

**MILFORD SCHOOL BOARD
AGENDA
Monday, October 4, 2010
7:00 PM Milford High School – Lecture Hall Room # 182**

1. Call to Order
2. Board Member Comments
3. Public Comments
4. Reports and Presentations
 - a. Superintendent's Report
 - b. Update on Jacques Memorial Building Project
 - c. Quarterly Reports: Granite Town Media Advisory Committee, Wellness, ATC, Technology, Professional Development, LEIP.
5. New Business
 - a. Default Budget Policy Review **EXHIBIT**
6. Old Business
 - a. Policy Proposals **EXHIBIT**
 1. Policy # 2316 School Bus Driver Requirements (2nd Reading) **EXHIBIT**
 2. Policy # 1012 Community Resources and Involvement (2nd Reading) **EXHIBIT**
7. Housekeeping Items
 - a. Approval of Minutes 09/20/10
 - b. Approval of Manifests
Vouchers # 5,6,8,1033,1034,1042,1043,1044,1045,1046,1047,
1048,1049,1050,1051,1052
 - c. Approval of Treasurer's Report, July 2010.
8. Public Comment
9. Non Public Session RSA 91-A :3II (c)
 - a. Personnel
10. Adjournment

To: Milford School Board
Fr: Bob Suprenant and Katie Chambers
Re: Board Request for Potential Pitfalls to Policy 2327
Dt: October 4, 2010

A default budget is defined as the “amount of the same appropriations...for the previous year, reduced and increased... by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one time expenditures contained in the operation budget”. (RSA 40:13, IX, (b))

The School Board has asked administration to describe possible “pitfalls’ with the School Board’s Default Budget Calculation Policy. The following are areas that might potentially fall within that description:

Legal and/or Contractual Obligations:

The policy allows the Board to increase a service obligation only if that service is tied to a multi-year contract. The Board may want to loosen that restriction for items such as utilities, for instance, for the following reasons; 1) multi-year agreements do not apply to utility purchases; 2) if applied, multi-year agreements may work to the disadvantage of the District; 3) expansion or reduction of facilities may require an increase or decrease in the cost in order to meet the obligation.

Collective Bargaining Obligations:

Bullet 1: The statement that eliminates positions, for budgetary reasons only, from both the proposed budget and from the default budget may be problematic. The obligation in RSA 40:13 would seem to be to provide sufficient staffing to meet the educational needs of the District. The reduction of staff to meet a budget goal rather than an educational need may not fall within the spirit of developing a default budget. The Board might want to amend “positions” language to the following; Positions eliminated from the proposed budget due to decreases in enrollment shall be eliminated from the default budget.

Additionally, the Board may consider defining proposed budget in order to avoid confusion should the proposed budget be amended at the Deliberative Session.

Bullet 2: The possible pitfall here is that some collective bargaining agreements, letters of assurance for non-affiliated personnel, and individual contracts do not call for a specific vendor. Not building a default that includes those increases can create shortfalls that may cause unintended reductions elsewhere should a default pass. This will also have a compounding affect annually that will force the Board to make some decisions at some point for adjustments. For instance, if it costs the District \$20,000 for Health insurance for each employee in 2010-2011 whose employment agreement does not include a specific vendor, and that figure is not adjusted for five years, the default cost may be significantly different in five years resulting in significant reductions elsewhere in the budget should a default pass. This practice may also be misinterpreted by future Boards and result in encouraging new labor unions.

The board believes the general intent of the Default Budget provisions in RSA 40:13 (also known as "SB 2") is to produce a budget figure for the next school year that represents the figure approved by the voters for the current school year, with adjustments made only to recognize changes specifically required by law or contract.

In determining whether or not to adjust the current year's adopted figure for the Default Budget, the Superintendent shall use the following guidelines:

Equipment – In an effort to simplify the determination of which equipment purchases in the current year were for ongoing replacement programs and which were for new programs, the amounts in the current budget for all NEW equipment, furniture and computers SHALL NOT be included in the default budget. The amounts in the current budget for all REPLACEMENT equipment, furniture and computers SHALL be included in the default budget.

Legal and/or Contractual Obligations – Unless otherwise provide for in this policy, the only adjustments that shall be considered for legal and/or contractual obligations are:

- Adjustments for which the District has a written contract for the next school year which contains an actual price for the product/service. (If the product/service is required, but there is no written contract, no adjustment shall be made. If the contract includes a per-unit rate then the current year's quantity shall be used to determine any adjustments).

