

**OFFICE OF THE SUPERINTENDENT OF SCHOOLS
Peterborough, New Hampshire**

CONTOOCOOK VALLEY SCHOOL BOARD

Tuesday, September 9, 2008

SAU Office

7:00 p.m.

MINUTES

BOARD

Mary Allen, Beverly Bacon,
Stewart Brock, Ray Cote,
Gail Cromwell, Butch Estey,
Bart Goodeve, Dan Harper,
Craig Hicks, Lauren Kirkpatrick,
Mary Loftis

ADMINISTRATION

Richard Bergeron, Supt.
Don Johnson, Asst. Supt.
Marian Alese, B.A.
Linda Potter, SpEd.
Tim Markley, H.R.
Gib West, AES/GBS
Sue Dell, CVHS
Steve Bartsch, CVHS
Chet Bowles, ATC
Sue Copley, PES
Tim Iwanowicz, GES
Richard Dunning, SMS
Jeanie West, HES

1. Call to Order and Pledge of Allegiance

Craig Hicks called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

2. Background Checks for Volunteers

Craig Hicks moved to waive the two week waiting period.
Unanimous.

Bart Goodeve said that there has been a statute on the books since 1993 that leaves the School Board in the position to define what a Designated Volunteer (DV) is. Designated Volunteers must submit to a background check. Absent a definition of a DV, if the question is asked, we don't have an answer. The State has issued advisories and the State Police have an opinion on what this should be. Our school District does not have an adopted policy. Dick Bergeron has been working with administrators to try to bring consistency and control into this procedure. Last week, the PES PTO sponsored a volunteer criminal background check meeting which generated concern. It drew attention to the rules and scope of a volunteer that should have a background check. We realized that we did not have a policy. Craig and Bart decided to pull the plug on the PES PTO session. Bart apologized for the inconvenience this may have caused parents. Bart and Bev went to PES to explain what they could. It was fairly well received.

Bart said that a variety of conversations took place about what they wanted a "designated volunteer" to be. Some districts and states require background checks of all volunteers. We would like it to apply to those that have the most acute risk. We have drafted a policy. The entire policy is identical to the NHSBA recommendation.

Policy IJOC specified what a "designated volunteer" is. Policy GBCD has been provided in tonight's packet and is probably ready for adoption. Discussion took place. The gold copy of

GBCD is a combined version of GBCD and IJOC. He recommended that GBCD and IJOC stand alone on their own without combining.

Craig wanted to focus on the definition of designated volunteers.

Bart distributed a copy of policy IJOC.

Butch Estey said that he is looking at one set from the internet, one from his mailbox, and another to consider. Butch said that more time would be needed to digest all of this information. He asked what prompted this emergency action.

Bart said that absent a policy, we should do a background check on everybody.

Craig said that this fell through the cracks because it was brought to the policy committee in April and never came back. Some buildings were doing very different things from one another. He said that we need to focus on the definition of “designated volunteer”.

Dan Harper asked about the volunteer that goes on a field trip a couple of times a year. Does a background check apply to them?

Mary Allen reads Bart document on policy IJOC to include drivers or chaperones.

Bart cited a probable example of a driver driving several students where one might need bathroom access that would allow opportunity for bad things to happen.

Mary said that she had asked one of the teachers in this district, how many drivers and chaperones she had in a year. She said that there is a broader inclusiveness. It leads itself to interpretation.

Craig said that it protects the driver if something happens. Mary said that you have limited liability of the district by defining “designated volunteer”. Bart said that we are wide open to liability.

Bart said that between the possible risk, the liability issue, and the fact that it is just right to do, caused this meeting to happen tonight.

Mary Allen asked the definition of a person that would not require this check. Dick Bergeron defined that a person that volunteers under the direct supervision of a teacher with a small group of children would not require a check. Should that same person work under the direct supervision of a teacher take a small group and work with them independently, they would require a background check.

Stewart made a suggestion in wording in policy IJOC. He suggested under letter “I” where it states that Volunteers may be “terminated” when... He suggested an alternate way to state that other than the word “terminate”.

