

SOULE, LESLIE, KIDDER, SAYWARD & LOUGHMAN
P.L.L.C. -- ATTORNEYS AT LAW

Lewis Soule (1924-1986)
Bradley F. Kidder (1939-2000)

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August 12, 2011

Peter C. Phillips
Maureen L. Pomeroy
Robert P. Leslie, Of Counsel

VIA EMAIL ONLY (dktaylor@F5.com)

Mr. David K. Taylor
16 Surrey Lane
Durham, NH 03824

Re: Oyster River Cooperative School District – Right-to-Know Law Request

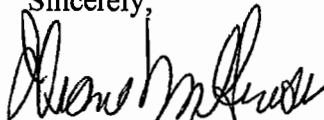
Dear Mr. Taylor:

We are attaching to this letter the documents from Henry Brackett that respond to your Right-to-Know Law requests for: (1) any records of discussions by administrators and/or Board members concerning Right-to-Know Law requests after March 1, 2011; and (2) all records of communications from January 1, 2011 concerning arrangements for non-meetings as defined by the Right-to-Know Law and any records of communications involving the search for the selection of an attorney involved in any such non-meetings.

As you will see, I redacted portions of the documents that are exempt from disclosure under the Right-to-Know Law. The portions redacted are exempt from disclosure under RSA 91-A:5, IV as confidential information, confidential attorney-client communications, information whose disclosure would constitute an invasion of privacy, information pertaining to internal personnel practices, and/or confidential personnel file information.

If you have any questions about the specific exemption that applies to a particular document, please let me know.

Sincerely,



Diane M. Gorrow

DMG/tl
Enclosures
Cc: Wendy DiFruscio (via email only)



From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: special Non-meeting
Date: Wed, Aug 10, 2011 6:53 pm

From: hfb4444@comcast.net
To: "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Ann Wright" <ann_wright@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Krista Butts" <kbutts@orcsd.org>, "JoAnn Portalupi" <jportalupi@comcast.net>, "jennifer Rief" <jennifer.rief@comcast.net>
Cc: "Wendy DiFruscio" <wdifruscio@orcsd.org>
Sent: Wednesday, February 23, 2011 10:23:27 AM
Subject: special Non-meeting

Good morning everyone,
On Tuesday March 1st at 6:00 in the high school guidance conference room we are holding a special non-public meeting to discuss the Superintendent's Evaluation Committee meeting with Howard.
Henry

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Supt. Eval. Committee meeting
Date: Wed, Aug 10, 2011 6:53 pm

From: hfb4444@comcast.net
To: "Ann Wright" <ann_wright@comcast.net>, "JoAnn Portalupi" <jportalupi@comcast.net>
Cc: "Howard Colter" <hcolter@orcsd.org>, "Jeffrey Butts" <jeffandkristabutts@comcast.net>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim Kach" <jkach55@gmail.com>, "Jennifer Rief" <jennifer.rief@comcast.net>
Sent: Thursday, February 17, 2011 5:36:36 PM
Subject: Fwd: Supt. Eval. Committee meeting

As you can see from the attached email we will meet tomorrow morning Friday 2-18-11 at the SAU at 8:40AM and be joined by Howard at 9:00AM.

Henry

----- Forwarded Message -----

From: "Howard Colter" <hcolter@orcsd.org>
To: "Wendy DiFruscio" <wdifruscio@orcsd.org>
Cc: "Henry Brackett" <hfb4444@comcast.net>, "Ann Wright" <ann_wright@comcast.net>, "JoAnn Portalupi" <jportalupi@comcast.net>
Sent: Thursday, February 17, 2011 5:18:03 PM
Subject: Supt. Eval. Committee

Wendy,

Henry came by and asked that we plan on the Board's superintendent evaluation committee being here Friday morning. Henry, Ann and JoAnn will arrive at 8:40 apparently, and I will join them around 9:00.

Thanks,
Howard

Howard P. Colter, Superintendent
Oyster River Cooperative School District
SAU #5, 36 Coe Dr, Durham NH 03824
(603) 868-5100

Working Together to Engage Every Learner

The Right-To-Know Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: non-meeting -confidential
Date: Wed, Aug 10, 2011 6:41 pm

From: hfb4444@comcast.net
To: "Ann Wright" <ann_wright@comcast.net>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jeffrey Butts" <jeffandkristabutts@comcast.net>
Sent: Tuesday, April 19, 2011 11:18:15 PM
Subject: non-meeting -confidential

Good Evening All,

We will have a non-meeting on Thursday at 5pm at the law offices of Hoefle Phoenix Gormley & Roberts, PA with attorney Daniel Hoefle. The address is 402 State Street, Portsmouth, NH. The phone number of the firm is 603-436-0666.

All board member have indicated they will attend with one exception, Krista. She is in New York with family. She said to go ahead with the non-meeting and I told her I would report to her. This non-meeting is to discuss with Mr. Hoefle [REDACTED]

[REDACTED] and if we agree, retain his firm to guide us though the process. He will answer any and all of your questions.

Henry

Directions:

Rt 4-east towards Portsmouth
Go to the Portsmouth Circle
Go 3/4 round (to the 3rd exit-Rt 1 North)

- Take ramp toward **MAPLEWOOD AVE** - go 0.2 mi
- Turn Right on **MAPLEWOOD AVE** - go 0.6 mi
- Continue on **MIDDLE ST(US-1)** - go < 0.1 mi (Maplewood turns into Middle ST.)
- Turn Left on **STATE ST(US-1 N)** - go < 0.1 mi
- Arrive at **402 STATE ST, PORTSMOUTH**, on the Right
-
- call my cell phone- 397-7378 if you get lost or the firm's phone.

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Non-public meeting - CONFIDENTIAL

Date: Wed, Aug 10, 2011 6:44 pm

From: hfb4444@comcast.net

To: "Megan Turnbull" <mmshea@chicagogsb.edu>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Krista Butts" <kbutts@orcsd.org>

Sent: Tuesday, April 12, 2011 5:26:27 PM

Subject: Fwd: Non-public meeting - CONFIDENTIAL

Here is the e-mail with all members included.

Henry

----- Forwarded Message -----

From: hfb4444@comcast.net

To: "Jeffrey Butts" <jeffandkristabutts@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>

Sent: Tuesday, April 12, 2011 5:02:56 PM

Subject: Non-public meeting - CONFIDENTIAL

Dear Board members,

Please do not make any statements or letters regarding the vote or your vote last night till we as a board have a non-public discussion about a board letter and the limits the attorney has suggested. No talking to the press - no comment.

I will make an adjustments to tomorrow's meeting adding a non-public session.

Please do not respond to this e-mail or have any e-mail discussion with other board members.

See you tomorrow night.

Thank-you

Henry

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Letter regarding personnel files
Date: Wed, Aug 10, 2011 4:25 pm
Attachments: Attorney_Bills_for_Henry_2010.11.pdf (75K)

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, "jennifer rief" <jennifer.rief@comcast.net>, "JoAnn Portalupi" <jportalupi@comcast.net>, joceoquinn@yahoo.com, kbutts@orcsd.org
Sent: Monday, January 24, 2011 8:44:46 AM
Subject: FW: Letter regarding personnel files

As per Jennifer's email below. Thank you

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: Jennifer Rief [mailto:jennifer.rief@comcast.net]
Sent: Friday, January 21, 2011 7:46 PM
To: Wendy DiFruscio
Subject: Fwd: Letter regarding personnel files

Hi Wendy,
Henry has indicated that you have the invoice(s) for the attorney fees regarding this input he sought for information on personnel files. Could you please forward them to the full board?
Thank you so much,
Jennifer

Begin forwarded message:

From: hfb4444@comcast.net
Date: January 21, 2011 6:56:43 PM EST
To: Jennifer Rief <jennifer.rief@comcast.net>
Subject: Re: Letter regarding personnel files

Wendy has the invoice.

Henry

----- Original Message -----

From: "Jennifer Rief" <jennifer.rief@comcast.net>

To: hfb4444@comcast.net

Sent: Friday, January 21, 2011 2:46:33 PM

Subject: Re: Letter regarding personnel files

Henry,

Could you please forward to the board the invoice for these attorney fees?

Thank you,

Jennifer

On Jan 20, 2011, at 12:51 PM, hfb4444@comcast.net wrote:

Good Afternoon to all,

Here is the attorney's responds to the committee's question about a sitting board member want to review the [REDACTED] personnel file.

This attorney responds has not been shared with the superintendent yet.

Henry

----- Forwarded Message -----

From: "Kim Memmesheimer" <KMemmesheimer@hpgrlaw.com>

To: hfb4444@comcast.net

Sent: Wednesday, January 5, 2011 2:55:50 PM

Subject: Letter regarding personnel files

Here is the letter regarding personnel files.

Kimberly J.H. Memmesheimer, Esquire
Hoefle, Phoenix, Gornley & Roberts, P.A.
402 State Street - P.O. Box 4480
Portsmouth, NH 03802-4480
Tel: (603) 436-0666
Fax: (603) 431-0879
kmemmesheimer@hpgrlaw.com
Web site: www.hpgrlaw.com

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<Ltr to H. Brackett re personnel files.01-05-11.pdf>

DEC 14 2010

Hoefle, Phoenix, Gormley & Roberts, P.A.

402 State Street
P.O. Box 4480
Portsmouth, NH 03802-4480

Ph:603-436-0666

Fax:603-431-0879

Oyster River Cooperative
School Board
36 Coe Drive
Durham, NH 03824

December 13, 2010

Attention: File #: 9954
Inv #: 32916

RE: General Representation

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Nov-02-10	Draft e-mail to Mr. Brackett regarding fee agreement. (No charge)	0.20	0.00	KJM
Nov-17-10	Office conference with Mr. Brackett regarding background into issue with personnel file.	0.40	70.00	KJM
Nov-19-10	Legal research regarding exemptions to RSA 91-A disclosure; review of Oyster River web site for policies and procedures; draft e-mail to Mr. Brackett regarding same.	0.60	105.00	KJM
Totals		1.20	\$175.00	

DISBURSEMENTS

		Disbursements	Receipts
Dec-13-10	Telephone, copy & postage charges.	7.00	
Totals		\$7.00	\$0.00

*02 TO
Pay -
Henry Brankie
12/16/10*

Employer Identification No. 02-0435498

given to June 12/16/10 - HB advised 1 more bill coming.

Total Fees & Disbursements	\$182.00
Previous Balance	\$0.00
Previous Payments	\$0.00
Balance Due Now	\$182.00

Please note file number or invoice number when making a payment to insure proper credit

JAN 07 2011

Hoefle, Phoenix, Gormley & Roberts, P.A.

402 State Street
P.O. Box 4480
Portsmouth, NH 03802-4480

Ph:603-436-0666

Fax:603-431-0879

Oyster River Cooperative
School Board
36 Coe Drive
Durham, NH 03824

January 5, 2011

Attention:

File #: 9954
Inv #: 32942

RE: General Representation

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Dec-17-10	Telephone conference with Mr. Brackett regarding status.	0.20	35.00	KJM
Dec-21-10	Brief legal research regarding 91-A to prepare for meeting; office conference with Mr. Brackett regarding status of issues; legal research regarding Board of Education statutes and regulations regarding supervision of [REDACTED]	1.50	262.50	KJM
Totals		1.70	\$297.50	

DISBURSEMENTS

	Disbursements	Receipts
Jan-05-11 Telephone, copy & postage charges.	11.90	
Totals	\$11.90	\$0.00

OK
Am B Brackett
1-19-11

Employer Identification No. 02-0435498

Account # 11910

Total Fees & Disbursements	\$309.40
Previous Balance	\$182.00
Previous Payments	\$182.00
Balance Due Now	\$309.40

Please note file number or invoice number when making a payment to insure proper credit

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Board attorney

Date: Wed, Aug 10, 2011 10:37 am

From: "Ann Wright" <ann_wright@comcast.net>

To: "Ann Lane" <ann.lane@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>,

"Jim Kach" <jkach55@gmail.com>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>,

"Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>

Cc: "Meredith Nadeau" <mnadeau@orcsd.org>, "Wendy DiFruscio"

<wdifruscio@orcsd.org>

Sent: Wednesday, July 6, 2011 11:12:47 AM

Subject: Board attorney

Henry,

Yesterday you referred to the "Board's lawyer" during our meeting. I have no recollection of the board voting on having an attorney except for the one you appointed to handle the settlement agreement. According to policy BDG, "The board may, at its discretion, appoint an attorney to perform desired legal services." However, if the board does choose to hire an attorney to perform desired legal services, this should be voted on by the entire board, not decided by the Chair alone.

I certainly hope, as Chair, you are not making independent decisions for the board as a whole. Perhaps this can be discussed at one of our future public board meetings.

Thank You,

Ann

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Letter regarding personnel files

Date: Wed, Aug 10, 2011 4:25 pm

Attachments: Attorney_Bills_for_Henry_2010.11.pdf (75K)

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, "jennifer rief" <jennifer.rief@comcast.net>, "JoAnn Portalupi" <jportalupi@comcast.net>, joceoquinn@yahoo.com, kbutts@orcsd.org
Sent: Monday, January 24, 2011 8:44:46 AM
Subject: FW: Letter regarding personnel files

As per Jennifer's email below. Thank you

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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Sent: Friday, January 21, 2011 7:46 PM
To: Wendy DiFruscio
Subject: Fwd: Letter regarding personnel files

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Thank you so much,
Jennifer

Begin forwarded message:

From: hfb4444@comcast.net
Date: January 21, 2011 6:56:43 PM EST
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Subject: Re: Letter regarding personnel files

Wendy has the invoice.

Henry

----- Original Message -----

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To: hfb4444@comcast.net

Sent: Friday, January 21, 2011 2:46:33 PM

Subject: Re: Letter regarding personnel files

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Jennifer

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Good Afternoon to all,

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This attorney responds has not been shared with the superintendent yet.

Henry

----- Forwarded Message -----

From: "Kim Memmesheimer" <KMemmesheimer@hpgrlaw.com>

To: hfb4444@comcast.net

Sent: Wednesday, January 5, 2011 2:55:50 PM

Subject: Letter regarding personnel files

Here is the letter regarding personnel files.

Kimberly J.H. Memmesheimer, Esquire
Hoefle, Phoenix, Gormley & Roberts, P.A.
402 State Street - P.O. Box 4480
Portsmouth, NH 03802-4480
Tel: (603) 436-0666
Fax: (603) 431-0879
kmemmesheimer@hpgrlaw.com
Web site: www.hpgrlaw.com

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<Ltr to H. Brackett re personnel files.01-05-11.pdf>

DEC 14 2010

Hoefle, Phoenix, Gormley & Roberts, P.A.

402 State Street
P.O. Box 4480
Portsmouth, NH 03802-4480

Ph:603-436-0666

Fax:603-431-0879

Oyster River Cooperative
School Board
36 Coe Drive
Durham, NH 03824

December 13, 2010

Attention: File #: 9954
Inv #: 32916

RE: General Representation

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Nov-02-10	Draft e-mail to Mr. Brackett regarding fee agreement. (No charge)	0.20	0.00	KJM
Nov-17-10	Office conference with Mr. Brackett regarding background into issue with personnel file.	0.40	70.00	KJM
Nov-19-10	Legal research regarding exemptions to RSA 91-A disclosure; review of Oyster River web site for policies and procedures; draft e-mail to Mr. Brackett regarding same.	0.60	105.00	KJM
Totals		1.20	\$175.00	

DISBURSEMENTS

	Disbursements	Receipts
Dec-13-10 Telephone, copy & postage charges.	7.00	
Totals	\$7.00	\$0.00

OK To Pay - Henry Branch 12/16/10

Employer Identification No. 02-0435498

given in June 12/16/10 - HS advised 1 more bill coming.

Total Fees & Disbursements	\$182.00
Previous Balance	\$0.00
Previous Payments	\$0.00
Balance Due Now	\$182.00

Please note file number or invoice number when making a payment to insure proper credit

JAN 07 2011

Hoefle, Phoenix, Gormley & Roberts, P.A.

402 State Street
P.O. Box 4480
Portsmouth, NH 03802-4480

Ph:603-436-0666

Fax:603-431-0879

Oyster River Cooperative
School Board
36 Coe Drive
Durham, NH 03824

January 5, 2011

Attention:

File #: 9954
Inv #: 32942

RE: General Representation

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Dec-17-10	Telephone conference with Mr. Brackett regarding status.	0.20	35.00	KJM
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Totals		1.70	\$297.50	

DISBURSEMENTS

	Disbursements	Receipts
Jan-05-11 Telephone, copy & postage charges.	11.90	
Totals	\$11.90	\$0.00

OK
Am B Brackett
1-19-11

Employer Identification No. 02-0435498

2011-01-05 11:41:10

Total Fees & Disbursements	\$309.40
Previous Balance	\$182.00
Previous Payments	\$182.00
Balance Due Now	\$309.40

Please note file number or invoice number when making a payment to insure proper credit

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Policy Committee

Date: Wed, Aug 10, 2011 12:45 pm

Attachments: 03_25_11_Agenda_&_Back_up.pdf (872K)

From: "Krista Butts" <kbutts@orcsd.org>

To: "Ann Wright" <ann_wright@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>

Cc: "Henry Brackett" <hfb4444@comcast.net>, "Howard Colter" <hcolter@orcsd.org>

Sent: Wednesday, March 23, 2011 8:37:18 AM

Subject: RE: Policy Committee

Ann,

I was under the assumption that we were going to elect the positions onto the committees tomorrow night. We did have a policy committee meeting scheduled for Friday at 2:00pm. If it is not possible for that election to occur tomorrow then I guess we will have to postpone our meeting. We have not had a policy committee meeting since December and have a lot to do. As you can see by the attached agenda, (which was posted yesterday) we are slated to discuss the charge by the communications committee and policies that we left off with. Wendy and I are in the process of reviewing any state recommendations/mandates that have come along since December and the status of some of the other policy revisions that we were waiting for staff feedback on. I will expect a recommendation on this meeting and the committee positions tomorrow at the board meeting. Thanks.

Krista

From: Ann Wright [mailto:ann_wright@comcast.net]

Sent: Wed 3/23/2011 4:53 AM

To: Krista Butts; Megan Turnbull; Jim Kach

Cc: Henry Brackett; Howard Colter

Subject: Policy Committee

I don't know if you will have a policy committee meeting prior to actually being elected to the policy committee, but as I know you feel very strongly about following policy strictly (as was evident at the last Board meeting!), my sense is that you will probably wait until after the 30th. Regardless, I do want to remind you (Krista might be the only one on the policy committee to know this), that it was a Board goal in 2009 to systemically review all of our policies, moving through section by section until complete. This project was meant to be completed this past year, and will (hopefully!) be finished soon. Obviously the committee needs to prioritize the state mandated policies and those recommended by the NHSBA.

I did note on the meeting agenda that the policy committee is set to discuss the communications policies. As this was a recommendation by the communications

committee I certainly hope you gather input from them before moving forward.

Bets of luck!

~A

**Policy Committee Meeting
Friday March 25, 2011
SAU Office Conference Room**

Agenda

- I. Call To Order**
- II. Nomination/Election of Chair**
- III. Overview of Prior Policy Committee Work**
- IV. Communications Committee Charge**
 - a. KA – School Community Relations Goals
 - b. KBC – News Media
 - c. KBCA – School News Releases
 - d. KBCC – Coverage of Board Meetings
 - e. KDA – Public Information Programs
- V. Review of Materials for Revision of Policy BDG (Attorney)**
 - a. Existing ORCSD policy
 - b. California sample
 - c. Missouri sample
 - d. New York sample
 - e. Indiana sample
 - f. Illinois sample
 - g. Kansas sample
 - h. Colorado sample
- VI. Agenda Planning**
 - a. Plan to resume revision of policy manual
 - b. Additional policies to add to ORCSD manual
 - c. Suggested revisions to other ORCSD policies
 - d. Schedule next meeting
- VII. Adjournment**

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KA
Date of Adoption: June 18, 1980	Page 1 of 1

SCHOOL-COMMUNITY RELATIONS GOALS

The Oyster River Cooperative School District believes that the common concerns of the school board, school personnel, citizens, and parents for students' education can be jointly addressed by a systematic program of constructive community involvement.

The board continuously seeks and supports the development of avenues by which citizens and parents may participate meaningfully in the processes which precede board decisions.

The board encourages the development of relationships with community-based organizations and with other formal groups and organizations of citizens and parents of the district.

The board encourages the development of relationships with local, state, and federal governmental bodies.

Involving the community in the process of public education will contribute towards a strong and cooperative working relationship between the board and the community.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KBC
Date of Adoption: April 1972	Page 1 of 1

NEWS MEDIA

The board invites and welcomes the active participation of news media in promoting the cause of good education in our district and elsewhere. Suggestions and advice from representatives of such media as to how best facilitate the flow of information to them by the board and personnel of the school system will be welcomed. No identification of the schools with the promotion of any commercial or political enterprise will be permitted.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KBCA
Date of Adoption: April 1972	Page 1 of 1

SCHOOL NEWS RELEASES

The superintendent, or someone designated by him/her, will be the press liaison person for coordinating the release of information concerning the school system and actions of the board.

The principal of each school, or a person designated by him/her, will be responsible for maintaining liaison with information media for the dissemination of information relating to his/her school.

The use of all information media for keeping the public continuously informed concerning schools, cost, curriculum, changes, expansion, special events, and other items of public interest is encouraged. Good relationships with publishers, editors, and reporters are vital not only to the best school interests, but in the best interest of the public, who need to be accurately informed.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KBCC
Date of Adoption: April 1972 Date of Review: April 3, 2002	Page 1 of 1

COVERAGE OF BOARD MEETINGS

Because it recognizes that responsible coverage by news media is a vital factor in maintaining communication with the public, the board will encourage media representatives to attend its meetings. Furthermore, members of the board, the superintendent, administrators, and others, as may be necessary, will be available for interviews by media representatives. Whenever possible, appointments should be made in advance for such interview.

KDA - PUBLIC INFORMATION PROGRAM

(Download policy)

Category R

See also KA

The Board will do its best to keep the people informed of the affairs of the district. To achieve its goals for good school-community relations and maintenance of open two-way channels of communication with public, the Board authorizes the Superintendent to:

1. Prepare or guide the preparation of informational materials including the annual report, newsletters, articles for periodicals, newspapers and/or radio releases, special pamphlets and other assigned material, and to maintain close liaison with news media and publicity organizations.
2. Provide staff members with resources for preparation of material for community and staff distribution to include but not be limited to the district website, handbooks, information leaflets, etc.
3. Organize or assist in development of speakers' bureaus and speaking engagements with civic, PTA, church and other groups.
4. Assist in coordinating work with civic and other groups which support the school system.

The Board expects that "affairs of the district" will include but not be limited to school performance, student progress, personalized learning strategies, and academic opportunities.

Legal References:

NH Code of Administration Rules, Section Ed. 306.04(a)(11), Policy Development

NH Code of Administration Rules, Section Ed. 306.04(k), Policy Development

Revised: February 2006

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OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BDG
Date of Adoption: September 1970 Dates of Revision: March 1997 May 5, 1999 Code Revision: November 18, 2009 – previously - BCG	Page 1 of 1

ATTORNEY

The board may, at its discretion, appoint an attorney to perform desired legal services. The attorney shall serve the board's pleasure and be compensated at a mutually agreeable rate.

