

Notice: These minutes are in D R A F T format, and shall remain as such as the legal record in compliance with RSA 91:A in their written archival form. They are likely to contain errors and may be in need of correction which can only be done in public in a properly-posted, subsequent meeting of the School Board. Accordingly, you are referred to the minutes of a subsequent (i.e. future -- but not necessarily the next sequential) meeting of the Board to identify what may have been changed as an approved and properly modified record in compliance with law.

NEWFOUND AREA SCHOOL DISTRICT

School Board Minutes

Monday, February 12, 2018

6:30 p.m. Public Session

Location: LMC- Newfound Regional High School

- I. Call to Order by Jeff Levesque at 6:35 p.m.
- II. Pledge of Allegiance
- III. Record Roll:

Sue Cheney, Alexandria	arrived 6:40
Vincent Paul Migliore, Bridgewater	present
John Larsen, Bristol	present
Jeff Levesque, Groton	present
Don Franklin, Hebron	present
Christine Davol, New Hampton	arrived 6:40
Sharon Klapyk, Danbury	present
- IV. Approval or Modification of Agenda
None
- V. Approval of Minutes
 - a. January 12, 2018
Consent Agenda
 - b. January 22, 2018
Consent Agenda
 - c. February 3, 2018
Not ready yet for approval.
- VI. Public Comment
None
- VII. Correspondence
None
- VIII. Announcements and Recognition
 - a. Student Liaison Report
None
 - b. Staff Liaison Report
None
 - c. Superintendent Report

- Friday, February 9 was a very productive Teachers' Workshop Day to focus on district wide competencies. Nurses and Guidance had training in Mental Health First Aid.
 - Strategic Planning is in the process of getting student input K-12. Survey is also available for people to access by clicking on a link on the district website.
 - Stacy Buckley and Chris Ulrich visited Plymouth Tech Center to review their renovation project. The district has added a media program and we are now aligning it with our newly added media program.
 - Stacy noted that we have had six snow days and June 22, Friday is the last day of school. It will be an early release. Stacy Buckley sent out a survey to staff and faculty with options and for their opinion if we have more snow days. Any recommendations will come before the school board for approval.
 - The superintendent attended the unified basketball game played before tonight's meeting. What a great opportunity for students to play and they get very excited when they make a basket.
 - Stacy Buckley passed around several news articles regarding students attending a national conference, high school students of the month, Ann Holloran doing an afterschool co-curricular program at NHCS and highlights of Allied Arts Night at NMMS.
- d. Other
- Don Franklin asked Stacy Buckley to comment on grading. The superintendent said competency based grading is not easy to accomplish. This is a current initiative and we are discussing this district wide. Stacy spoke about our current Student Information Software and its inability to likely meet our needs as we move forward to competency based report cards. We will be looking at a new system likely for implementation in the 2019-2020 school year.

IX. Old Business
None

X. New Business

a. 1st read policies:

i. IGAK: Character and Citizenship Education

- Stacy Buckley said the policy committee met and we rewrote the policy to fit the law. This was placed on the consent agenda by agreement.

ii. GBHI: Staff Participation in Political Activities

- This is a new policy from the policy committee. Vincent Migliore said when you read the law it references other laws where elected officials are exempt. The question is whether we would be covered under the policy. For clarity, Vincent Migliore recommends that we put in a sentence that says that it should be noted that school board and budget committee members are exempted and not covered by this RSA Chapter 98-E.
- Stacy Buckley suggested that she contact the School Board Association to ask if it would be appropriate to add language to the policy and what is the wording
- There was discussion of whether this policy was for faculty and staff only or did it reference school board members as well
- It was agreed that Stacy will connect with the NH School Boards Association for direction.

