

LAMOILLE NORTH SUPERVISORY UNION  
BOARD MEETING  
MONDAY, SEPTEMBER 22, 2014  
GMTCC COMMUNITY EDUCATION CENTER

Board members present: Belvidere – Angie Evans; Cambridge –Mark Stebbins, Jan Sander,; Eden – David Whitcomb; Hyde Park – Raven Walters, Dan Regan, Maxine Adams; Johnson – Sarah Davies Coe, Edson Jones, Katie Orost; LUSD #18 – Carl Szlachetka, John Eisenhardt, William Sander, Beth Bailey, Eve Gagne; Waterville – Becky Penberthy. Others: Edith Beatty, Charleen McFarlane, Marilyn Frederick, Catherine Gallagher, Rick McCraw, Kelly Betzina, Diane Reilly, Mary Anderson, Jeff Lindgren, Kate Torrey, Joe Teegarden, Brian Schaffer, David Manning, Wendy Savery, Marty Spaulding, Nicole Mace (VSBA attorney), Norm Andrews.

**Note: All votes taken are unanimous unless otherwise noted.**

**1. *Call to Order and Approval of Agenda***

C. Szlachetka called the meeting to order at 6:00. He said he would like to amend the agenda to move the executive session to discuss support staff contract negotiations to the end. **MOTION: J. Eisenhardt moved to approve the agenda as amended, D. Whitcomb seconded, and the motion was passed.** Introductions were made.

**2. *Approval of Consent Agenda Items (Minutes 5.19.14, Clerk’s Report on Directors’ Orders, Budget Process/Timeline)***

M. Frederick said there should be one change to the May 19 minutes. On p. 4, in the conversation about bus funding, “ERA” should be changed to “ARRA.”

**MOTION: D. Whitcomb moved to approve the minutes of May 19, 2014 with the recommended change, D. Regan seconded, and the motion was passed with R. Walters abstaining as she was not at that meeting.**

**MOTION: D. Whitcomb moved to accept the clerk’s report on directors’ orders, S. Davies Coe seconded and the motion was passed.**

M. Frederick reviewed the budget timeline that had been included in the packet. She said in the next couple of weeks the current budget will be rolled over. We do a modified zero-based budget, which means rolling over known existing budget items – those dictated by contract, etc. – and starting at zero for things like supplies and equipment.

**3. *New Changes to Open Meeting Law with Nicole Mace of VSBA***

N. Mace said VSBA thinks Open Meeting Law will probably come up again in the legislature this year. There has been a lot of discussion about it at the state level. She would like board members to catalog for her any issues that coming up with Open Meeting Law.

She reviewed the basics of Open Meeting Law. It is designed to ensure transparency. All meetings of a public body are declared to be open at all times. Actions aren’t valid unless they are taken in open meeting. Open Meeting Law applies to any board committee, so boards should think carefully about all the committees they have operating.

Written correspondence or email communication between members for scheduling meetings, organizing agendas, or distributing materials to discuss at meetings is not considered a meeting. In the past, board members couldn't send out emails to all other board members, but the law now says that as long as the communication is purely administrative it is not a meeting. However, that is a slippery slope. Board members should make sure not to discuss anything of substance outside warned meetings.

There are different requirements for giving notice of regular, special, and emergency meetings. The schedule for regular meetings should be designated in bylaws or a resolution. Notice of special meetings should be posted in at least 3 public places at least 24 hours before the meeting. An emergency meeting should be announced as soon as possible before the meeting.

One or more members may participate in a meeting electronically (by calling in, Skyping, etc.) If a quorum is participating electronically then 24 hours before the meeting a notice must be posted in the municipal office and 2 other designated places designating locations where the public can participate. At least one board member or designee must be physically present at each designated location. A 3 member board cannot have a meeting where 2 of the 3 people participate remotely if they don't know about it and announce it 24 hours ahead of time.

The prior version of the law did not require boards to post agendas. Now agendas must be posted on the group's website if it has one and also at the municipal office and 2 designated public places 48 hours prior to a regular meeting and 24 hours prior to a special meeting. Any addition to or deletion from the agenda must be made as the first act of business.

