

July 25, 2017

Donna M. Green
3 Cranberry Meadow Rd.
Sandown, NH 03873

New Hampshire Board of Education
101 Pleasant St.
Concord, NH 03301

Dear Chairman Cline:

Enclosed please find an Ed 204 complaint to the board of SAU 55. Also please find an emailed response from SAU 55 to my request for a public hearing. The answer was that my request would be placed in the correspondence folder and discussed at the next SAU meeting. The next regularly scheduled SAU55 meeting is October 4, 2017, hardly a prompt response.

Based on this completely unsatisfactory reply from SAU 55, I am asking the Board of Education, under my rights established by Ed 206, to hold a review and/or hearing on my complaint.

I am a member of the Timberlane Regional School Board, representing Sandown, NH. Timberlane Regional School District is one of two districts overseen by SAU 55. The taxpayers I represent expect the laws relating to SAU salaries to be respected and enforced for their own well-being which is why I am bringing this example of lawlessness before you for rectification.

Thank you for your prompt attention to my complaint.

Sincerely,



Donna M. Green
603-974-0758
cc: SAU 55

July 20 2017

Donna M. Green
3 Cranberry Meadow Rd.
Sandown. NH 03873

SAU 55 Board
SAU 55
30 Greenough Rd.
Plaistow, NH 03865

Re: Complaint calling for a hearing as per Ed 204

Dear SAU Board Members:

As is my right under Ed 204, I am calling upon you to hold a public hearing on the matter of SAU salaries and employment contracts, including issues around the hiring of Mr. Tom Geary.

It is my contention that SAU 55 is in violation of RSA 194-C:5 which states in relevant part:

III. The school board of each school administrative unit shall fix the salaries of all school administrative unit personnel, shall apportion the expense of the salaries and benefits among the several districts, and shall certify the apportionment to their respective treasurers and to the state board of education. The school administrative unit board shall have the authority to remove superintendents and other administrators.

The SAU 55 Board has not:

- 1) set the salaries for any SAU employee but for the superintendent since the establishment of a "merit pool" which the superintendent uses at his sole and confidential discretion to increase SAU staff salaries;
- 2) voted to approve the contract of the most recent SAU hire, Mr. Tom Geary;
- 3) voted to set Mr. Geary's salary or benefits.
- 4) voted to approve SAU employee contracts (except for the superintendent)

These are clear violations of RSA 194-C:5 governing School Administrative Units. Furthermore, the SAU chairman is not authorized under law to bind the district to employment contracts without the express vote of the board to do so.

SAU 55 has for an unknown number of years failed to follow its own policies.

- Policy BBBH says in relevant part that the SAU Board annually shall , "Fix the salaries of all SAU personnel. "
- Policy CBC says in full part, "New contracts, renewals or extensions for SAU

administrators will be considered at the spring meeting of the SAU each year. A majority vote by the SAU Board will authorize the Chairperson to sign the contract on behalf of the SAU with the SAU administration. "

I have been on the SAU board for more than three years and we have never voted on any SAU employee contract, new or renewal, except for the superintendent's contract. By policy and by law, the SAU board should be voting to approve each employee's contract and pay.

Even by our own policy, Mr. Geary's position is irrefutably an administrative position and should have come before the SAU board for a vote as well as approval of his contract terms.

Please allow me to remind you that action taken by a single board member without an authorizing vote of the board has no legal effect but does open the individual member up to personal liability. This applies to any SAU board chairman who signs contracts without board authorization.

As a member of the Timberlane Regional School Board which is a part of SAU55's board, I protest most forcefully the violations of both law and policy being conducted by SAU55's board and these are the remedies I seek:

- 1) A public hearing on these issues as per Ed 204;
- 2) A commitment by the SAU 55 board to eliminate the merit pool as of the 2018-19 fiscal year
- 3) A commitment by the SAU 55 board to bring all SAU salaries for the board's deliberation and vote as required by law immediately and going forward
- 4) A commitment by the SAU 55 board to bring all SAU contracts, be they new or renewals, to the SAU board annually for deliberation and voted approval
- 5) A commitment that the SAU board chairman will no long sign any SAU documents without the express vote of the SAU board as a whole.

I look forward to having a hearing before you within the next few weeks. Please be aware that I fully intend to escalate this complaint to the New Hampshire Board of Education if my complaint is not dealt with promptly and to my satisfaction.

Ed 204 is reproduced below for your reference. Please note that the Department of Education understands the Administrative Rules to apply to both school districts and SAUs.

Sincerely,



Donna Green

Sandown Representative to the Timberlane Regional School Board.

cc: NH Board of Education
NH Department of Education
Timberlane Regional School Board

PART Ed 204 MINIMUM REQUIREMENTS FOR DUE PROCESS BY THE LOCAL SCHOOL BOARD

Ed 204.01 Proceedings at the School Board Level to Resolve Disputes Between Individuals and the School System.