- It was agreed that this policy would be returned to the Policy Committee for further review.
- iii. IHCD: Advanced Coursework/Advanced Placement
- Stacy Buckley asked the board to approve IHCD 2nd reading tonight for funding reasons. The question arose was there a need for a motion to suspend the policy for 2nd reading because it is a policy in place approved in December and tonight we need to update it.
- b. Delegate Assembly Review
- Vincent Migliore updated the board on the Delegate Assembly he attended in Concord on January 20, 2018. Morning session focused on Right to Know Law 91-A. Workforce Development is another important issue for school districts in NH because it addresses the need to train people for unfilled jobs in several manufacturing fields and trades. Also discussed at the Delegate Assembly in Concord was transportation, background checks for adults, and that “soft skills” are important to the BIA.
 - The board discussed the issues that Vincent brought up, particularly around soft skills and what children are missing in this area when they enter school and progress through school.
- c. School Board Evaluation
- This is a yearly evaluation done by the board, the faculty, and community members.
 - Christine Davol asked about revising questions that was discussed previously. The questions remain standard without revision.
 - It was decided that the School Board Evaluation will be done and projected to be reviewed at the April meeting.
- d. Superintendent Evaluation
- This will be done the first meeting in March. Stacy will provide the board with the forms and they should be returned to Jeff.
- e. Update on Legislation (VPM)
- Vincent Migliore gave an update on legislation concerning four or five different options for formulating default budgets. He spoke about a proposed bill (that has since been sent back to committee) that began a lengthy discussion among all board members concerning the suggestion that “even school boards may be in violation for prohibiting guns on school property.” One of the conflicts mentioned is that we can have “gun free zones” but that only applies to students in some opinions.
 - The superintendent said she will continue to follow our procedure and will not put our students at risk.
- f. Field trip
- David Harlow requests to take the senior class to Cambridge, MA Cultural Arts Center to attend production of “Much Ado About Nothing” May 1, 2018 leaving school at 7:30 a.m. and returning at 4 p.m. Eighty students and 5 chaperons. Each student pays \$5 and scholarships are available. This was placed on the consent agenda.
- XI. Public Comment (on agenda items only per policy BDDH, 5 minute limit)
None
- XII. Motion on Consent Agenda
January 12, 2018 meeting minutes
January 22, 2018 meeting minutes
IGAK 1st read
Field Trip

Sue Cheney made a motion to accept the Consent Agenda. Sharon Klapyk seconded.
Vote 7-0-0-0 ***Motion Passed***

XIII. Motion on Individual Agenda Items

- Jeff Levesque made a motion to suspend a policy for 2nd reading. Don Franklin seconded. Stacy noted that there is a specific policy to waive a second reading. Jeff Levesque withdrew his motion. Don Franklin withdrew his second.
- Jeff Levesque made a motion to implement Policy BFA that states “on matters of unusual or unexpected urgency, the Board may waive the second meeting limitation and take immediate action to adopt a new policy or revise an existing policy” and to approve Policy IHCD as presented. Don Franklin seconded. Vote 7-0-0-0 ***Motion Passed***

XIV. Financial

- a. Approval of Manifest(s)
None

XV. Adjournment

Jeff Levesque made a motion to adjourn at 8:03 p.m. Sharon Klapyk seconded. Vote 7-0-0-0
Motion Passed

Respectfully submitted by Ruth Whittier, School Board Clerk

District Staff present: Stacy Buckley, Superintendent; Michael Limanni, Business Administrator; Anne Holton, Student Services; Kim Sarfde, Curriculum Coordinator; Paul Ciotti, Technology Coordinator

HB 1749-FN - AS INTRODUCED

2.18.17
 moved to interim
 Study

2018 SESSION

18-2544
 04/03

HOUSE BILL **1749-FN**

AN ACT relative to the state's authority to prohibit or regulate firearms and relative to the selectmen's authority to manage town property.

SPONSORS: Rep. Hoell, Merr. 23; Rep. Comeau, Carr. 5; Rep. Itse, Rock. 10; Rep. Sylvia, Belk. 6; Rep. Burt, Hills. 39; Rep. Spillane, Rock. 2; Rep. Notter, Hills. 21; Rep. Baldasaro, Rock. 5; Rep. McConnell, Ches. 12; Rep. Wallace, Rock. 33

COMMITTEE: Municipal and County Government

ANALYSIS

This bill revises the law on the state's authority to prohibit or regulate firearms, firearms components, ammunition, firearms supplies, and knives. The bill also renders the selectmen's authority to manage town property subject to the provision of RSA 159:26.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2544
 04/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to the state's authority to prohibit or regulate firearms and relative to the selectmen's authority to manage town property.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Legislative Findings and Purpose. The general court finds that:

I. New Hampshire is not a home rule state.

II. Municipal ordinances and regulations regarding firearm regulation may differ from municipality to municipality which may place a citizen in danger of inadvertently violating the law.