Minutes must be kept by the board clerk. They now have to be up on the board's website within 5 days. They won't be approved at that point, so they should be advertised as draft. B. Schaffer asked if it would behoove a board to designate a specific website as the one to be used for minutes. N. Mace said they must be posted on the municipality's website if it has one. An individual district can't designate the LNSU website as its website, but it can link to that website if that is where the minutes will be. B. Schaffer said the high school maintains a website, but the municipality does not. N. Mace said each district is a municipality. Lamoille Union is a single municipality.

D. Regan said it is true that minutes need not be detailed, but that doesn't always serve the purpose of transparency. The Hyde Park board has reason to believe that their community relies on detailed minutes that give a good sense of the discussion and what led to board actions. If the board discovers its minute taker is under enormous pressure due to the new requirements, they will change the style of their minutes to a much less detailed version. He feels 5 business days would be a better timeframe for completing minutes.

C. McFarlane said this campus has 3 schools – the tech center, the middle school, and the high school. Each has a website. Do Lamoille Union minutes need to be posted on each

website? N. Mace said she thinks minutes would have to be posted on each school's website, but she can talk about that further outside the meeting.

D. Manning asked what should be done with draft minutes that were originally posted after the minutes are approved and the approved version is posted. N. Mace said she thinks it is fine to take down the draft minutes then.

N. Mace said board meetings are public meetings but they are not meetings of the public. A board is not required to allow free flow of conversation between the public and the board. It needs to provide a reasonable opportunity for members of the public to appear and express views on matters to be considered by the board, subject to reasonable rules established by the chair.

B. Penberthy asked if N. Mace would recommend having a public comment period on the agenda. N. Mace said she would recommend having a public comment policy and established a public comment period at the beginning of the meeting. If a board doesn't have a policy and doesn't apply restrictions to all equally, it could infringe on some people's rights. It is good for all members of the public to be made aware of the public comment policy so it doesn't look like the board chair is just trying to shut down one person.

J. Sander asked, can you limit the conversation to something that should be relevant? For instance, if someone brings up the same topic time and again when it has already been discussed and acted on? And can you limit public comment to residents of the school district? N. Mace said policy should address those issues. The law says any person in the district has to be given the opportunity to comment. Does that include staff or only residents? The language appears to permit the board to tell non-residents the board will not hear from them. But that should be done carefully in policy. If someone wants to talk about the same thing over and over again, the chair or superintendent might want to try to deal with that person outside of a board meeting context. She would be hesitant to tell a person they couldn't address the board even if the board has heard from them before. B. Penberthy said some boards may be dealing with people struggling with mental illness. If an individual conversation has already been tried, what suggestions does she have then? N. Mace said the board can have a limited period where people are allowed to talk, with a policy that everyone gets only a certain number of minutes. If a specific person is posing a problem the board might want to consult with its attorney about the best way to handle that problem.

C. McFarlane asked if LNSU could have a policy applying to all boards or if it is recommended that each board adopt their own. C. McFarlane said she recommends that policies be developed by a committee at the SU level with representation from all boards, with the language going out to member boards for adoption. Member boards have to adopt the policy.

C. McFarlane asked, if there is a 10-minute public comment period but members of the public have come because of an interest in a topic that is on the agenda, can they be allowed to speak when that topic comes up? N. Mace said that should be in policy.

N. Mace reviewed what the law says about executive session. A board first has to meet in open session and vote to go into executive session. The motion should specify a reason more detailed than “personnel” or “legal.” Boards decide who comes into executive session with them. A motion could say, for example, that the executive session was for “evaluating the superintendent” or “discussing an employee grievance.”

S. Davies Coe said she understands the motion to go into executive session has to cite the specific exemption in statute. N. Mace said that is her recommendation. There is a category of topics that the board can discuss in executive session only if the board first finds that premature public knowledge would put the municipality at a disadvantage. She recommends putting that language in the motion – for example, the motion could be to “enter executive session to discuss teacher contract negotiations because doing so in open session would place the board at a significant disadvantage.”

D. Whitcomb asked if N. Mace knows of any Supreme Court cases that have covered this subject. N. Mace said yes. D. Whitcomb asked, outside of *Trombley v. Bellows Falls*? N. Mace said that is the case she knows of. D. Whitcomb said he feels boards need to use common sense and Robert’s Rules of Order and that takes care of problems.