(a) A local school board shall adhere to the following due process procedures prior to a party filing a dispute as a contested case with the office of legislation and hearings except for disputes governed by Ed 204.02 or other rules of the board governing specific circumstances:

- (1) Provide opportunity for a hearing when the legal rights, duties or privileges of a party are threatened;
- (2) Provide notice of such a hearing;
- (3) Conduct a hearing in a manner assuring due process;
- (4) Establish an adequate record in all contested cases; and
- (5) Issue timely decisions and orders.

(b) The local board shall provide an opportunity for a hearing if requested at which the following procedures shall apply:

- (1) The party, together with a parent or guardian, if applicable, or legal counsel, if applicable, may waive the right to a hearing in (a), above;
- (2) Formal rules of evidence shall not be applicable;
- (3) The hearing shall be either public or nonpublic consistent with the provisions of RSA 91-A:3, II(a); and
- (4) During the hearing, the school board shall allow a party, or a designated representative of the party, to examine any and all witnesses.

(c) The local board shall include a statement that the local school board has complied with all the requirements of RSA 91-A, the state's right to know law, including compliance with all the recordkeeping requirements of that law.

(d) The local board shall provide a written decision determined by a quorum of the local board which shall include notice that the decision may be appealed to the state board.

(e) The decision of the local board shall at a minimum, include the following:

- (1) The date of the decision;
- (2) A description of the issue in dispute;
- (3) The board's decision; and
- (4) The rationale for the board's decision;

(f) The written decision shall be considered a final decision at the local level.

(g) A party may appeal a final decision of the local board to the state board within 30 calendar days of receipt of the written decision of the local board, in accordance with RSA 541-A and Ed 200. The state board may waive the 30-day requirement for good cause shown, including, but not limited to, illness, accident, or death of a family member.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; ss by #6348, eff 10-5-96,
EXPIRED: 10-5-04

New. #8334-A, eff 4-23-05 (from Ed 216.01)



Donna Green <donnagre@gmail.com>

Complaint Invoking ED204

2 messages

Belcher, Catherine <Catherine.Belcher@sau55.net>

To: Donna Green <donnagre@gmail.com>

Tue, Jul 25, 2017 at 10:57 AM

Dear Mrs. Green,

This email confirms receipt of correspondence from you dated July 21, 2017 relative to your complaint invoking ED204. This correspondence will be placed in the correspondence folder for review and possible discussion by the whole SAU 55 Board at a future SAU 55 Board meeting.

Cathy Belcher

Please note my e-mail address has changed. I will still receive e-mail at the old address for a limited time but please be sure to update your records with my new address: catherine.belcher@sau55.net



Cathy Belcher

Executive Assistant to the Superintendent of Schools

(603) 382-6119 ext. 2217

catherine.belcher@sau55.net

School Administrative Unit # 55	Policy Code: BBBH
Approved: 12-14-91 Revised: 12-12-95 Revised: 11-12-97 Revised: 09-20-01 Revised: 11-12-02 Revised: 01-23-13 Revised: 10-21-15	Page 1 of 3

**ORGANIZATION AND OPERATION OF THE
SCHOOL ADMINISTRATIVE UNIT (SAU) SCHOOL BOARD**

- A. SAU SCHOOL DISTRICTS: The School Districts of Timberlane and Hampstead shall constitute SAU #55.
- B. SAU BOARD: The combined school boards of the school districts.
- C. VOTING RIGHTS:

RSA 194-C:7 Representation. Every school district maintaining one or more public schools shall be entitled to 3 votes on the joint board of school administrative units, plus additional votes as provided in RSA 194-C:8. Districts not maintaining schools shall have one representative on said joint board, who shall be entitled to one vote. Each school district board member present shall be entitled to have a proportionate share of the school district's votes provided that the total votes per district shall be equally divided among said district's board members present and cast as each member present decides on any issue.

RSA 194-C:8 Weighted Voting. In all votes regarding school administrative unit affairs, including organizing of such unit school board and selection of officers, each district shall be entitled to one additional vote for each 16 pupils residing in that district and enrolled in schools under the administrative unit. A balance of 8 or more students shall entitle that district to an additional vote. Less than 8 students would have no net effect on a district's vote. Enrollments shall be based on the average daily membership in residence of each district for the school year which ended in the preceding June. Weighted votes shall only be used upon the demand of a majority of the members of any board present and voting in the school administrative unit. The school board members present at a school administrative unit school board meeting shall be entitled to cast the entire number of votes assigned to their school districts, provided that each representative present shall be entitled to a proportionate share of the total to be cast as provided in RSA194-C:7.

