Services shall confirm that the department recommended or requested that the child be placed with the relative to promote the child’s well being, and not for the purpose of allowing the child to attend school in the district where the relative resides; and

Upon request of the school district, the relative shall take reasonable steps to secure a court award of guardianship over the child; the child being allowed to attend school in that district while the relative seeks guardianship.” (RSA 193:12, V, a)

Legal Guardianship.

- (a) Legal guardianship shall not be appointed for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor’s parent or parents.
- (b) Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be

- permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.
- (c) Upon the request of the school district, the relative shall take reasonable steps to secure a court award of guardianship over the child, and the child shall be allowed to attend school in that district while the relative seeks guardianship.
 - (d) Any change of legal guardianship shall be filed with and approved by the probate court.
 - (e) If guardianship papers are filed with the probate court, the pupil shall be entitled to attend school in the district in which the guardian resides.
 - (f) Once guardianship is approved, the pupil shall be a resident of the school district in which the guardian resides.

Liability of School District for Special Education Costs.

- (a) If a child is:
 - (1) Placed in a home for children, the home of the relative or friend by the Department of Health and Human Services, or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, health care facility, or state institution, and
 - (2) The child is not in the legal custody of a parent or if the parent resides outside the state, then the school district in which a child most recently resided prior to such placement shall be liable for the cost of special education and related services. However, if the child is retained in the legal custody of a parent residing within the state, the school district in which the parent resides shall be liable for the cost of special education and related services.
- (b) If custody is transferred subsequent to original placement of a child in a home for children, the home of a relative or friend in which a child is placed by the Department of Health and Human Services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, health care facility, or state institution, then the "sending district" shall be, from the change in legal custody or guardianship forward, that district in which the child resided at the time of the original placement.
- (c) If a pupil 17 years of age or older, who is living independently, is placed in a non-residential facility by the Department of Health and Human Services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the pupil shall be considered a resident of the school district in which he/she is living.
- (d) If a pupil 17 years of age or older is placed in a residential facility by the Department of Health and Human Services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the school district which was liable for the cost of special education and related services immediately prior to the pupil's 17th birthday shall remain the school district of liability.

- (e) If a child is placed by the Department of Health and Human Services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, and the parent resides outside the state of New Hampshire, the district of liability shall be determined in accordance with the interstate agreement.

Appeals: Residency.

- (a) The superintendent shall decide all residency issues within a school district.
- (b) If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision.
- (c) In those instances when an agreement between superintendents cannot be reached within 10 days, the Commissioner of Education shall make a determination.
- (d) The superintendents shall jointly submit to the Commissioner a written Request for Determination of Residency identifying the specific issues involved in the residency dispute.
- (e) The Commissioner, upon receipt of the written Request for a Determination of Residency, shall utilize the provisions of Ed 200, except that Ed 213 shall apply to a proceeding before the Commissioner.
- (f) A decision of the Commissioner of education may not be appealed to the Board of Education.
- (g) If the residency dispute does not involve more than one school district the dispute shall be resolved by the local school board. Such decision may be appealed to the State Board in accordance with Ed 200.
- (h) During the pendency of a determination of residency, a pupil shall remain in attendance in the pupil's current school.

Appeals: District of Liability.

- (a) The State Board of Education shall determine the district of liability in disputes involving a special education child placed in the home of a relative of that child by the Department of Health and Human Services, or placed in the home of a relative or friend by a court pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463.
- (b) Such determination shall be made in accordance with rules adopted by the State Board of Education.

Nonresidents.

- (a) No person shall attend school, or send a pupil to the school, in any district of which the pupil is not a legal resident, without the consent of the district or of the school board except as otherwise provided by law or a local school board policy.

- (b) Each school district shall adopt an admission and attendance of non-resident student's policy.

Purpose

The purpose of this advisory is to provide clarification concerning the education of homeless students in New Hampshire. Varying Interpretations of homelessness, school placement, and New Hampshire Residency Law regarding homeless students have led to confusion and in certain instances have prohibited children from enrolling and attending school. This advisory addresses the basic requirements for school districts to meet the needs of homeless students and answers some of the most frequently asked questions.