N. Mace said there are 6 possible reasons for executive session that require a specific finding that premature public knowledge would put the municipality at a disadvantage. That finding doesn’t have to be made every time the board goes into executive session. Boards can get advice from lawyers in executive session. The board can go into executive session to discuss appointing public officers or filling a vacant board seat, but there has to be a vote in open session to make the appointment and the board has to explain the reason why they chose that specific person. The explanation doesn’t have to go into a lot of detail. It can be that the person was the best candidate. Open Meeting Law now allows boards to go into executive session to discuss security or emergency response measures.

D. Whitcomb said this board met with an attorney in executive session and the attorney later sent out his decision in an email. D. Whitcomb told the attorney he had just made that information public. D. Whitcomb was told by VLCT that if a lawyer sends out an email to board members, confidentiality applies only to the lawyer, not to the board members. Does N. Mace agree? N. Mace said she is not sure. Does public records law protect confidential attorney-client communications? She thinks it does. The purpose of attorney-client privilege is to protect the client. N. Mace said she would not electronically share documents that are the subject of an executive session discussion. It doesn’t necessarily break attorney-client privilege if someone emails it out, but it can do damage if someone shares it when they should not. If someone makes a public records request, if an email meets one of the exemptions it will be protected. Whether it is an email or a paper document, she thinks it would still be protected under the law, if not in practice. W. Sander asked how long public agencies are required to retain emails. N. Mace said it depends what the email is about. There are record retention schedules from the Secretary of State. The requirement relates to the content of the record, not whether or not it is an email.

B. Penberthy asked for N. Mace's thoughts about having on the agenda a placeholder for executive sessions that just says "possible executive session." N. Mace said her standard guidance is not have it be a standing agenda item because it requires a motion and vote. A board should know what it will be discussing 48 hours before the meeting. An executive session can be added as the first item of business. If a board's attorney has advised having a standing agenda item for executive sessions, she would be willing to talk to that attorney.

Anyone who feels aggrieved by a violation of Open Meeting Law has to allege the specific violation in writing and make a request for specific actions to cure the violation. The body has 7 business days to respond. If the body acknowledges the violation it has 14 calendar days to cure it and take measures to prevent its reoccurrence. The body does not have to respond. Failure to respond means the body denies a violation occurred. Failure to correct a violation could result in the body having to pay attorney's fees and other litigation costs.

J. Sander asked if it would be appropriate to respond and explain why a violation did not occur. N. Mace said she would suggest that the first time a board gets notice of an alleged violation, or even before, the board should contact an attorney to discuss how to respond so the same process is followed every time. She feels that initially it makes sense to treat allegations seriously and respond to them.

D. Regan asked, is it correct that curing a violation and taking steps against recurrence is all that is required, and that if that is done there is no penalty? N. Mace said yes.

D. Griffiths asked about the requirement that minutes be made available for inspection within 5 days of a meeting. Is posting them on the web enough to meet that requirement? N. Mace said she thinks minutes should also be made available in another way, for instance at the town offices. D. Griffiths asked about meeting that requirement when the 5 days are up on a weekend. N. Mace said this is not a new requirement. Boards should probably continue to do what they have done in the past. D. Griffiths said in the past we have assumed the 5 days meant 5 business days, which makes a big difference.

D. Whitcomb said if any members are participating electronically, every vote must be a roll call vote. That is a complete change, and very important. N. Mace said that is correct. All votes have to be taken by roll call if even one person is participating by phone.

**4. Act 156 Recommendations with Norm Andrews**

M. Frederick said an ad hoc committee has been meeting to look at what we have to do under Act 156 and explore efficiencies and economics in special ed, transportation, facilities, food service, and data. After the first few meetings the committee realized it had to focus mostly on special ed and transportation. The SU is required to assume control of delivery of special ed and transportation services by July 1, 2014. That means the SU becomes the employer of licensed special ed employees on the date specified in a ratified contract. The expectation is that after FY15 our licensed staff will be employed by the SU. If not, we will have to tell the state why that is not happening.