The board recognizes that the increasing complexity of school district operations frequently requires procurement of professional legal services. Consequently, it shall retain an attorney or law firm for that purpose.

A decision to seek legal advice or assistance on behalf of the school district shall normally be made by the superintendent or by persons specifically authorized by the superintendent or by the board chairperson. Such action shall occur where it is consistent with approved district policy or standard practice and meets an obvious need of the district. It may also take place as a consequence of formal board direction.

Many types of instances of legal assistance to the district may be considered routine and not necessitating specific board approval or prior vote. For example, the superintendent may consult with the school attorney to interpret statutory requirements or regulations, prepare or review contracts and seek legal opinions regarding other district issues.

However, when the administration concludes that unusual types or amounts of professional legal service may be required, board authorization for such service shall be promptly requested.

CSBA Sample

Board Bylaw

Attorney

BB 9124

Board Bylaws

*****Note: Education Code 35041.5, 35204, and 35205 authorize the Governing Board to enter into a contract to hire an attorney as a district employee or independent contractor or to contract with a private firm to provide legal services for purposes deemed appropriate by the Board. According to the Rules of Professional Conduct of the State Bar of California, when an attorney is hired by an organization such as a school district, the attorney's client is the district as a whole, and not an individual Board member or employee. However, at certain times an attorney may owe a duty of defense to a Board member or employee pursuant to the Tort Claims Act (Government Code 814-895.8). See BP/AR 3320 - Claims and Actions Against the District and BB 9260 - Legal Protection.*****

*****Note: The California Council of School Attorneys, which provides professional opportunities for school attorneys, is a component of CSBA. CSBA has also established the Education Legal Alliance to initiate and support litigation in cases of statewide significance to school districts.*****

The Governing Board recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

**(cf. 3320 - Claims and Actions Against the District)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)
(cf. 9260 - Legal Protection)**

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

- 1. Render legal advice to the Board and the Superintendent or designee**
- 2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings**

3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

Retaining Legal Counsel

*****Note: Government Code 53060 exempts contracts for legal services from the bidding requirements of the Public Contract Code; see AR 3311 - Bids. However, when entering into a new contract for legal services, it is recommended that the Board use a Request for Proposal (RFP) procedure in order to solicit a range of proposals for services. The following optional section is for use by districts that contract with outside firms to provide legal services and should be modified to reflect district practice.*****

When the district is seeking legal advice or representation, the Superintendent or designee shall initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the proposals, the Board and Superintendent shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The Board and Superintendent shall annually evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. Upon a successful evaluation, the Board may renew the agreement with legal counsel without initiating an RFP.

The Board may also contract for temporary, specialized legal services without initiating an RFP when a majority of the Board determines that the unique demands of a particular issue or emergency situation so requires.

(cf. 2121 - Superintendent's Contract)

Contacting Legal Counsel

*****Note: The following section should be modified to reflect district practice.*****

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from

district legal counsel on matters of district business unless so authorized by a majority of the Board.

(cf. 9200 - Limits of Board Member Authority)
(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35041 Administrative adviser

35041.5 Legal counsel

35161 Powers and duties of governing board

35200-35214 Liabilities, especially:

35204 Contract with attorney in private practice

35205 Contract for legal services

GOVERNMENT CODE

814-895.8 Liability of public entities and public employees

995-996.6 Defense of public employees

26520 Legal services to school districts

53060 Special services and advice

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Maximizing School Board Leadership: Boardsmanship, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

CSBA: <http://www.csba.org>

California Council of School Attorneys:

<http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.asp>

x

National School Boards Association: <http://www.nsba.org>

State Bar of California: <http://www.calbar.ca.gov>

(6/91 12/92) 7/08

SCHOOL ATTORNEY/LEGAL SERVICES

The Board recognizes that the increasing complexity of school district operations frequently requires procurement of professional legal services. Consequently, the Board may select an attorney and/or law firm for purposes of systematically providing such services. The Board shall prescribe the duties, compensation and term of service for the attorney and/or law firm. It shall be the duty of the counsel to advise the Board and to make recommendations concerning specific legal problems submitted. Districts including one (1) or more cities or towns having a total population of at least 30,000 may retain an attorney on an annual basis.

A decision to seek legal counsel or advice on behalf of the school district shall normally be made by the superintendent or by persons specifically authorized by the superintendent. It may also take place as a consequence of formal Board direction.

Many types of legal assistance to the district may be considered routine and may not require specific Board approval or prior notice. However, when the administration concludes that unusual types or amounts of professional legal service may be required, the Board directs the administration to so advise it, and to expeditiously seek either initial or continuing authorization for such service.

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Legal Refs: § 162.411, RSMo.

«AddressLine»

NYSSBA Sample Policy 2270

NOTE: If your district's legal services are provided by an employee, then you do not need this policy. To determine if your school attorney (or other professional service provider, such as architect, physician, internal auditor, etc.) is an employee, please consult the regulations provided by the Office of the State Comptroller. Those regulations can be accessed at the website of the Office of the State Comptroller (www.osc.state.ny.us).

SCHOOL ATTORNEY

The Board of Education shall retain legal counsel, who shall be appointed at the Annual Organizational Meeting of the Board of Education. The President of the Board, or the Superintendent of Schools or his/her designee, may contact the counsel on legal matters affecting the operation of the school district.

The Attorney must be admitted to the bar of New York State. The Attorney will be the legal advisor to the Board. In that capacity, the Attorney's duties will be:

1. to advise the Board with respect to all legal matters relating to the district, including, but not limited to, interpretation of the Education Law of the State of New York, and all other statutes, rules or regulations affecting the district;
2. to be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the Superintendent, to his/her administrative staff), with respect to legal matters issuing out of the day-to-day administration of the district;
3. to review and to represent the district in the preparation of contracts, as requested by the district (other than the contract for school attorney services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. to review the legality of all [or, select] policies or regulations to be adopted by the Board; *NOTE: The Board may or may not wish to include this in the list of duties. The Board may instead wish to insert a clause indicating that they may, at their discretion, request that the attorney review a proposed policy and/or regulation.*
6. to review and advise with respect to any process served upon the district; and
7. to recommend the retainment of such special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board.

The selection of the School Attorney shall be carried out in accordance with state law and regulation, as well as Board policy.

Cross-ref: 2210, Board Organizational Meeting
6741, Contracting for Professional Services

Adoption date:

INDIANA

SCHOOL ATTORNEY

EXAMPLE 1:

The School Attorney shall be selected by the Board of Education and his term of employment and salary shall be at the discretion of the Board. The Attorney is employed on a yearly basis commencing July 1 of each year.

The School Attorney must be licensed to practice law in the state of Indiana and a member in good standing of the Indiana Bar Association.

The School Attorney will represent the School District, its officers, and members of the school as designated by the Board, in all legal proceedings in which they, or any part of them, shall be a party. He shall guide the Board of Education, the Superintendent of Schools, and all administrative department heads in all legal matters pertaining to the business of the School Board.

EXAMPLE 2:

The school attorney(s) shall be selected by the Board at its annual organization meeting in July. The school attorney shall represent the school system, and such officers and employees of the school system as the Board shall direct, in all legal proceedings of the school system to which they or any of them, as such shall be a party. The school attorney shall, when requested, advise the Board and administration of all legal matters pertaining to the business of the school system.

EXAMPLE 3:

The school attorney shall be licensed to practice law in the state of Indiana and be a member of the Indiana Bar Association in good standing.

The attorney shall be appointed by the Board, and shall be employed at will. His term of employment shall be annual, from July 1 until June 30. The retainer for the position shall be determined at the beginning of each term. Nonrecurring fees shall be handled by the Board as needed. The attorney will be considered counsel for the Board in all legal matter(s).

The attorney shall represent the School District, and such officers and District employees as the Board may direct, in all legal proceedings of the District to which they, or any of them, as such shall be a party.

The attorney shall, when requested, advise the Board, the Superintendent, and all executive departments in all legal matters pertaining to school business.

The attorney shall submit legal opinions in writing when the Superintendent or Board President presents a written request that he do so.

The attorney shall attend public meetings, special hearings, and executive sessions, when requested by the Superintendent or the Board President.

The Board may authorize employment of additional counsel for specialized situation.

EXAMPLE 4:

The Board will retain an attorney for legal counsel and services on an annual basis. His or her retainer fee for general services will be set at the time of appointment, when arrangements will also be made for additional compensation for special services.

The school attorney will attend regular meetings of the Board and other meetings of the Board or its committees upon request, and will make his or her counsel available to the superintendent and Board officers as needed.

The school attorney will be sufficiently familiar with the requirements of the school laws of the state to enable him or her to offer the necessary advice.

EXAMPLE 5:

The Board will appoint an attorney to advise and represent the district. The appointment will be for one year on a fee basis, with reappointment subject to a vote of the Board. The appointment will be made at the organizational meeting of the Board.

The school attorney will be the chief legal adviser for the district. Without restricting the generality of the foregoing, it is his or her responsibility to:

1. Be present as requested at meetings of the Board and its committees.

2. Advise the Board and its officials when requested to do so on legal matters.
3. Advise the Board and superintendent on points of law where the rights and liabilities of the district may be affected.
4. Prepare and/or approve all contracts, agreements, and legal instruments required in the ordinary course of district affairs.
5. Prepare and/or approve all legislation sought to be enacted by and expressly for the district.
6. Prosecute legal actions brought by the Board and defend legal actions brought against the Board.

EXAMPLE 6:

SCHOOL ATTORNEY/LEGAL SERVICES

The Board recognizes that the increasing complexity of school district operations frequently requires procurement of professional legal services. Consequently, the Board may select an attorney and/or law firm for purposes of systematically providing such services. The Board shall prescribe the duties, compensation and term of service for the attorney and/or law firm. It shall be the duty of the counsel to advise the Board and to make recommendations concerning specific legal problems submitted. Districts including one (1) or more cities or towns having a total population of at least 30,000 may retain an attorney on an annual basis.

A decision to seek legal counsel or advice on behalf of the school district shall normally be made by the superintendent or by persons specifically authorized by the superintendent. It may also take place as a consequence of formal Board direction.

Many types of legal assistance to the district may be considered routine and may not require specific Board approval or prior notice. However, when the administration concludes that unusual types or amounts of professional legal service may be required, the Board directs the administration to so advise it, and to expeditiously seek either initial or continuing authorization for such service.

EXAMPLE 7:

Attorney

The Board shall retain a qualified attorney and/or legal firm to handle all legal matters referred by the Board and to receive such compensation as the Board may provide. The duties of the attorney or legal firm shall be as follows:

1. Upon request of the Board President or Superintendent, attend the meetings of the Board and act as counselor;
2. Render a written opinion on a legal question when requested by the Board;
3. Prepare or supervise the preparation of all legal papers and documents which shall be executed by the Board officers; or shall approve same before execution thereof by the officers;
4. Provide such opinions or other legal information to the Superintendent which may be necessary for the immediate or long-range conduct of the District;
5. Represent the District as specifically designated by the Board in litigation to which the District may be a party or in which it is interested;
6. Shall, upon request, represent the Board in the purchase or sale of any real estate;
7. Attend to and act on any matters the Board refers to him/her for supervision, adjustment, and/or disposal;
8. Prepare all questions to be placed upon the ballot for regular or special elections;
9. Periodically provide progress reports to the Board on legal matters referred; and
10. Perform such other services as requested by the Board.

Compensation for duties and services shall be agreed to by the attorney and the Board in the retention agreement which shall set forth the annual retainer and supplemental charges.

Only the President or Superintendent are authorized to contact the attorney on legal matters concerning the District.

The Board's legal counsel shall not provide personal legal assistance to individual Board members, the Superintendent, or members of the staff unless specifically authorized by the Board.

In any dispute or potential divergence of interests between the Board and Superintendent, the Superintendent shall not utilize the District's counsel to represent his/her interest.

Approved:

SOURCE: Michigan Association of School Boards

ILLINOIS

School Board

Board Attorney

The School Board may enter into an agreement for legal services with a specific attorney or law firm. ¹ The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services. ² The District will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a majority of the Board.

The Superintendent, his or her designee, and Board President, are each authorized to confer with and/or seek the legal advice of the Board Attorney. ³ The Board may authorize a specific member to confer with legal counsel on its behalf.

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to consider the matter.

The Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

CROSS REF.: 4:60 (Purchases and Contracts)

¹ The attorney's selection and duties are totally left to the board's discretion - the bidding statutes are inapplicable (105 ILCS 5/10-20.21).

² There is no general format for an agreement for legal services - while some are very informal, others are contained in a letter describing the arrangement in detail.

Legal services can be spelled-out in the policy but boards face the attendant risk of conflicting lists. However, a board desiring such a list can use the following:

The attorney will:

1. Serve as counselor to the Board at all regular meetings and at special meetings when requested by the Superintendent or Board President;
2. Represent the District in any legal matter as requested by the Board;
3. Provide written opinions on legal questions as requested by the Superintendent or Board President;
4. Approve, prepare, or supervise the preparation of legal documents and instruments and perform such other legal duties as the Board may request; and
5. Be available for telephone consultation.

³ The following alternative contains additional individuals a board may wish to authorize to confer with the board attorney and should be amended as per the board's desire:

The following people are authorized to confer with and/or seek the legal advice of the Board Attorney: Superintendent, his or her designee, Business Manager, District Freedom of Information Officer, Complaint Manager(s), district treasurer, and the Board President.

Individual board members should be very careful when talking about the advice given to the board by its attorney. Individual board members possess none of the board's powers and are not authorized to individually waive attorney-client privilege on behalf of the board as an entity.

TITLE: School Attorney/Legal Services
NEPN: BDG
STATE: Kansas
DATE: July 01, 2001
DISTRICT: Wichita Unified School District 259

LEGAL SERVICES BOARD POLICY:

An attorney(s) shall be retained to provide legal services to the Board of Education and to provide legal counsel to the Superintendent and his/her staff. The Board may select other special legal counsel as deemed appropriate.

Implemental Procedures:

1. An attorney(s) for the Board of Education shall be appointed at the regular meeting in July for a term of one (1) year or until further order of the Board, whichever comes first.
2. The attorney(s) shall attend Board meetings as requested, give advice and counsel when called upon, and shall attend to all legal matters pertaining to the Board and the school district.
3. The attorney(s) shall be familiar with the agenda so as to give legal advice regarding action to be taken by the Board.
4. A Board member may ask legal counsel for an opinion on a legal issue affecting the Board or the school district, which will not require legal research or significant expenditure of funds. The Board member requesting any such opinion realizes that the opinion may be given to all Board members, since the Board attorney represents the total Board. A Board member desiring a more in-depth opinion or a written legal opinion shall submit the request to the President of the Board or his/her designee who shall submit the request to legal counsel or disapprove the request. A member whose request is disapproved may resubmit the request for discussion by the Board in open Board meeting or executive session, whichever is appropriate.
5. The attorney(s) shall also be available for counsel and service to the Superintendent and his/her staff. An administrator desiring legal advice from Board counsel shall submit such request in the following manner:
 - a. Requests to contact legal counsel or request legal counsel review contracts and/or other documents shall be documented through the superintendent, deputy superintendent, or appropriate assistant superintendent.
 - b. The following administrators are authorized by the Superintendent to contact legal counsel directly, however, documentation of contact(s) should be recorded.

- Deputy Superintendent
- Chief Operations Officer
- Chief Financial Officer
- Assistant Superintendent of Elementary Schools
- Assistant Superintendent of Middle Schools
- Assistant Superintendent of High Schools
- Assistant Superintendent of Human Resources
- Clerk of the Board
- Director of Governmental Relations
- Division Director of Special Education
- Division Director of Management Information Services
- Division Director of Facilities
- Division Director of Operations
- Supervisor, Risk Management

6. All written opinions requested by a member of the Board or an administrator shall be delivered to the Clerk of the Board, who shall provide copies of the written opinion to all members of the Board of Education.

7. Decisions regarding the filing of a case, appealing a decision and other decisions of similar importance shall be made by the Board. Legal counsel shall obtain decisions of lesser importance from the Superintendent or designee.

8. Legal counsel shall be regarded as attorney for both the Board and administration unless a specific decision has been made to the contrary in cases where a conflict or potential conflict exists between the Board's interest and the administration's interest. In such cases, the decision to have legal counsel act on behalf of only one of the parties shall be clearly communicated to both parties.

9. The attorney(s) or his/her selected representative shall represent the Board and the school district in court and before quasi-judicial or administrative agencies of government as requested.

10. The attorney(s) shall cooperate, assist, and work with special legal counsel as directed by the Board.

11. The attorney(s) will, upon request, provide prior estimates of costs of certain legal undertakings.

TITLE: School Attorney
NEPN: BDG
STATE: Colorado
DATE: March 6, 2001
DISTRICT: Jefferson County School District R-1 (Golden, CO)

Adopted: June 26, 1997

Revised: March 6, 2001

The district realizes that a district the size and complexity of Jefferson County R-1 has a need for competent general counsel to aid the superintendent and the Board regarding all legal matters and to advise them with regard to applicable federal and state laws and regulations, all pending or threatened litigation, and to give legal opinions regarding questions raised by the Board and the superintendent. In addition, the district acknowledges that the school district has a need for legal counsel in special areas of the law.

The district is responsible for selecting and hiring general counsel to represent the district and for authorizing the employment of special counsel as outlined by this policy. The district is also responsible for determining the duties and setting the remuneration of counsel. From time to time, the superintendent or his/her designee shall meet with counsel to review performance, duties, and fees.

In order to facilitate the implementation of this policy, any counsel retained by the district for any purpose shall be given a copy of this policy and shall be expected to comply with its guidelines.

The superintendent shall recommend appointment of both general and special counsel to the district and Board. Upon appointment by the Board, the superintendent or designee shall be responsible for:

1. Coordinating activities of attorneys.
2. Directing the quarterly preparation of legal reports for the Board.
3. Providing for advisory services of counsel at all appropriate meetings of the Board.
4. Coordinating attorney consultation among members of the administrative staff.
5. Budgeting for attorney legal fees.
6. Arranging for payment of justified legal expenses of the district.

The Board reserves the right to obtain independent legal counsel should occasion arise requiring such legal services.

Professional Standards

Any attorney or law firm retained by the Board and district shall at all times conform to the highest ethical standards, shall comply with the Code of Professional Responsibility, and shall keep the superintendent advised of the progress of such matters.

Duties - General Counsel

The following is a general listing of those duties and responsibilities expected of the district's and Board's general counsel:

1. To attend all regular and designated special Board meetings.
2. To advise the Board and superintendent on all legal matters.
3. To accept legal notices as provided by law.
4. To consult with the superintendent or designee on legal representation and coordination of case management as required by the superintendent in any and all litigation.
5. To prepare and review such legal documents as specified or requested by the Board, superintendent, or appropriate members of the administration.
6. To provide the district and Board with a quarterly written report regarding the status of all litigation affecting the school district, including all matters in which the district is represented by counsel selected by an insurance carrier.

Duties - Special Counsel

The superintendent shall be responsible for recommending appointment of special legal counsel for those circumstances which may require such counsel. Special counsel will be provided a copy of this policy and will be expected to abide by its provisions.

Remuneration

All counsel are expected to provide the district with a detailed billing on a month-to-month basis specifying the matter being addressed, the attorney handling the matter, the hours spent per day, the purpose of that time, and the agreed hourly rate. In addition, all costs incurred shall be listed with specificity.

Access to Counsel

Except when authorized specifically by the superintendent or designee, no employee of the district shall be permitted to contact legal counsel.

Individual members of the Board may consult all appointed counsel on occasion as necessary to fulfill official duties arising from their Board membership.

////

From: hfb4444 <hfb4444@comcast.net>
 To: lelan4444 <lelan4444@aol.com>
 Subject: Fwd:
 Date: Wed, Aug 10, 2011 10:30 am

Attached Message

From: Wendy DiFruscio <wdifruscio@orcsd.org>
 To: Ann Lane <alane@orcsd.org>; Ann Wright <ann_wright@comcast.net>; Henry Brackett <hfb4444@comcast.net>; jkach55@gmail.com; joceoquinn@yahoo.com; kbutts@orcsd.org; Megan Turnbull <mturnbull@orcsd.org>
 Cc: leon levesque <leon.levesque@gmail.com>
 Subject: FW: Right to know - Interim
 Date: Thu, 14 Jul 2011 09:50:19 -0400

FYI!

Wendy L. DiFruscio
 Superintendent's Administrative Asst.
 36 Coe Drive
 Durham, NH 03824
 868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

-----Original Message-----

From: JoAnn Portalupi [<mailto:jportalupi@comcast.net>]
 Sent: Thursday, July 14, 2011 9:56 AM
 To: Wendy DiFruscio
 Subject: Right to know

Dear Wendy,

I would like to make a Right to Know request for a copy of the interim superintendent's contract. I apologize for having to trouble you for this information. I am interested to learn the salary terms of the contracts and have been unable to locate that information from Board minutes. Thank you.

JoAnn Portalupi

Sent from my iPad

Attached Message

From: Roni Slavin Pekins <pkay4@comcast.net>
 To: hfb4444@comcast.net; alane@orcsd.org; mtturnbull@orcsd.org; awright@orcsd.org; jkach55@gmail.com; kbutts@orcsd.org; joceoquinn@yahoo.com
 Subject: community member's letter to ORCSD Board Members
 Date: Sun, 17 Jul 2011 15:49:32 -0400

July 16, 2011

To the Oyster River Cooperative School District Board Members,

I write this letter out of necessity. It has come to my attention that a board

member, Jim Kach, has revealed himself to be an individual with discriminatory views that make him unfit to continue serving as a public official. A link to his public twitter account (which has just been deleted by the author) has been circulated to many in the community. While I don't subscribe to wantonly dispensing personal information, these thoughts and opinions were published by this individual of his own accord to be accessed by anyone in cyberspace.

I read Mr. Kach's "tweets" with disgust and horror. From anti-semitism to misogyny to homophobia, it's all there. Certainly Mr. Kach is allowed the right of free speech under our constitution and he can continue spewing forth on the topics of his choosing as a private citizen. However, as a public official, Mr. Kach's stated personal biases call into question his decision making ability, his judgement in providing an educational environment that is safe for any and all types of individual to learn and work. He can no longer serve the public effectively. He must step down from his position on the school board. I cannot speak to how others in the community will react to this information, but it is within reason to imagine that some will chose a more public venue to express their outrage. To spare the district from a very unpleasant situation, I would recommend an expeditious resolution.

I have struggled with the best way to proceed after reading the publicly stated views of Mr. Kach. What is one individual's responsibility to eliminate bigotry and intolerance when confronted with it in this manner? While I have expressed my dissatisfaction with the school board's activities since March, please know that this is not about school politics, but human decency. No matter where one stands on personnel hiring, education philosophy, or the tax structure, if we don't all share a common belief in the sanctity of human and civil rights, then what can we ever share?

Please, I implore you to attend to this situation with the seriousness that it deserves.