Ray Cote said that he cannot imagine a situation that a volunteer is never alone with students. He said that we have a significant conflict in terms of whether we allow volunteers in private settings or not.

Bart said that a coach could be a designated volunteer. Ray said that the questions that need to be answered are “do we expect volunteers to meet” in private settings.

Gail Cromwell said that she understands supervision to not include the presence of the teacher. A teacher might ask a volunteer to work with a student one-on-one in a library. She said that she contacted volunteers in the Temple Elementary School and they said that we would be crazy not to conduct background checks.

Dick Bergeron said that he has shared the desire to create a FAQ sheet. No agency is allowed to share their finding with any other agency.

Gail said that we should err on the side of safety.

Dan Harper asked about the driver that has a dubious driving record but still manages to get a drivers license.

Dick said that we want to avoid placing our Administrators in the position of law enforcement. He referenced a form titled “Use of Private Vehicle Form” in tonight’s packet.

Monica Riffle asked when looking at the definition, is it to say that if you are a volunteer that does not have regular contact with students and are not a designated volunteer, that that parent is not allowed to go on field trips.

Dick Bergeron said that this is a step toward producing a safer environment for kids. A parent could work for a solid year every week under the direct supervision of a teacher.

The administrators have concluded that therefore, every volunteer should have a background check. We are trying to avoid this. Dick said that it is not a best practice to have parents drive on trips. It is part of who we are as a community. We have to consider the safeguards. He wants to know that when his grandchild goes in a car that the individual driving is not a felon.

Monica asked that when a teacher is planning a field trip, and there are not enough designated volunteers, parents not background checked would not be allowed to drive.

Dick said that we are trying to be proactive and develop a pool. The Superintendent can designate a driver in an emergency situation. He would like this to be the exception. Dick said that he is asking the administrators to use their best judgment. He said that it is a risk for the administration and for the Board. We don't want to be forced into situations like this.

Linda, a parent, asked why we would not want everyone to be background checked.

Dick said that he agrees with her. He comes from a state that does just that. For some, it is a perceived invasion of privacy. He said that Board members have heard from enough members in the community that are not in favor of a blanket background check.

Bart said that it becomes an enormous task to manage properly. The scale is far larger than what we have experience with.

Monica asked if in reality, this definition was more for the purposes of reimbursement.

Craig said that there will be a huge number in this first year. It will become less each year.

Dick said that we will have a list of approved volunteers, not a list of unapproved volunteers.

Lauren Kirkpatrick said that she would like to see parents not driving on field trips. She sees incompetence in peoples driving. PTO's should pay for busses. In addition, she said that there is a difference between background checks and fingerprinting. The FBI runs checks on fingerprinting. The information they have only comes from fingerprint cards.

Ray Cote said that we have often stated that we want parents to come into our schools. He is trying to balance the welcoming environment with fingerprinting for a person going on one field trip. He said that he has a problem with the one-time volunteer. They get time off from work and they want to participate.

Dan asked if we need fingerprinting. The reply was "yes". The statute requires this.

Bart said that we are talking about the difference between volunteers and visitors.

Bart said that if the concern is that striking two subsets get us to where we have something in place.

Tim Markley said that the way that the proposal reads concerns him because we are making an assumption that bad things happen in only one-on-one situations. He said that he believes that it is too narrow. He asked that thought be given.

Mary Allen asked about Non-US citizens. Does the FBI check count for them. She asked how long this check takes to come back. She is guessing a 45 day minimum. She suggested that volunteer drivers be handled in a separate policy.

Butch Estey said that if a non-citizen committed a crime in the states, it will appear. It will only be US records. The FBI would take approximately 45 days. A NH check can take place much quicker.

Stewart said that it is for the safety of the kids. He can see no reason why it can't be anyone that will be with our children. It may be feathered in for the first several months while the paperwork is handled. He apologizes if someone is offended. He proposes that all volunteers are checked.

Ray Cote said that he too is concerned about the safety of the children. He said asking for a check on everyone is intrusive. When we talk about 100%, we cannot be bottom line all of the time. He asked how scared do we want our children to be of everything around them. He said that parents wishing to be volunteers are so important, that we view that as an acceptable risk.