The committee considered 3 decisions regarding special ed:

- Whether or not to centralize paras
- Whether to base the assessment to districts for special ed services on ADM or child count
- Whether or not to use a “circuit breaker” approach controlling when districts see savings or increased costs due to centralization

The employees subject to this transition are special ed administrators, teachers, paras (if the SU decides to centralize them), and employees whose job assignments are related to administration of special ed services. The law requires that the determination of affected employees be objective and non-discriminatory, based on duties performed.

Last May, the board heard that the committee had predicted cost savings of over \$101,858 from centralizing special ed staff. Administration recommended getting an outside opinion on likely savings. Norm Andrews, a former business manager and member of the Hyde Park and Lamoille Union boards, was chosen as a consultant.

N. Andrews said he thinks M. Frederick’s cost savings estimates were accurate, but very conservative. He believes there is potential for other savings beyond what she identified. He reviewed some information about our special ed costs and the percentage of those costs that are formula-eligible. Formula-eligible costs are costs for services specified in the IEP. The percentage of our costs that is formula-eligible is a little less than the state average. The percentage of our ADM on IEP’s is higher than the state average. Managing formula-eligible costs can lead to savings due to increased reimbursement. He showed the percentage of formula-eligible costs for 4 other SU’s. They are all higher than the state average. He feels that consolidation of services will help ensure that special ed spending is done correctly, which can generate savings. If we can get reimbursement for the 2% of costs we are missing now, that is a lot of money.

C. Szlachetka asked if one contributing factor to some of our costs not being eligible is the paid lunch issue. M. Frederick said yes.

M. Frederick said she did some informal questioning of business managers from SU’s that had centralized to see if it tended to be true that their percentage of reimbursable costs went up after centralizing. That did seem to happen consistently.

D. Regan said for some on the committee, the finding that centralization could lead to cost savings was great, but was only icing on the cake. The main benefits of centralization were seen as increased consistency of services to kids and increased predictability of special ed costs for districts. W. Sander said he concurs. He thinks pretty much the whole committee felt that way.

M. Anderson said currently the building principal serves as LEA and makes final decisions if the IEP teams can’t come to agreement. Who becomes the LEA if special ed is centralized? Is it still the local principal? M. Frederick said the SU would be the LEA, but

more than one person can represent the LEA. She thinks C. Gallagher will be the main representative, but others can help with that. C. Gallagher said she can't be at every IEP meeting. Her designee would typically be the person who is doing that work now. She doesn't think it will look very different from the way it is now. W. Sander said there hasn't yet been a situation where there has been a disagreement between C. Gallagher and the building principal. C. Gallagher said that is correct.

M. Frederick said we currently base assessment to districts on ADM. The committee looked at child count and how that would fluctuate. There would still be the same savings, but it does make a difference which we use. Child count is a much smaller number – just those students on IEP's. Smaller numbers mean the impact of fluctuations is greater. A larger number spreads the risk around and reduces the chance of extreme highs or lows.

N. Andrews discussed the circuit breaker option, which was his idea. When we centralize, some towns might have a big increase in special ed costs in the first year and others might see a big decrease. A big decrease is good for that year, but means an increase in the future. The circuit breaker approach spreads out the impact over a number of years (he suggests 5) so that no district gets a big benefit or big cost increase in any one year.

M. Frederick showed a list of pros and cons of special ed consolidation that the committee had come up with. The committee didn't just look at cost. Cost is not the only reason to centralize. Cons include change, perceived restrictions on use, and fear of how assignments will be made. The committee thinks there needs to be a list of common questions and answers.

The committee discussed the timeframe for implementing centralization. For teachers, the law tells us when centralization has to happen – when the current master agreement ends, no later than July 1, 2015. For other staff, the idea of having centralization happen no later than July 1, 2016 was discussed.

The committee decided to recommend using ADM as the assessment method. The committee also recommends using the circuit breaker approach to spread out cost impact. The committee recommends that paras be centralized.

