

RTK Agenda Notice?

David Taylor (Lowell)

Sent: Thursday, January 26, 2012 2:19 PM

To: Wendy DiFruscio (wdfifruscio@orcsd.org); Leon Levesque (llevesque@orcsd.org)

It appears the Special Board meeting for this evening, January 26, 2012 at 6:30 p.m. is not properly noticed. The notice posted after 3:13 p.m. on January 20, 2012 identifies this meeting as a "Special Meeting" and describes the business as "to discuss finalists and elect a superintendent." Further, the agenda posted after 3:12 p.m. on January 20, 2012 describes the subjects of the meeting as this:

- I. Call to Order
- II. Closed Session - Roll Call Vote
RSA 91A:3II(b) to discuss superintendent finalists
Return to Open Session
- III. Elect Superintendent
- V. [sic] Adjournment

However, during the School Board meeting last night to interview the finalists, the Board appears to have the intent of discussing items not indicated in the notice nor the agenda. Here is a transcript [00:01:39-00:02:06 of podcast] of Jocelyn O'Quinn's discussion during the interview of Dr. Morse:

O'Quinn: "On Thursday, tomorrow, the Board will be meeting to discuss the interviews, to discuss, excuse me, in non-public session we'll be meeting to discuss the interviews, to discuss the feedback we've received from the community, to discuss references, and to determine an appropriate next step, which may include electing a superintendent, it may include site visits, it may include additional interviews. We don't know until we've had that meeting. So, that will be happening tomorrow, so hopefully we'll have an update on that process for everybody on Friday."

Policy BE - School Board Meetings clearly states that the subjects and business of special meetings must be indicated in the notice or agenda and that no additional business may be considered at a special meeting that was not included in the notice or agenda. This was confirmed in the Notice of Decision of January 11, 2012 in case 219-2012-CV-000001.

In addition, note that the notice of the business of a special meeting must be posted according to Policy BE at least 72 hours in advance. Any addition to the agenda would require a similar 72 hour advance notice.

Clearly, the exemptions under RSA 91-A for non-public session stated in the agenda as RSA 91-A:3 II (b) "The hiring of any person as a public employee" does not include discussion of next steps such as site visits, additional interviews, etc. as these are procedural or planning discussions and not specific to the discussion on whether an individual candidate is qualified to be superintendent. RSA 91-A:3 I (c) clearly states "All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion." This should limit your non-public discussion merely to which of the candidates to move forward. Your public agenda is strictly limited to "elect[ing] a superintendent." While I applaud the Board for considering the appropriate due diligence this important decision for the next leader of our school deserves, I am very concerned that this failure to provide proper notice shows a continued disregard for the right-to-know of the citizens of this district as it is enshrined in both RSA 91-A and Policy BE.

I would appreciate your confirmation that my understanding of this situation is correct and how the Board intends to handle it.

Thanks,
-David

Exhibit #2