III. A growing number of towns and local boards are violating RSA 159:26.

IV. The issue is a growing problem as in the last 6 months, the following events have transpired, all of which violate RSA 159:26:

(a) The board of selectmen of the town of Milford has banned target shooting on town land.

(b) The city of Lebanon school board is attempting to ban firearms in or on school property and at school events that take place on non-school property.

(c) The Lebanon police department has pledged to enforce the illegal gun ban enacted by the Lebanon school board.

V. It is in the best interest of the citizens of the state of New Hampshire for the resources of local units of government to be used to enforce current law and not to waste time enforcing decisions that are in clear violation of statutes.

VI. Repealing and reenacting RSA 159:26 to clarify the intent and further, to include penalties, will prevent these violations of state law.

2 Firearms, Ammunition, and Knives; Authority of the State. RSA 159:26 is repealed and reenacted to read as follows:

159:26 Firearms, Ammunition, and Knives; Authority of the State.

I. The general court shall have exclusive authority and jurisdiction by statute over the sale, purchase, ownership, use, possession, transportation, licensing or permitting, taxation, or other matters pertaining to firearms, firearms components, ammunition, firearms supplies, and knives in the state. Notwithstanding any other provision of law to the contrary, all delegations of legislative authority shall be by statute and shall explicitly state the extent and limits of the jurisdiction or authority delegated. Except as otherwise specifically provided in statute, no ordinance, regulation, rule, or policy of an agency, political subdivision, committee, or other governmental unit of the state, or agent thereof may prohibit or regulate in any way the sale, purchase, ownership, use, possession, transportation, licensing or permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, firearms supplies, or knives in the state.

II. No public or private entity shall prohibit the sale, use, or possession of firearms, ammunition, or knives on any property owned, in whole or in part, by the state, or an agency, political subdivision, committee, or other governmental unit thereof, unless expressly authorized in statute.

III. Upon the effective date of this section, all ordinances, regulations, rules, and policies relating to firearms, firearms components, ammunition, firearms supplies, and knives, which are preempted under paragraphs I or II shall be null and void.

IV.(a) Any person, county, agency, municipality, town, or other subdivision of the state, or other entity that violates the legislature's occupation of the whole field of regulation of firearms and ammunition, as provided in paragraph I, by enacting or causing to be enforced any local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field shall be liable as set forth in this section.

(b) If any county, city, town, or other local government violates this section, the superior court shall declare the ordinance, regulation, or rule invalid and issue a permanent injunction against the local government prohibiting it from enforcing such ordinance, regulation, or rule. It shall be no defense that in enacting the ordinance, regulation, or rule the local government was acting in good faith or upon advice of counsel.

(c) If the court determines that a violation was made knowingly, the court shall assess a civil fine of up to \$5,000 for each violation against the elected or appointed local government official or officials or administrative agency head under whose jurisdiction the violation or violations occurred.

(d) Except as required by applicable law, public funds shall not be used to defend or reimburse the unlawful conduct of any person found to have knowingly violated this section.

(e) A knowing violation of any provision of this section by a person acting in an official capacity for any entity enacting or causing to be enforced a local ordinance or administrative rule or regulation prohibited under subparagraph (a) or otherwise under color of law shall be cause for termination of employment or contract or removal from office by the governor or other appropriate official.

(f) A person or an organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any superior court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as limited herein, caused by the violation. A court shall award the prevailing plaintiff in any such suit:

(1) Reasonable attorney's fees and costs in accordance with the laws of this state, including a contingency fee multiplier, as authorized by law; and

(2) The actual damages incurred, but not more than \$100,000. Interest on the sums awarded pursuant to this subparagraph shall accrue at the legal rate from the date on which suit was filed.