1. Elect, when necessary, a Superintendent.
2. Act upon the Superintendent's nomination for SAU professional staff. For the purpose of clarification, professional staff shall include the Superintendent, the Assistant Superintendent, the Business Administrator and the Human Resource Director.
3. Fix the salaries of all SAU personnel.

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4. Adopt a budget for the expenses of the SAU.
 5. Adopt policies affecting the SAU.
- D. **VACANCY ON THE BOARD:** Any vacancy on the SAU Board shall be filled in accordance with the statute governing the Board of the school district of the resigned member.
- E. **ELECTION OF SAU PROFESSIONAL STAFF:** When a vacancy occurs in the SAU professional staff as provided in paragraph C.2., the Chairman of the Board shall establish a screening committee consisting of one Board member from each of the school districts. The Chairman of the screening committee shall be appointed by the SAU Board Chairman and the Superintendent of Schools shall serve on the committee (except if the Superintendent's position is being vacated).
- F. **EMPLOYMENT OF OFFICE PERSONNEL:** All other SAU personnel shall be recommended for employment by their immediate supervisor and approved by the Superintendent of Schools.
- G. **MEETINGS:**
1. **Annual:** The SAU Board shall meet annually between April 1 and June 1 in each year, at a time and place fixed by the Chairman. The Board shall organize by electing the following officers: The Board shall elect the professional staff members for the next fiscal year and fix the salaries of all SAU personnel.
 - a. Chairman
 - b. Vice Chairman
 - c. Treasurer
 - d. Assistant Treasurer
 2. **Semi-Annual:** The SAU Board shall hold a meeting between October 15 and December 15 in each year for the purpose of preparing a recommended budget for the next fiscal year for the expenses of the SAU.
 3. **Evaluations:** The SAU Board shall evaluate the Superintendent as per policy CBI and procedure CBI-R. The evaluation process shall begin in May and shall be completed in a timely fashion in order to give the Superintendent enough time to develop his/her goals so that they align with the new fiscal year.
 4. **Budget Hearing - Public:** There shall be held, within the SAU at a time and place specified by the SAU Board Chairman, a public hearing upon the recommended

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budget. The SAU Board shall adopt a budget, following the public hearing, for the next fiscal year.

5. **Special Meetings:** The SAU Board may hold special meetings at the call of the Chairman or at the request of any one of the member school boards. Notification of Meetings and Procedure:
 - a. Except in emergencies, written notice of each meeting is expected from the Superintendent's office well in advance of the appointed time and legally posted in accordance with RSA 91-A:2.
 - b. The public budget hearing shall be held in an appropriate facility centrally located.
 - c. An agenda shall be prepared by the Superintendent of Schools for each Board member prior to the meeting. Items will not be included for action of the SAU Board at a meeting unless submitted to the Superintendent of Schools four days prior to the day of the meeting.
 - d. The SAU Board may go into non-public session by a majority vote of the members, in accordance with RSA 91-A:3.
 - e. A caucus of reasonable duration may be called by any one of the member boards. The SAU School Board will recess while individual boards are holding a caucus.

- H. **ANNUAL AUDIT:** The SAU Board shall authorize an audit of the SAU accounts annually.

- I. **NON-DISCRIMINATORY POLICY:** The SAU Board does not discriminate on the basis of race, religion, color, gender, sexual orientation, age, marital status, disability, or nationality or ethnic origin, in the educational programs or activities which it operates and that are required by Titles VI and IX.

- J. **ADMINISTRATIVE AUTHORITY:** The Superintendent of Schools is the chief executive officer of the school districts and, in his absence, the Assistant Superintendent will act as deputy chief administrative officer with the same power and responsibilities as vested in the Superintendent.

Legal References:

RSA 194-C:5

RSA 194-C:10

RSA 194-C:9

NHDOE Administrative Rules 302.01 (h) Duties of School Superintendent

School Administrative Unit # 55	Policy Code: CBC
Adopted: 12-14-91 Revised: 11-12-02	Page 1 of 1

SAU ADMINISTRATOR CONTRACT

New contracts, renewals or extensions for SAU administrators will be considered at the spring meeting of the SAU each year. A majority vote by the SAU Board will authorize the Chairperson to sign the contract on behalf of the SAU with the SAU administration.

SCHOOL ADMINISTRATIVE UNIT NO 55

Serving the Hampstead and

Timberlane Regional School Districts

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Donna Green <donnagre@gmail.com>

To: "Belcher, Catherine" <Catherine.Belcher@sau55.net>

Tue, Jul 25, 2017 at 12:23 PM

Dear Mrs. Belcher:

I take your response to mean that the SAU board will not be convening a special meeting to address my Ed 204 complaint.

As such, I will be escalating my complaint to the Board of Education.

Sincerely,

Donna Green

[Quoted text hidden]