

Board of Education
Newtown, Connecticut

Minutes of the Board of Education meeting on Tuesday, March 16, 2010 at 7:30 p.m. in the board room at 3 Primrose Street.

Present:	L. Bittman, Chair	J. Robinson
	K. Fetchick, Vice Chair	L. Gejda
	D. Leidlein, Secretary	18 Staff
	D. Nanavaty	15 Public
	R. Gaines	1 Press
	W. Hart	
	C. Lagana	

Mrs. Bittman called the meeting to order at 7:30 p.m.

Item 1 – Consent Agenda

MOTION: Mrs. Fetchick moved to approve the consent agenda which included the minutes of March 2, 2010, the Newtown High School girls varsity softball team trip to Florida, the donation of \$10,000 to Hawley School, the resignation for retirement of Donna Page, Principal of Sandy Hook School, effective June 30, 2010, the child-rearing leave of absence for Kristen Donovan, teacher at Newtown High School, for the 2010-2011 school year, and the resignation of Michelle Baris, teacher at Middle Gate School, who has been on a child-rearing leave of absence. Mr. Hart seconded. Vote: 7 ayes

Item 2 – Public Participation

Robin Fitzgerald, 24 Old Farm Road, supports the Board of Education and asked them to fight for education in our town. The boards have to work as a team but one group, the Board of Finance, is not playing fairly. There were never as many questions regarding the work planned for Fairfield Hills. She wants the Legislative Council to restore money back to the Board of Education. Leave our academics in place including electives, music, project adventure, and home ec. and cut every other activity that takes place after school like sports and drama. Close the schools at dismissal time. The owner/operator system is not working for our town anymore. Everything needs to be considered. Should never consider mothballing one of our schools.

Lisa Bercher, 13 Monitor Hill, said she was at Board of Finance meeting when they reduced the Board of Education budget. The most frustrating thing was when Mr. Kortze said it was not their role to decide what taxpayers could pay. By recommending that cut they made that choice for the taxpayers. She wants the Board of Education to stand firm against that cut. If we vote no they will cut more.

Item 3 – Reports

Mrs. Bittman asked to move the financial report to be discussed with the reconciliation of excess cost. Mrs. Fetchick made a motion to amend the agenda to add in a possible vote on the excess cost grant. Mrs. Leidlein seconded for discussion. All agreed but Mr. Nanavaty said a vote has to be on our posted agenda. We can only discuss. Mrs. Bittman said we can agree to vote.

Mrs. Fetchick said we were supposed to get back to the Board of Finance on any consensus on the budget freeze they talked about at a previous meeting. She'd like to vote.

Mr. Nanavaty said his comment at the last meeting was that he doesn't think we should take any action to unfreeze our accounts unless we know the town will have surplus this year. Every year the town posts a surplus. The Board of Finance is coming to us before they know if there will be one and wants us to deny our students services in last year's budget to pay our revenue loss from the State of Connecticut.

Mrs. Fetchick said if that is the consensus of the Board we should vote on it and let the other board know.

Mrs. Bittman asked if all were in favor of adding a possible vote. The majority were not in favor.

Correspondence: Mrs. Leidlein said the Board received correspondence from Kinga Walsh with additional budget questions.

Chair Report: Mrs. Bittman spoke about the Board of Finance meeting and the \$2.5M we were told to remove from our budget. We won't know the cuts until the referendum is held. They have been working on various options to reduce the budget.

Superintendent's Report: Dr. Robinson spoke about the fall kindergarten inventory results which shows a picture of students as they first enter school. There is some decline in the skill levels they are coming in with.

We put out an RFQ with the town for a new health consultant. Twenty responded and will be reviewed by a combined committee of the town and Board of Education.

Dr. Robinson praised the middle and high school plays. The students are very talented and plays well produced. The PTAs at both schools have a senior citizen tea after which they see the play.

The Legislature is now in session. She sent a letter to the State regarding the burden of proof which is a special ed issue. If changed it would save money for the districts because the burden of proof would be on the party requesting the hearing. Connecticut is the only state that puts it on the district.

Mr. Nanavaty said our statute is silent as to the burden of proof. The regulations put the burden on the boards of education. It is being lobbied by all the RESCs in Connecticut. They are asking the legislature to impose the same standard as the federal government. Dr. Robinson said the second issue is the seat belt law. It would require seatbelts in any new buses starting in 2012. Studies show the buses are safer without seatbelts.