Butch said that the advisory does not match up to the same crimes. He also suggested a change in wording in many other areas.

A parent said that no one at PES is upset about this. The people who are upset are not volunteers. Additionally, she said that the automobile is the most dangerous place for all of us. She said that there is no reason that parents should be driving.

Monica Riffle said that her fear is for the parent that will take one day off a year to participate in a field trip. She does not want to send the wrong message about how we would value their time.

Ray proposed a modification to what is proposed.

1. Is regularly assigned and meets with students on a 1:1 basis
2. Any other volunteer that is designated by the School Board.

Bart said that it is interesting that this is where they started on Thursday.

The purpose of this meeting is to create a definition of “designated volunteer”

Craig Hicks said that we have a transient population in this district. We have no idea if there is something we need to know about them.

Lauren said that she is in the PTO and it rubs her in the wrong way that she has to be fingerprinted.

Dick said that the flags that he has seen raised for him are that convicted individuals have tried to get into one of his schools.

Butch said that he deals with sexual offenders. He said one of his offenders has volunteered in his (the offender) daughter’s class. He said that we have to limit exposure to kids.

Ray said that we should not label the transients. With rare exception, the people brought up on charges were long term members of their communities.

Ray reminded of the amendment on the table.

Ray amended it to read The ConVal Regional School District defines a “designated volunteer” as:

- 1. a school volunteer who is regularly assigned and meets with students on a one-to-one basis;**
- 2. any other volunteer so designated by the school board.**

Mary Allen second.

Gail Cromwell said that she is troubled by the “regularly assigned” and one-to-one basis. People can have an occasional assignment. She said that she prefers the wording on the gold sheet.

Bart said that regularly assigned was put in to avoid the spot by spot check. He does not have a clear idea of where to land. He finds the proposal on the table not quite good enough.

Gail said that Bart’s is more limiting. Bart said that it is not.

Ray said that he had no problem with the wording on the gold sheet.

Bart said that “daily” is such a strict qualifier. Second, we would like exceptions or designations beyond the policies to be in the prevue of an individual.

Stewart Brock moved to amend that the wording be changed to “meets with students in an unsupervised” setting.

Mary Allen, Lauren Kirkpatrick and Ray Cote voted in favor. All else opposed.

Mary suggested that #2 be stricken. Other changes were discussed.

Stewart proposed “meets with students in an unsupervised situation”.

Craig said that we should focus on the one-on-one.

Lauren said that if you are going to limit it, it should be with the one-on-one.

Craig said that if a teacher is in the classroom, a background check is not required.

He said that it is only the separation part.

Dick said the gold sheet is attempting to address a wide range of volunteers.

Gail said that she has changed her mind and now agrees with Bart.

Mary Loftis said that she leans toward the golden rod with the limitation applied in Bart's. She likes specifying the one-on-one unsupervised category.

Bart Goodeve moved that we vote on the proposal striking subset (a) and leaving the rest as it stands. He is only comfortable if we later take up a policy on volunteer drivers.

Dan Harper second.

Ray said we are back to the question of what is the opportunity for volunteers to meet on a one-on-one basis with students. He suggested that we strike that portion.

Mary Loftis suggested "comes into direct one-on-one contact".

Don said that GBCD is employees also. This says that the volunteers are subject to the provisions of that policy. If we strike out "Background investigations" we would be striking it out for employees.

Beverly said it is in the statute. It is the law. Bev said that she would like to keep the chaperones. Gail said that she intends to vote against this motion because she wants volunteer drivers included.

Bart withdrew his motion. Dan withdrew his second.

Bart suggested keeping the original proposal.

Mary Loftis second.

Mary Allen said we are still going to policy GBCD but only conducting criminal records check. The policy combines both volunteers and employees.

Butch Estey made a suggestion to conduct only fingerprinting.