Roni Slavin Pekins
10 Beards Landing
Durham

Attached Message

From: Wendy DiFruscio <wdfruscio@orcsd.org>
To: Ann Lane <alane@orcsd.org>; Ann Wright <ann_wright@comcast.net>; Henry Brackett <hfb4444@comcast.net>; jkach55@gmail.com; joceoquinn@yahoo.com; kbutts@orcsd.org; Megan Turnbull <mturnbull@orcsd.org>
Subject: FW: "Right To Know" Request
Date: Thu, 14 Jul 2011 07:33:44 -0400

FYI!

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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From: Mike McClurken [<mailto:mmcclurken@comcast.net>]
Sent: Wednesday, July 13, 2011 5:34 PM
To: Wendy DiFruscio
Subject: "Right To Know" Request

Wendy -

I'd like to get information on:

1. Total ORCSD enrollment for each year, 1996 - 2001, using the same methodology that resulted in a total enrollment of 2,049 for 2009.
2. % HS grads going on to 4-yr college, 2-yr college, etc. for 2000-2003, and 2009-2010, in the same format that was reported for 2004-2008 in regular district publications.

Thanks a lot.

Mike McClurken
26 Deer Meadow Road
Durham, NH 03824
868-6525

Attached Message

From: Wendy DiFruscio <wdifruscio@orcscd.org>
To: Ann Lane <alane@orcscd.org>; Ann Wright <ann_wright@comcast.net>; Henry Brackett <hfb4444@comcast.net>; jkach55@gmail.com; joceoquinn@yahoo.com; kbutts@orcscd.org; Megan Turnbull <mturnbull@orcscd.org>
Subject: FW: RTK Status?
Date: Wed, 13 Jul 2011 15:41:00 -0400

Please see the below listed email. Thank you

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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Sent: Wednesday, July 13, 2011 3:09 PM
To: Wendy DiFruscio
Subject: RTK Status?

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<http://www.doj.nh.gov/civil/documents/right-to-know.pdf>

Since all other board members have complied, I assume the Chair is also able to comply and is subject to the same time limits.

Thanks,
-David

Attached Message

From: Megan Turnbull <mturnbull@orcsd.org>
To: Leon Levesque <llevesque@orcsd.org>
Cc: hfb4444@comcast.net
Subject: FW: RTK Status?
Date: Wed, 13 Jul 2011 20:55:55 -0400

Hi Lee,

I don't believe you were copied on this RTK request. There are previous requests as well. Perhaps Wendy DiFruscio can provide the historical background.

Thank you,

Megan

—Original Message—

From: Wendy DiFruscio
Sent: Wed 7/13/2011 3:41 PM
To: Ann Lane; Ann Wright; Henry Brackett; James Kach (jkach55@gmail.com); joceoquinn@yahoo.com;
Krista Butts (kbutts@orcsd.org); Megan Turnbull
Subject: FW: RTK Status?

Please see the below listed email. Thank you

Wendy L. DiFruscio

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To: Wendy DiFruscio
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Thanks,
-David

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd:
Date: Wed, Aug 10, 2011 10:22 am

Attached Message

From: Roni Slavin Pekins <pkay4@comcast.net>
To: hfb4444@comcast.net; alane@orcscd.org; mtumbull@orcscd.org; awright@orcscd.org; jkach55@gmail.com; kbutts@orcscd.org; joceoquinn@yahoo.com
Subject: community member's letter to ORCSD Board Members
Date: Sun, 17 Jul 2011 15:49:32 -0400

July 16, 2011

To the Oyster River Cooperative School District Board Members,

I write this letter out of necessity. It has come to my attention that a board member, Jim Kach, has revealed himself to be an individual with discriminatory views that make him unfit to continue serving as a public official. A link to his public twitter account (which has just been deleted by the author) has been circulated to many in the community. While I don't subscribe to wantonly dispensing personal information, these thoughts and opinions were published by this individual of his own accord to be accessed by anyone in cyberspace.

I read Mr. Kach's "tweets" with disgust and horror. From anti-semitism to misogyny to homophobia, it's all there. Certainly Mr. Kach is allowed the right of free speech under our constitution and he can continue spewing forth on the topics of his choosing as a private citizen. However, as a public official, Mr. Kach's stated personal biases call into question his decision making ability, his judgement in providing an educational environment that is safe for any and all types of individual to learn and work. He can no longer serve the public effectively. He must step down from his position on the school board. I cannot speak to how others in the community will react to this information, but it is within reason to imagine that some will chose a more public venue to express their outrage. To spare the district from a very unpleasant situation, I would recommend an expeditious resolution.

I have struggled with the best way to proceed after reading the publicly stated views of Mr. Kach. What is one individual's responsibility to eliminate bigotry and intolerance when confronted with it in this manner? While I have expressed my dissatisfaction with the school board's activities since March, please know that this is not about school politics, but human decency. No matter where one stands on personnel hiring, education philosophy, or the tax structure, if we don't all share a common belief in the sanctity of human and civil rights, then what can we ever share?

Please, I implore you to attend to this situation with the seriousness that it deserves.

Roni Slavin Pekins
10 Beards Landing
Durham

Attached Message

From: Wendy DiFruscio <wdfruscio@orcscd.org>
To: Ann Lane <alane@orcscd.org>; Ann Wright <ann_wright@comcast.net>; Henry Brackett <hfb4444@comcast.net>; jkach55@gmail.com; joceoquinn@yahoo.com; kbutts@orcscd.org; Megan Tumbull <mtumbull@orcscd.org>
Cc: leon levesque <leon.levesque@gmail.com>

Subject: FW: Right to know - Interim
Date: Thu, 14 Jul 2011 09:50:19 -0400

FYI!

Wendy L. DiFruscio
 Superintendent's Administrative Asst.
 36 Coe Drive
 Durham, NH 03824
 868-5100 x20

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-----Original Message-----

From: JoAnn Portalupi [<mailto:jportalupi@comcast.net>]
 Sent: Thursday, July 14, 2011 9:56 AM
 To: Wendy DiFruscio
 Subject: Right to know

Dear Wendy,

I would like to make a Right to Know request for a copy of the interim superintendent's contract. I apologize for having to trouble you for this information. I am interested to learn the salary terms of the contracts and have been unable to locate that information from Board minutes. Thank you.

JoAnn Portalupi

Sent from my iPad

Attached Message

From: Wendy DiFruscio < wdfruscio@orcsd.org >
To: Ann Lane < alane@orcsd.org >; Ann Wright < ann_wright@comcast.net >; Henry Brackett < hfb4444@comcast.net >; jkach55@gmail.com; jocequinn@yahoo.com; kbutts@orcsd.org; Megan Turnbull < mturnbull@orcsd.org >
Subject: FW: "Right To Know" Request
Date: Thu, 14 Jul 2011 07:33:44 -0400

FYI!

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 Superintendent's Administrative Asst.
 36 Coe Drive
 Durham, NH 03824
 868-5100 x20

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From: Mike McClurken [<mailto:mmccdurken@comcast.net>]
Sent: Wednesday, July 13, 2011 5:34 PM
To: Wendy DiFruscio
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2. % HS grads going on to 4-yr college, 2-yr college, etc. for 2000-2003, and 2009-2010, in the same format that was reported for 2004-2008 in regular district publications.

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868-6525

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-David

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From: Megan Turnbull <mturnbull@orcsd.org>
To: Leon Levesque <llevesque@orcsd.org>
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Megan

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Subject: FW: RTK Status?

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-David

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Jim Kach Allegation RTK Request
Date: Wed, Aug 10, 2011 10:33 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Monday, July 11, 2011 11:49:58 AM
Subject: FW: Jim Kach Allegation RTK Request

FYI

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Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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From: David Taylor (Lowell) [mailto:dkttaylor@F5.com]
Sent: Friday, July 08, 2011 8:52 AM
To: Wendy DiFruscio
Cc: Meredith S. Nadeau; Henry Brackett; ann_wright@comcast.net
Subject: RTK: Jim Kach Allegation

This is a formal Right-to-Know request under RSA 91-A for any records of discussion among board members and/or administrators concerning in any way my allegations against Jim Kach violating secrecy of non-public sessions. In particular, I would like to include any series of emails or phone calls, not just emails sent to a quorum or more of the board. For example, if a board member asked Jim Kach about the allegations, and he responded, and that was sent to or included or was referred to by other board members so that the sum of those involved in the discussion included a quorum or any administrators, then please include those emails.

Thanks,
-David

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Interim Candidates RTK Request
Date: Wed, Aug 10, 2011 10:32 am
Attachments: NH_supreme_court_doc.pdf (92K)

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Monday, July 11, 2011 11:50:14 AM
Subject: FW: Interim Candidates RTK Request

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Durham, NH 03824
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From: David Taylor (Lowell) [mailto:dkttaylor@F5.com]
Sent: Thursday, July 07, 2011 11:55 PM
To: Wendy DiFruscio
Cc: Henry Brackett; ann_wright@comcast.net; Meredith S. Nadeau
Subject: RTK: Interim Candidates

Thank you again for the information in response to previous Right to Know requests. However, I noticed that any identifying information about interim superintendent candidates was redacted. I would like to ask again under RSA 91-A for all the information about these candidates that you can provide. I refer you to NH Supreme Court case Lambert v. Belknap County Convention (attached) that argues there is a public interest in disclosure of such identifying information as the list of names and cover letters for candidates. I think the office of Superintendent is clearly of equal or greater interest to a community as sheriff as described in Lambert.

Thank you again for your assistance.
-David K. Taylor

NOTICE: This opinion is subject to motions for rehearing under Rule 22 as well as formal revision before publication in the New Hampshire Reports. Readers are requested to notify the Reporter, Supreme Court of New Hampshire, One Charles Doe Drive, Concord, New Hampshire 03301, of any editorial errors in order that corrections may be made before the opinion goes to press. Errors may be reported by E-mail at the following address: reporter@courts.state.nh.us. Opinions are available on the Internet by 9:00 a.m. on the morning of their release. The direct address of the court's home page is: <http://www.courts.state.nh.us/supreme>.

THE SUPREME COURT OF NEW HAMPSHIRE

Belknap
Nos. 2007-566
2007-685

DOUGLAS LAMBERT & a

v.

BELKNAP COUNTY CONVENTION

THOMAS A. TARDIF & a

v.

STEPHEN H. NEDEAU, CHAIRPERSON & a.

Argued: March 20, 2008
Opinion Issued: June 13, 2008

Douglas Lambert, pro se; and Thomas A. Tardif, pro se (Mr. Lambert and Mr. Tardif on the brief, and Mr. Tardif orally).

Ransmeier & Spellman, Professional Corporation, of Concord (Daniel J. Mullen on the brief and orally), for the defendants.

DUGGAN, J. In these consolidated appeals, the petitioners, Douglas Lambert and Thomas A. Tardif, challenge: (1) the failure of the Trial Court (Mohl, J.) to invalidate the appointment of Craig Wiggin to the office of Belknap County sheriff by respondent Belknap County Convention (Convention); and (2) the trial court's denial of their request for documents from respondents Stephen H. Nedeau, the Convention's chairperson, and Angela A. Bell, the Convention's record keeper. See RSA ch. 91-A (2001 & Supp. 2007). We hold that the appointment of Wiggin must be invalidated because the Convention was required to fill the vacancy in public session rather than by secret ballot. See RSA 91-A:2, II, :8, II (Supp. 2007). We further hold that the petitioners must be afforded access to the documents relating to the candidates' applications for the vacancy, see RSA 91-A:4, I (Supp. 2007), but remand for consideration of whether certain personal information that may be in those documents requires redaction. Accordingly, we reverse and remand.

I

The following facts are undisputed. The Convention consists of the state representatives of Belknap County's representative districts, RSA 24:1 (2000), and has the power, among other things, to fill a vacancy for the unexpired term of an elected county office, including that of the Belknap County sheriff, RSA 661:9, I (Supp. 2007). See also N.H. CONST. pt. II, art. 71 ("The county . . . sheriffs . . . shall be elected . . ."); RSA 653:1, V (Supp. 2007) (mandating that one sheriff be elected for a two-year term at every state general election).

On May 29, 2007, the Convention convened to discuss the mid-term vacancy created by the resignation of Sheriff Dan Collis. To discuss the process for filling the vacancy, the Convention voted to enter nonpublic session. See generally RSA 91-A:3 (Supp. 2007). The minutes of that session note, in pertinent part:

Chair[person] Nedeau announced that the applications for seven candidates have been sent to each . . . member, and that letters of recommendation are on file in Angela Bell's office, and will also be sent out. The [Convention] agreed that all seven should be interviewed, and asked specific questions. Each [member] will have a score sheet for each candidate.

On June 11, 2007, the Convention again voted to enter nonpublic session. During the nonpublic session, the Convention interviewed the seven candidates and ultimately selected two finalists for the vacancy. The Convention publicly announced the names of the two finalists, but did not disclose the full list of applicants.

On June 23, 2007, the petitioners submitted a written request to Bell to review the seven applications, all letters of recommendation, and all score sheets (documents). After speaking with Nedeau, Bell refused to disclose the documents. Alleging a violation of RSA chapter 91-A, the Right-to-Know Law, the petitioners filed a petition for declaratory judgment against Nedeau and Bell, seeking disclosure of the documents. See RSA 91-A:4. The trial court denied the petitioners' request because it found that the privacy interests of the seven applicants outweighed the public's interest in disclosure of "otherwise personal information."

On June 25, 2007, the Convention interviewed the two finalists in public session. After deciding to use a secret paper ballot to vote, the Convention, by a vote of ten-to-four with one abstention, selected Wiggin as sheriff. Before Wiggin commenced his official duties as sheriff, the petitioners filed a declaratory judgment action against the Convention. They alleged that the Convention violated the Right-to-Know Law by using a secret ballot to fill the vacancy, see RSA 91-A:2, II, and requested that the trial court invalidate the selection of Wiggin as sheriff, see RSA 91-A:8, II.

The trial court agreed that the Convention violated the Right-to-Know Law by using a secret ballot. However, the court found that, pursuant to RSA 91-A:3, II(b), the Convention could have "conduct[ed] the entire process of selecting the Sheriff in nonpublic sessions," and, because "the Convention went further than the Right-to-Know law required [by] conducting interviews with the two final candidates in public and voting at the public session, albeit by secret ballot," there was "no reason to believe that the Convention would reach a different result if the matter were to be revisited by the Convention." Thus, the court declined to invalidate the selection of Wiggin as sheriff.

On appeal, the petitioners contend that the trial court erred in: (1) finding that the Convention could have conducted the entire appointment process in nonpublic sessions; (2) failing to invalidate the selection of Wiggin as sheriff; and (3) failing to provide them access to the documents.

II

Resolution of this case requires us to interpret several statutory provisions, including certain provisions of the Right-to-Know Law. The ordinary rules of statutory construction apply to our review of the Right-to-Know Law. Lamy v. N.H. Pub. Utils. Comm'n, 152 N.H. 106, 108 (2005). Thus, we are the final arbiter of the legislature's intent as expressed in the words of the statute considered as a whole. In the Matter of Carr & Edmunds, 156 N.H. 498, 503-04 (2007). When examining the language of a statute, we ascribe the plain and ordinary meaning to the words used. Id. at 504. We interpret legislative intent from the statute as written and will not consider what the

legislature might have said or add language that the legislature did not see fit to include. Id. We also interpret a statute in the context of the overall statutory scheme and not in isolation. Id. Where, as here, the facts are undisputed, we review the trial court's rulings de novo. Murray v. N.H. Div. of State Police, 154 N.H. 579, 581 (2006).

"The purpose of the Right-to-Know Law is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people." Id. (quotation omitted). The law "helps further our state constitutional requirement that the public's right of access to governmental proceedings and records shall not be unreasonably restricted." Id. (quotation omitted); see also N.H. CONST. pt. I, art. 8. Although the statute does not provide for unrestricted access to public records and proceedings, to best effectuate the statutory and constitutional objective of facilitating access to all public documents and proceedings, we resolve questions regarding the Right-to-Know Law with a view to providing the utmost information. Id.; Herron v. Northwood, 111 N.H. 324, 326 (1971).

Thus, we construe provisions favoring disclosure broadly, while construing exemptions narrowly. Murray, 154 N.H. at 581 (citation omitted). "We also look to the decisions of other jurisdictions, since other similar acts, because they are in pari materia, are interpretively helpful, especially in understanding the necessary accommodation of the competing interests involved." Union Leader Corp. v. N.H. Housing Fin. Auth., 142 N.H. 540, 546 (1997) (quotation omitted); see also Lamy, 152 N.H. at 108. "[W]hen a public entity seeks to avoid disclosure of material under the Right-to-Know Law, that entity bears a heavy burden to shift the balance toward nondisclosure." Murray, 154 N.H. at 581 (citation omitted).

III

RSA 661:9 provides, in relevant part: "If a vacancy occurs in the office of county sheriff . . . , the members of the county convention shall fill the vacancy for the unexpired term by majority vote." RSA 91-A:2, II states, in pertinent part: "All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot." (Emphasis added.) Pursuant to RSA 91-A:3, I, "[b]odies or agencies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II," and "[n]o body or agency may enter nonpublic session, except pursuant to motion properly made and seconded" that "state[s] on its face the specific exemption under paragraph II . . . relied upon as foundation for the nonpublic session."

The respondents assert, and the trial court found, that the Convention could have filled the vacancy in the office of the sheriff in nonpublic session pursuant to the exemption in paragraph II(b). We disagree.

Paragraph II(b) permits a body or agency to “consider[] or act[] upon . . . [t]he hiring of any person as a public employee” in nonpublic session. RSA 91-A:3, II(b). “Filling” a “vacancy . . . in the office of the county sheriff,” RSA 661:9, I, is not equivalent to “hiring” a “person as a public employee,” RSA 91-A:3, II(b). In common understanding, public officers are elected or appointed, not hired. See Webster’s Third New International Dictionary 1836 (unabridged ed. 2002) (defining “public officer” as “a person holding a post to which he has been legally elected or appointed and exercising governmental functions” (emphases added)). Consistent with that understanding, a person is normally “elected” to the office of the county sheriff for a specified term. See N.H. CONST. pt. II, art. 71; RSA 653:1, V.

However, when the office becomes vacant during that term, the Convention may “fill the vacancy”; that is, “furnish ([the] vacancy or office) with an occupant or incumbent.” Random House Dictionary of the English Language 531 (1966) (defining “fill”); see also Webster’s Third New International Dictionary 849 (unabridged ed. 2002) (defining “fill” as, inter alia, “to provide with incumbents[, e.g., fill] vacancies left by retirements”). In so doing, the Convention is not “hiring” or “engag[ing] the personal services of” that occupant or incumbent “for a fixed sum.” Webster’s Third New International Dictionary 1072 (unabridged ed. 2002) (defining “hire”). Notably, the superior court, not the Convention, has the authority to remove a sheriff for official misconduct, see RSA 661:9, IV, and, otherwise, the interim sheriff is accountable only to the people. Thus, the Convention is not “hiring” the occupant for the office of the sheriff, but is instead designating an occupant for, or placing an occupant in, the vacant office in lieu of an election, and as such is essentially “appointing” a person to the office. Webster’s Third New International Dictionary 105 (unabridged ed. 2002) (defining “appoint” as “to assign, designate, or set apart by authority . . . [or] to place in an office or post”); cf. Board of Educ. v. Freedom of Inf. Comm’n, 566 A.2d 1380, 1381 (Conn. Super. Ct. 1988) (interpreting the term “filling a vacancy” as constituting an “appointment”).

The respondents agree that the Convention’s selection of Wiggin as sheriff constituted an appointment, but contend that we should construe the term “hiring” broadly to include “appointments.” To do so would be contrary to our well-established practice of construing exemptions under the Right-to-Know Law narrowly, in order to further the primary purpose of the statute to permit freedom of access to public records and proceedings. Lamy, 152 N.H. at 108; Herron, 111 N.H. at 326. Thus, we decline to hold that “[t]he hiring of . . . a public employee” includes the appointment of an interim sheriff.

While it could have used language specifically exempting appointments from the open meeting requirement, as other states have done, see, e.g., Ariz. Rev. Stat. Ann. § 38.431.03(A)(1) (LexisNexis 2007); Ohio Rev. Code Ann. § 121.22(G)(1) (LexisNexis 2007); W. Va. Code Ann. § 6-9A-4(b)(2)(A) (LexisNexis 2006), our legislature chose to limit instances in which a body or agency may meet in nonpublic session to those where the body or agency is considering or acting upon the hiring of a person as a public employee. We will not insert words that the legislature did not see fit to include. Carr & Edmunds, 156 N.H. at 503-04. Accordingly, because the trial court did not cite, and the respondents do not offer, any other exemption supporting the notion that the Convention could have filled the vacancy in the office of the sheriff in nonpublic session, we conclude that the Convention was required to fill the vacancy in the office of the sheriff in public session.

At the May 29 and June 11, 2007 meetings prior to the secret ballot vote, after motion, the Convention entered nonpublic sessions to, respectively, discuss the process for filling the vacancy and interview the seven candidates for the office. The trial court ruled, and the Convention does not contest, that, in violation of RSA 91-A:3, I, neither motion to enter nonpublic session stated on its face a specific exemption under RSA 91-A:3, II that provided foundation for the nonpublic sessions. Given that the Convention has not challenged the trial court's ruling, we need not address the consequences of the Convention's failure to cite a specific exemption prior to entering nonpublic session on May 29 and June 11, or whether any of the exemptions in RSA 91-A:3 apply to those sessions.

Keeping in mind the legislature's intent to allow public access to such meetings, we must now consider whether the trial court properly declined to invalidate Wiggin's selection as sheriff despite the Convention's use of a secret ballot. Under RSA 91-A:8, II, "[t]he court may invalidate an action of a public body or agency taken at a meeting held in violation of the provisions of this chapter, if the circumstances justify such invalidation." (Emphasis added.) "It is a general rule of statutory construction that the word 'may' is permissive in nature" In the Matter of Bazemore & Jack, 153 N.H. 351, 354 (2006). Thus, we review the trial court's decision under our unsustainable exercise of discretion standard. See id. at 355-56; State v. Lambert, 147 N.H. 295, 296 (2001) (explaining unsustainable exercise of discretion standard).

In generally forbidding secret ballot votes during open session, see RSA 91-A:2, II, the legislature clearly evinced its intent to allow the public an opportunity to know and scrutinize the actions of its governmental officials. "[P]ublic knowledge of the considerations upon which governmental action is based and of the decisions taken is essential to the democratic process." Carter v. Nashua, 113 N.H. 407, 416 (1973) (citation omitted). Where, as here, "a public body is appointing an individual to fill a position normally filled by an

elected official, the reasons for allowing public scrutiny of the actions taken are even more compelling.” Gannett Satellite Info. Net. v. Bd. of Educ., 492 A.2d 703, 706 (N.J. Super. Ct. Law Div. 1984). Such public scrutiny is of even greater import when the public body at issue consists of persons who by their very nature represent the will of the people, and, in their actions, are substituting their judgment for that of the people. Thus, the Convention’s decision to fill the vacancy by secret ballot contravenes not only the explicit legislative mandate against such votes, but also the fundamental purpose of the Right-to-Know Law “to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.” RSA 91-A:1 (2001).