Dr. Robinson stated that Donna Pagé is retiring as principal of Sandy Hook School. She offered her congratulations and that Sandy Hook School is losing a wonderful administrator. Mrs. Page thanked the Board and past Boards for the work they have done for the schools.

Dr. Robinson stated that Judy Liestman, Principal of Middle Gate School, was a finalist in a district in New York, which will allow her to join her husband. Mrs. Liestman also thanked the Board.

Policy Committee: Mrs. Fetchick said they met last week and set up meetings until June. They went through half of the bylaws policies.

Facilities Committee: Mr. Hart said they started their first tour of the buildings this morning at the high school and middle school. They will be looking at everything inside and outside of the schools.

Item 4 – Old Business

High School Expansion Project: Mr. Dumais said it is still on schedule. Curtain walls are up on almost every wall of building and glass has been installed. The inside mechanicals work is done on first and second floor. April 1 the gym closes and the pool has been shut down. This week the footings will be poured for the extension of the foundation.

Mrs. Fetchick asked about the issue with the boy's locker room. Mr. Dumais said we modified the capacity of the boy's team room to be in line with the Fire Marshal and reconfigured some space.

Mrs. Fetchick asked about change orders. Dr. Robinson said seven went to the State Department with one coming back to be rewritten by the architect.

Budget Update: Dr. Robinson gave a presentation on the budget process and the status of the Board of Education budget with the Board of Finance cut of \$2.5M. If the referendum is defeated it goes back to the Legislative Council for more reductions. After the final referendum and the budget is approved it comes back to us for final approval.

The first thing we look at in budget process is enrollment. The first cuts were based on enrollment and projections. We are predicting the enrollment to drop by 98 students mostly at the K-4 level so we reduced staff by 8.1. Further cuts will not be enrollment driven. We are focusing on infrastructure items to find additional reductions.

We have two options to reduce the budget. Option A includes infrastructure costs, transportation contract renegotiations, activities at the middle school and Reed School and staff reductions. Infrastructure savings gives us a reduction of \$1,272,013. There is a risk here. If the State tells us our excess cost is less than 75% we will have a hole in our budget for next year. If we get less than 75% we may have to make cuts in the middle of next year.

Under Option A the Board of Education is renegotiating with the owner/operators who receive approximately \$72,000 per year. The 5 year extension of their contract would enable them to continue their service but we will have a savings of approximately \$500,000. Eliminating after school activities at the middle school and Reed School and also some at the high school gives a reduction of \$100,000. The anticipated staff reductions give us a savings of \$541,820.

The only difference with Option B is that if we are not successful in renegotiating the transportation contract we will have to take additional cuts for a total of \$326,335. We would still need to make a remaining reduction of \$146,226.

In deciding on staff reductions we wanted minimal impact on core education. Certification is an issue because some teachers cannot move to other disciplines. Many will be moving into new schools because they are senior to other teachers. The high school has little opportunity for cuts with an average of 20.8 students per class. There will always be fluctuation in class size at the high school. Some classes are held with combined levels together.

One consideration was going to a 4-day week to save on transportation but that would not be allowed because the state requires 180 school days.

Another option was closing an elementary school but our K-4 enrollment has not dropped sufficiently to do that. We are still 200 students above where we were in 2002. We would also need to look at the cost to reopen the school if necessary.

Questions and Answers:

Dr. Robinson said the question came up of combining the St. Rose bus with another school. The St. Rose students are district wide so they would have to be combined with a district wide bus which would be the Reed buses which are full. There is no additional cost for the St. Rose buses. Years ago there was a combined run but it didn't work. Also, the St. Rose students are on the bus for a very long time.

Another question was if bonuses were paid to the administrators at the end of 2009. Dr. Robinson said that referred to her and Dr. Gejda. They came forward in the budget process last year along with Joan Libby and Ron Bienkowski and volunteered for freezes. When we used furloughs for the teachers TRB said it wouldn't hurt their retirement because they would record what salary they would have gotten. After that ruling she asked the Board if she and Dr. Gejda could have the same consideration. They took their freeze as furlough days and did not take the 2% increase the Board gave them. They took 6.5 unpaid days as their freeze. Dr. Robinson has a mileage reimbursement up to \$400 per month and owns a 2002 Jeep with 185,000 miles. She was not provided a vehicle from the Board.