W. Sander explained why the committee came to that conclusion about paras. The total benefit of centralization would be less if paras weren't included. And centralization would allow paras to be able to follow a child who moved to a different school. Regarding whether to centralize all at once or phase it in, it was decided not to have two disruptions but to do it all once. We are still in negotiations with support staff so it is feasible to do it all at once. W. Sander also pointed out that the circuit breaker approach doesn't mean costs are stabilized over 5 years. It does not guarantee costs for 5 years, it just spreads the impact of any changes over 5 years.

D. Regan said he thinks there was some uncertainty and disagreement among committee members about the timing of centralization for paras. He thought the committee planned to turn to the board or some other group to think through the issue of timing.

E. Beatty said from an operations and business standpoint it might make sense to do all centralization at once, but while there has been a lot of conversation about professional staff coming to central office, there isn't widespread knowledge that this could include paras. So she would ask that the recommendation be to centralize paras no later than July 1, 2016. She is concerned about lack of trust and morale. M. Frederick said the wording "no later than July 1, 2016" would allow faster implementation.

K. Orost asked how Johnson plays into this with their paras not in the contract. M. Frederick said the recommendation would still be for all paras to be centralized whether or not they are in the master agreement, but when they come into central office they will be under the master contract. The benefits are very similar in the different contracts.

E. Jones said it looks like there might be cost savings in centralization, but he sees it as leading to loss of qualified staff because if people who have been working at Johnson for a long time don't know where they are working next week, they will quit. E. Beatty said she hopes that isn't what they will be told. That kind of worry is what we will want to address. She doesn't see us shuffling people around. E. Jones said there was mention of moving a para with a child. M. Frederick said students with one-on-one paras haven't moved between LNSU schools very often in the past. D. Regan said it happened 4 times last year. M. Frederick said if we have 80 paras, that is a very small percentage. The reasons to move a para to another school would have to be good. It virtually never happened when she worked in a single district with multiple schools. B. Penberthy said now if a para is matched with a specific student and that student leaves the para typically loses their job. Now they will have the opportunity to keep their job. W. Sander said it will lead to job security for paras and educational security for students. M. Frederick said it is a cultural shift. Any change is scary. She came from a single district in Illinois that was about the size of the Burlington school district. That district had the ability to move people around, but teachers were the ones who were moved the most. Paras did not move as much. B. Penberthy said if paras are centralized it might be easier for a school board to agree to allow a student whose family moves to stay at the same school until the end of the year, since there will be no cost problem with the student's para.

D. Manning asked if boards and administrators can discuss this first before a vote. His board hasn't yet heard his thoughts. B. Penberthy said she doesn't know if she can make a decision without first informing the other members of her board. The agenda for this meeting doesn't say the board will make a decision on this tonight. W. Sander said we don't have a choice with licensed staff. The committee has examined this in detail with representatives from all the districts. The board negotiation committee would like to have guidance for support staff negotiations. M. Frederick said the budget is a major consideration as well. She has to know what to pull out and put in the budget. This decision can't be delayed very long. It may require a special meeting in the near future if the board doesn't make a decision tonight.

**MOTION: W. Sander moved to accept the Act 156 committee's recommendations, giving boards and administrators flexibility to come up with an acceptable timetable for centralization of paraprofessionals, seconded by D. Regan.**

K. Orost said she doesn't think board members were properly warned that we would be making a decision tonight. Her board hasn't discussed this or gotten information about the recommendations from their representative. S. Davies Coe agreed. She didn't realize the board was meant to take binding action at this meeting; otherwise she would have discussed the issues with her principal in advance. K. Orost asked for time for boards to caucus. C. Szlachetka agreed and boards caucused for about 5 minutes.

W. Sander said that although he strongly supports the motion he suggests a motion to table it and plan a special meeting, because there is a lot of discomfort in the room. He would like to see the motion pass with more support. C. Szlachetka said his issue with a special meeting is that in the past this board has had problems getting a quorum. He understands that there is a member from each town represented on this board and their job is to report back to their board.

B. Penberthy said another concern she has is that paras would not have known centralization of paras was going to be voted on, so they wouldn't have had the opportunity to come and present their opinions. She is sure her other board members haven't heard about these recommendations.