3 Town Property. Amend RSA 41:11-a, I to read as follows:

I. The selectmen shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, **RSA 159:26**, and RSA 202-A:6.

4 Effective Date. This act shall take effect upon its passage.

LBAO
18-2544
11/17/17

**HB 1749-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the state's authority to prohibit or regulate firearms and relative to the selectmen's authority to manage town property.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2019	FY 2020	FY 2021	FY 2022
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General Fund and other funds	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Turnpike

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill revises RSA 159:26 relative to the state's exclusive authority to prohibit or regulate firearms, firearms components, ammunition, firearms supplies and knives. It also stipulates the selectmen's authority to regulate the use of town property be subject to RSA 159:26.

The Judicial Branch states RSA 159:26, IV(b) and (f) provide for injunctive relief in superior court and both such actions would be considered complex equity cases. The cost to the Judicial Branch of an average complex equity case in the superior court will be \$740 in FY 2019 and \$746 in FY 2020. The civil fine of up to \$5,000 in proposed RSA 159:26, IV(c) has no enforcement mechanism and the type of proceeding in the superior court most akin to these civil actions for the imposition of a substantial penalty would be a complex civil case. The cost of processing such cases in the superior court will be \$737 in FY 2019, and \$745 in FY 2020. The Branch has no information on how many actions would be filed in superior court or how many appeals may be filed, which would add to the cost. Therefore the fiscal impact is indeterminable. It should be noted that average case cost estimates for FY 2019 and FY 2020 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.

The Department of Safety indicates this bill may have an indeterminable impact on state, county and local expenditures related to civil penalties and attorney costs to the extent county or local government violates this law or challenges the law in court.

The New Hampshire Municipal Association indicates it is assumed that municipalities will comply with the law, and therefore there should be no impact on municipal revenues and expenditures.

The New Hampshire Association of Counties states this bill should have no impact on counties.

AGENCIES CONTACTED:

Judicial Branch, Department of Safety, New Hampshire Municipal Association, and New Hampshire Association of Counties

DANGEROUS WEAPONS

Possession and/or use of a weapon or toy resembling a weapon by any unauthorized person is detrimental to the welfare and safety of the students and school personnel within the District. Weapons are not permitted on school property, in school vehicles or at school-sponsored activities. This policy applies to students, employees, people doing business on school grounds and members of the public. Student violations of this policy shall result in both school disciplinary action and notification of local law enforcement authorities. Members of the public who violate this policy shall be reported to local law enforcement authorities.

Possession and/or use of any dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity is prohibited. The term "weapons" includes, but is not limited to, firearms (rifles, pistols, revolvers, pellet guns, BB guns, etc.), knives, slingshots, metallic knuckles, firecrackers, billy-clubs, stilettos, switchblade knives, swords, canes, pistol canes, black jacks, daggers, dirk knives, explosives, incendiaries, martial arts weapons or self-defense weapons (as defined by RSA 159:24 and RSA 159:20 respectively), or any other object or substance which, in the manner it is used or threatened to be used, is known to be capable of producing death or bodily injury. This policy also includes objects that represent the above defined items, including toys.

A student found bringing, using or possessing a dangerous or deadly weapon (as defined above) on or to school property shall be expelled from school for a maximum of 365 days (RSA 193:13). In addition, any student who is determined to have brought a firearm (as defined by 18 U.S.C. 921) to school shall be expelled for not less than one year (365 days). This expulsion may be modified by the Superintendent upon review of the specific case in accordance with other applicable law. All such incidents shall be reported in writing to the Superintendent.

This policy does not apply to local, state and federal law enforcement and/or public safety personnel while conducting official business. People contracted to conduct business on school property may apply for an exception to this policy using the Contractor Disclosure Notification form (JFCJ-F).

The District administrators shall be responsible for notifying the student body and staff of this policy each year by including it in handbooks or by other means.

Legal References:

RSA 193-D, Safe School Zones

RSA 193:13, Suspension and Expulsion of Students

18 U.S.C. 921 et seq.

20 U.S.C. 7151, Gun-Free Schools Act

NH Code of Administrative Rules, Section Ed. 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process

First Reading: August 10, 2009

Second Reading: September 14, 2009

Attorney: School Districts Can't Ban Guns on Campus

By Tim Camerato
Valley News Staff Writer

Wednesday, January 24, 2018

Lebanon — Public schools in New Hampshire cannot legally ban all firearms from school grounds, the Lebanon School District's attorney told officials on Wednesday night.