Collective Bargaining Obligations – Unless otherwise provided for in this policy, the only adjustments that shall be considered for collective bargaining obligations are:

- Projected changes in salaries for collective bargaining positions that were included in the current year's budget AND that are also included in the proposed budget for the next year. (Positions eliminated from the proposed budget shall be eliminated from the Default Budget. Positions for which salary or benefits have been reduced in the proposed budget shall have the same reduction(s) reflected in the Default Budget.)
- Projected changes for a specific product/service from a specific vendor called for in collective bargaining agreements. If the agreement calls for a specific product, but does not specify a vendor, no adjustment shall be made.
- Projected changes for products/services called for in a collective bargaining agreement for which no alternative can be selected without the approval of the bargaining unit.
- Early Retirement Adjustments. Positions affected by early retirements shall appear in the Default Budget at the average new-hire amounts. The early retirement obligations shall also be included in the Default Budget.

Special Education – All projected adjustments to meet requirements of Individualized Education Plans (IEPs) for known students at the time of development of the Default Budget shall be included.

Curriculum Cycle – Given that different areas of the curriculum are updated each year, the Board believes the provisions of the Equipment section, above, address the major issue with respect to annual curriculum costs. With that in mind, no further adjustments to curriculum-related items such as supplies, textbooks, etc. will generally be needed.

One-Time Expenses – One time expenses from the current budget not included in the above items shall be considered for removal/reduction by the Superintendent on a case-by-case basis.

Adopted: 1/2010

(b) The ""budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in March.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in March.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in March.

II-d. The voter checklist shall be updated in accordance with RSA 669:5 for each session of the annual meeting.

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays; between the first and second Saturdays following the last Monday in February, inclusive of those Saturdays; or between the first and second Saturdays following the last Monday in March, inclusive of those Saturdays at a time prescribed by the local political subdivision's governing body.

IV. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply. Warrant articles may be amended at the first session, subject to the following limitations:

(a) Warrant articles whose wording is prescribed by law shall not be amended.

(b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

V. [Repealed.]

V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or any warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article. If a town has not voted to require such tallies to be printed in the town warrant next to the affected warrant article, the governing body may do so on its own initiative.

VI. All warrant articles shall be placed on the official ballot for a final vote, including warrant articles as amended by the first session. All special warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended.

VII. The second session of the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March, the second Tuesday in April, or the second Tuesday in May, as applicable. Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30 through 32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

VIII. The clerk of the local political subdivision shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantively the same as the main motion, as it was made or amended at the first session, with only such minor textual changes as may be required to cast the motion in the form of a question to the voters.

IX. (a) ""Operating budget" as used in this subdivision means ""budget," as defined in RSA 32:3, III, exclusive of ""special warrant articles," as defined in RSA 32:3, VI, and exclusive of other appropriations voted separately.

(b) ""Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the default budget or the governing body may hold a special meeting pursuant to paragraph XVI to take up the issue of a revised operating budget only; provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.

XI. (a) The default budget shall be disclosed at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6. The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. The form and associated calculations shall, at a minimum, include the following:

- (1) Appropriations contained in the previous year's operating budget;
- (2) Reductions and increases to the previous year's operating budget; and
- (3) One-time expenditures as defined under subparagraph IX(b).

(b) This amount shall not be amended by the legislative body. However, this amount may be adjusted by the governing body, unless the provisions of RSA 40:14-b are adopted, acting on relevant new information at any time before the ballots are printed, provided the governing body, unless the provisions of RSA 40:14-b are adopted, completes an amended default budget form.

(c) The wording of the second session ballot question concerning the operating budget shall be as follows:

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$ _____? Should this article be defeated, the default budget shall be \$ _____, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

XII. Voting at the second session shall conform to the procedures for the nonpartisan ballot system as set forth in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling place, and polling hours.

XIII. Approval of all warrant articles shall be by simple majority except for questions which require a 2/3 vote by law, contract, or written agreement.