Moreover, in this case, the vote revealed that four representatives opposed the selection of Wiggin as sheriff and one representative abstained from the vote altogether. In these circumstances, the public’s need for scrutiny was critical since there was no other manner in which members of the public could determine how their representatives voted such that they could then hold the representatives accountable. Id. Accordingly, we conclude that the trial court unsustainably exercised its discretion in failing to invalidate the Convention’s selection.

IV

We now examine whether the respondents must disclose the requested documents. RSA 91-A:4, I, provides, in pertinent part, that “[e]very citizen . . . has the right to inspect all public records, including minutes of meetings of the bodies or agencies, and to make memoranda, abstracts, and photographic or photostatic copies of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5.”

The trial court relied upon the exemption in RSA 91-A:5, IV for “other files whose disclosure would constitute invasion of privacy” in denying the petitioners access to the documents. Specifically, the trial court found: “Disclosure of the documents will not inform the public about the conduct and activities of their government but will instead inform the public of the seven candidates’ personal information. Moreover, disclosure of such personal information may discourage candidates from applying for similar positions in the future.” Thus, the court found that the privacy interests of the candidates “outweigh the public’s unarticulated interest in disclosure of otherwise personal information.” We disagree.

We engage in a three-step analysis when considering whether disclosure of public records constitutes an invasion of privacy under RSA 91-A:5, IV. Lamy, 152 N.H. at 109. First, we evaluate whether there is a privacy interest at stake that would be invaded by the disclosure. Id. Whether information is

exempt from disclosure because it is private is judged by an objective standard and not a party's subjective expectations. *Id.* If no privacy interest is at stake, the Right-to-Know Law mandates disclosure. *Id.*

Second, we assess the public's interest in disclosure. *Id.* Disclosure of the requested information should inform the public about the conduct and activities of their government. *Id.* "If disclosing the information does not serve this purpose, disclosure will not be warranted even though the public may nonetheless prefer, albeit for other reasons, that the information be released." *Id.* at 111 (quotation omitted).

Finally, we balance the public interest in disclosure against the government's interest in nondisclosure and the individual's privacy interest in nondisclosure. *Id.* at 109. However, an individual's motives in seeking disclosure are irrelevant to the question of access. *Id.* at 111. "Information that is subject to disclosure under the Right-to-Know Law belongs to citizens to do with as they choose. As a general rule, if the information is subject to disclosure, it belongs to all." *Id.* (quotation and ellipses omitted).

The trial court found that the candidates have a general privacy interest in their personal information. *Id.* at 110 (explaining that "disclosing a person's name and address implicates that person's privacy rights because the disclosure serves as a conduit into the sanctuary of the home" (quotation omitted)). The respondents add that the candidates have a privacy interest in the documents because: (1) their disclosure "may embarrass or harm applicants who failed to get a job"; and (2) "[t]heir present employers, co-workers, and prospective employers, should they seek new work, may learn that other people were deemed better qualified for a competitive appointment."

First, in deciding whether the candidates have a general privacy interest in the requested documents, we emphasize that the candidates applied for a vacancy in an elected office. Under normal circumstances, they would have run for election and much of their personal information would have been subject to public scrutiny. *See, e.g.,* RSA 653:1 (county sheriff elected at state general election); RSA 655:14-a, :17-a (1996) (requiring every candidate for state office who intends to have his or her name placed on the ballot for state general election by means other than nomination by party primary to file a declaration of intent with the secretary of state, which, among other things, states the candidate's name, and ward, city, and county in which he or she is domiciled). Each candidate's employer as well as the general public would have had full knowledge that the candidate sought to become county sheriff, and, thus, the candidate could not have reasonably expected to keep his or her "application" private. *See City of Kenai v. Kenai Peninsula Newspapers*, 642 P.2d 1316, 1324 (Alaska 1982) ("Public officials must recognize their official capacities often expose their private lives to public scrutiny It may be that

in some cases an individual will not wish his current employer to know that he has applied for another job. That desire is one which cannot be accommodated where the job sought is a high public office.” (quotation omitted)).

We see no reason why candidates who apply for a vacancy in an elected office should have a greater privacy interest than candidates who run for that same office during an election year. In both situations, a candidate’s decision to apply for an elected public office places his or her qualifications for that office at issue, and, consequently, requires members of the public, either individually or through their representatives, to evaluate the particular candidate. Thus, a candidate voluntarily seeking to fill an elected public office has a diminished privacy expectation in personal information relevant to that office. Cf. Physicians Committee for Resp. Medicine v. Glickman, 117 F. Supp. 2d 1, 3, 6 (D.D.C. 2000) (finding that nonappointed applicants for membership on advisory committee for United States Department of Agriculture had minimal privacy interests in their curricula vitae); City of Kenai, 642 P.2d at 1324; Capital City Press v. Metro. Council, 696 So. 2d 562, 567-69 (La. 1997) (finding that applicants for public employment have no privacy interest in their resumes); Gannett River States Publ. v. Hussey, 557 So. 2d 1154, 1159 (La. Ct. App. 1990) (finding that expectations of privacy of applicants for position as chief of fire department in a substantial municipality “was not objectively reasonable under the circumstances”), writ denied, 561 So. 2d 103 (La. 1990).

Second, we consider the public’s interest in disclosure. Contrary to the respondents’ assertion, disclosure of these documents would undoubtedly inform the public about its government’s activities. Lamy, 152 N.H. at 109. Again, the candidates applied for a vacancy in an elected office. The public has a significant interest in knowing the candidates under consideration for that office. A successful candidate’s continued retention in the office of sheriff, absent official misconduct, see RSA 651:9, IV, is dependent wholly upon the approval of the public, not upon the approval of the Convention or any other agency or department, Gannett Satellite Info. Net., 492 A.2d at 705-06. Therefore, the members of the public should have the opportunity to evaluate the candidates and determine which candidate they believe is best qualified to perform the duties of the office. See City of Kenai, 642 P.2d at 1324 (“Disclosing the names and applications of applicants allows interested members of the public . . . to verify the accuracy of the representations made by the applicants, and to seek additional information which may be relevant to the selection process.”). Moreover, absent disclosure, members of the public would be left in the dark and would have no means of assessing the votes of their representatives. In these circumstances, where the Convention, based upon the information contained in the documents, is substituting its judgment for that of the people in selecting an interim sheriff, the public’s interest in disclosure is paramount. Cf. id. at 1323.

Finally, in balancing the foregoing interests, we conclude that the public's interest in disclosure significantly outweighs the privacy interests of the candidates. The sole reason for the application process was the mid-term vacancy caused by the retirement of a sheriff who had been chosen by the people in a prior election. The public has a significant interest in information about the candidates who will fill the elected position. By applying to fill an elected public office, the candidates surrendered much of "the privacy secured by law for those who elect not to place themselves in the public spotlight." Hatfield v. Bush, 540 So. 2d 1178, 1182 (La. Ct. App. 1989) (citation omitted). Thus, the public's interest in disclosure outweighs the candidates' privacy interests in nondisclosure.

Citing Hussey, the respondents assert that the government has an interest in ensuring that the largest possible pool of qualified individuals apply for the vacancy, and that the pool of applicants may be significantly reduced if potential applicants are aware that their applications will be made public. We agree that the government has an interest in receiving the largest possible pool of qualified applicants for public employment. As in Hussey, however, we conclude that, in these circumstances, the public's interest in disclosure significantly outweighs the government's interest in nondisclosure. Hussey, 557 So. 2d at 1159; see also City of Kenai, 642 P.2d at 1324 (noting that "[i]t is not intuitively obvious that most well qualified potential applicants for positions of authority in . . . governments will be deterred from applying by a public selection process" and concluding that public interest in disclosure of applications for police chief and city manager outweighs the applicants' privacy interests in having their names and applications not revealed).

Because the office of the sheriff is an elected office "supported by public funds and upon which the lives and safety of the public depends, the public has a vital and obvious interest in the background of all applicants, not just the candidate finally selected by the" Convention. Hussey, 557 So. 2d at 1159. In this context, "[t]he public's scrutiny of the chosen candidate will lose all effect unless it has other candidates to which to compare the one chosen." Id. Thus, although the government and the candidates have an interest in nondisclosure, on balance, because of the important nature of the position sought, these interests must yield to the public's right to know. See id. Accordingly, the respondents have failed to meet their heavy burden of shifting the balance towards nondisclosure.

On appeal, the petitioners request access to all the information in the documents. In a similarly all-or-nothing fashion, the respondents counter that the petitioners are entitled to none of the information in the documents. The trial court does not appear to have conducted an in camera review of the documents, and the documents are not included in our record. As the United States Supreme Court has noted,

disclosure of a list of names and other identifying information is [not] inherently and always a significant threat to the privacy of the individuals on the list. Instead, . . . whether disclosure of a list of names is a significant or de minimis threat depends upon the characteristic(s) revealed by virtue of being on the particular list, and the consequences likely to ensue.

Department of State v. Ray, 502 U.S. 164, 176 n.12 (1991) (quotation omitted).

Thus, while the candidates may have more than a minimal privacy interest in certain personal information contained in the documents by virtue of the nature of that information and the consequences that might ensue from its disclosure, we have no means of assessing whether redaction might be warranted for such information. We therefore remand for consideration of whether, in accordance with the principles outlined above, any personal information should be redacted before disclosure. On remand, the respondents bear the burden of identifying specific information, if any, that they believe requires redaction, and demonstrating that the interests of the candidates and government in nondisclosure of such information outweigh the public's interest in disclosure.

Reversed and remanded.

BRODERICK, C.J., and DALIANIS and HICKS, JJ., concurred.

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: RTK - Why delay
Date: Wed, Aug 10, 2011 10:35 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Thursday, July 7, 2011 11:33:56 AM
Subject: FW: RTK - Why delay

FYI!

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: David Taylor (Lowell) [<mailto:dkttaylor@F5.com>]
Sent: Thursday, July 07, 2011 10:21 AM
To: Wendy DiFruscio
Cc: Meredith S. Nadeau; Henry Brackett (hfb4444@comcast.net); ann_wright@comcast.net
Subject: RE: RTK

Thank you very much for the update, but I find this further delay unreasonable. I asked on 20 June. By law I should have had the documents by 25 June. You responded a few days later the documents would not be released until 30 June. It is now 7 July and you are saying they won't be available until 15 July (if then!). I assume by now at least some of the documents I requested have been collected and reviewed. Please forward all those reviewed documents to me immediately. Further, please detail what documents you are waiting on, specifically what the reason is for the delay, and what can be done to expedite their release.

Thanks,
-David

From: Wendy DiFruscio [<mailto:wdifruscio@orcsd.org>]
Sent: Thursday, July 07, 2011 9:28 AM
To: David Taylor (Lowell)
Subject: RTK

Please be advised that the information requested in your first set of RTK's is expected to be available mid week of July 15th. Thank you.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: RTK Request Discussions
Date: Wed, Aug 10, 2011 10:35 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Thursday, July 7, 2011 11:34:25 AM
Subject: FW: RTK Request Discussions

FYI - additional request.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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-----Original Message-----

From: David Taylor (Lowell) [mailto:dktaylor@F5.com]
Sent: Thursday, July 07, 2011 10:40 AM
To: Wendy DiFruscio; Meredith S. Nadeau; Henry Brackett (hfb4444@comcast.net); ann_wright@comcast.net
Subject: RTK: RTK Request Discussions

This is a formal Right to Know request under RSA 91-A for any records of discussions by administrators and/or board members concerning Right to Know requests. For example, any discussions between board members or between board members and administrators or otherwise involving board members or administrators where any Right to Know requests were mentioned, and in particular how the Right to Know requests would be handled, reasons for delay, availability of information, ways to suppress or mitigate requests, or anything else related to this subject.

Please cover the time from 1 March 2011 until today. Please be advised that I will likely follow up with a similar request about this request, so to save time, continue to gather this information going forward.

Thanks,
-David

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: RTK - Why Delay
Date: Wed, Aug 10, 2011 10:34 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Thursday, July 7, 2011 11:35:04 AM
Subject: FW: RTK - Why Delay

FYI!

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: Jennifer Rief [mailto:jennifer.rief@comcast.net]
Sent: Thursday, July 07, 2011 10:46 AM
To: Wendy DiFruscio
Subject: Re: RTK

Hi Wendy,
I am confused by this second delay. Could someone please elaborate more specifically, why there is another delay?
Thank you,
Jennifer
On Jul 7, 2011, at 9:27 AM, Wendy DiFruscio wrote:

Please be advised that the information requested in your RTK is expected to be available mid week of July 15th. Thank you.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Outstanding Right To Know request
Date: Wed, Aug 10, 2011 2:44 pm

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Cc: "Leon Levesque" <llevesque@orcsd.org>
Sent: Thursday, July 21, 2011 3:43:36 PM
Subject: FW: Outstanding Right To Know request

FYI

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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-----Original Message-----

From: Denise Day [mailto:denised1@comcast.net]
Sent: Thursday, July 21, 2011 3:38 PM
To: Wendy DiFruscio
Subject: Outstanding Right To Know request

Dear Ms. DiFruscio,

On June 27, 2011 I submitted a Right To Know request for a list of all dates prior to June 16, 2011 that Chairperson Henry Brackett was in contact with Mark Joyce, Lionel Tracy, and any other individuals or organizations regarding the interim superintendent position.

On July 8, 2011 I emailed you because I had not received a response.

You responded that Mr. Brackett had not as yet submitted his emails for review.

As of today, July 21, I still have not received any response to my request.

My understanding is that this is clearly in violation of the Right To Know law, which requires a response within 5 days.

Even if the school district determined that this correspondence was not subject to public review, I should have received information to that effect.

While I understand that the nature of this correspondence may have included names of possible candidates for the interim position, I am only asking for the dates that those contacts took place. I believe this should be public information.

I look forward to a prompt reply.

Sincerely,

Denise Day
89 Bagdad Rd.
Durham
868-5839

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Right To Know: Special Notices RTK
Date: Wed, Aug 10, 2011 2:43 pm

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Thursday, July 21, 2011 2:42:03 PM
Subject: FW: Right To Know: Special Notices RTK

FYI

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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-----Original Message-----

From: David Taylor (Lowell) [<mailto:dktaylor@F5.com>]
Sent: Thursday, July 21, 2011 2:27 PM
To: Wendy DiFruscio
Subject: RE: Right To Know: Special Notices

Thank you again for sending me a copy of the separation agreement with Howard Colter. However, I noticed that it was only the main portion of the agreement and did not include any of the exhibits. Would you please send me a full copy of the separation agreement with all exhibits?
Thanks,
-David

-----Original Message-----

From: Wendy DiFruscio [<mailto:wdifruscio@orcsd.org>]

Sent: Wednesday, July 06, 2011 2:37 PM
To: David Taylor (Lowell)
Subject: RE: Right To Know: Special Notices

Here is the information that you requested. Thank you.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

-----Original Message-----

From: David Taylor (Lowell) [<mailto:dkttaylor@F5.com>]
Sent: Wednesday, July 06, 2011 2:28 PM
To: Wendy DiFruscio
Subject: RE: Right To Know: Special Notices

OK. Are the details on the separation agreement available, yet?
Thanks,
-David

From: Wendy DiFruscio [wdifruscio@orcsd.org]
Sent: Wednesday, July 06, 2011 2:26 PM
To: David Taylor (Lowell)
Subject: RE: Right To Know: Special Notices

Still waiting for some emails, but the majority have been reviewed.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or

from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

-----Original Message-----

From: David Taylor (Lowell) [<mailto:dktaylor@F5.com>]
Sent: Wednesday, July 06, 2011 2:20 PM
To: Wendy DiFruscio
Subject: RE: Right To Know: Special Notices

Thanks for the update. Have any of the RTK requests related to the superintendent been satisfied at this point? I haven't heard anything about any of them.

Thanks,
-David

From: Wendy DiFruscio [wdifruscio@orcsd.org]
Sent: Wednesday, July 06, 2011 2:18 PM
To: David Taylor (Lowell)
Subject: RE: Right To Know: Special Notices

Good Afternoon David:

I have received your RTK Request and will be working on it. Thank you.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

-----Original Message-----

From: David Taylor (Lowell) [<mailto:dktaylor@F5.com>]
Sent: Tuesday, July 05, 2011 5:41 PM
To: Wendy DiFruscio

Cc: Henry Bracket (hfb4444@comcast.net); ann_wright@comcast.net;
Meredith S. Nadeau
Subject: RE: Right To Know: Special Notices

Please extend this Right to Know request to include the new July 6 special meeting. The posted notice PDF file was created at 7/5/2011 12:08:04 PM for a meeting on 7/6/2011 2:00 p.m. Again, please send me records of when each member of the board and the media were notified of this meeting.

For all the meetings, if a separate agenda was sent, please include records of when those were sent to each board member and media.

Thanks again,
-David

-----Original Message-----

From: David Taylor (Lowell)
Sent: Monday, July 04, 2011 8:25 PM
To: Wendy DiFruscio (wdfruscio@orcscsd.org)
Cc: Henry Bracket (hfb4444@comcast.net); ann_wright@comcast.net;
Meredith S. Nadeau (mnadeau@orcscsd.org)
Subject: RE: Right To Know: Special Notices

Please extend this Right to Know request to include the July 1 and July 5 special meetings and any records of notifications sent to media as required by policy BE. I would be happy to accept the digital records in their original database format (or the output of an SQL SELECT statement), or whatever format is easiest.

As I suggested, I would like to save you as much work satisfying this request as I can. To that end, I have searched the website to identify all those meetings listed there. If there are other meetings or non-meetings not listed on the website, please send records for those, too. But, as a start here is a list of the special meetings including non-public meetings I know about. I have listed the date and time the posted PDF notice was created and last modified as well in case that helps you search for the records of when these were sent.

I hope you had a good weekend.

Thanks,
-David

03 01 11 Special Non-Public Meeting Notice 6:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2580&Itemid=188

PDF created: Feb 23, 2011 10:57:48 AM, modified: Feb 23, 2011 10:57:49 AM

03 24 11 Special Workshop Notice 7:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2597&Itemid=188

PDF created: Mar 18, 2011 2:53:00 PM, modified: Mar 18, 2011 2:53:02 PM

03 30 11 Special Meeting Notice 6:30 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2601&Itemid=188

PDF created: Mar 23, 2011 8:58:36 AM, modified: Mar 23, 2011 8:58:37 AM

04 11 11 Special Meeting Notice 6:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2611&Itemid=188

PDF created: Apr 6, 2011 8:22:35 AM, modified: Apr 6, 2011 8:22:37 AM

04 13 11 Special Meeting Notice 6:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2618&Itemid=188

PDF created: Apr 8, 2011 9:14:01 AM, modified: Apr 8, 2011 9:14:05 AM

06 08 11 Special Non-Public Meeting Notice 7:15 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2689&Itemid=188

PDF created: Jun 7, 2011 9:19:40 AM, modified: Jun 7, 2011 9:19:44 AM

06 08 11 Special Workshop Meeting Notice 7:30 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2684&Itemid=188

PDF created: Jun 2, 2011 12:06:43 PM, modified: Jun 2, 2011 12:06:45 PM

06 17 11 Special Non-Public Meeting Notice 2:00 p.m. - CANCELLED

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2709&Itemid=188

PDF created: Jun 17, 2011 9:01:33 AM, modified: Jun 17, 2011 9:01:35 AM

06 20 11 Special Non-Public Meeting Notice 10:00 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2710&Itemid=188

PDF created: Jun 17, 2011 9:41:48 AM, modified: Jun 17, 2011 9:41:50 AM

06 20 11 Special Workshop Meeting Notice 1:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2712&Itemid=188

PDF created: Jun 17, 2011 9:08:48 AM, modified: Jun 17, 2011 9:08:49 AM

06 27 11 Special Non-Public Meeting Notice 10:00 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2735&Itemid=188

PDF created: Jun 23, 2011 11:42:31 AM, modified: Jun 23, 2011 11:42:32 AM

06 27 11 Special Meeting Notice 10:00 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2736&Itemid=188

PDF created: Jun 23, 2011 11:42:07 AM, modified: Jun 23, 2011 11:42:09 AM

06 28 11 Special Non-Public Meeting Notice 3:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2742&Itemid=188

PDF created: Jun 27, 2011 3:45:44 PM, modified: Jun 27, 2011 2:52:34 PM

06 30 11 Special Meeting Notice 10:30 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2745&Itemid=188

PDF created: Jun 29, 2011 8:35:19 AM, modified: Jun 29, 2011 8:35:21 AM

07 01 11 Special Non-Public Meeting Notice 9:45 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2750&Itemid=188

PDF created: Jun 30, 2011 8:32:31 AM, modified: Jun 30, 2011 8:32:33 AM

07 05 11 Special Meeting Notice 2:30 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2752&Itemid=217

PDF created: Jul 1, 2011 10:54:54 AM, modified: Jul 1, 2011 10:54:54 AM

From: David Taylor (Lowell)

Sent: Friday, July 01, 2011 10:54 AM

To: Wendy DiFruscio (wdifruscio@orcsd.org)

Cc: Henry Bracket (hfb4444@comcast.net); ann_wright@comcast.net;
Meredith S. Nadeau (mnadeau@orcsd.org)
Subject: Right To Know: Special Notices

I would like to formally request under RSA 91-A any records of notices sent to each board member about any special board meetings, non-meetings or non-public meetings other than those held and noticed with a regular board meeting from 1 March 2011 through 30 June 2011. Specifically, I would like to know precisely when each board member was notified of each meeting and when any public notices were published and posted. For those published on the district website, please include a report or screen capture of the creation, modification and publication or other relevant dates for these notices.

I realize this request places a significant burden on you. If there is anything I can do to help collect this information, please do not hesitate to let me know.

Thanks,
-David K. Taylor

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: RTK 20 June Status? RTK Request
Date: Wed, Aug 10, 2011 2:43 pm

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Thursday, July 21, 2011 2:41:32 PM
Subject: FW: RTK 20 June Status? RTK Request

FYI

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

-----Original Message-----

From: David Taylor (Lowell) [mailto:dkttaylor@F5.com]
Sent: Thursday, July 21, 2011 2:04 PM
To: Wendy DiFruscio; Leon Levesque
Subject: RTK 20 June Status?

Since I have not yet heard about the remaining part of my Right-to-Know request of 20 June concerning non-meeting arrangements, I would appreciate you giving me an update. At this point, given it has been over a full month, the failure to satisfy this request in full is a clear and knowing violation of RSA 91-A by the board, and as you indicated in your letter of 7 July, specifically by Chairman Henry Brackett. Please let me know whether you have still not received any documents for review from Mr. Brackett. Also, as I noticed at last night's board meeting, please confirm that Mr. Brackett is out of town on vacation while this request is still pending his action.

Thank you again for your help.
-David

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: RTK Requests
Date: Wed, Aug 10, 2011 10:56 am

From: "Ann Wright" <ann_wright@comcast.net>
To: hfb4444@comcast.net
Cc: "Jim Kach" <jkach55@gmail.com>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Krista Butts" <kbutts@orcsd.org>
Sent: Friday, June 24, 2011 2:25:23 PM
Subject: Re: RTK Requests

Hi Henry,

You are welcome, although I was not giving legal advice. I was reiterating what Diane Gorrow already said, if you read her letter to Howard (I know it was forwarded to you, and, I believe the entire board). If I sent an email to you asking if we should have Joe Smith as our interim Superintendent. You then forwarded that email to Jocelyn to see what she thought. Maybe I also forwarded it to Krista, too. None of us knew a quorum was involved, but in the end a quorum of board members did see the email. In cases like this, when the subject matter is "interim superintendents" I just sent all the emails I had on that subject, whether they went to all board members or to one board member. I will let the lawyers sort out which ones should be included in the RTK request.