The question was raised as to why the Board seems to find money at the last minute during the budget process. Some parts of the budget cannot be fixed until late in the process like medical, electricity and fuel. The staff is always looking for ways to save money.

Why can't the teachers make more sacrifices? Some are making less than last year. The first year of their contract there was no step or wage increase but they were given back 3 days. The increase in their medical contribution from 16% to 18% consumes most of the furlough day increase.

Why don't people pay for preschool at the high school? People pay \$850 per year for supplies for that program. The second preschool for special needs children requires a 50/50 mix of special and typical peer children. It is free by law to meet special education requirements.

Are we required by law to bus special needs preschool children? We are and the students must have car seats. Lastly, what is the cost of a day's transportation? That cost is between \$15,000 and \$16,000 per day.

Mrs. Leidlein asked if we could keep the afterschool programs if they were self-funded. Dr. Robinson said we could.

Mr. Hart asked what it would take to self-fund those activities. Dr. Robinson said it would have to be a separate local fund and could not be in our budget.

Mr. Hart suggested checking with our Director of Business and Board attorney. Mrs. Fetchick asked for that information.

Mrs. Fetchick asked if the insurance savings in Option A included having a joint broker with the town.

Dr. Robinson said the combined amount was \$240,000 with the town using our current system of two brokers.

Mrs. Fetchick asked what our health insurance went down to. Dr. Robinson said it was below 8%.

Mr. Hart said it was 7.3%. Dr. Robinson said we used 7.3% to estimate. Our open enrollment has not occurred yet and we don't know what people will choose.

Mrs. Fetchick said that Kevin Chambers at the State said he never saw anything below 75% for excess cost. Dr. Regan said we normally get 84%. Why are we using 50%? New Milford estimated 60%.

Dr. Robinson said the 50% came from the Bureau Chief of the Department of Special Education at the State. She told two groups, CASBO and CONCASE, that the districts should anticipate 50% for next year. We put in 50% because of her statement and if we put in 75% and it comes in at 60% in February we will not be able to make up that hole in the budget which is why she is being conservative. She said 50% because the pool of money was going to be dipped into by other state needs and the anticipation of an increased number of children.

Mrs. Bittman said the high school marching band is still in our budget. The band parent organization charges each child and they have fund raisers. The question was if we want to keep the money for the teachers and classrooms is there a way of funding the other activities. Would it be possible to look at the high school interscholastic activities line in a more creative way? Could parents step into these activities? We collect \$90,000 for pay to play. In a parent corporation the funds goes to that activity.

Mr. Gaines asked where we show that it flows back to us. Is there a way to track the money?

Mr. Hart said it goes back into the general fund.

Mrs. Fetchick said that we need to get Bob Tait or Ed Arum to address this. Mr. Tait said there is a mechanism we can set up a fund on the town side to track these funds. She asked Dr. Robinson to check into that.

Mrs. Leidlein said there are some parent groups involved in sports. Do any Board policies apply to student activities? We have a policy about pay for play that speaks to that. We need to be sure we are following that policy.

Mr. Nanavaty said he doesn't think the Board of Finance, Legislative Council or public fully understands the fluidity that exists in a school operating budget. We have people working for the Board of Education who daily think out of the box for our children. The town comes up with a \$1 to \$3M surplus. We have been able to make our budgets work with the reductions we were given. We have done that to our disadvantage. This year we can't make it work. If we do it will come back in a fury next year. His concern is if we are truly looking at a doomsday scenario with no relief from the Legislative Council the parents will have to share the pain and we need to be prepared next year go to the Board of Finance and the Legislative Council and ask for a special appropriation because we will start in a hole if we get additional special ed students. He feels the Board of Finance overstepped their bounds. He would like our attorney to make a request of the attorney general to determine if our present charter system is in violation of our State constitution that they tie the fiscal hands in our community. He thought the Board of Finance was an advisory board. The Legislative Council needs a 2/3 vote to put money back. He thinks it is unconstitutional in that it ties the hand of the fiscal authority in our community.

Mr. Gaines said it always seemed odd that the Legislative Council needed a supermajority to make a recommendation. He would support someone looking at that. Mrs. Fetchick said that last year the Legislative Council added back money.