Bart moved the following:

Designated Volunteers will be required to undergo a background investigation and criminal records check. "Designated Volunteer" means any volunteer who:

- 1. Is regularly assigned and meets with students on a one-on-one basis. This shall included, but is not limited to:
 - a) Volunteer drivers and chaperones**
 - b) Volunteer aides who may work alone with a student in a private setting.****
- 2. Any other volunteer so designated by the School Board.**

Four opposed. Motion passes.

Mary A and Lauren opposed. Motion passed.

Don asked for clarification to adopt only the section. It was confirmed that the section only. Bart said that we voted the policy.

Gail moved to delete the word coach from Policy IJOC. Stewart Brock second. Unanimous.

Butch said that under the Volunteer Duties section A- I, strike volunteer duties to the end of I, leaving volunteer coaches and the final sentence. The other items will be moved to a -R.

Gail Cromwell moved to strike Policy IICC “School Volunteers”. Stewart Brock second. Mary Allen opposed. All else in favor.

Bev said that it would be nice if it was spelled out what a regular class volunteer vs. a designated volunteer looked like in the FAQ. Stewart added that if a parent was not clear on which category they fell under, who they should turn to.

Mary Allen asked what we were doing with the R and G part. She asked if it is the understanding that the District is paying for these.

Mary asked if Antrim and Peterborough are the only locations that one can go for fingerprinting. Tim Markley said that this was not true; one could go to other districts. Bennington is arranging for this service.

Craig said that a certain night should be arranged.

Mary asked if it is \$22.75. Tim confirmed. She asked why there are two rates. The State has arranged for a special rate for volunteers.

Stacy Kolk, past PES-PTO President, thanked the Board for their work tonight. She asked that we check more often than just one time and asked the Board to reconsider this additional times. Dick Bergeron clarified that we check licenses for every trip.

Monica Riffle asked what she tells the parents. Dicks said that they should speak to Dr. Copley to get designated volunteer status. The Principal is the one to determine “designated” status.

Bev asked where the form is taken to. Dick said that every town is different. Each building administrator should find out the rules for their town.

Stewart asked if the administrators could get “a night” set aside for this and publicize it.

Tim Markley said that in policy IJOC, the terms “regular” vs. “designated” might be located elsewhere. Bart said that we needed a definition of “designated volunteer”.

Bart proposed the adoption of the GBCD (on goldenrod) with one modification by striking “that we will pay fees for any person for who the Board requires a Criminal Records Check...determined by the Board.”

Bart amended GBCD to read that “designated volunteers are subject to a background investigation/criminal records check and the provisions of this policy. “Designated Volunteers” are defined and so designated pursuant to Policy IJOC. Volunteers are not categorized as “Designated Volunteers” per Policy IJOC will not be subject to a background investigation or criminal records check.

Gail suggested that the entire section on volunteers be stricken on model GBCD from the NHSBA. She asked if we needed it. Bart said that he thought that we did.

Ray Cote seconded the amendment to GBCD. Mary Allen opposed. Motion carried.

Gail Cromwell moved to adopt GBCD. Bart Goodeve second.

Butch moved to omit the word “Board” on page 2 of 3 on GBCD and replace with SAU. Bart second. Mary Allen and Lauren Kirkpatrick were not in favor. Motion carried.

Craig showed concern for unintended consequences.

Don Johnson said that paragraph one in page 1 of 3 (golden rod) applies to a person being considered for employment. Ray said that volunteers are subject to this policy.

Bart said that designated volunteers are subject to this policy then it applies to designated volunteers.

Mary Allen said that her negative votes are because she feels that we are rushing this through. She is against us ramming this through.

Ray said that all volunteers would be frozen because we do not have a policy in place.

Don said that the Policy Committee meets tomorrow. They will try to bring it to the Board on Tuesday.

Craig said that we tried to get the designated volunteer language cleaned up tonight. We have been doing all of those things for years. He said that this is a shell game.

Bart withdrew his motion to adopt GBCD with the understanding that we do not have a policy in place for volunteers and employees with the understanding that a policy will be brought forward.

Dick Bergeron said that statute trumps policy.

Dan Harper motioned to adjourn at 9:13 p.m. Stewart Brock second. Unanimous.

Respectfully submitted,

Brenda Marschok