Enjoy your weekend.

Ann

From: hfb4444@comcast.net
Sent: Friday, June 24, 2011 1:28 PM
To: Ann Wright
Cc: Jim Kach ; jocelyn O'Quinn ; ann and Michael Lane ; Megan Turnbull ; Krista Butts
Subject: Re: RTK Requests

Ann,

Thanks for the legal advice.

Question: If I have an email sent to one or two board member only; Why should I assume that my email went out by the receiver of such email to more board members thus making a quorum? Would not that email that was forwarding my email to more members of the board reaching a quorum be the one email that meets the criteria (sent to a quorum of the Board) to turn over to the RTK requester.

Your logic makes me think that I am responsible for the individual action of all board members. Am I??

What emails did you sent to this request that only between one or two board members

with the thought by you that it could be forwarded to a quorum of the board? Many? A couple of samples would help me see you logic.

Thank-you

Henry

From: "Ann Wright" <ann_wright@comcast.net>
To: "Henry Brackett" <hfb4444@comcast.net>, "Ann Lane" <ann.lane@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <kbutts@orcscd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>
Cc: "Howard Colter" <hcolter@orcscd.org>, "Wendy DiFruscio" <wdifruscio@orcscd.org>
Sent: Friday, June 24, 2011 12:01:56 PM
Subject: RTK Requests

Dear Fellow Board Members,

I hope you are all taking the RTK requests that have come in as seriously as I am. As you know, the district has five days to comply. Wendy, please correct me if I am wrong, but the board has to supply any emails sent or received that have to do with a) hiring an interim superintendent, b) any emails that have any reference to non-meetings (beginning January 1, 2011), including any non-meetings referencing hiring any lawyers, c) buying out the superintendent d) the hiring of lawyers or consultants to facilitate the buying out of the supt. .

Print out any relevant emails and give them to Wendy. The Right to Know legislation is very strict in NH and gives the people a great deal of leeway in their "right to know".

[REDACTED]
[REDACTED]. Please make copies of all correspondence, even if it is only to one or two other people. you may not know that another board member forwarded that email and it was thus seen by a quorum. Also, [REDACTED]
[REDACTED]

I have already turned my emails in, and in many of these emails all of us were copied. I certainly hope this board will be in full compliance with all RTK requests within the five day period.

Thank you.

Ann

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: RTK Request

Date: Wed, Aug 10, 2011 10:43 am

Attachments: SKMBT_C45211063015080.pdf (17K)

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>

To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>

Sent: Thursday, June 30, 2011 3:13:42 PM

Subject: RTK Request

FYI!

Wendy L. DiFruscio

Superintendent's Administrative Asst.

36 Coe Drive

Durham, NH 03824

868-5100 x20

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Wendy DiFruscio

From: Jennifer Rief [jennifer.rief@comcast.net]
Sent: Thursday, June 30, 2011 3:06 PM
To: Wendy DiFruscio
Cc: Henry Brackett; Howard Colter; Ann Wright
Subject: Right To Know

Hi Wendy,

I would like to request information regarding the compensation amount that Meredith Nadeau will receive for the two weeks she will serve as interim Superintendent. I would also like information about which budget line item this amount will be coming from, (2010-2011 budget) as well as any attorney and/or consulting fees related to this appointment. I understand you will be out of the office until July 6. Thank you for your attention to this matter.

Jennifer Rief

Wendy DiFruscio

From: David Taylor (Lowell) [dktaylor@F5.com]
Sent: Tuesday, July 05, 2011 5:41 PM
To: Wendy DiFruscio
Cc: Henry Bracket (hfb4444@comcast.net); ann_wright@comcast.net; Meredith S. Nadeau
Subject: RE: Right To Know: Special Notices

Follow Up Flag: Follow up
Flag Status: Flagged

Please extend this Right to Know request to include the new July 6 special meeting. The posted notice PDF file was created at 7/5/2011 12:08:04 PM for a meeting on 7/6/2011 2:00 p.m. Again, please send me records of when each member of the board and the media were notified of this meeting.

For all the meetings, if a separate agenda was sent, please include records of when those were sent to each board member and media.

Thanks again,
-David

-----Original Message-----

From: David Taylor (Lowell)
Sent: Monday, July 04, 2011 8:25 PM
To: Wendy DiFruscio (wdifruscio@orcsd.org)
Cc: Henry Bracket (hfb4444@comcast.net); ann_wright@comcast.net; Meredith S. Nadeau (mnadeau@orcsd.org)
Subject: RE: Right To Know: Special Notices

Please extend this Right to Know request to include the July 1 and July 5 special meetings and any records of notifications sent to media as required by policy BE. I would be happy to accept the digital records in their original database format (or the output of an SQL SELECT statement), or whatever format is easiest.

As I suggested, I would like to save you as much work satisfying this request as I can. To that end, I have searched the website to identify all those meetings listed there. If there are other meetings or non-meetings not listed on the website, please send records for those, too. But, as a start here is a list of the special meetings including non-public meetings I know about. I have listed the date and time the posted PDF notice was created and last modified as well in case that helps you search for the records of when these were sent.

I hope you had a good weekend.

Thanks,
-David

03 01 11 Special Non-Public Meeting Notice 6:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2580&Itemid=188

PDF created: Feb 23, 2011 10:57:48 AM, modified: Feb 23, 2011 10:57:49 AM

03 24 11 Special Workshop Notice 7:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2597&Itemid=188

PDF created: Mar 18, 2011 2:53:00 PM, modified: Mar 18, 2011 2:53:02 PM

03 30 11 Special Meeting Notice 6:30 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2601&Itemid=188

PDF created: Mar 23, 2011 8:58:36 AM, modified: Mar 23, 2011 8:58:37 AM

04 11 11 Special Meeting Notice 6:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2611&Itemid=188

PDF created: Apr 6, 2011 8:22:35 AM, modified: Apr 6, 2011 8:22:37 AM

04 13 11 Special Meeting Notice 6:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2618&Itemid=188

PDF created: Apr 8, 2011 9:14:01 AM, modified: Apr 8, 2011 9:14:05 AM

06 08 11 Special Non-Public Meeting Notice 7:15 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2689&Itemid=188

PDF created: Jun 7, 2011 9:19:40 AM, modified: Jun 7, 2011 9:19:44 AM

06 08 11 Special Workshop Meeting Notice 7:30 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2684&Itemid=188

PDF created: Jun 2, 2011 12:06:43 PM, modified: Jun 2, 2011 12:06:45 PM

06 17 11 Special Non-Public Meeting Notice 2:00 p.m. - CANCELLED

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2709&Itemid=188

PDF created: Jun 17, 2011 9:01:33 AM, modified: Jun 17, 2011 9:01:35 AM

06 20 11 Special Non-Public Meeting Notice 10:00 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2710&Itemid=188

PDF created: Jun 17, 2011 9:41:48 AM, modified: Jun 17, 2011 9:41:50 AM

06 20 11 Special Workshop Meeting Notice 1:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2712&Itemid=188

PDF created: Jun 17, 2011 9:08:48 AM, modified: Jun 17, 2011 9:08:49 AM

06 27 11 Special Non-Public Meeting Notice 10:00 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2735&Itemid=188

PDF created: Jun 23, 2011 11:42:31 AM, modified: Jun 23, 2011 11:42:32 AM

06 27 11 Special Meeting Notice 10:00 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2736&Itemid=188

PDF created: Jun 23, 2011 11:42:07 AM, modified: Jun 23, 2011 11:42:09 AM

06 28 11 Special Non-Public Meeting Notice 3:00 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2742&Itemid=188

PDF created: Jun 27, 2011 3:45:44 PM, modified: Jun 27, 2011 2:52:34 PM

06 30 11 Special Meeting Notice 10:30 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2745&Itemid=188

PDF created: Jun 29, 2011 8:35:19 AM, modified: Jun 29, 2011 8:35:21 AM

07 01 11 Special Non-Public Meeting Notice 9:45 a.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2750&Itemid=188

PDF created: Jun 30, 2011 8:32:31 AM, modified: Jun 30, 2011 8:32:33 AM

07 05 11 Special Meeting Notice 2:30 p.m.

http://www.orcsd.org/index.php?option=com_docman&task=doc_download&gid=2752&Itemid=217

PDF created: Jul 1, 2011 10:54:54 AM, modified: Jul 1, 2011 10:54:54 AM

From: David Taylor (Lowell)

Sent: Friday, July 01, 2011 10:54 AM

To: Wendy DiFruscio (wdifruscio@orcsd.org)

Cc: Henry Bracket (hfb4444@comcast.net); ann_wright@comcast.net; Meredith S. Nadeau (mnadeau@orcsd.org)

Subject: Right To Know: Special Notices

I would like to formally request under RSA 91-A any records of notices sent to each board member about any special board meetings, non-meetings or non-public meetings other than those held and noticed with a regular board meeting from 1 March 2011 through 30 June 2011. Specifically, I would like to know precisely when each board member was notified of each meeting and when any public notices were published and posted. For those published on the district website, please include a report or screen capture of the creation, modification and publication or other relevant dates for these notices.

I realize this request places a significant burden on you. If there is anything I can do to help collect this information, please do not hesitate to let me know.

Thanks,

-David K. Taylor

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Message from KMBT_C452 RTK Request
Date: Wed, Aug 10, 2011 10:36 am
Attachments: SKMBT_C45211070613030.pdf (139K)

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Wednesday, July 6, 2011 1:22:10 PM
Subject: FW: Message from KMBT_C452 RTK Request

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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From: SAU-copy-1-km@orcsd.org [mailto:SAU-copy-1-km@orcsd.org]
Sent: Wednesday, July 06, 2011 2:04 PM
To: Wendy DiFruscio
Subject: Message from KMBT_C452

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: RTK
Date: Wed, Aug 10, 2011 11:00 am

From: "Howard Colter" <hcolter@orcsd.org>
To: "Ann Lane" <ann.lane@comcast.net>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <jeffandkristabutts@comcast.net>, "Megan Turnbull" <mturnbull@orcsd.org>
Cc: "Wendy DiFruscio" <wdifruscio@orcsd.org>, "Diane Gorrow" <gorrow@soulefirm.com>
Sent: Wednesday, June 22, 2011 4:39:12 PM
Subject: FW: RTK

I believe Henry asked that the school board receive copies of all RTK requests.

Howard

Howard P. Colter, Superintendent
Oyster River Cooperative School District
SAU #5, 36 Coe Dr, Durham NH 03824
(603) 868-5100

Working Together to Engage Every Learner

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From: Wendy DiFruscio
Sent: Wednesday, June 22, 2011 3:46 PM
To: Howard Colter
Subject: FW: RTK

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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From: Nancy Kach [mailto:nancykach@yahoo.com]

Sent: Wednesday, June 22, 2011 3:43 PM

To: Wendy DiFruscio

Subject: RTK

Good Afternoon,

I am making a request under the RTK law for copies of the following:

1. Mr. Colter's resume and application for employment in the ORCSD
2. A copy of the minutes of the board meeting during which Mr. Colter was hired by the district indicating which board members voted for, which board members voted against his being hired, and any board member(s) who might have abstained
3. A copy of minutes of any board meeting at which board members explained their reasons for voting for or against Mr. Colter's nomination
4. A list of members of the search committee for the superintendent's position for which Mr. Colter was nominated and hired

You can either email me with these items attached or mail them to me at:

Nancy Kach
28 Nute Road
Madbury, NH 03823

Thank you,

Nancy Kach
28 Nute Road
Madbury, NH 03823
603-740-5011

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Oyster River Cooperative School District - Right-To-Know

Date: Wed, Aug 10, 2011 10:55 am

Attachments: ltr.howard_colter_(right_to_know)_06-27-11.pdf (58K)

From: "Howard Colter" <hcolter@orcsd.org>

To: "Ann Lane" <ann.lane@comcast.net>, "Ann Wright" <ann_wright@comcast.net>,

"Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <jeffandkristabutts@comcast.net>, "Megan Turnbull" <mturnbull@orcsd.org>

Cc: "Wendy DiFruscio" <wdifruscio@orcsd.org>

Sent: Monday, June 27, 2011 12:35:33 PM

Subject: FW: Oyster River Cooperative School District - Right-To-Know

At Henry Brackett's request, I contacted Diane Gorrow for further clarification regarding how to go about responding to RTK requests. You will find Diane's note attached.

Howard

Howard P. Colter, Superintendent

Oyster River Cooperative School District

SAU #5, 36 Coe Dr, Durham NH 03824

(603) 868-5100

Working Together to Engage Every Learner

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From: Susan Brisette [mailto:susank@soulefirm.com]

Sent: Monday, June 27, 2011 10:27 AM

To: Howard Colter

Cc: hfb4444@comcast.net; ann_wright@comcast.net; 'Diane Gorrow'

Subject: Oyster River Cooperative School District - Right-To-Know

Dear Superintendent Colter:

Attached please find Attorney Diane Gorrow's letter to you.

Yours kindly,

Susan

Susan (Korn) Brissette, Legal Assistant
Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C.
220 Main Street
Salem, New Hampshire 03079
Tel: 603.898.9776
Fax: 603.898.3418
susank@soulefirm.com

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From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: RTK request
Date: Wed, Aug 10, 2011 2:37 pm

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Cc: "Leon Levesque" <llevesque@orcsd.org>
Sent: Wednesday, July 20, 2011 12:55:08 PM
Subject: FW: RTK request

FYI

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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From: adamsnh@comcast.net [<mailto:adamsnh@comcast.net>]
Sent: Wednesday, July 20, 2011 12:32 PM
To: Wendy DiFruscio
Subject: RTK request

Wendy,

I would like to submit this RTK request.

Thank you,
Stephanie Adams, Lee

Right To Know Request

Requested from ORCSD & ORSB

Name making request: Stephanie Adams
Please email me at: adamsnh@comcast.net

Description:

Invoices or evidence of payment for - Attorneys, Public Relations, Professional Services, Consultants, Search Firms or Advisor, individual or firms. Relating to the search for Interim HS Principal, search for

Interim Superintendent and buyout of Howard Colter.

Example: Payment information for the NESDEC mentioned in the 6/15/11 minutes on page 11 for \$634

From: 3-1-2011 thru 7-31-2011

I currently have Hoefle, Phoenix, Gormley, & Roberts attorney invoices #34192, 34242, & 34534.

If you could send what is currently available and hold the request for additional items that may come in through 7/31/11.

Thank You,
Stephanie Adams

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Please Forward to the Board
Date: Wed, Aug 10, 2011 11:17 am

From: "JoAnn Portalupi" <jportalupi@comcast.net>
To: "Henry Brackett" <hfb4444@comcast.net>
Cc: "Wendy Difruscio" <wdifruscio@orcsd.org>, "Ann Lane" <ann.lane@comcast.net>, "Ann Wright" <ann_wright@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <jeffandkristabutts@comcast.net>, "Megan Turnbull" <mturnbull@orcsd.org>, "Susan Holak" <sholak@orcsd.org>, "Howard Colter" <hcolter@orcsd.org>
Sent: Saturday, May 21, 2011 8:13:21 PM
Subject: Re: Please Forward to the Board

Dear Henry,

To be clear, I wasn't making a Right-to-Know request. I understand this was not a regular Board meeting. I inquired because I was concerned to hear there was possible trouble regarding conduct of school board members. Each of you serves to represent the public, and as a result, the public appropriately has a right to learn if board behavior is causing problems with our employees. The fact that this behavior continues weeks after this meeting was held, troubles me further. Am I to assume that you find no fault with some of the recent behavior of your fellow board members?

I am still hopeful that you will disclose to the public the contents of this meeting, even if you choose to do so in general terms. If you choose not to, then I hope to hear from you as to why you feel such information should be withheld from the community.

Sincerely,

JoAnn Portalupi

On May 20, 2011, at 5:31 PM, Howard Colter wrote:

At your request, I did check with Diane Gorrow, Henry. However, what I recall Attorney Gorrow saying was that the details of the meeting are not necessarily public information, but that you could provide the public a brief summary of the meeting, including the general topic(s) covered.

Howard

From: hfb4444@comcast.net [mailto:hfb4444@comcast.net]
Sent: Fri 5/20/2011 4:55 PM
To: Howard Colter
Cc: Wendy DiFrusco; JoAnn Portalupi; Ann Lane; Ann Wright; jkach55@gmail.com; Jocelyn

O'Quinn; Krista Butts; Megan Turnbull
Subject: Re: Please Forward to the Board

Dear JoAnn,

Howard checked with the district's attorney and this meeting is not subject to the Right to Know Law request.

Thank you for your inquiry.

Henry

Chairman, ORCSD

----- Original Message -----

From: "Howard Colter" <hcolter@orcscd.org>

To: "Ann Lane" <ann.lane@comcast.net>, "Ann Wright"

<ann_wright@comcast.net>, "Henry Brackett"

<hfb4444@comcast.net>, jkach55@gmail.com, "Jocelyn O'Quinn"

<joceoquinn@yahoo.com>, "Krista Butts" <jeffandkristabutts@comcast.net>,

"Megan Turnbull" <mturnbull@orcscd.org>

Cc: "Wendy DiFruscio" <wdfuscio@orcscd.org>, "JoAnn Portalupi"

<jportalupi@comcast.net>

Sent: Friday, May 20, 2011 4:44:34 PM

Subject: FW: Please Forward to the Board

fyi ~ Howard

Howard P. Colter, Superintendent

Oyster River Cooperative School District

SAU #5, 36 Coe Dr, Durham NH 03824

(603) 868-5100

Working Together to Engage Every Learner

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From: JoAnn Portalupi [<mailto:jportalupi@comcast.net>]

Sent: Friday, May 20, 2011 4:11 PM

To: Wendy DiFruscio

Cc: Howard Colter; Susan Holak

Subject: Please Forward to the Board

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: RTK REquest
Date: Wed, Aug 10, 2011 11:06 am

From: "Jocelyn O'Quinn" <joceoquinn@yahoo.com>
To: "Howard Colter" <hcolter@orcsd.org>, hfb4444@comcast.net
Cc: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, jkach55@gmail.com, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mturnbull@orcsd.org>, "Wendy DiFruscio" <wdifruscio@orcsd.org>
Sent: Thursday, June 2, 2011 2:06:41 PM
Subject: Re: RTK REquest

Hello All, Can I please have the original request and a date that it was received?
Jocelyn

--- On Wed, 6/1/11, hfb4444@comcast.net <hfb4444@comcast.net> wrote:

From: hfb4444@comcast.net <hfb4444@comcast.net>
Subject: Re: RTK REquest
To: "Howard Colter" <hcolter@orcsd.org>
Cc: "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, jkach55@gmail.com, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mturnbull@orcsd.org>, "Wendy DiFruscio" <wdifruscio@orcsd.org>
Date: Wednesday, June 1, 2011, 5:14 PM

I have some emails that relate to the search Committee's meeting with the teachers but it will take a few days for me to respond to the RTK request.

Will you please send me and the rest of the board the original request.

Henry

----- Original Message -----

From: "Howard Colter" <hcolter@orcsd.org>
To: "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mturnbull@orcsd.org>, "Wendy DiFruscio" <wdifruscio@orcsd.org>
Sent: Wednesday, June 1, 2011 4:41:56 PM
Subject: RE: RTK REquest

Hi Jocelyn, My impression that this has to do with the meeting that was set between high school teachers, the three school board reps on the new search committee, and me. That meeting took place yesterday, but

without the school board reps joining in.

Howard

Howard P. Colter, Superintendent
Oyster River Cooperative School District
SAU #5, 36 Coe Dr, Durham NH 03824
(603) 868-5100

Working Together to Engage Every Learner

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From: Jocelyn O'Quinn [mailto:joceoquinn@yahoo.com]
Sent: Wednesday, June 01, 2011 4:27 PM
To: Ann Lane; Ann Wright; Henry Brackett; jkach55@gmail.com; Krista Butts; Megan Turnbull; Wendy DiFruscio
Cc: Howard Colter
Subject: Re: RTK REquest

Is this regarding the current search committee, or the previous search committee?

--- On Wed, 6/1/11, Wendy DiFruscio <wdifruscio@orcsd.org> wrote:

From: Wendy DiFruscio <wdifruscio@orcsd.org>
Subject: RTK REquest
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Cc: "Howard Colter" <hcolter@orcsd.org>
Date: Wednesday, June 1, 2011, 3:01 PM

Good Afternoon:

I have received a RTK Request for any and all email correspondences regarding the board search committee meeting with the superintendent and the high school teacher rep. to discuss the option of an interim principal. Can you please forward to me any board correspondences that you have been sent or sent to someone else pertaining to this subject matter. I will need to compile them and determine if these are in fact a public record. Thank you.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Oyster River Cooperative School District - Right-To-Know

Date: Wed, Aug 10, 2011 10:57 am

Attachments: ltr.howard_colter_(right_to_know)_06-23-11.pdf (73K)

From: "Howard Colter" <hcolter@orcsd.org>

To: "Ann Lane" <ann.lane@comcast.net>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <jeffandkristabutts@comcast.net>, "Megan Turnbull" <mturnbull@orcsd.org>

Cc: "Wendy DiFruscio" <wdifruscio@orcsd.org>, "Diane Gorrow" <gorrow@soulefirm.com>

Sent: Thursday, June 23, 2011 1:56:08 PM

Subject: FW: Oyster River Cooperative School District - Right-To-Know

Henry Brackett requested legal advice regarding how school board members should respond to recent RTK requests. Please find Attorney Gorrow's response attached. Please send deliver your emails to Wendy. We are going to send the entire packet to Diane Gorrow's office to sort through and compile for release.

Howard

Howard P. Colter, Superintendent

Oyster River Cooperative School District

SAU #5, 36 Coe Dr, Durham NH 03824

(603) 868-5100

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From: Susan Brissette [mailto:susank@soulefirm.com]

Sent: Thursday, June 23, 2011 1:19 PM

To: Howard Colter

Cc: Wendy DiFruscio; 'Diane Gorrow'

Subject: Oyster River Cooperative School District - Right-To-Know

Dear Superintendent Colter:

Attached please find Attorney Diane Gorrow's letter to you.