Mr. Nanavaty said the advisory board is telling our fiscal authority that they are cutting the budget, not making a recommendation and saying they have to override them by a supermajority. An advisory board cannot dictate to a fiscal authority. This was a charter error.

MOTION: Mr. Nanavaty moved to have our Board attorney request an advisory opinion from the Attorney General to determine if the town charter is in opposition to the State constitution concerning the budgetary role of the Board of Finance, defined as an advisory board by the charter, as it pertains to the Legislative Council's role, defined as the town's fiscal authority. Mr. Gaines seconded.

Mr. Gaines said the schools tie into the real estate in Newtown. There is no fat in this budget. We have one of the lowest operating systems in our DRG. He would prefer to see this board work with the town government.

Mr. Nanavaty said our political parties are not going to address this. We are asking for an independent representative from the State to check our charter. It is unusual that no other town in Connecticut has this dichotomy where an advisory board can dictate to a fiscal authority. No one has questioned it. He doesn't feel it is confrontational. We have to get an answer.

Mrs. Bittman asked why a political party couldn't bring this forward.

Mr. Nanavaty said the Republicans and Democrats cross-endorsed the members of the Board of Finance. It is clear the only other party to move this is the Independent Party of Newtown.

Mrs. Bittman said she wants to develop a good working relationship with the other boards. Unfortunately this reduction will impact teachers and students. She doesn't want to be confrontational. She would love a political party to take this over.

Mr. Gaines said this is a point of clarification to explain to the Board of Education why they chose that amount. The Legislative Council should be able to modify what they get from an advisory committee. That reduction is just wrong.

Mrs. Fetchick said we have a process in town with checks and balances. Last year the Legislative Council did not agree with the Board of Finance recommendation. It is not our role to tell the Legislative Council what their rules should be. We should work together and was not in favor of this motion.

Mr. Gaines said we are following the process but it is odd to be able to cut with a majority but it takes a supermajority to add back. Put in a level playing field for the Board of Finance to need a supermajority also.

Mr. Hart said the process we have is dysfunctional. Putting the number on the ballot doesn't give voters a choice. The battle we face now is what we do for the children next year. He wants to work with the town.

Mr. Nanavaty said this Board has provided the Board of Finance with more information and answered more questions than in years past. It is not being confrontational. It seems unconstitutional that an advisory board can tie the hands of the fiscal authority. If the charter is unconstitutional we will need another charter commission or other option.

Mrs. Fetchick called the vote and requested a roll call vote.

Mr. Lagana – nay Mr. Hart – nay Mr. Gaines – aye Mr. Nanavaty – aye

Mrs. Leidlein – nay Mrs. Fetchick – nay Mrs. Bittman – nay

The motion was defeated.

Mr. Gaines asked what happens to class size at the middle school and Reed School as we eliminate clusters.

Dr. Robinson said the original cuts at the elementary level were driven by enrollment. At the middle school the large class is 7th grade so class size will increase at both levels as well as at Reed. We did not calculate sizes at the elementary level.

Mrs. Bittman asked if other Board members had any options.

Mrs. Leidlein said she was working on something and would forward it to the Board.

Mrs. Bittman stated that she wanted to be sure the public knew these were only options.

Mr. Hart said if we take 2 teachers from Reed the grade 6 classes would have 26.8 students. The middle school would have 27 students per class.

Mrs. Fetchick asked for dollar values for the staffing reductions under Option A on slides 16 and 18. She said there was a big increase in the number of preschool students with special ed students.

Dr. Robinson said there is the same number of typical peers as the special needs students. Mrs. Bittman said it will always be 50/50.

Mrs. Fetchick asked why we weren't looking at the St. Rose busing. If we look at the number of students on each tier it seems reasonable to have St. Rose on the same run as Reed and move Hawley to tier 3.

Mr. Nanavaty said that doesn't work. It was tried when we went to the 3-tier system. St. Rose students were on the same bus as Hawley and Reed students. There was confusion because sometimes the St. Rose students got off the bus at Hawley. It also tied up Church Hill Road with students not arriving on time. Parents were upset also. Why change something that will create more problems.

Mrs. Bittman said the bigger issue is that the St. Rose buses also go to Middle Gate or Sandy Hook. The Reed buses are very full.