XIV. Votes taken at the second session shall be subject to recount under RSA 669:30-33 and RSA 40:4-c.

XV. Votes taken at the second session shall not be reconsidered.

XVI. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money for the same question or issue in any one calendar year or fiscal year, whichever applies, and further provided that any special meeting held pursuant to paragraphs X and XI shall not be subject to RSA 31:5 and RSA 197:3 and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

Source. 1995, 164:1, eff. July 31, 1995. 1996, 276:1, 2, eff. June 10, 1996. 1997, 318:4, 5, 12, eff. Aug. 22, 1997. 1999, 86:1-3, eff. Aug. 2, 1999. 2000, 16:2, 3, 4, 5, eff. April 30, 2000. 2001, 71:5-7, eff. July 1, 2001. 2004, 219:1, eff. Aug. 10, 2004. 2007, 305:2, eff. Sept. 11, 2007. 2009, 2:2, eff. Feb. 20, 2009.

MILFORD POLICY PROPOSAL OVERVIEW – October 4, 2010

POLICY TITLE	PROPOSED CODE	CURRENT CODE	PROPOSAL STATUS	REASON FOR CHANGE / SUBSTANCE OF CHANGE	NHSBA POLICY REFERENCE
School Bus Driver Requirements	2316	N/A	2 nd Reading	New	EEAEA
Community Resources and Involvement	1012	N/A	2 nd Reading	New	IJO, KA

In order to ensure the safety of students while being transported on school vehicles, the Board requires the following of school bus drivers transporting Milford students. These requirements shall be included within any District contractual agreement with school bus vendors.

1. Medical Examinations

In accordance with RSA 200:37, before employing any person as a school bus operator, directly or through a vendor, the District shall require that such person submit a certificate signed by a licensed physician setting forth the physician's findings as a result of the examination to determine the physical condition of drivers in accordance with the requirements of 49 C.F.R. Part 391.41-391.49. Such certificate shall be submitted to the District prior to the commencement of such employment. The District shall require physical examinations of operators and submission of certificates every two years, and, for drivers age 70 and over, an annual examination along with submission of certificates.

2. School Bus Driver Certificates

No person shall be employed as a school bus operator, directly or through a vendor, unless the person has received a School Bus Operator's Certificate from the NH Department of Motor Vehicles as required by RSA 263:29.

3. Criminal Background Investigation

Before employing any person as a school bus operator, directly or through a vendor, the District shall require a criminal background investigation as set forth in RSA 189:13-a.

4. Mandatory Drug and Alcohol Testing

In compliance with the United States Department of Transportation's Title 49 Code of Federal Regulations, Part 391, all Commercial Driver License (CDL) holders and personnel performing safety-sensitive inspections related to the transportation of students will be required to submit to drug and alcohol testing. Testing procedures and facilities used for the tests shall conform to the requirements of 49 C.F.R Part 40. The term CDL Holder refers to someone who is required, as part of their job duties, to hold a Commercial Driver's License. The term safety-sensitive function refers to all tasks associated with the operation and maintenance of commercial vehicles. For

purposes of this policy, a commercial vehicle is any vehicle capable of carrying 16 or more passengers, including the driver.

If the District employs bus drivers directly, the District will ensure compliance. If the District contracts with a vendor for student transportation, the vendor shall provide an annual written assurance of compliance to the District.

Drug and alcohol testing includes pre-employment, random, reasonable suspicion, and post-accident testing as defined by Department of Labor regulations. Any person having a confirmed positive test for drugs or a confirmed alcohol concentration of 0.02 or greater will be terminated from employment.

5. Other

Drivers shall comply with all other regulations as described in Milford School District policy and handbooks. The District reserves the right to remove any driver at any time if the District determines it to be in the best interests of the District.

References:

RSA 200:37, Medical Examination of Bus Drivers
RSA 263:29, School Bus Driver's Certificate
RSA 189:13-a, Background Investigations
49 C.F.R, 40.1-40.13 (2001), Transportation Workplace Drug Testing
49 C.F.R, Part 391 (1995), Qualifications of Drivers

1012

Community Resources and Involvement

1012

The School Board encourages the use of community resources to assist in furthering the educational programs of its schools. The Board expects that schools will encourage parent involvement at all age levels through parent educational activities and programs, frequent communication of both school and individual student performance and progress, and support for civic and business partnerships and collaboration. Schools shall work with community resources effectively to assist in advancing student knowledge and skills for success in preparing children for school, while in school, and transitioning to employment or further education.

Reference:

NH Code of Administrative Rules, Section Ed 306.04(k)