

Nashua School Board Special Meeting
Wednesday, December 30, 2015
Nashua School Library
6:00PM

1. Call to order: Board Chair Dale Pugh called the meeting to order at 6:00 pm and led the pledge.
2. Roll call: Joe Laumeier, Cole Sibley, Greg Nybakken, Joel Novak, Dale Pugh, Mrs. Cunningham, Linda Parpart.
3. Public Comment: none

4. ***District Policy Updates and Availability (order of agenda items changed, moved from #5):***

Dale reported that a current policy book is now available to the public in the library. Mrs. Cunningham recommended we enter into an agreement with MTSBA for their policy maintenance services. They will keep all of our policies up to date and create an electronic version of our policy book for public access.

Motion by Joe to enter into the MTSBA Policy Maintenance Service Agreement.

Second by Greg.

Vote: 5 - 0 Passed

5. ***Music Program for Second Semester (order of agenda items changed, moved from #4):***

Mrs. Cunningham read a statement explaining the plan for music instruction for second semester (see attachment for the detailed statement). Mrs. Cunningham recommended that Ms. Nagy teach K-3 music, 4-6 teachers teach their students music, and Mrs. Cunningham teach 7-12 band, voluntarily, with no compensation. Mrs. Cunningham made the board aware of an email from the teacher's union legal representative to the district clerk stating that assigning teachers to teach music second semester would need to be bargained with the union. Mrs. Cunningham consulted with the district's legal counsel and confirmed that bargaining that assignment is not necessary and provided information from the master agreement which supports this (details attached to minutes).

There was discussion among the board basically agreeing that this plan is the best we can do given the circumstances and meets the requirement to provide music instruction to our K-12 students. Several parents and students commented with suggestions, support of Mrs. Cunningham, and the hope that a qualified teacher will be hired for next year, not just someone to fill the position. Gregg Fromdahl stated that he presented a plan on behalf of the teacher's union and it has yet to be addressed. Dale stated that it was looked at.

Motion by Joe to accept Mrs. Cunningham's recommendation for teaching assignments.

Second by Cole.

Vote: 5 - 0 Passed

6. ***Adjournment:***

Motion by Cole to adjourn the meeting.

Second by Greg.

Vote: 5 - 0 Passed

The meeting was adjourned at 6:40 pm.

Chairman

Clerk

Date: _____

Nashua School District
Music Program Plan for 2015-16 2nd Semester

Grades K-3:

Grades K-3 students have Music on Tuesday and Thursday during 5th period. This period is the only prep period the K-3 teachers have, therefore, it is not desirable for K-3 teachers to teach music at that time.

Ms. Nagy has K-3 students for Tech on Monday and Wednesday during 5th period and she is free at that time on Tuesday and Thursday when K-3 students have music. Ms. Nagy has offered to teach music to K-3 students on Tuesday and Thursday since she is available during 5th period. She has an Elementary K-8 endorsement which qualifies her to teach any subject to grades K-8.

Grades 4-6:

Grades 4-6 students have Music on Monday and Wednesday during 3rd period. Unlike K-3 teachers who only have one prep period per day, 4-6 teachers have 3rd period as an additional prep twice a week since their standard prep period is 7th period every day.

Since 4-6 teachers are available on Monday and Wednesday during 3rd period, and since no other qualified teachers are available, 4-6 teachers will teach music to their students at that time. They will still have their 7th period prep every day. Note that all 4-6 teachers have an Elementary K-8 endorsement which qualifies them to teach any subject to grades K-8.

Regarding K-6 music instruction, I will be available to provide assistance and guidance to teachers.

Grades 7-12:

Grades 7-12 students have Band on Monday through Thursday during 7th period. The electives available to transfer to during that period are already quite full, therefore students would most likely be placed in a study hall. More importantly students in high school band are taking this class for credit. Students need these credits in order to graduate. Furthermore, students in band have the opportunity to participate in District & State Music Festivals, Honor Festival, etc. which can assist them on scholarship and college applications. Given the issues related to elective credits, scholarship applications, college applications etc. it would be in the best interest of the students to continue grades 7-12 band. I will continue to teach 7-12 band with no compensation in order to minimize the impact to these students. I have a Music K-12 endorsement, which qualifies me to teach music to grades K-12.

Note that at times I may be required to address issues as Superintendent (student concerns, discipline etc.) during 7th period. If this occurs, I have several staff members that have offered to cover my class. In regards to the concerns of my availability to meet with teachers during 7th period, I will make myself available before school, after school, and during lunch. Teachers simply need to let me know that they would like to meet, and we will arrange a time.

With regard to the plan for grades K-6 music, the board should be aware of an email that was sent to the District Clerk by Maggie Copeland, legal representative of the teacher's union. Ms. Copeland states:

"the Board chair can't make the determination alone as to the music assignment in the upcoming semester. NEA doesn't need to do anything as long as the Board isn't planning on assigning the duty to teachers. If that were the case, they'd first have to first bargain with NEA and since they've not contacted NEA to bargain I don't think we have anything to worry about."

I interpret this as meaning that the teacher's union will consider it a violation of the master agreement if they are directed to teach music. I have consulted with legal counsel and confirmed that this would not be a violation of the master agreement for the following reasons:

1. Per the 2015-16 Master Agreement, Article 4.1 Inherent Managerial Rights:

The exclusive representative recognizes that *the school district is not required to and is not permitted to negotiate on matter of inherent managerial prerogatives, which include but are not limited to the following: directing employees, hiring, promoting, transferring, assigning and retaining employees;* “.

2. Per the 2015-16 Master Agreement, Appendix A: Individual Teacher Contract:

That said School District hereby agrees to employ said Teacher to teach, within his/her areas of certificate endorsement, or to render related professional services, *as and where assigned by the Board of Trustees of the Nashua Public Schools* for the school year of 2015-2016, for a total of 1,396 hours.

In addition, per District Policy 5210:

The Superintendent may assign, reassign, and/or transfer positions and duties of all staff. Teachers will be assigned at the levels and in the subjects which they are licensed and endorsed, or for which they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of ARM 10.55.607. The Superintendent will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year.