Mrs. Fetchick said there are 11 buses for 282 students.

Mr. Nanavaty said it isn't an additional cost to the Board. When they finish there they go to Sandy Hook and Middle Gate.

Mrs. Fetchick asked if there was any overhead in the school offices to reduce staffing or combine with the town where appropriate. She would like to keep the class sizes as low as possible.

Dr. Robinson said we looked at all possibilities but because we run so lean the people in all of our offices work a lot more than what they are paid for.

Mr. Hart asked how we could keep the salaries for sports in our budget.

Mrs. Leidlein asked if an organization gave a donation could they stipulate giving it to a sports group. Dr. Robinson said they could.

MOTION: Mrs. Leidlein moved that the Board of Education approve funding for an enrollment study. Mrs. Fetchick seconded.

Mr. Nanavaty asked if anyone has spoken to the town to help fund this study.

Dr. Robinson said we have not.

Mr. Nanavaty said this would benefit the town also. It is worthwhile to do more than just an enrollment study.

Mrs. Leidlein asked to have the amount of \$17,400 listed as the cost for the study.

Mr. Gaines amended the motion to include an amount of \$17,400. Mrs. Fetchick seconded the amendment. Vote: 7 ayes

Reconciliation of Excess Cost: Dr. Robinson said if you take the deficit we have of \$678,875 with the excess cost we have an increase of \$676,282 and end up with a shortfall of \$2,593. As of February 2010, projected expenditures will increase the shortfall to \$103,440.

Financial Report: Mrs. Leidlein said it would be helpful to have whoever prepares the financial report to be here to explain it.

Mr. Hart said the finance subcommittee suggested having a final column in the report indicating the change from the last month.

Mrs. Fetchick questioned the increase in the salary amounts for the extra business administrator. It was \$30,000 in November and now it is \$62,000.

Dr. Robinson said we estimated the administrator would be back in October. Mrs. Raymo had to cover the position until January so we exceeded the budgeted amount. Now we have a second part-time interim administrator with higher per diem costs. The position needs to be filled until July.

Mrs. Fetchick said we told another board that our funds were frozen.

Dr. Robinson said we have supplies to purchase to keep the schools running through June.

Mrs. Fetchick requested a listing of what was spent during the month of February.

MOTION: Mr. Gaines moved to approve the financial report for the month ending February 28, 2010. Mr. Nanavaty seconded. Vote: 7 ayes

Process for Middle School Roof: Dr. Robinson said the cost estimate is currently being done. A motion will go to the Legislative Council and then the grant application will be filed with the State. The architect completes the design and the Board of Education and Public Building and Site Commission review the plans. We will start the roof this summer with provisions in the contract to work after school hours and Saturdays. It won't be finished by September.

Item 5 – New Business

Dr. Robinson said that 19 teachers will receive non-renewal letters. There are 13 teachers who will receive letters telling them their position may be eliminated or they may be bumped but they may be able to bump someone else or more into an open position. There are 6 other teachers who will receive a non-renewal letter in case we need to do deeper cuts. There are 6 teachers who are long-term subs or under a one-year contract will also get non-renewal letters.

MOTION: Mr. Gaines moved that the Board of Education authorize the Superintendent to send written notification to the non-tenured teachers on the 2010 Non-Renewal List. Mr. Hart seconded. Vote: 7 ayes

Item 6 – Public Participation

Eric Paradis, 85 Riverside Road, said that shifting some of the middle school and Reed school activities to Parks and Rec may help. We should look at some commonality of services to keep and bring back special education students.

MOTION: Mr. Gaines moved to go into executive session for negotiations and personnel and invited Dr. Robinson. Mrs. Leidlein seconded. Vote: 7 ayes

Item 7 – Executive Session

Executive session began at 10:50 p.m.

MOTION: Mrs. Leidlein moved to adjourn. Mr. Gaines seconded. Vote: 7 ayes

Item 8 – Adjournment

The meeting adjourned at 11:48 p.m.

Questions raised:

How can we have activities self-funded?

How do we track money that goes into the general fund?

Do any BOE policies apply to student activities?

Final column on financial report to indicate change from previous month

What did we spend in February?

How will the cuts affect class size?

Respectfully submitted:

Debbie Leidlein
Secretary