**MOTION: M. Stebbins moved to amend the motion to exclude the recommendation to centralize paraprofessionals, seconded by E. Jones.**

D. Regan asked if people who are unwilling to vote tonight will be more willing to vote for the amended motion. B. Penberthy said she thinks she would be more likely to, but she knows Marshall Pahl would want to see the numbers for Waterville for the circuit breaker approach vs. having the cost impact of centralization all in a single year. D. Whitcomb said town names weren't shown on the circuit breaker slide that was shown earlier, but they should be. M. Frederick showed the slide again with town names visible and N. Andrews explained it. With centralization, if ADM were used for assessment, Hyde Park's assessment would go up \$2,227. But with the circuit breaker approach, Hyde Park's additional assessment would be \$445 for each of 5 years. Johnson's assessment would go down \$192K in the first year after centralization without the circuit breaker. With the circuit breaker, the assessment would be lowered by \$38,564 for each of 5 years. But the assessment can change during those 5 years with changes in special ed costs. B. Penberthy said Belvidere's \$3K increase for each of 5 years is a huge impact of moving from paying for their own special ed students to paying based on ADM.

M. Anderson said she feels this needs to be discussed with the full board in Cambridge. How would this help Cambridge? N. Andrews said it's the law. The impact of the change from Cambridge paying its own costs to paying based on percent of ADM is \$17,281. W. Sander said the next time a high needs special ed student moves in, that gets blown out of the water. M. Frederick said if districts leave all special education costs other than teach-

ers in their budgets, they will still see swinging impacts. Teacher costs don't swing up and down from year to year. That is not what is busting budgets. M. Anderson said what is hard on budgets is having to send a student to Laraway for \$90K. M. Frederick said the amendment doesn't help with that. Without the amendment, individual districts won't have those costs in their budgets, so if one school budgets for a particular student's needs and the student moves, it won't affect any one school more than another. D. Manning said it seems as if M. Frederick is saying that if paras are centralized then all special ed costs are centralized. Laraway costs are not a teacher cost or a para cost. Couldn't those costs go into the centralized budget whether or not paras do? M. Frederick said yes. N. Andrews said it's like buying an insurance policy. Basing the assessment on ADM levels out each district's costs because ADM doesn't fluctuate much. M. Anderson said the cost driving factor in special ed budgets is not teachers or paras, it is contracts with Laraway or other agencies. Up to this point, she hasn't heard discussion of centralizing those costs. N. Andrews and M. Frederick said all special ed costs will move to the SU. M. Frederick said there have been budget deficits caused by having to add paras.

W. Sander asked for clarification of the amendment. Does it rule out centralizing paras, or just take no action on that question? M. Stebbins said his intent is for the board to take no action at this point. C. Szlachetka asked when he is anticipating action on paras would take place – at a special meeting? M. Stebbins said M. Frederick had mentioned it could be at the next meeting. He thinks it would be valuable for all boards to have the opportunity to discuss it fully amongst themselves. He didn't realize centralization of paras would be included. He thinks that one piece needs some discussion.

At J. Sanders' request, boards caucused for about 5 minutes.

W. Sander said there is a sense of frustration because every district was supposed to have a member on the Act 156 committee but some people didn't show up and some people are feeling uninformed. This might result in a negative vote. Perhaps a motion to table would be a good idea. C. Szlachetka said he thinks every town was represented on the committee, but W. Sander is right that not everyone showed up. It is unfortunate that not everyone reported back to their boards. Everyone on this board has been chosen by their town to vote. But he grants that it isn't clear on the agenda that a vote would be asked for tonight. D. Whitcomb said the last meeting of the Act 156 committee was on September 16 and the Eden board hasn't had a meeting since then. There was no way for him to get the information out to his other board members. Since it is a 3 member board, he can't talk to another member about board business outside of a meeting.