Definition

The Stewart B. McKinney Homeless Assistance Act, Subtitle VII-B: Education of Homeless Children and Youth, protects homeless children and youth from being excluded from school enrollment due to the nature and impermanence of their night-time residence. Under the McKinney Act, school districts must review any rules or regulations, practices, or policies that may act as barriers to the enrollment of homeless children and undertake steps to revise such regulations, practices or policies to assure that homeless children and youth are afforded the same opportunities as non-homeless children and youth.

"New Hampshire Education for Homeless Children and Youth", means as part of the Stewart B. McKinney Homeless Assistance Act, that a homeless child has the right to:

- A free, appropriate public education.
- Remain in the school of origin (last school attended or school attended when child lost housing) for the remainder of the academic year, or if the child or youth became homeless between academic years, for the following academic year, or attend the school nearest their shelter or temporary home. To the extent feasible, the Local Education Agency (LEA) shall comply with the request made by the parent or guardian regarding school placement, regardless of whether the child or youth lives with the homeless parent(s) or is temporarily living elsewhere.
- Immediate enrollment, even when school or medical records cannot be produced at the time of enrollment.
- A priority to pre-school programs.

Which school may a homeless child attend?

There are options, whichever is in the best interest of the child or youth, either

1. The school of origin, which is the school attended when last permanently housed, or the school in which the child was last enrolled; or
2. Any school in which non-homeless students living in the attendance area are eligible to attend. In making a determination of school attendance, the best interest of the child and the request of the parent and/or youth are to be considered.

Is there any reason to delay enrolling a homeless child or youth?

No. Lack of school records or immunizations cannot prevent a homeless student from enrolling in a new school. It is the responsibility of the new school to request health and academic records from the previous schools in a "timely manner" and to refer parents and/or youth to a physician or to a free or low cost clinic for any required immunizations. Homeless students do

not need to wait until academic or health records arrive to attend the new school. Federal law requires immediate enrollment of homeless children and youth.

Who is considered homeless?

If a family, out of necessity, because of lack of housing, must reside in a shelter, motel, vehicle, campground, on the street, or doubled up with family or friends, they are homeless. Children and youth living under these or similar circumstances with or without other family members, are considered homeless.

Does homelessness have to be proven?

No. If a family reports they are homeless, the case must be decided individually. Present living conditions (i.e., shelter, campground, motel, hotel or doubled-up families) should be reviewed according to present situation of the family and relative permanence and adequateness of the living environment.

Does residency have to be proven in order for a homeless child to enroll in school?

No. Proof of residency is not required for the enrollment of homeless children. A school may require the parents or guardian of a homeless child to submit an address or other information for contact purposes, as they would for any non-homeless child enrolling in their school.

How does the New Hampshire Residency Law deal with school enrollment of homeless students?

- RSA 193:12 (IV) provides the definition of a homeless child and exceptions to legal residence requirements for homeless pupils. Homeless pupils may attend school in either the district the child/youth is presently residing or, if parents and another district agree, in the best interest of the child, for continuity of education, remain in the school the child/youth was attending when he/she became homeless (known as the school of origin).
- In those cases when there appears to be a conflict in state law and federal law with respect to homeless students, federal law prevails.

What if there is a disagreement on school placement between two superintendents?

The following procedures are in place if superintendents are not able to reach a placement agreement, taking into consideration the best interest of the student(s), and request of the parent(s):

- The Coordinator for the Education of Homeless Children and Youth, Lynda Thistle Elliott (271-3840) may be called upon to help resolve differences.
- In those instances when an agreement between superintendents cannot be reached within 10 days, the Commissioner of Education will make a determination.
- The Superintendents shall jointly submit to the Commissioner a written Request for Determination of Residency identifying the specific issues involved in the residency dispute.
- The Commissioner, upon receipt of the written Request for Determination of Residency, shall utilize the provisions of Ed 200, except that Ed 213 shall apply to a proceeding before the Commissioner.
- A decision of the Commissioner of Education may not be appealed to the State Board of Education.

What if there is a school placement dispute between homeless constituents and Local Education Agencies (LEAs)?