Yours kindly,

Susan

Susan (Korn) Brissette, Legal Assistant
Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C.
220 Main Street
Salem, New Hampshire 03079
Tel: 603.898.9776
Fax: 603.898.3418
susank@soulefirm.com

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From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Buyout Cost Posted
Date: Wed, Aug 10, 2011 10:59 am

From: "David Taylor (Lowell)" <dkttaylor@F5.com>
To: "David Proulx" <David.Proulx@unh.edu>, "ladamsmartin@aol.com" <ladamsmartin@aol.com>, "tbmmem@comcast.net" <tbmmem@comcast.net>, "abc@sau5.org" <abc@sau5.org>
Cc: "hfb4444@comcast.net" <hfb4444@comcast.net>, "scaswell@orcsd.org" <scaswell@orcsd.org>
Sent: Wednesday, June 22, 2011 4:40:05 PM
Subject: RE: Buyout Cost Posted

You are correct. That is listed to cover the buyout, legal fees and other costs. But, it does give us a ballpark for the total cost.
-David

From: Proulx, David [David.Proulx@unh.edu]
Sent: Wednesday, June 22, 2011 4:37 PM
To: David Taylor (Lowell); 'ladamsmartin@aol.com'; 'tbmmem@comcast.net'; 'abc@sau5.org'
Cc: 'hfb4444@comcast.net'; 'scaswell@orcsd.org'
Subject: Re: Buyout Cost Posted

David it says up to \$185k. We do not know the actual amount do we?
David Proulx
Associate VP for Finance
Interim Assistant VP for Human Resources
University of New Hampshire

----- Original Message -----

From: David Taylor (Lowell) [mailto:dkttaylor@F5.com]
Sent: Wednesday, June 22, 2011 04:33 PM
To: Leslie Martin <ladamsmartin@aol.com>; tbmmem@comcast.net <tbmmem@comcast.net>; abc@sau5.org <abc@sau5.org>
Cc: hfb4444@comcast.net <hfb4444@comcast.net>; scaswell@orcsd.org <scaswell@orcsd.org>
Subject: Buyout Cost Posted

The original minutes for the 15 June 2011 non-public did not include the amount for the

buyout, but this afternoon revised minutes were posted (attached). The revised minutes include the cost of the superintendent buyout at \$185,000 from the unreserved fund balance.

Thanks,
-David

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Buyout Cost Posted
Date: Wed, Aug 10, 2011 10:59 am

From: "David Taylor (Lowell)" <dkaylor@F5.com>
To: "David Proulx" <David.Proulx@unh.edu>, "ladamsmartin@aol.com" <ladamsmartin@aol.com>, "tbmmem@comcast.net" <tbmmem@comcast.net>, "abc@sau5.org" <abc@sau5.org>
Cc: "hfb4444@comcast.net" <hfb4444@comcast.net>, "scaswell@orcsd.org" <scaswell@orcsd.org>
Sent: Wednesday, June 22, 2011 4:40:05 PM
Subject: RE: Buyout Cost Posted

You are correct. That is listed to cover the buyout, legal fees and other costs. But, it does give us a ballpark for the total cost.
-David

From: Proulx, David [David.Proulx@unh.edu]
Sent: Wednesday, June 22, 2011 4:37 PM
To: David Taylor (Lowell); 'ladamsmartin@aol.com'; 'tbmmem@comcast.net'; 'abc@sau5.org'
Cc: 'hfb4444@comcast.net'; 'scaswell@orcsd.org'
Subject: Re: Buyout Cost Posted

David it says up to \$185k. We do not know the actual amount do we?
David Proulx
Associate VP for Finance
Interim Assistant VP for Human Resources
University of New Hampshire

----- Original Message -----

From: David Taylor (Lowell) [mailto:dkaylor@F5.com]
Sent: Wednesday, June 22, 2011 04:33 PM
To: Leslie Martin <ladamsmartin@aol.com>; tbmmem@comcast.net <tbmmem@comcast.net>; abc@sau5.org <abc@sau5.org>
Cc: hfb4444@comcast.net <hfb4444@comcast.net>; scaswell@orcsd.org <scaswell@orcsd.org>
Subject: Buyout Cost Posted

The original minutes for the 15 June 2011 non-public did not include the amount for the

buyout, but this afternoon revised minutes were posted (attached). The revised minutes include the cost of the superintendent buyout at \$185,000 from the unreserved fund balance.

Thanks,

-David

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Please Forward to the Board
Date: Wed, Aug 10, 2011 10:59 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Cc: "Howard Colter" <hcolter@orcsd.org>
Sent: Thursday, June 23, 2011 7:51:06 AM
Subject: FW: Please Forward to the Board

FYI

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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From: JoAnn Portalupi [<mailto:jportalupi@comcast.net>]
Sent: Wednesday, June 22, 2011 4:03 PM
To: Wendy DiFruscio
Cc: Howard Colter
Subject: Please Forward to the Board

To whom it may concern,

I am making a Right-to-Know request for all public documents (including, but not limited to, minutes of meetings and email or other written correspondences between Board members as well as any that include the Superintendent) that have to do the following items:

- * buying out the superintendent
- * the cost of buying out the superintendent
- * hiring lawyers or consultants to facilitate any aspect of buying out the superintendent
- * the hiring of an interim superintendent

Additionally, I would like any correspondences that show the board making plans to meet on each of the above mentioned items.

To be clear, I am trying to understand how the Board has gotten to where it has. In the absence of any

information, you leave the public no choice but to make such requests.

If there are documents that are protected by the agreement signed by the Board and Superintendent Colter, I respectfully ask you to share the specific RSA that grants the Board the right not to release the documents.

Thank you.

JoAnn Portalupi

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Right-to-Know request
Date: Wed, Aug 10, 2011 11:05 am

From: "Ann Wright" <ann_wright@comcast.net>
To: "Wendy DiFruscio" <wdifruscio@orcsd.org>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Ann Lane" <alane@orcsd.org>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mturnbull@orcsd.org>
Cc: "Howard Colter" <hcolter@orcsd.org>
Sent: Friday, June 3, 2011 7:50:37 PM
Subject: Re: FW: Right-to-Know request

Perhaps Henry, Howard, Wendy and I can discuss this at agenda setting on Tuesday. It is my hope that we don't pay for lawyers' fees without reason, but if we find that we really are not clear on this request we will ask Diane Garrow for her input. I hope this makes sense to everyone. ~A

From: Wendy DiFruscio
Sent: Friday, June 03, 2011 10:24 AM
To: Ann Wright ; Jocelyn O'Quinn ; Ann Lane ; Henry Brackett ; jkach55@gmail.com ; Krista Butts ; Megan Turnbull
Cc: Howard Colter
Subject: RE: FW: Right-to-Know request

As we have a difference in opinions regarding this RTK request, please clarify if I should forward to the attorney for clarification. Thank you.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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From: Ann Wright [mailto:ann_wright@comcast.net]
Sent: Thursday, June 02, 2011 4:05 PM
To: Wendy DiFruscio; Jocelyn O'Quinn; Ann Lane; Henry Brackett; jkach55@gmail.com; Krista Butts; Megan Turnbull
Cc: Howard Colter
Subject: Re: FW: Right-to-Know request

We can wait to see what Henry says, but my understanding of the RSA is that sequential

communications also can violate the RTK law. Therefore if I wrote Jocelyn to do X and then she wrote Henry to do the same because I said so, and so on, that would be a violation, even though no one wrote to a quorum of the board. I prefer we not expend district funds on a lawyer. The law is pretty clear, and we have nothing to hide, so I suggest we send whatever emails we may have to Wendy and let the experts decide whether they are applicable to this RTK request. It is a pretty simple and request and shouldn't take more than a few minutes to comply. I sent my emails out this morning.

~A

From: Wendy DiFruscio
Sent: Thursday, June 02, 2011 3:45 PM
To: Jocelyn O'Quinn ; Ann Lane ; Ann Wright ; Henry Brackett ; jkach55@gmail.com ; Krista Butts ; Megan Turnbull
Cc: Howard Colter
Subject: RE: FW: Right-to-Know request

Henry/Ann

Do you want me to send this request that Jocelyn made to the attorney for legal advice? Thank you.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: Jocelyn O'Quinn [mailto:joceoquinn@yahoo.com]
Sent: Thursday, June 02, 2011 2:27 PM
To: Ann Lane; Ann Wright; Henry Brackett; jkach55@gmail.com; Krista Butts; Megan Turnbull; Wendy DiFruscio
Subject: Re: FW: Right-to-Know request

Thanks, Wendy. I would like to get legal advice on what exactly we need to provide. My understanding of 91A is that communication including a quorum of the Board (not personal correspondence between one or two or three Board members) is subject to public disclosure, as well as non-personnel communication from staff to member(s) of the Board or public, public comment, etc.

I will go through my inbox and check, but off the top of my head I don't think I have seen any communication regarding this issue.

Also, I believe we have 5 business days from the receipt of the request to respond- so have until Tuesday morning.

Thanks, Jocelyn

--- On Thu, 6/2/11, Wendy DiFruscio <wdifruscio@orcsd.org> wrote:

From: Wendy DiFruscio <wdifruscio@orcsd.org>
Subject: FW: Right-to-Know request

To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Date: Thursday, June 2, 2011, 2:15 PM

As requested.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

-----Original Message-----

From: JoAnn Portalupi [<mailto:jportalupi@comcast.net>]
Sent: Tuesday, May 31, 2011 11:39 AM
To: Wendy DiFruscio
Cc: Howard Colter
Subject: Right-to-Know request

Dear Wendy,

At the last school board meeting there was board agreement that the board search committee and Superintendent Colter would meet with teacher representatives of the high school to discuss their thoughts regarding an interim principal and that this would occur before the next Board meeting. I do not see that such a meeting has been scheduled. I would like to make a Right-to-Know request for all Board correspondence between the Chair, the Vice Chair, full board and/or the Superintendent regarding any such meeting. Thank you. JoAnn Portalupi

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Right to Know
Date: Wed, Aug 10, 2011 11:01 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Jocelyn O'Quinn" <joceoquinn@yahoo.com>
Cc: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Tuesday, June 21, 2011 7:54:42 AM
Subject: RE: Right to Know

Jocelyn:

It is my understanding that all requests for information needs to come through the chair or vice chair, and as such I was waiting for clarification on how the SB wants to respond in terms of copies of the RTK requests going forward. I have received clarification from one and I am just waiting for the answer from the other before moving forward. I have spoken with all parties that are requesting information and have let them know that we are working on their request and will provide the information when available.

Thank you.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: Jocelyn O'Quinn [<mailto:joceoquinn@yahoo.com>]
Sent: Monday, June 20, 2011 4:04 PM
To: Wendy DiFruscio
Cc: Ann Lane; Ann Wright; Henry Brackett; jkach55@gmail.com; joceoquinn@yahoo.com; Krista Butts; Megan Turnbull
Subject: Right to Know

Hi Wendy- I have still not received the right to know requests that you mentioned last week. I am again requesting copies of the original requests so that I can compile my records and understand the time frame that is required to respond.

Thanks and have a nice night!
Jocelyn

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Today's meeting
Date: Wed, Aug 10, 2011 5:01 pm

From: hfb4444@comcast.net
To: "Wendy DiFruscio" <wdifruscio@orcsd.org>
Cc: "Howard Colter" <hcolter@orcsd.org>, "ann and Michael Lane" <am.lane@comcast.net>, "Ann Wright" <ann_wright@comcast.net>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim Kach" <jkach55@gmail.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Krista Butts" <kbutts@orcsd.org>
Sent: Saturday, June 4, 2011 12:09:11 AM
Subject: Fwd: Today's meeting

Wendy,

I have checked all my emails three times and this one below is the only one that I sent out or received that is addressed to a quorum of the board. All board members should have this email. I sent it all the full board.

I am asking, now for all board members to send you, Wendy their copy of this email so you have a complete record from all who received it.

Please send your copy of this email to Wendy by the afternoon on Monday, June 6th.

Thank-you

I hope you all have a relaxing weekend.

Henry

----- Forwarded Message -----

From: hfb4444@comcast.net
To: lroggers@orcsd.org
Cc: "Ann Wright" <ann_wright@comcast.net>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <kbutts@orcsd.org>
Sent: Thursday, May 26, 2011 5:05:42 AM
Subject: Today's meeting

Laura,

At this time I have chosen to defer any meeting on the topic of the graduation and the student's request till after the school board meeting on June 1st. Thank-you for being so kind to set this meet up on a topic that I feel is important to the health of our school system.

Henry

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Today's meeting
Date: Wed, Aug 10, 2011 5:00 pm

From: hfb4444@comcast.net
To: "Wendy DiFruscio" <wdifruscio@orcsd.org>
Cc: "Howard Colter" <hcolter@orcsd.org>, "ann and Michael Lane" <am.lane@comcast.net>, "Ann Wright" <ann_wright@comcast.net>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim Kach" <jkach55@gmail.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Krista Butts" <kbutts@orcsd.org>
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Henry

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: NHSBA Thank-you
Date: Wed, Aug 10, 2011 6:35 pm

From: hfb4444@comcast.net
To: "Krista Butts" <kbutts@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>, "ann and Michael Lane" <am.lane@comcast.net>
Sent: Monday, May 23, 2011 10:54:04 AM
Subject: Re: NHSBA Thank-you

Ted call me back this morning. We had a nice conversation. He hoped NHSBA would be considered for our future superintendent search. I said that they would be. I thanked him for the associations help and for the training of our board members. When we get into the superintendent's search he offered to come talk to the board on what makes for a successful search.

Henry

----- Original Message -----

From: hfb4444@comcast.net
To: "Ann Wright" <ann_wright@comcast.net>
Cc: "Howard Colter" <hcolter@orcsd.org>, "Krista Butts" <kbutts@orcsd.org>
Sent: Monday, May 16, 2011 8:37:12 PM
Subject: Re: NHSBA

I will call and thank him for the search bid and his interest to serve our district in our time of need. I will explain that the NHSBA is a resource that we use regularly and see the value of that relationship going forward. I will also thank the Ted for his organizations training that most of our board experienced.

Henry

----- Original Message -----

From: "Ann Wright" <ann_wright@comcast.net>
To: "Krista Butts" <kbutts@orcsd.org>, "Henry Brackett" <hfb4444@comcast.net>
Cc: "Howard Colter" <hcolter@orcsd.org>
Sent: Monday, May 16, 2011 6:37:02 PM
Subject: NHSBA

I just want to make sure someone told Ted that we will not be using their services for the Principal search. Thanks. ~A

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: NHSBA Thank-you
Date: Wed, Aug 10, 2011 6:36 pm

From: hfb4444@comcast.net
To: "Krista Butts" <kbutts@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>, "ann and Michael Lane" <am.lane@comcast.net>
Sent: Monday, May 23, 2011 10:54:04 AM
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From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: levesque/references

Date: Wed, Aug 10, 2011 5:49 pm

Attachments: 

From: hfb4444@comcast.net

To: "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>, "Ann Wright" <ann_wright@comcast.net>, "ann and Michael Lane" <am.lane@comcast.net>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Todd Allen" <tallen@orcsd.org>, "Sue Caswell" <scaswell@orcsd.org>, "Danielle Bolduc" <dbolduc@orcsd.org>

Sent: Thursday, June 30, 2011 5:54:12 PM

Subject: Fwd: levesque/references

Here are Leon's references. I will get back to the search committee with they comments.

Henry

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Interim Superintendent
Date: Wed, Aug 10, 2011 5:54 pm

From: hfb4444@comcast.net
To: "Ann Wright" <ann_wright@comcast.net>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Krista Butts" <kbutts@orcsd.org>, "Jim Kach" <jkach55@gmail.com>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Todd Allen" <tallen@orcsd.org>, "Sue Caswell" <scaswell@orcsd.org>, "Danielle Bolduc" <dbolduc@orcsd.org>
Sent: Thursday, June 30, 2011 9:01:26 AM
Subject: Fwd: Interim Superintendent

Here is info you need to know. [REDACTED] just had a lot going in [REDACTED] business life.
THIS INFORMATION IS STILL CONFIDENTIAL.
Henry

From: [REDACTED]
Sent: Thursday, June 30, 2011 8:02:18 AM
Subject: Interim Superintendent

After many hours of thought and conversation with my family, I have decided to withdraw my name as a candidate for the ORSD interim superintendent's position. In recent weeks, my schedule has continued to fill with professional and personal obligations that I feel a commitment to honor.

Rhoades Alderson and the folks from the Great Schools Partnership and the New England Secondary School Consortium would be pleased to meet with the interim superintendent and the board to offer counsel and thoughts about assisting with public relations, policy, community forums, etc.

I was very impressed with the folks that were in attendance during my interview and know that the board and administration will move the district forward in a positive manner. Thanks so much for your considerations and hospitality. The very best to all.

[REDACTED]

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Subject: Fwd: Interim Superintendent
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[REDACTED]

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Interim Superintendent
Date: Wed, Aug 10, 2011 5:54 pm

From: hfb4444@comcast.net
To: "Ann Wright" <ann_wright@comcast.net>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Krista Butts" <kbutts@orcsd.org>, "Jim Kach" <jkach55@gmail.com>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Todd Allen" <tallen@orcsd.org>, "Sue Caswell" <scaswell@orcsd.org>, "Danielle Bolduc" <dbolduc@orcsd.org>
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I was very impressed with the folks that were in attendance during my interview and know that the board and administration will move the district forward in a positive manner. Thanks so much for your considerations and hospitality. The very best to all.

[REDACTED]

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Interim Superintendant Position

Date: Wed, Aug 10, 2011 5:58 pm

Attachments: resume_6_11.pdf (77K), ATT407899.htm (158), letter_of_intent.pages (142K), ATT407900.htm (158)

From: hfb4444@comcast.net

To: "Ann Wright" <ann_wright@comcast.net>, "Todd Allen" <tallen@orcsd.org>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim Kach" <jkach55@gmail.com>, "Krista Butts" <kbutts@orcsd.org>, "Sue Caswell" <scaswell@orcsd.org>, "Danielle Bolduc" <dbolduc@orcsd.org>

Sent: Monday, June 27, 2011 8:41:11 PM

Subject: Fwd: Interim Superintendant Position

The candidate will be interviewed tomorrow at 5:15at the high school in room C-120.

This will be the last person for the day.

I am trying to set up some more interviews for Thursday. I will let you know the time and where- hopefully tomorrow.

Have a nice evening,

Henry

From: "Krista Butts" <kbutts@orcsd.org>

To: "Henry Brackett" <hfb4444@comcast.net>

Sent: Monday, June 27, 2011 6:42:15 PM

Subject: FW: Interim Superintendant Position

Resume and Letter of Intent for Leon Levesque

Leon Levesque



EDUCATIONAL BACKGROUND

University of Maine, Orono, ME

- Certificate of Advanced Study in Education

University of Northern Colorado, Greeley, CO

- Master in English

St. Thomas University, Fredericton, New Brunswick, Canada

- Bachelor of Arts

EXPERIENCE

July 1998 to
December 2011

Superintendent of Schools
Lewiston School Department
Lewiston, ME

July 1993 to
June 1998

Superintendent of Schools
MSAD 16
Hallowell, ME

August 1988 to
June 1993

Assistant Superintendent of Schools
MSAD 52
Turner, ME

October 1982 to
July 1988

Principal
Mt. Abram High School
Kingfield, ME

September 1978 to
September 1982

Assistant Principal
Messalonskee High School
MSAD 47
Oakland, ME

1973 to 1978 Teacher of English
Messalonskee High School
MSAD 47
Oakland, ME

1971 to 1973 Teacher of English and French
Windsor Jr/Sr High School
Windsor, CO

MILITARY SERVICE

1968 to 1970 United States Army

ACHIEVEMENTS

- Served on Maine's Learning Results Task Force to develop Maine's K-12 learning standards.
- Founded and served as managing editor of the Journal of Maine Education. The publication is a forum for Maine educators to write and learn about Maine-related education issues. The Journal of Maine Education is the recipient of national publication awards.
- Oversaw and guided the development of local curricula to align with performance expectations and Maine's Learning Results.
- Guided school department work in strategic planning to include vision, mission, beliefs, goals and benchmarks.
- Directed development of professional evaluation model based on principles of effective teaching and reflective practice.
- Oversaw comprehensive development of school board policies and procedures.
- Provided leadership in long-range facilities planning that resulted in numerous school renovation projects and the construction of new facilities.

HONORS

- Member of National Advisory Committee for Measured Progress, Designer of Large Scale State Tests to meet No Child Left Behind (NCLB) requirements.
- Elected to Association for Supervision and Curriculum (ASCD) International Board of Directors

- Elected to Executive Committee, Maine Superintendents' Association
- Recipient of Outstanding Leadership Award, Maine Superintendent's Association
- Recipient of the Commissioner of Education Award for Outstanding Service
- Recipient of College for ME-Androscoggin Advocate Award
- Receipt of Androscoggin County Chamber of Commerce Education-Business Partnership Award
- Receipt of Healthy Androscoggin Work Place Award
- Receipt of Distinguished Service Award by Maine Adult Education Association
- Receipt of US Environmental Protection Agency Energy Star Award for energy efficient school buildings.

CAREER SERVICE

Member of Maine's Learning Results Steering Committee

Member of Maine's Teacher Certification Assessment Study Group

Co-Chair of Maine's Assessment Design Team

Chair of International ASCD Affiliate Advisory Committee

Member of International ASCD Board of Directors

Member of Task Force on Maine's Learning Results

Member of University of Maine's Task Force

Chair of Maine's Policy Advisory Committee to the Commissioner of Education

Visiting Member for New England Association of Schools & Colleges

Adjunct Staff – University of New England and University of Maine/Farmington

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Maine Superintendents' Association; Northeast Superintendents' Leadership Council;
New England

Phi Delta Kappa

International Reading Association

Association for Supervision and Curriculum Development

Maine Association for Supervision and Curriculum Development

American Association of School Administrators

New England Association of School Superintendents

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Interim Superintendent Position

Date: Wed, Aug 10, 2011 6:00 pm

Attachments: resume_6_11.pdf (77K), ATT407899.htm (158), letter_of_intent.pages (142K), ATT407900.htm (158)

From: hfb4444@comcast.net

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Sent: Wednesday, August 10, 2011 5:58:48 PM

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From: hfb4444@comcast.net

To: "Ann Wright" <ann_wright@comcast.net>, "Todd Allen" <tallen@orcsd.org>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull"

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Maine Association for Supervision and Curriculum Development

American Association of School Administrators

New England Association of School Superintendents

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Resume of [REDACTED]
Date: Wed, Aug 10, 2011 6:05 pm
Attachments: ORSD_Cover_Letter.doc (36K), [REDACTED]_Resume.doc (52K), [REDACTED]_Letter_of_reference.pdf (62K), [REDACTED]_Letter_of_Reference.doc (58K), [REDACTED]_Letter_of_Reference.pdf (121K), [REDACTED]_Letter_of_Reference.pdf (596K)

From: hfb4444@comcast.net
To: "ann and Michael Lane" <am.lane@comcast.net>, "Jeffrey Butts" <jeffandkristabutts@comcast.net>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim Kach" <jkach55@gmail.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Ann Wright" <ann_wright@comcast.net>, "Todd Allen" <tallen@orcsd.org>, "Sue Caswell" <scaswell@orcsd.org>, "Danielle Lueck" <daniellelueck@hotmail.com>
Sent: Thursday, June 23, 2011 11:35:07 AM
Subject: Fwd: Resume of [REDACTED]

Good Morning,
This is for your review . There will be more sent to you as I receive them. I will communicate to you about a meeting when we have more candidate's paperwork.
Henry

From: [REDACTED]
To: "Henry Brackett" <HFB4444@comcast.net>
Sent: Wednesday, June 22, 2011 11:05:55 PM
Subject: Resume of [REDACTED]

Dear Mr. Brackett,

As I am on the road traveling for business, I can send you hard copies when I return home on Sunday. I am certified in NH as a Superintendent and Principal. In the meantime, please find attached my cover letter, resume and a letters of reference. I look forward to speaking with you and the committee.