**MOTION: D. Regan moved to table the motion.** He said he did so reluctantly, because this was a duly warned regular meeting with a quorum here that should be prepared to do the board's business. If someone didn't make it to this meeting that doesn't relieve those who are here from doing their duty. C. Szlachetka said he would ask C. McFarlane to try to come up with a date for a special meeting sometime in October that is mutually agreeable to as many as possible. **W. Sander seconded, and the motion was passed 9-5.**

M. Frederick said the committee also looked at transportation consolidation. She showed a list of considerations the committee had in mind. If we run our own transportation, drivers must be employees of the SU and if we contract out transportation, the SU needs to be the agent for the district. The committee's recommendation is to pay Eden and Cambridge drivers through the SU then bill those districts for the cost of paying their drivers, allowing them to maintain operations for FY16, and also for the SU to act as agent for private company contracts. M. Frederick said someone at AdCo commented that this probably doesn't fit the spirit of the law and that is probably right, but it fits the letter of the law. Under this plan, transportation will continue to be a revenue generator for Eden and Cambridge.

**MOTION: W. Sander moved to accept the Act 156 committee's recommendations with regard to transportation.** He said the consensus of the committee was that the state mandate for special ed centralization makes sense but the mandates for transportation are insane. He thinks this is the best possible solution. It protects Eden and Cambridge as much as possible. It puts an undue burden on central office staff, but we have to do it. **D. Regan seconded.**

S. Davies Coe asked what the financial impact to districts other than Eden and Cambridge will be. M. Frederick said there will be none. K. Orost asked if individual school boards will still vote on who to award transportation bids to. M. Frederick said the SU will decide who to award bids to.

D. Whitcomb said he will vote no because he doesn't think our legislature had any idea what they were doing. The SU cannot own property to put buses in. He thinks this is just another step toward moving everything to the SU office. Only 19 people can vote on the SU budget. Town voters don't get to vote on it in reality. This is just a step toward the government taking over and getting rid of local board authority.

E. Jones said if parents have a problem with a bus, a para, etc. now they will have to call central office, not the school. Can't we expect to get flak for that? M. Frederick said she thinks the relationship will still be with the local school.

W. Sander said D. Whitcomb is correct that this mandate is ill-advised, but it is a mandate. This is a rather elegant way of continuing business almost as usual while still meeting the letter of the law. We can't continue as we are. This is the minimal action we can take to meet the letter of the law. If we don't do this we will be in violation. K. Orost asked what the repercussions are of being in violation. M. Frederick said the state could withhold its 50% funding of transportation costs. They are getting extreme pressure to do just that. We need the 50% aid to function. D. Whitcomb said the penalties won't take effect until July 2015. M. Frederick said she believes the state will withhold funding if we are in violation. D. Whitcomb said he thinks this will be changed when the legislature is back in session. **The motion was passed 10-3.** (E. Jones and N. Andrews left at 8:36.)

5. ***Superintendent's Report***

E. Beatty said she has been meeting with boards and principals and going to schools. It has been wonderful. We are going to be diving into post-secondary outcomes and out-

comes at critical transitions and also looking at common ground on what matters most for students graduating from Lamoille Union. We are embarking on budgets. We are still in support staff negotiations and will soon be in licensed staff negotiations.

**6. *LNSU Board Meetings and Committees***

C. Szlachetka said he feels the board should have more frequent meetings or least have a couple of additional subcommittee meetings. Last year he recalls he was given the budget on the day of the budget vote and it was presented only at the management summary level. He felt it was the most unsatisfactory budget vote he ever took. Possibly there could be a finance subcommittee to look at the numbers and work with M. Frederick more frequently. There could also be a policy committee.

K. Orost asked, don't we approve the budget at the next meeting? M. Frederick said in the past we have always had the possibility of meeting in November and also in December, but every year she has been here the board has voted on the budget in November.

C. Szlachetka said he will let this topic wait for future discussion.

**7. *Superintendent Performance Measures (Evaluation)***

C. Szlachetka said as far as he knows we don't have any superintendent performance measures. He would like to form a committee with around 5 people to work with E. Beaty to come up with a fair and reasonable performance evaluation.

W. Sander said we have had a number of evaluation instruments in the past. All have gotten criticism and some praise. None have been satisfactory. It is hard to develop an instrument but we all pretty much know if the superintendent is doing a good job or not. He would be willing to work on it again.

C. Szlachetka said it is incredibly unfair to the superintendent or to any employee for them to be working and thinking they are doing a good job and then have the rug pulled out from under them. He thinks it would behoove us to have a document about expectations and periodically talk about how the superintendent is doing.