The following steps are provided when there is a placement dispute between parents/youth and LEAs:

- Informal discussion between school district personnel and homeless parents/or or homeless youths to reach a mutually agreeable solution.
- The State Coordinator for the Education of Homeless Children and Youth (271-3840) may be called upon to help resolve continued differences.
- If the residency dispute does not involve more than one school district the dispute shall be resolved by the local school board. Such decision may be appealed to the State Board of Education. The State Coordinator will provide information to the homeless parents and or youths and the school district about the state appeals process in accordance with the New Hampshire Code of Administrative Rules, Chapter Ed 200.
- During the pendency of a determination of residency, a pupil shall remain in attendance in the pupil's current school.

Where can you call for more information?

If you have questions about enrolling homeless children or youth or providing services please call the Department of Education Homeless Education Program at 271-3840 or e-mail LthistleElliott@ed.state.nh.us.

K. SUBMISSION AND PAYMENT OF BILLS: Heather Orion-Hindle moved, Kara Winton seconded, to authorize the Business Manager to pay manifest 05-1 in the amount of \$2,671,738.30. A roll call **VOTE PASSED 6-0**.

L. RESOLUTIONS: None.

M. OLD BUSINESS:

1. Budget Adoption: Kara Winton moved, Heather Orion-Hindle seconded, a motion to adopt the Fiscal Year 2006 budget with a bottom-line general fund of \$36,961,962 and an Other Funds budget of \$4,305,385. A roll call **VOTE PASSED 6-0**.

Kara Winton stated it was nice that the Board did not need to make a lot of cuts this year like last year. "It was nice to just look at the budget that Dr. O'Connor submitted to us and make a few changes but not a whole lot. It's too bad we couldn't add on the additions he brought to us but, overall I was pleased with the budget process."

Ms. Orion-Hindle stated how much she appreciated Business Manager Laurie Verville, Dr. O'Connor, and everyone's effort to bring the budget to the Board. "You guys did a great job – Dr. O'Connor - your first budget season." She went on to add, "I just want to emphasize my thoughts on reprioritizing once this is passed, should we need to maybe include some of those items that were on the list that we weren't able to include in this budget."

Ms. Fisher asked if this budget represented a 33¢ increase. Ms. Verville stated that was correct.

2. City Charter Discussion: Chairperson Fisher asked if any Board members had items they would like brought to the attention of the City Charter Committee and outlined three items of interest to the Board:

- a. At-large vs. Ward voting

- b. Moving Date for Budget Adoption
- c. Orientation of New Board Members

Dorothea Hooper shared her opinion that staying with ward voting was in the best interest of the citizens of Dover. She added that she attended City Charter Committee meetings and concerns had been expressed on how difficult it would be for candidates to cover the entire area of the city and the costs associated with running at-large. "If you want people to come in and serve the community, you have to make it reasonable for them to do so. Otherwise you have a good-old-boy network that's going to run this city for 30, 40, or 50 years. I happened to hear Peter Schmidt the other night, say to the Charter Commission, 'The reason you people are here, is because you're known names in Dover. You have name recognition.' That's a good thing in many ways, but you also don't want to discourage people from coming in who have new ideas or new blood. History is a very important and history is a good thing. But, if you have so much history that nobody ever moves forward, they're always looking backward, then you have another problem."

A second issue raised by Ms. Hooper was the idea that voting by ward gives everyone a neighborhood representative - someone you can bump into at the corner store or while out walking. "I have people who walk up to me within Ward 4 all the time who would probably not walk up to somebody that they did not know; that was not a neighbor. And I think you lose that neighborhood concept when you go to an at-large concept."

A last concern of Ms. Hooper's was a comment she had heard that City Council and School Board could be handled differently. "I really think you need to think about having the School Board run one way and the City government run another. If there are good arguments for keeping the City government via wards, then there are equally good arguments for keeping the School Board via wards."

Kara Winton agreed with Ms. Hooper's comments and added her belief that ward voting should be kept. "I think it becomes a popularity contest when you bring it at-large."