That means Lebanon's policy prohibiting the public from carrying guns into school buildings and events is in violation of state law and must be amended, according to James O'Shaughnessy, an attorney who specializes in school law at the Manchester-based firm Drummond Woodsum.

"I will say that it's a tough job to be on a school board when you're thinking that on some level, you can't regulate the possession of a dangerous weapon in a school," O'Shaughnessy told members of the Lebanon School Board.

"To me, that's a challenge," he said. "How do you do your job and keep kids safe when you're not able to regulate the use of firearms under state law?"

Lebanon's predicament isn't unusual, O'Shaughnessy said. In fact, many Granite State schools are being asked to balance federal and state gun laws, which sometimes contradict one another, he said.

For instance, the federal Gun-Free School Zones Act bans weapons within 1,000 feet of a school, and the federal Gun-Free Schools Act states that students cannot bring firearms onto school property.

RELATED STORIES

Jan. 15: Lawmakers in Concord Target Gun Policy at Lebanon Schools
(<http://www.vnews.com/Legislators-Challenge-Lebanon-Gun-Policy-14861123>)

October 2017: Lebanon Board Adds 'School Buildings' to Firearm Prohibition
(<http://www.vnews.com/Lebanon-Bans-Guns-in-School-Buildings-13083396>)

However, a state law gives the New Hampshire Legislature the sole authority to regulate guns and knives, effectively preventing area school districts and municipalities from setting their own rules.

To add to the confusion, the New Hampshire Attorney General's Office has said that municipal police don't have the authority to enforce the federal gun ban.

The news was poorly received by School Board members, who said the current policy exists to better protect children in their care.

"How do we ... protect our students, staff and faculty from what happened in Kentucky yesterday?" School Board Chairman Jeff Peavey asked, referring to a Tuesday school shooting that killed two children and injured 18 more.

"We're just trying to (say) that people can't bring weapons into the building to harm anybody," he said.

Vice Chairman Richard Milius appeared equally dismayed, saying polite conversations with gun owners likely aren't enough to prevent a deadly situation.

"So we're left in a really very difficult position because we need a policy. We really do need a policy," he said.

The Lebanon School Board last updated its weapons policy in October, when it voted to add "school buildings" to a list of locations where firearms are prohibited.

The policy also forbids weapons from entering school property, vehicles or school-sponsored events. It applies to students, staff members and the public.

The Dresden School Board adopted a firearms prohibition last year, joining the Claremont and Mascoma school districts with no weapons policies.

"Without this (policy), I see that we're having our hands tied," Peavey said.

Yet O'Shaughnessy said the district can continue to legally prohibit students and staffers from coming to school armed.

He is working on a potential policy that would instruct school officials to call police when a member of the public shows up armed. Police are better equipped to talk with gun owners and provide a potential check on any violent behavior, the attorney said.

But once a gun owner is cleared by police, there's nothing the school can do to make that person leave, unless they're acting in a threatening way, O'Shaughnessy warned the board.

It's unclear how Lebanon police would address someone who attempts to enter a school building armed. An email to Police Chief Richard Mello requesting comment wasn't returned on Wednesday night.

In the past, Mello has said his officers would help the district remove unwanted visitors from school property.

"If a school wishes someone to leave, or be removed, from one of their properties for whatever reason, we would assist them with that issue," he said in an email earlier this month.

The School Board discussion was largely prompted by a bill, HB 1749, which seeks to challenge local firearms regulations and specifically cited Lebanon's policy.

"We can't have a School Board suddenly start saying that 'this is going to be a gun-free zone' and then carry that (rule) to any activity where those students are," Rep. JR Hoell, R-Dunbarton, the bill's primary sponsor, said during a hearing earlier this month before the House Municipal and County Government Committee.

Hoell's bill would institute a \$5,000 penalty for elected officials who have been found by a judge to have violated the state firearms law. It also would prohibit school districts and municipalities from using public money to "defend or reimburse the unlawful conduct" of those elected officials.

The legislation remains in committee and will next be discussed on Jan. 30, before going to a full vote in the House. Republican Gov. Chris Sununu has signaled he opposes the measure.

Tim Camerato can be reached at tcamerato@vnews.com.