Sincerely,
[REDACTED]

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Superintendent position

Date: Wed, Aug 10, 2011 6:13 pm

Attachments: [REDACTED].references.pdf (226K), [REDACTED].resume.pdf (190K)

From: hfb4444@comcast.net

To: "Todd Allen" <tallen@orcsd.org>, "Sue Caswell" <scaswell@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim Kach" <jkach55@gmail.com>, "Krista Butts" <kbutts@orcsd.org>

Sent: Monday, June 27, 2011 2:38:21 PM

Subject: Fwd: Superintendent position

Here is the 3:00 PM interviewee's information.

Henry

From: [REDACTED]

To: hfb4444@comcast.net

Sent: Monday, June 27, 2011 2:20:43 PM

Subject: Re: Superintendent position

Henry,

It was great to speak with you today. As we discussed, I attach two documents. The first is [REDACTED] resume, the second is a list of [REDACTED] references with reference letters.

[REDACTED] is available to attend your 3:00 interview opening. Please do not contact [REDACTED]

[REDACTED] references prior to your interview tomorrow.

Thank you,

[REDACTED]

--

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: News Release, Hiring Leon Levesque

Date: Wed, Aug 10, 2011 10:35 am

Attachments: Interim_Announcement_Levesque_v2-17-5-11.doc (59K)

From: hfb4444@comcast.net

To: "Wendy DiFruscio" <wdifruscio@orcsd.org>

Cc: "Jim Kach" <jkach55@gmail.com>, "Ann Wright" <ann_wright@comcast.net>, "ann and Michael Lane" <am.lane@comcast.net>, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Meredith S. Nadeau" <mnadeau@orcsd.org>

Sent: Wednesday, July 6, 2011 10:53:53 PM

Subject: News Release, Hiring Leon Levesque

Wendy,

Please post this on our web site and at all of the school. Also would you send this News Release to the Lee e-crier, the Durham Friday Up-date and Madbury's Administrator for posting in Madbury.

Thank-you.

Henry

FOR IMMEDIATE RELEASE

Oyster River Cooperative School District Selects New Interim Superintendent

(Durham, NH 7-6-11) - The Oyster River Cooperative School District (ORCSD) School Board has selected Leon Levesque to serve a one year term as the district's interim superintendent. The board voted 7-0 for Mr. Levesque's selection at a Wednesday, July 6, 2011 special board meeting.

Most recently, Mr. Levesque led the Lewiston, ME School Department as superintendent from 1998 - 2010. Prior to serving in Lewiston, Mr. Levesque served in various administrative roles and as an English teacher throughout the state of Maine.

With respect to taking on the role of ORCSD interim superintendent, Mr. Levesque commented, "I look forward to meeting the Oyster River staff, students, and community members. I am delighted to serve as an interim superintendent and assist in furthering district initiatives in the year ahead."

Board chair Henry Brackett commented, "I am quite pleased that Leon (Levesque) will be working for us. He brings a wealth of experience and knowledge to Oyster River. Also, I was impressed how thoroughly and efficiently the search committee worked to identify and bring forth many high caliber candidates."

A search committee comprised of the ORCSD school board, high school principal Todd Allen, co-director of instruction Danielle Bolduc, and business administrator Sue Caswell, interviewed candidates and presented two finalists, Leon Levesque and Michelle A. Langa. The school board interviewed the finalists in public at the July 5, 2011 special board meeting.

Search committee members contacted the Maine and New Hampshire School Administrators Associations as well as educational leaders such as former New Hampshire Education Commissioner Lionel Tracy for candidate recommendations. Ultimately, fifteen individuals were contacted and six candidates were brought forward to interview with the search committee.

Board member, Krista Butts elaborated further on the search, "We divided and tackled tasks - some contacted associations, others called references, and everyone helped interview. It was a concerted team effort to find the type of exceptional leader we want for Oyster River,"

Contract details are being finalized between the ORCSD and Mr. Levesque. Mr. Levesque will move to the seacoast area in order to serve his term and begin work starting the week of Monday, July 11, 2011. Mr. Levesque's professional bio may be found on the ORCSD web site: <http://www.orcsd.org>

FOR IMMEDIATE RELEASE

The Oyster River Cooperative School District serves the towns of Durham, Lee, and Madbury, New Hampshire. Approximately 2,050 students attend the district's four schools: Mast Way Elementary, Moharimet Elementary, Oyster River Middle School and Oyster River High School. The Oyster River District mission, "Working Together to Engage Every Learner," supports each student to reach his or her potential.

Visit the ORCSD web site: <http://www.orcsd.org>

Contact: ORCSD School Board c/o Wendy DiFruscio, ORCSD SAU District Office, 36 Coe Drive, Durham, NH 03824; Phone # 603.868.5100, wdifruscio@orcsd.org

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: confidential - [REDACTED] reference
Date: Wed, Aug 10, 2011 10:36 am

From: hfb4444@comcast.net
To: "Ann Wright" <ann_wright@comcast.net>
Cc: "Jim Kach" <jkach55@gmail.com>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "ann and Michael Lane" <am.lane@comcast.net>, "Todd Allen" <tallen@orcsd.org>, "Danielle Bolduc" <dbolduc@orcsd.org>, "Meredith S. Nadeau" <mnadeau@orcsd.org>, "Susan Caswell" <scaswell@orcsd.org>, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>
Sent: Wednesday, July 6, 2011 12:32:00 PM
Subject: Re: confidential - [REDACTED] reference

I talked to Danielle this morning and she talked to several of [REDACTED] references. Here is the email she sent to the search committee on Friday:

[REDACTED]

See you at 2:00 today.
Henry

From: "Ann Wright" <ann_wright@comcast.net>
To: "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>
Cc: hfb4444@comcast.net, "Jim Kach" <jkach55@gmail.com>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "ann and Michael Lane" <am.lane@comcast.net>, "Todd Allen" <tallen@orcsd.org>, "Danielle Bolduc" <dbolduc@orcsd.org>, "Meredith S. Nadeau" <mnadeau@orcsd.org>, "Susan Caswell" <scaswell@orcsd.org>
Sent: Wednesday, July 6, 2011 8:04:06 AM
Subject: Re: confidential - [REDACTED] reference

Krista,
Thank you for going beyond the call of duty while on vacation. Your extra work is appreciated.
~A

From: Krista Butts
Sent: Tuesday, July 05, 2011 9:31 PM
To: Megan Turnbull ; Ann Wright

Fwd: confidential [REDACTED] reference

Page 2 of 2

Cc: hfb4444@comcast.net ; [Jim Kach](#) ; [jocelyn O'Quinn](#) ; [ann and Michael Lane](#) ; [Todd Allen](#) ; [Danielle Bolduc](#) ; [Meredith S. Nadeau](#) ; [Susan Caswell](#)

Subject: confidential - [REDACTED] reference

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: interim superintendent search/timeline
Date: Wed, Aug 10, 2011 10:38 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Wednesday, July 6, 2011 10:33:48 AM
Subject: FW: interim superintendent search/timeline

FYI

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: sartob@comcast.net [<mailto:sartob@comcast.net>]
Sent: Thu 6/30/2011 4:56 PM
To: ORCSD School Board
Subject: interim superintendent search/timeline

To Oyster River School Board Members,

I've read through the interim superintendent search information posted on the district web site and I had two questions I was hoping I could get answered. I know from other hirings of major administrators that there has been an evening "informal" coffee or tea to allow community members to ask the candidates questions. Is there going to be such an event? If so would you consider making it more of a forum kind of thing? I know from other similar events, I've felt like I was listening in on others conversations and the candidate ended up answering the same questions over and over. Lastly, I was wondering if that, or the public interview, has been scheduled yet. I'd like to put them on my calendar.

I know you do not make it a practice to respond to emails from the public but was hoping that you would make an exception for these types of questions.

Thank you in advance,

Sarah Farwell
Lee

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: interim superintendent candidate
Date: Wed, Aug 10, 2011 10:37 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Wednesday, July 6, 2011 10:34:09 AM
Subject: FW: interim superintendent candidate

FYI

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: Katherine Fiermonti [<mailto:friars@comcast.net>]
Sent: Sat 7/2/2011 3:03 PM
To: ORCSD School Board
Subject: interim superintendent candidate

To Whom it May Concern:

I just saw the two superintendent names and their bios through Oyster River Community Resource and thought I'd pass along, for what it's worth, that I happened to be in a neighboring high school when Leon Levesque was superintendent in Hallowell. It was well known that Hall-Dale High was a terrific high school with an excellent reputation for student achievement. In fact, there were many parents of students at my high school who chose to send their students to Hall-Dale instead of my district of SAD 11. Anyway, both candidates look sharp on paper- I just wanted to pass along my two cents.

Thanks for all you're doing for our community.

Katie Fiermonti

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Confidential - FYI - Articles found about finalists
Date: Wed, Aug 10, 2011 10:40 am

From: "Megan Turnbull" <mmshea@chicagogsb.edu>
To: "Ann Lane" <am.lane@comcast.net>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Jocelyn O Quinn" <jocoequinn@yahoo.com>, "Jeffrey Butts" <jeffandkristabutts@comcast.net>
Sent: Monday, July 4, 2011 9:50:16 PM
Subject: Confidential - FYI - Articles found about finalists

Happy Fourth Everyone!

I found these articles about [REDACTED] and L. Levesque respectively. Of course, most newspaper articles should be taken with a grain of salt, but it is helpful as we look at various inputs.

[REDACTED]

<http://www.sunjournal.com/city/story/956682>

I do have a call into [REDACTED]

[REDACTED]

All the best,

Megan

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: CONFIDENTIAL

Date: Wed, Aug 10, 2011 10:39 am

From: "am lane" <am.lane@comcast.net>

To: "Danielle Bolduc" <dbolduc@orcsd.org>, hfb4444@comcast.net, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>, "Ann Wright" <ann_wright@comcast.net>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Todd Allen" <tallen@orcsd.org>, "Susan Caswell" <scaswell@orcsd.org>

Sent: Tuesday, July 5, 2011 11:10:55 AM

Subject: CONFIDENTIAL

Interview Questions

- 1.) Please tell us about yourself. Henry
- 2.) What should the role of an interim superintendent be here in the Oyster River Cooperative School District? Ann W
- 3.) What is your leadership style? b)What role should an interim superintendent play in mentoring our new administrators and how would you promote collaboration amongst this developing leadership team? Todd
- 4.) How would you support and move forward the following district initiatives: implementing data driven decision making; promoting community communications; and raising proficiency of all students? Danielle
- 5.) What is your approach to developing a budget? Sue
- 6.) What is your approach to policy management? Megan
- 7.) What is the role of an Interim in the development and implementation of a strategic plan? Jocelyn
- 8.) What experience have you had in managing change or transition and how would you lay the foundation for the permanent superintendent? Jim
- 9.) Our selection criteria included the candidate having experience (Int #1 as an educator and a classroom instructor) (Int #2 in the state of New Hampshire). Please elaborate on how your professional skills and experience will compensate. Ann L
- 10.) Do you have any questions for us? Henry

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: FROM KATIE FIERMONTI: interim superintendent candidate

Date: Wed, Aug 10, 2011 10:39 am

From: "Seth Fiermonti" <sethfiermonti@me.com>
To: "Ann Wright" <ann_wright@comcast.net>, "ann.lane@comcast.net lane" <ann.lane@comcast.net>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <jeffandkristabutts@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>
Sent: Tuesday, July 5, 2011 12:27:47 PM
Subject: FROM KATIE FIERMONTI: interim superintendent candidate

Hello,

My wife sent this to Wendi and I just learned she is out. She wanted you to read this before the decision today.

Thanks,
Seth

Begin forwarded message:

From: Katherine Fiermonti <friars@comcast.net>
Date: July 5, 2011 12:26:01 PM EDT
To: Seth Fiermonti <sethfiermonti@me.com>
Subject: Fwd: interim superintendent candidate

Begin forwarded message:

From: Katherine Fiermonti <friars@comcast.net>
Date: July 2, 2011 3:03:30 PM EDT
To: orcsdsb@orcsd.org
Subject: interim superintendent candidate

To Whom it May Concern:

I just saw the two superintendent names and their bios through Oyster River Community Resource and thought I'd pass along, for what it's worth, that I happened to be in a neighboring high school when Leon Levesque was superintendent in Hallowell. It was well

known that Hall-Dale High was a terrific high school with an excellent reputation for student achievement. In fact, there were many parents of students at my high school who chose to send their students to Hall-Dale instead of my district of SAD 11. Anyway, both candidates look sharp on paper- I just wanted to pass along my two cents.

Thanks for all you're doing for our community.

Katie Fiermonti

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: confidential - candidate reference
Date: Wed, Aug 10, 2011 10:38 am

From: "Krista Butts" <kbutts@orcsd.org>
To: "Todd Allen" <tallen@orcsd.org>, "Meredith S. Nadeau" <mnadeau@orcsd.org>, "Susan Caswell" <scaswell@orcsd.org>, "Danielle Bolduc" <dbolduc@orcsd.org>
Cc: "Henry Brackett" <hfb4444@comcast.net>
Sent: Tuesday, July 5, 2011 9:31:38 PM
Subject: FW: confidential - candidate reference

Sorry guys...I did not notice that you were not copied on my first attempt to send this out...here it is...Thanks.

Krista

From: Krista Butts
Sent: Tue 7/5/2011 9:14 PM
To: Megan Turnbull; Ann Wright
Cc: hfb4444@comcast.net; Jim Kach; Jocelyn O'Quinn; Ann and Michael Lane
Subject: confidential - candidate reference

Hello all,

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: CONFIDENTIAL
Date: Wed, Aug 10, 2011 10:41 am

From: "Ann Wright" <ann_wright@comcast.net>
To: "Danielle Bolduc" <dbolduc@orcsd.org>, hfb4444@comcast.net, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Jim Kach" <jkach55@gmail.com>, "Jocelyn O'Quinn" <joccoquinn@yahoo.com>, "Todd Allen" <tallen@orcsd.org>, "Susan Caswell" <scaswell@orcsd.org>, "Ann Lane" <ann.lane@comcast.net>
Sent: Saturday, July 2, 2011 8:19:48 AM
Subject: Re: CONFIDENTIAL

I talked with someone about Mr. Levesque yesterday, but I would feel more comfortable sharing this information in person instead of in an email given all the RTK requests that have come in. The person I spoke with also gave me the name of another person to talk with, but that person will not be back until Tuesday. ~A

From: Danielle Bolduc
Sent: Friday, July 01, 2011 1:58 PM
To: hfb4444@comcast.net ; Krista Butts ; Megan Turnbull ; Jim Kach ; Ann Wright ; ann and Michael Lane ; jocelyn O'Quinn ; Todd Allen ; Susan Caswell
Subject: CONFIDENTIAL

[REDACTED]

I will look forward to hearing about Leon's reference checks. Henry, please send me the information I should post for the web as soon as you can. Thanks, Danielle

From: hfb4444@comcast.net [mailto:hfb4444@comcast.net]
Sent: Thursday, June 30, 2011 5:54 PM
To: Krista Butts; Megan Turnbull; Jim Kach; Ann Wright; ann and Michael Lane; jocelyn O'Quinn; Todd Allen; Susan Caswell; Danielle Bolduc
Subject: Fwd: levesque/references

Here are Leon's references. I will get back to the search committee with they comments.

Henry

From: "leon levesque" <leon.levesque@gmail.com>

To: hfb4444@comcast.net

Cc: "leon levesque" <leon.levesque@gmail.com>

Sent: Thursday, June 30, 2011 5:27:42 PM

Subject: levesque/references

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: Please consider [REDACTED] for Superintendent

Date: Wed, Aug 10, 2011 10:53 am

From: "cawdaisy" <cawdaisy@yahoo.com>

To: "Megan Turnbull" <mmshea@chicagogsb.edu>, "Ann Wright"

<ann_wright@comcast.net>, "Ann Lane" <am.lane@comcast.net>, "Krista Butts"

<jeffandkristabutts@comcast.net>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim

Kach" <jkach55@gmail.com>, "Henry" <hfb4444@comcast.net>

Cc: "Wendy DiFruscio" <wdifruscio@orcsc.org>

Sent: Tuesday, June 28, 2011 6:45:31 AM

Subject: Please consider [REDACTED] for Superintendent

Hello,

Recently, [REDACTED] spoke at a panel in Portsmouth NH regarding current educational trends and needs. [REDACTED] article have been printed in Foster's and contain many great ideas. We feel [REDACTED] would be great for ORCSD. Please see the following included resume & contact information.

Sincerely,

ChrisAnn & Richard Wiechert

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Coming up meetings
Date: Wed, Aug 10, 2011 10:53 am

From: "Danielle Bolduc" <dbolduc@orcsd.org>
To: "Ann Wright" <ann_wright@comcast.net>
Cc: hfb4444@comcast.net, "ann and Michael Lane" <am.lane@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Krista Butts" <kbutts@orcsd.org>
Sent: Tuesday, June 28, 2011 7:58:44 PM
Subject: Re: Coming up meetings

I can post meetings to the web site and Marion can prepare the documents if we need her to do it. I was going to take some vacation time next week but things have come up, so I might just try to take a few days. The following week I am away at PowerSchool training for the week from July 11 through the 15. Fortunately or unfortunately, I have access to get work done from most places, so I don't see this as an issue. Danielle

Sent from my iPad

On Jun 28, 2011, at 6:34 PM, "Ann Wright" <ann_wright@comcast.net> wrote:

Correct me if I am wrong, Danielle, but you are not gone next week, but the week after. There should be no overlap with Wendy's vacation schedule, correct? My suggestion, also, Henry, is to plan ahead. This helps the Board make plans, as well. Thank you.

From: hfb4444@comcast.net
Sent: Tuesday, June 28, 2011 11:29 AM
To: Danielle Bolduc
Cc: Ann Wright ; ann_wright@comcast.net ; am.lane@comcast.net ; jkach55@gmail.com ; joceoquinn@yahoo.com ; mmshea@chicagogsb.edu ; kbutts@orcsd.org
Subject: Fwd: Coming up meetings

Danielle,

Who will be available if the board needs to post special meetings? Some of these special meets are going to come up but I don't know the exact dates and times yet.

Is there anyone in the IT department that can handle postings. If so I would need to know how to get hold of them.

I am copying in the full board so they are aware of this limit on posting situation.

Henry

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: hfb4444@comcast.net
Sent: Tuesday, June 28, 2011 11:10:12 AM
Subject: RE: Coming up meetings

Danielle can post, but I believe that she is out on vacation all of next week as well.

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

The Right-to-Know-Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: hfb4444@comcast.net [<mailto:hfb4444@comcast.net>]
Sent: Tuesday, June 28, 2011 11:05 AM
To: Wendy DiFruscio
Cc: Susan Caswell; Danielle Bolduc; Meredith S. Nadeau; wlla824@comcast.net; Ann Wright
Subject: Re: Coming up meetings

Wendy,
Thank-you for the heads up.
Is there anybody that can post meeting as a back-up to you when you're out?
Henry

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: wlla824@comcast.net, hfb4444@comcast.net, "Ann Wright" <ann_wright@comcast.net>
Cc: "Susan Caswell" <scaswell@orcsd.org>, "Danielle Bolduc" <dbolduc@orcsd.org>, "Meredith S. Nadeau" <mnadeau@orcsd.org>
Sent: Tuesday, June 28, 2011 10:08:10 AM
Subject: RE: Coming up meetings

Henry:

Just as an FYI, I will be out of the office on Friday the 1st - Tuesday the 5th. Returning on Wednesday the 6th. Please let me know by Thursday, June 30th what the plan is for this meeting so that I can get the agenda and notice posted for the board. Thank you

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive

Durham, NH 03824
868-5100 x20

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From: wlla824@comcast.net [mailto:wlla824@comcast.net]
Sent: Tuesday, June 28, 2011 9:59 AM
To: hfb4444@comcast.net
Cc: Wendy DiFruscio
Subject: Re: Coming up meetings

Good Morning!!

If the meetings are during the evening, then Wednesday works best for me. If they are during the day then either date could work.

I hope this helps!

Regards,

Laura Grasso Dobson

From: hfb4444@comcast.net
To: "Laura Dobson" <wlla824@comcast.net>
Sent: Monday, June 27, 2011 5:49:30 PM
Subject: Coming up meetings

Laura,

We need you and your skills. I'm in the process of putting together a public meeting of the board so we can interview the board's choice for your interim superintendent in public. Would you be available on Tuesday or Wednesday of next week. I'm not sure of the date yet but day of July 5 or 6th make sense. If you would like a special time we might be able to schedule for a early board meeting. Let me know so I can put that in the mix and make a decision. Have a very nice evening with your family.

Regards,
Henry

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Post Thursday Non-Public and Public Meeting
Date: Wed, Aug 10, 2011 10:44 am

From: "am lane" <am.lane@comcast.net>
To: hfb4444@comcast.net
Sent: Wednesday, June 29, 2011 9:46:02 AM
Subject: Re: Post Thursday Non-Public and Public Meeting

Hi the meeting is posted however the Agenda is not-should it be?
Sent on the Sprint® Now Network from my BlackBerry®

From: hfb4444@comcast.net
Date: Wed, 29 Jun 2011 03:24:50 +0000 (UTC)
To: Wendy DiFruscio <wdifruscio@orcsd.org>
Cc: Danielle Bolduc <dbolduc@orcsd.org>; Jim Kach <jkach55@gmail.com>; Jocelyn O'Quinn <jocoequinn@yahoo.com>; Megan Turnbull <mmshea@chicagogsb.edu>; Ann Wright <ann_wright@comcast.net>; ann and Michael Lane <am.lane@comcast.net>; Krista Butts <kbutts@orcsd.org>; Todd Allen <tallen@orcsd.org>; Sue Caswell <scaswell@orcsd.org>
Subject: Post Thursday Non-Public and Public Meeting

Wendy,

Would you please Post a 9:00 AM Thursday, June 28th Special Non-public meeting at the high school conference room C-120 for interviewing an Interim Superintendent candidate. RSA 91-A:3 II (b).

After the non-public we will come back in regular session @ 10:30 AM Thursday, June 30th and continue a public meeting with the Agenda : Discussion of expenditure of money to come out of the unspent fund balance to cover the cost of the negotiations related to Mr. Colter's settlement agreement, legal fees and consulting firm fees.

Action Item: Vote to authorize the expenditure of monies from unspent Fund Balance to cover the cost of negotiations related to Mr. Colter's settlement agreement, legal fees and consulting firm fees.

Adjournment

This posting must be done by 9 AM Wednesday morning.
If you have any questions please call me my cell phone 397-7378.
Thank-you.
Henry

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: 06 30 11 SB meetings

Date: Wed, Aug 10, 2011 10:44 am

Attachments: 06_30_11_Special_Board_Meeting_Notice.pdf (17K), 06_30_11_Special_Non_Public_SB_Mtg_Notice.pdf (18K), 06_30_11_Agenda_SB_Special_Mtg.pdf (24K), 06_30_11_Agenda_SB_Special_Non_Public.pdf (23K)

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>

To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>

Cc: "Howard Colter" <hcolter@orcsd.org>

Sent: Wednesday, June 29, 2011 10:26:08 AM

Subject: 06 30 11 SB meetings

FYI!