Heather Orion-Hindle questioned why there are two at-large City Councilors and only one at-large School Board member. "That might be a compromise: Keep the ward system but increase the number of at-large candidates." Audra Lurvey agreed with Ms. Orion-Hindle. "Can't we just recommend that they add in another at-large for School Boards so that we have equal amounts?"

Ms. Grady noted that past experience had found that the closer the City got to election day, School Board members were working the phones, trying to find candidates to run in some wards. "I feel that we haven't had, in my past 10-years experience, competition running for the School Board. I would really like to see something happen that we can get some competition as far as candidates are concerned." She added her opinion that whether running at-large or from a ward, each member represents every single child in the entire school system. "By running at-large, you would be more or less committed to represent everybody. My concern is just getting some people to come out and run for office. Ward 2 has been very difficult to find anybody to run." Ms. Grady added that she would have difficulty agreeing to have the top vote getter be the School Board chairperson. She stated her belief that the School Board should be allowed to elect their own chairperson and that the top vote getter may not want to be chairperson. Audra

Lurvey added her concern that making voting at-large in general may make it a bit more intimidating for a newcomer.

Chairperson Fisher stated that she was leaning toward all at-large voting and that she could not remember one election when every ward had a person running for School Board. She noted, however, that one ward could have two very good people who could have served if they could have run. "If I had children in the school system right now, I would want to have a chance to vote for all of the people on the Board and not just one or two."

Superintendent O'Connor noted that a second at-large member would make the Board an even number. He stated that he was not sure how ties were handled on the City Council, but believed it was by vote of the Mayor. He cautioned that an eight member Board would be difficult, and recommended the Board look at three at-large positions to ensure there were "no issues down the road."

Chairperson Fisher expressed her concern that the Board was required to pass a budget by March 15th but the Council did not vote on the budget until late May or June. She noted that by law the Board was required to hire all, or let go all, teachers by April 15th for the next school year. "If we hire them all and we don't get the money, what do we do? I would love to see us do the budget now and have the City Council have a public hearing and adopt our budget before we have to do the teacher's contracts on April 15th."

Doris Grady stated that she had another issue. "We call ourselves a Joint Fiscal Committee with the Council. When they ask us to sit down and talk with them, we're the only ones who have worked with the budget so they sit and listen and we do all the talking. I would really like to see something in the Charter that says the Council has to have a preliminary budget ready by the March 15th, so that when we sit down and talk with them, there is some conversation between the two parties. Presently there is not. We don't have an idea what direction they're going. They know where we're going, but we don't know where the Council's going. I'd like to see something in that Charter that says have something prepared by the 15th if that's the date they're going to give us."

Heather Orion-Hindle stated that the Board has no autonomy in fiscal matters but that the Council has all the say in what the Board spends. She added her opinion that one of the largest problems is that, in the past, "the school budget has been used as leverage by the City Manager to provoke Councilors into passing their budget. I really think that in the Charter, the school budget and the city budget need to be separated. Just two distinct matters so the school budget cannot be used as leverage in the City Manager presenting his budget to the City Council." She stated that she also agreed it needed to happen by the first of April.

Superintendent O'Connor noted that the Dover School Board does not have fiscal autonomy and that most municipalities in the state of New Hampshire do not. He stated that puts the Board at a disadvantage when budgets are not decided by the City Council until late or mid-June and often creates an adversarial situation. He added that the School Board in the City of Concord, through either litigation or a charter change, was able to become fiscally autonomous. "They are the only municipality in the state that has a School Board that sets its own tax rate separate from the City Council and the rest of the City government. That is something that if the Charter Commission were to look at, that's something that they might want to consider. I'm not sure that situation provides the

checks-and-balances that a lot of communities have that they rely on. But if you were to talk about the significance of elections and people being concerned about running for School Board office, you would see that having fiscal autonomy would, I think, certainly generate a lot of interest in people serving on the School Board.”

Chairperson Fisher noted that was not a Charter decision; rather, it would require litigation. After brief discussion, the consensus of the Board is that it would like to have the Council approve the school budget prior to April 15th when they are required by law to renew teacher’s contracts.