K. Betzina said she found that there is no standard tool in this state. We did establish criteria when we started the superintendent search and we have those notes. C. Szlachetka said there are also documents from VSBA. He said there are issues that need to be addressed in this district that are different from others that would appropriately be placed on our superintendent's performance evaluation.

K. Orost asked if we could reconvene the executive committee, consisting of the board chairs. C. Szlachetka said yes, if that is the board's wish. W. Sander said he believes it is in the bylaws that superintendent evaluation is one function of the executive committee. The executive committee is also supposed to oversee the retirement plan, which hasn't been done.

S. Davies Coe said the Johnson board has worked very well with subcommittees as long as subcommittee meetings are far enough before regular board meetings that the board can get full information. There should be enough time after subcommittee meetings for

individual boards to meet before taking action at an LNSU board meeting. M. Adams asked if there is any rule about committee members disseminating information to the board outside of a meeting. S. Davies Coe said that can be done as long as no one hits "reply all." C. Szlachetka said even if that were done there could still be an issue of LNSU reps not being able to meet with their boards to discuss issues and decide how they should vote. M. Adams asked, is every motion made by this board warned in the agenda? Don't members come here empowered? Why have just a small portion of each board as delegates to this board if the opinion of the whole board is needed before they can vote? S. Davies Coe said some decisions are different from others. Some motions concern administrative matters and affect just this board, but if a motion impacts people in her school she wants to talk to her board first.

C. Szlachetka said he is hearing that the executive committee is empowered to talk to E. Beatty about evaluation, so that is what will happen.

D. Regan said he appreciates C. Szlachetka having accessed the resources of VSBA. He understands that VSBA expends a lot of time helping boards with this. He would encourage reviewing VSBA resources or even talking to a VSBA representative to see what they offer.

8. ***Appoint Teacher Negotiations Representative to BNC (Board Negotiations Committee)***

D. Regan nominated C. Szlachetka. D. Whitcomb nominated W. Sander. W. Sander and C. Szlachetka each spoke about why they would like to serve on the committee. Paper ballots were distributed. **The vote was 8-3 in favor of C. Szlachetka as representative to the Board Negotiations Committee for teacher negotiations.**

9. ***Support Staff Negotiations Update***

C. McFarlane said there was not a quorum, as some board members had left, so the board was not able to make a motion to go into executive session. W. Sander said he thought a lot of the information could be given in open session. He gave a brief update, describing one issue having to do with paid lunch for employees in some districts. C. McFarlane said there was a quorum after all, since C. Szlachetka could be counted, but D. Whitcomb said he was going to leave, so there would no longer be a quorum. W. Sander continued with his update.

10. ***Adjourn***

**MOTION: It was moved and seconded to adjourn at 9:06, and the motion was passed.**

Respectfully submitted by,  
Donna E. Griffiths

Actions taken at the LNSU Board meeting 9-22-14:

**1. Call to Order and Approval of Agenda**

**MOTION: J. Eisenhardt moved to approve the agenda as amended, D. Whitcomb seconded, and the motion was passed.**

**2. Approval of Consent Agenda Items (Minutes 5.19.14, Clerk's Report on Directors' Orders, Budget Process/Timeline)**

M. Frederick said there should be one change to the May 19 minutes. On p. 4, in the conversation about bus funding, "ERA" should be changed to "ARRA."

**MOTION: D. Whitcomb moved to approve the minutes of May 19, 2014 with the recommended change, D. Regan seconded, and the motion was passed with R. Walters abstaining as she was not at that meeting.**

**MOTION: D. Whitcomb moved to accept the clerk's report on directors' orders, S. Davies Coe seconded and the motion was passed.**

**4. Act 156 Recommendations with Norm Andrews**

**MOTION: W. Sander moved to accept the Act 156 committee's recommendations with regard to transportation. D. Regan seconded. The motion was passed 10-3.**

**8. Appoint Teacher Negotiations Representative to BNC (Board Negotiations Committee)**

**The vote was 8-3 in favor of C. Szlachetka as representative to the Board Negotiations Committee for teacher negotiations.**

**10. Adjourn**

**MOTION: It was moved and seconded to adjourn at 9:06, and the motion was passed.**