Wendy L. DiFruscio

Superintendent's Administrative Asst.

36 Coe Drive

Durham, NH 03824

868-5100 x20

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OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

**NOTICE OF SCHOOL BOARD
SPECIAL MEETING**

June 30, 2011 C-120 HS Conference Room 10:30 am

The Oyster River School Board will meet for a special meeting at the high school in the Conference Room C-120 at 10:30 a.m. on Thursday, June 30th, 2011.

Respectfully submitted,



Howard P. Colter
Superintendent

Oyster River Cooperative School District

Special Meeting

AGENDA

June 30, 2011

ORHS - Conference Room – C-120

10:30 a.m.

- I Call to Order
- II. Closed Session (9:00 am)
RSA 91-A:3 II(b)
 - Interview of Interim Superintendent candidate
- III. Discussion
 - Expenditure of monies from unspent fund balance to cover the cost of negotiations related to Mr. Colter's settlement agreement, legal fees and consulting firm fees.
- IV. Action Item
 - Vote to authorize expenditure of monies from unspent fund balance to cover the cost of negotiations related to Mr. Colter's settlement agreement, legal fees and consulting firm fees.
- V. Discussion
- VI. Adjournment

The School Board reserves the right to take action on any item on the agenda.

Respectfully submitted,



Howard Colter, Superintendent

Oyster River Cooperative School District

Non Public Special Meeting

AGENDA

June 30, 2011

ORHS-Conference Room C-120

9:00 a.m.

- I Call to Order
- II. Closed Session
RSA 91-A:3 II(b)
 - Interview Interim Superintendent Candidate
- III. Discussion
- IV. Adjournment

The School Board reserves the right to take action on any item on the agenda.

Respectfully submitted,



Howard Colter, Superintendent

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: interim superintendent interviews
Date: Wed, Aug 10, 2011 10:55 am

From: "Todd Allen" <tallen@orcsd.org>
To: hfb4444@comcast.net, "Jim Kach" <jkach55@gmail.com>, "Krista Butts" <kbutts@orcsd.org>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Ann Wright" <ann_wright@comcast.net>, "ann and Michael Lane" <am.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Danielle Bolduc" <dbolduc@orcsd.org>, "Susan Caswell" <scaswell@orcsd.org>
Sent: Monday, June 27, 2011 3:06:56 PM
Subject: RE: interim superintendent interviews

Which two candidates are we interviewing?
Todd

From: hfb4444@comcast.net [mailto:hfb4444@comcast.net]
Sent: Monday, June 27, 2011 2:22 PM
To: Jim Kach; Krista Butts; jocelyn O'Quinn; Ann Wright; ann and Michael Lane; Megan Turnbull; Todd Allen; Danielle Bolduc; Susan Caswell
Subject: interim superintendent interviews

Good Morning,
I would like to call a search committee meeting for Tuesday , June 26 stating at 3:00 PM at the high school room C-120. I have several candidates to be interviewed at 3 and 4 o'clock.
Henry

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Additional RTK E-mails
Date: Wed, Aug 10, 2011 10:56 am
Attachments: 06211_Search_Committee_2.pdf (100K), 062111_Search_Committee_3.pdf (89K)

From: "Megan Turnbull" <mmshea@chicagogsb.edu>
To: "Wendy DiFruscio" <wdifruscio@orcsd.org>
Cc: "Henry Brackett" <hfb4444@comcast.net>
Sent: Friday, June 24, 2011 3:14:09 PM
Subject: Additional RTK E-mails

Hi Wendy,

I found three e-mails pertaining to hiring an interim superintendent that I missed. I am going back, again, to re-check, so there may be more.

Thanks,

Megan

**

[image/png:062111_Search Committee.png]

Resent-From: Megan Turnbull <mmshea@chingobooth.edu>

From: Susan Caswell

Subject: RE: Search Committee

Date: June 21, 2011 2:42:48 PM EDT

To: Henry Brackett, Danielle Lueck <danielbueck@hotmail.com>, Todd Allen, Jocelyn O'Quinn, Jim Kach, Megan Turnbull, Krista Butts
Ann and Michael Lane <am.lane@comcast.net>, Ann Wright

Henry,

I have a few meetings on Thursday, 9:00, 11:00, and 3:00. Friday is open and next week is open.

Sue

Susan Caswell

Business Administrator

Dyster River Cooperative School District

503-868-5100 x15

Working Together to Engage Every Learner

The Right-To-Know Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: hfb444@comcast.net [mailto:hfb444@comcast.net]

Sent: Tuesday, June 21, 2011 12:51 PM

To: Danielle Lueck; Todd Allen; Susan Caswell; Jocelyn O'Quinn; Jim Kach; Megan Turnbull; Krista Butts; ann and Michael Lane; Ann Wright

Subject: Search Committee

Good morning,

I need your available to schedule interviews for our Interim Superintendent search committee. I just require the date (from tomorrow till June 30th) and the blocks of time you would be available to meet on those dates. I will let everyone know of our next meeting(s) as soon as I know

Thank-you,

Henry.

Resent-From: Megan Turnbull <mishas@chicagobooth.edu>
From: Todd Allen
Subject: RE: Search Committee
Date: June 21, 2011 2:19:40 PM EDT
To: Henry Brackett, Danielle Lueck <daniellelueck@hotmail.com>, Susan Caswell, Jocelyn O'Quinn, Jim Kach, Megan Turnbull, Krista Butts, ann and Michael Lane <am.lane@comcast.net>, Ann Wright

tello Henry,

am trying to spend as much time as possible with Laura Rogers this week since her last day is Friday. For this reason Monday and Tuesday of next week would be best for me. I have a 9:00 Monday appointment but can be available any other time on those days. I am out of town next Wednesday and Thursday. If need be I can make myself free on Thursday and Friday of this week but would prefer to spend time transitioning with Laura.

Thanks,

Todd Allen
Dyster River Middle School
Assistant Principal
1 Coe Drive, Durham, NH 03824
603-868-2820

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From: hfb444@comcast.net [mailto:hfb444@comcast.net]
Sent: Tuesday, June 21, 2011 12:51 PM
To: Danielle Lueck; Todd Allen; Susan Caswell; Jocelyn O'Quinn; Jim Kach; Megan Turnbull; Krista Butts; ann and Michael Lane; Ann Wright
Subject: Search Committee

Good morning ,

I need your available to schedule interviews for our Interim Superintendent search committee. I just require the date (from tomorrow till June 30th) and the blocks of time you would be available to meet on those dates. I will let everyone know of our next meeting(s) as soon as I know

Thank-you,
Henry.

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Letter to OR School Board
Date: Wed, Aug 10, 2011 10:57 am

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Cc: "Howard Colter" <hcolter@orcsd.org>
Sent: Thursday, June 23, 2011 12:26:30 PM
Subject: FW: Letter to OR School Board

FYI!

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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From: Julie Reece [<mailto:juliesreece@gmail.com>]
Sent: Thursday, June 23, 2011 12:16 PM
To: Wendy DiFruscio
Subject: Letter to OR School Board

Dear Wendy,

Would you please forward this letter to the board? Thank you, Julie

Dear Oyster River School Board,

I, of course, have a lot of questions about recent board actions, and I am very upset about the current state of affairs in our school district and our community. Right now, however, my immediate concern is that it is June 23rd. We will be without a superintendent in 7 days. I believe that the board has interviewed one candidate for the interim position so far. At the board meeting on June 15th, the board stated that there would be a few candidates, there would then be finalists, and a public interview. I am wondering when this public interview will happen? I also wonder if the board has an alternative plan if we do not have an interim in place by July 1?

Communication, transparency, and accountability were important issues for each of you when you ran. I hope that you will fulfill these promises that you made to the public.

Regards,

Julie Reece
Lee, NH

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Search Committee
Date: Wed, Aug 10, 2011 11:01 am

From: "Susan Caswell" <scaswell@orcsd.org>
To: hfb4444@comcast.net, "Danielle Lueck" <daniellelueck@hotmail.com>, "Todd Allen" <tallen@orcsd.org>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim Kach" <jkach55@gmail.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Krista Butts" <kbutts@orcsd.org>, "ann and Michael Lane" <am.lane@comcast.net>, "Ann Wright" <ann_wright@comcast.net>
Sent: Tuesday, June 21, 2011 2:42:49 PM
Subject: RE: Search Committee

Henry,

I have a few meetings on Thursday, 9:00, 11:00, and 3:00. Friday is open and next week is open.

Sue

Susan Caswell

Business Administrator

Oyster River Cooperative School District

603-868-5100 x15

Working Together to Engage Every Learner

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From: hfb4444@comcast.net [mailto:hfb4444@comcast.net]
Sent: Tuesday, June 21, 2011 12:51 PM
To: Danielle Lueck; Todd Allen; Susan Caswell; jocelyn O'Quinn; Jim Kach; Megan Turnbull; Krista Butts; ann and Michael Lane; Ann Wright
Subject: Search Committee

Good morning ,

I need your available to schedule interviews for our Interim Superintendent search committee. I just require the date (from tomorrow till June 30th) and the blocks of time you would be available to meet on those dates. I will let everyone know of our next meeting(s) as soon as I know

Thank-you,

Henry.

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: What is going on?
Date: Wed, Aug 10, 2011 11:03 am

From: "Krista Butts" <kbutts@orcsd.org>
To: "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, "Ann Lane" <ann.lane@comcast.net>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Jim Kach" <jkach55@gmail.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>
Sent: Friday, June 17, 2011 12:07:39 PM
Subject: RE: What is going on?

Non-public minutes were just sent to Wendy to be posted. Thanks.

Krista

From: Ann Wright [mailto:ann_wright@comcast.net]
Sent: Fri 6/17/2011 7:26 AM
To: Henry Brackett; Ann Lane; Jocelyn O'Quinn; Jim Kach; Krista Butts; Megan Turnbull
Subject: Re: What is going on?

Regarding this email, I did not mean for it to be a conversation. My hope is that at our meeting this afternoon Henry will update the board. Thanks.

From: Ann Wright
Sent: Friday, June 17, 2011 6:06 AM
To: Henry Brackett; Ann Lane; Jocelyn O'Quinn; Jim Kach; Krista Butts; Megan Turnbull
Subject: What is going on?

Henry,

I think you owe us all an explanation why information regarding the amount of Howard's separation and the vote itself cannot be released until the 30th. As you know this information is in the nonpublic minutes which were not sealed and can not be sealed because they do not fall under any of the the legal reasons to seal them.

This is not another instance where we can hide behind the RTK law or protection of non public. This is a judgment call. I think the public deserves to know how their money is being used. If any of us were "on the outside" we would demand the same transparency from the school board.

Please explain to us what is going on and is this your decision? Ann

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: The interim situation
Date: Wed, Aug 10, 2011 11:04 am

From: "Ann Wright" <ann_wright@comcast.net>
To: "Ann Lane" <ann.lane@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Krista Butts" <kbutts@orcsd.org>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Megan Turnbull" <mmshea@chicagogsb.edu>
Sent: Sunday, June 12, 2011 7:21:26 AM
Subject: The interim situation

Dear Fellow Board Members,

I hope you enjoyed Graduation on Friday. I thought it was a lovely celebration of our school, our students and our teachers. It is clear that our students have great love for their school and their teachers, and this is truly what makes OR special.

At agenda setting on Tuesday, 6/7, Henry said that he was going to hold preliminary interviews with three interim superintendent candidates on Friday (6/10). After I called him and left him several emails asking if I could join him for those interviews, he called me back and told me that I could not, that Megan Turnbull and Jim Kach were already accompanying him to these interviews taking place at the Durham Police Department. It strikes me as odd that Henry would not ask his more experienced board members to take part in these interviews. Another thing that sent up a red flag was that he said they would be interviewing [REDACTED], who, as I have heard from Henry, did some work on the statements Megan wrote for Howard's buyout. Megan knows this gentleman, as does Jim Kach, from his job. While I don't know the details (I have only heard small details from Henry by telephone), the fact that one of the candidates is known by the three interviewers causes me concern. I also would hope that we would have Sue Caswell and Danielle Bolduc, at the very least, interview these individuals. After all, they will be working most closely with the superintendent, not the board. I hope we can discuss all this on Monday evening. Important decisions like the hiring of a superintendent should be left to the board as a whole, not segments of the board determined by the Chair.

Henry also told me that the Board would meet for a non-meeting on Monday, June 13th to decide on which interim superintendent to hire. I strenuously objected to this process. Feeling powerless, I spoke with Krista on the telephone and explained to her

what I knew (she did not know about this process Henry had set up), and, as I understand it, Krista spoke with Henry yesterday. Apparently there will be a different plan now. If so, I don't know what it is. Perhaps some board members know about this already and others will find out by phone call or at the non-meeting on Monday. I could be telling you all something you already know about.

However, my point is that this is not how a board is run. Board Chairs do not make decisions unilaterally. Nor do Board Chairs involve some individuals in their decision making and leave others out. Decisions are made by the board as a whole. Information should not travel by telephone, but be imparted during meetings. Some of you do not know this because you have only sat on a board a short while and have only learned from this Chair. It is vital that we all start to act like a board and not several individuals acting independently.

It is one thing to have the Chair say that he will write a statement regarding [REDACTED] appointment and then involve one other person (hopefully at the instruction of the board - I still do not know who wrote that statement delivered last Wednesday that this Board signed off on). It is something else entirely to have the Board Chair, on his own, decide who to contact as this district's interim superintendent, and then attempt to keep that hiring process to three of his hand-picked people. Is this transparent? Is this due diligence? Remember, the board rejected a principal candidate after this person had been vetted by a dozen teachers, three community members, three board members and a superintendent with over thirty years of hiring experience - a process that took months. If our Chair's judgment says that this board could hire an interim superintendent - someone who will take us through budget season, decide whether [REDACTED] will become our permanent Principal, and hire our new Director of Curriculum - after one interview with only three board members, I seriously question this Chair's judgment.

It is not my goal to sit here at my computer and point my finger at Henry or at anyone on the Board. My letter is sent out of frustration. I want this board to act in the interests of our students and our community. If we cannot act as a cohesive unit, we cannot make informed decisions in order to improve student achievement and act in anyone's best interests - even our own. If you haven't noticed, we are not a community in crisis, but a board in crisis. We can continue along our merry way and leave a legacy of negative press, reduced teacher and student morale and a community that is no longer desirable to move to, or we can begin working together and act like a proper board. If we chose to act like a proper board, we will have to re-think our actions, and demand accountability among each other.

Take Care,
Ann

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: A motion tomorrow
Date: Wed, Aug 10, 2011 11:04 am

From: "Jocelyn O'Quinn" <joceoquinn@yahoo.com>
To: "Henry Brackett" <hfb4444@comcast.net>, "Krista Butts" <kbutts@orcsd.org>, "Jim Kach" <jkach55@gmail.com>, "Ann Lane" <ann.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>, "Ann Wright" <ann_wright@comcast.net>
Sent: Wednesday, June 15, 2011 10:01:27 AM
Subject: Re: A motion tomorrow

Good Morning Everyone,

First, a reminder that we cannot deliberate via email so board members should not begin a discussion about agenda items tonight.

Second, I want to caution board members against making derogatory comments or accusations about one another or our actions. Let's remember that we work together to debate issues and make decisions, not attack each other personally or speculate about each other's motives. I feel the statement below about a specific board member is inaccurate and unfairly characterizes a previous discussion. And sadly, this is not the first email to a quorum or public board discussion where I have seen a board member attacked by another board member.

This has to stop, let's take a deep breath and conduct ourselves in a respectful manner tonight regardless of our disagreements about various topics or motions on the table.

Disagreement is fine and expected in any governing body, however personal attacks do not have a place at the table and are not conducive to the decision making process. Instead they serve to distract us from the real issues at hand (the children of the district), and in the worst case personal attacks intimidate board members and stifle important debate and conversation.

Regards,
Jocelyn

--- On Tue, 6/14/11, Ann Wright <ann_wright@comcast.net> wrote:

From: Ann Wright <ann_wright@comcast.net>
Subject: A motion tomorrow
To: "Henry Brackett" <hfb4444@comcast.net>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <kbutts@orcsd.org>, "Jim Kach" <jkach55@gmail.com>, "Ann Lane" <ann.lane@comcast.net>, "Megan Turnbull" <mmshea@chicagogsb.edu>
Date: Tuesday, June 14, 2011, 4:47 PM

This is merely a "heads up".

I am going to make a motion tomorrow night after Henry makes the announcement regarding Howard, and the steps the SB is taking to hire an interim superintendent. The motion will be to have a public interview of the final candidates followed by a nonpublic deliberation and vote. I am doing this because according to policy BBAA (Individual members), "No legal action can be taken except at a duly posted meeting of the board and by a quorum acting as unit". Our vote last night at the non-meeting to hold nonpublic interviews of the finalists was not a legal vote (Kim should have let us know this). It will also be good to include Krista in this vote.

Again, this highlights why it is important to do things in the open. I don't know about any of you, but one issue I ran on was transparency, and I wasn't just paying lip service when I spoke about it. I feel very strongly in the public's right to know - even things that might make us look bad or make us feel uncomfortable. Hiding things (such as what Megan suggested, having the PR firm bill under the Great Schools Project, drawing attention away from what their true purpose really is) makes this board look even worse.

Sleep well tonight.

Ann

From: hfb4444 <hfb4444@comcast.net>

To: lelan4444 <lelan4444@aol.com>

Subject: Fwd: confidential

Date: Wed, Aug 10, 2011 11:12 am

From: "Ann Wright" <ann_wright@comcast.net>

To: alane@orcsd.org, "Henry Brackett" <hfb4444@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>

Sent: Thursday, May 26, 2011 7:40:24 AM

Subject: confidential

I propose that we offer [REDACTED] the interim superintendent position with our strong support that [REDACTED] apply for the permanent position in the fall.

[REDACTED] will know within days/hours whether [REDACTED] gets the position in [REDACTED]. It is my belief that a permanent position here would be more preferable to [REDACTED]. While it would be hard to offer [REDACTED] a permanent position because it would circumvent a public search, we are all aware of the huge impediments surrounding finding good superintendents in New England. Chances are, [REDACTED] would be our best candidate given a thorough search process.

If we are interested in this we should move quickly.

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: confidential
Date: Wed, Aug 10, 2011 11:14 am

From: "Ann Wright" <ann_wright@comcast.net>
To: alane@orcsd.org, "Henry Brackett" <hfb4444@comcast.net>, "Jim Kach" <jkach55@gmail.com>, "Jocelyn O'Quinn" <joceoquinn@yahoo.com>, "Krista Butts" <kbutts@orcsd.org>, "Megan Turnbull" <mmshea@chicagogsb.edu>
Sent: Thursday, May 26, 2011 7:40:24 AM
Subject: confidential

I propose that we offer [REDACTED] the interim superintendent position with our strong support that [REDACTED] apply for the permanent position in the fall.

[REDACTED] will know within days/hours whether [REDACTED] gets the position in [REDACTED]. It is my belief that a permanent position here would be more preferable to [REDACTED]. While it would be hard to offer [REDACTED] a permanent position because it would circumvent a public search, we are all aware of the huge impediments surrounding finding good superintendents in New England. Chances are, [REDACTED] would be our best candidate given a thorough search process.

If we are interested in this we should move quickly.

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: Cancel of the non-public only
Date: Wed, Aug 10, 2011 10:42 am

From: "Susan Caswell" <scaswell@orcsd.org>
To: hfb4444@comcast.net, "Wendy DiFruscio" <wdifruscio@orcsd.org>, "Todd Allen" <tallen@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Krista Butts" <kbutts@orcsd.org>, "Jim Kach" <jkach55@gmail.com>, "jocelyn O'Quinn" <joceoquinn@yahoo.com>, "ann and Michael Lane" <am.lane@comcast.net>
Sent: Thursday, June 30, 2011 3:15:58 PM
Subject: RE: Cancel of the non-public only

I will not be available tomorrow for this meeting. I will be taking a vacation day tomorrow. I tried to rearrange some plans I already made, but was unable to do so. If you are planning a meeting for next week in the evening, I will not be available on Tuesday. I will be checking my email if you need to contact me.

Have an nice weekend!

Sue

Susan Caswell
Business Administrator
Oyster River Cooperative School District
603-868-5100 x15

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From: hfb4444@comcast.net [mailto:hfb4444@comcast.net]
Sent: Thursday, June 30, 2011 7:08 AM
To: Wendy DiFruscio; Todd Allen; Ann Wright; Krista Butts; Jim Kach; jocelyn O'Quinn; ann and Michael Lane; Susan Caswell
Subject: Cancel of the non-public only

Good morning,

WE will have to cancel our Non-Public for 9:00 AM today. [REDACTED] is in a Washington D.C. airport trying to get back to New Hampshire, Yesterday, there were problems in Denver Airport and that caused a ripple effect of missing planes and not getting the flights needed to travel east.

I am rescheduling the Non-Public interview for 9:45 AM Friday, July 1st at the high school in room C-120

The 10:30 AM Public meeting today is still coming to happen.
See you there in Room C-120 at the high school.
Henry

From: hfb4444 <hfb4444@comcast.net>
To: lelan4444 <lelan4444@aol.com>
Subject: Fwd: 7/1/11 non public
Date: Wed, Aug 10, 2011 10:42 am
Attachments: 07_01_11_Agenda_SB_Special_Non_Public.doc (62K), 07_01_11_Special_Non_Public_SB_Mtg_Notice.pdf (18K)

From: "Wendy DiFruscio" <wdifruscio@orcsd.org>
To: "Ann Lane" <alane@orcsd.org>, "Ann Wright" <ann_wright@comcast.net>, "Henry Brackett" <hfb4444@comcast.net>, jkach55@gmail.com, joceoquinn@yahoo.com, kbutts@orcsd.org, "Megan Turnbull" <mturnbull@orcsd.org>
Sent: Thursday, June 30, 2011 3:26:07 PM
Subject: 7/1/11 non public

FYI!

Wendy L. DiFruscio
Superintendent's Administrative Asst.
36 Coe Drive
Durham, NH 03824
868-5100 x20

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Oyster River Cooperative School District

Non Public Special Meeting

AGENDA

July 1, 2011

ORHS-Conference Room C-120

9:45 a.m.

- I Call to Order
- II. Closed Session
RSA 91-A:3 II(b)
 - Interview Interim Superintendent Candidate
- III. Discussion
- IV. Adjournment

The School Board reserves the right to take action on any item on the agenda.

Respectfully submitted,



Howard Colter, Superintendent

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

**NOTICE OF SCHOOL BOARD
NON-PUBLIC SPECIAL MEETING**

**July 01, 2011 ORHS Conference Room 9:45 am
C-120**

The Oyster River School Board will meet for a special non-public meeting in accordance with RSA 91-A:3 II (b) at the ORHS in the Conference Room C-120 at 9:45 a.m. on Friday, July 1st, 2011.

Respectfully submitted,



Howard P. Colter
Superintendent