The last item Ms. Fisher discussed with the Board was the possibility of scheduling of an incoming-Board orientation prior to the January official swearing-in. Ms. Orion-Hindle stated that could simply be added to the By-Laws and did not need to be part of the City Charter. The Superintendent added that the By-Laws could also be revised to adopt a workshop for candidates to learn more about the School Board. Ms. Fisher asked that be addressed in an upcoming meeting.

Ms. Orion-Hindle stated her belief that there was a tendency in the City for the School Board, School Board members, and the District to be treated as “second class citizens.” She noted her opinion that the Charter sets the stage for the Board to be “second in everything,” adding that even the pay is not equal. “I personally do not think we should get paid for this. I think volunteer means volunteer. I don’t think we should, nor do I think City Councilors should, be paid. However, that being said, if you’re going to pay them, why not make it equal?” She ended by stating her belief that School Board members should “enjoy equality” in the City as elected officials. Ms. Fisher agreed, it should be equal pay, whether it be no pay, \$500.00, or \$1,000.00.

3. **District in Need of Improvement (DINI) Update:** Superintendent O’Connor updated Board members on the background of the district’s DINI status and on the work being performed by the newly formed DINI Committee. He stated that Dover is one of 16 school districts identified as a District in Need of Improvement based on the results of state testing in accordance with the No Child Left Behind guidelines. He added, one of the requirements of that designation was that districts must immediately form an improvement committee. Dover’s improvement committee held its first meeting last week. Dr. O’Connor noted that another requirement of the DINI designation was that the district hire a consultant to facilitate the committee meetings and that Dover had hired Nick Hardy. He added that Mr. Hardy was also working with the state to develop a plan for districts designated as in need of improvement. Additionally, Dr. Dwight Webb from UNH is working with the committee. From the committee of 25 members, a smaller group has been designated as a data team. This team will attend a one-day orientation in Concord and five days of additional training. There will also be a weeklong summer workshop for 12 to 16 committee participants. A document will be prepared to explain what Dover needs to do to improve student’s performance. This will occur over the summer and into next year. Kara Winton questioned who would be paying for all of this. Dr. O’Connor stated that much of the cost would be paid using the district’s Title funds. No Child Left Behind mandates that some Title money be “set aside” for this purpose. Ms. Fisher asked when would be the next meeting of the DINI Committee. Dr. O’Connor stated that April 5th is the date scheduled for the data team to travel to Concord.

N. NEW BUSINESS:

1. **Policy IKF – High School Graduation Date:** Kara Winton moved, Heather Orion-Hindle seconded to approve June 14th as the graduation date for this school year. An oral **VOTE PASSED 6-0.**

2. **Approval of Three-Year Energy Management Contract:** Kara Winton moved, Heather Orion-Hindle seconded to approve a three-year energy management contract with Siemens in the amount of \$175,693 for year one, \$188,895 for year two, and \$200,279 for year three. A roll call **VOTE PASSED 6-0.**

3. **Dover High School CIP Projects Approval:** Dorothea Hooper moved, Kara Winton seconded, to approve the following Dover High School CIP Projects:

\$4,000.	Ansul[®] System: Original building equipment that prevents fire safety hazards whether or not area is occupied
\$15,000.	Stair treads: Replace the remaining treads within the building. Phase I was completed during winter break.
\$40,000.	Exterior Foyer Domes: Repair to concrete domes and columns; water either leaks and pools and creates ice hazard.
\$45,000.	Locker Replacements: Original units are well beyond repair and space in freshman wing allows new units to be put in
\$20,000.	Air conditioning: Network room needs proper air cooling
\$10,000.	Auditorium Lighting: Original lighting can no longer be repaired.
\$60,000.	Air Balancing: Proper units need to be installed to prevent hot and cold temperatures
\$6,000.	Weight Room flooring: Current carpeting is seriously deteriorated
\$200,000.	Total Funding

An oral **VOTE PASSED 6-0.**

O. ADJOURNMENT: At 8:40 p.m., Kara Winton moved, Doris Grady seconded, to adjourn the meeting. An oral **VOTE PASSED 6-0.**

Respectfully submitted,

AUDRA LURVEY, SECRETARY
 Dover School Board
 AL/kgb

March 15, 2005