

RSU No. 5 Special Board of Directors Meeting
Wednesday, July 30, 2014 – 6:30 p.m.
Freeport High School - Cafeteria
Meeting Minutes

(NOTE: These Minutes are not official until approved by the Board of Directors. Such action, either to approve or amend and approve, is anticipated at the September 24, 2014 meeting).

CALLED TO ORDER:

Chairperson Larkins called the meeting to order at 6:34 p.m.

MEMBERS PRESENT: Kathryn Brown, Candace Decsipkes, Nelson Larkins, Naomi Ledbetter, John Morang (arrived at 6:37), Peter Murray, Beth Parker, Brian Pike, Michelle Ritcheson, Valeria Steverlynck, Karin VanNostrand

MEMBERS ABSENT:

3. PLEDGE OF ALLEGIANCE:

4. PUBLIC COMMENTS:

5. NEW BUSINESS:

A motion was made by Peter Murray, seconded by Valy Steverlynck, that the Board approve the withdrawal agreement proposed by the Freeport Withdrawal Committee, with such other updates and technical changes as the Superintendent and Finance Manager may approve, and that the board chair be authorized to execute and deliver the agreement in the name and on behalf of the RSU

Amendment #1: Moved by Michelle Ritcheson, seconded by Kate Brown, that the Withdrawal Agreement presented to this meeting by the Freeport Withdrawal Committee be approved by the RSU5 School Board with the following four (4) changes, as recommended by the RSU 5 Withdrawal Group:

First, that the enrollment availability at Freeport High School for Pownal and Durham students (see Exhibit 1, section 6) be changed so as to be based upon the total enrollment number of 500 less (a) the number of Freeport resident students enrolled the prior year at the applicable grade levels, (b) the number of Freeport resident students that are expected to newly enroll, and (c) the number of students enrolled in grade 8 at Freeport Middle School.

Second, that the two different secondary tuition rates payable by RSU5 to Freeport (see Exhibit 1, section 8), be changed to a single tuition rate for all attending students, based upon the midpoint between (a) the tuition rate determined by the Commissioner based on Freeport's actual per pupil costs in the prior year under 20-A MRS §5805(1), and (b) the state average tuition rate (referred to in the statute as the "maximum allowable rate") determined by the Commissioner under 20-A MRS §5805(2).

Third, that the termination provision of the secondary tuition contract (see Exhibit 1, section 14) be removed and that a provision be added so that the Agreement applies even if further reorganization by either party occurs; and

Fourth, that Freeport reimburse RSU5 the sum of \$225,000, representing approximately 26% of the \$853,000 sum contributed by Pownal and Durham for debt service on the Central Office and Freeport High School properties that will be deeded back to Freeport by RSU5.

Amendment #2: Moved by Kate Brown, seconded by Naomi Ledbetter, to amend Amendment #1 Page 4 B.2. of the Withdrawal Agreement as follows:

Freeport agrees to serve as the school of guaranteed acceptance for Pownal middle school students for the 10-year period following withdrawal. The tuition rate for Pownal middle school students attending Freeport Middle School shall be determined under 20-A M.R.S. § 5804(1). Pownal students enrolled in Freeport schools in the previous school year may continue their education in Freeport through graduation from Freeport High School, as long as they remain continuously enrolled in Freeport High School. The tuition rate for Pownal secondary students attending Freeport High School shall be the midpoint between (a) the tuition rate determined by the Commissioner based on Freeport's actual per pupil costs in the prior year under 20-A M.R.S. § 5805(1), and (b) the state average tuition rate determined by the Commissioner under 20-A M.R.S. § 5805(2). The tuition rate under section 5805(1) does not include costs for special education, career and technical education, community services, major capital outlay, debt retirement, and tuition and transportation. In addition to the secondary tuition rate, the parties agree that the New Freeport SAU may charge a debt service factor ("Secondary Debt Service Factor") pursuant to 20-A M.R.S. § 5805(4) for any (i) newly incurred capital outlay and debt service for Freeport High School; and (ii) newly incurred renovation project capital outlay and debt service costs for Freeport High School, to the extent that such costs are not included in the tuition rate calculated under 20-A M.R.S. § 5805(1). The parties agree that the Secondary Debt Service Factor shall not exceed 10% of the applicable legal tuition rate in any one year and must be limited to a period of time not to exceed Freeport's repayment period for the capital outlay and debt service. The parties agree that the amount of the secondary Debt Service Factor in any year is that dollar amount which is proportional to the cost of the project(s) and the number of students, that is, a percentage of the amount for capital outlay and debt service equal to the percentage of Freeport High School students that are Pownal students. Freeport will invoice RSU5 for tuition on a semi-annual basis on or before October 15 and April 15, with a reconciliation after the Department of Education sets final tuition rates.

Freeport has offered to educate all remaining RSU5 secondary students for the 9 years following the first year after withdrawal pursuant to the terms described in the tuition contract that is attached as Exhibit 1. Freeport will keep this offer open for a period of 60 days following the Effective Date.

Moved by Kate Brown, seconded by Naomi Ledbetter, to update Amendment #2 by reinserting the following at the beginning of B.2: The Brunswick School Department has offered to serve as the school of guaranteed acceptance for RSU5 for secondary students for a 10 year period following withdrawal.

Vote on Amendment #2: Amendment Pass: 508 – 490 (Morang, Murray, Steverlynck, Ritcheson, VanNostrand)

Amendment #3: Moved by Nelson Larkins, seconded by Beth Parker to remove the "Second" provision in Amendment #1 to revert to the original proposal's tuition language.

Vote on Amendment: Amendment Pass: 588 – 410 (Decsipkes, Ledbetter, Brown, Pike, Ritcheson)

Amendment #4: Moved by Valy Steverlynck, seconded by Karin VanNostrand, to remove the “First” and “Third” provisions in Amendment #1.

Vote on Amendment: Amendment Fails: 392 – 606 (Decsipkes, Ledbetter, Parker, Brown, Larkins, Pike, Ritcheson)

Amendment #5: Moved by Brian Pike, seconded by Peter Murray, to remove the “First” provision in Amendment #1

Vote on Amendment: Amendment Passes: 940 – 58 (Brown)

Moved by Peter Murray, Seconded by Michelle Ritcheson, to have a recess. 998 – 0

Amendment #6: Moved by Peter Murray, Seconded by Kate Brown to make changes as follows:

1. Delete Paragraph A (formerly paragraph beginning “Third”)
2. Delete Paragraph C (formerly paragraph beginning “2. Enrollment Following”)
3. Page 4 of the Agreement, second paragraph, last sentence (new D) change to read as follows: Pownal students enrolled in Freeport Middle School may continue their education in Freeport through graduation from Freeport High School under the terms of the tuition contract at Exhibit 1 as long as they remain continuously enrolled in Freeport High School.
4. Page 30 of the Agreement (new E) paragraph 14, last sentence to read: if either Pownal or Durham withdraw from RSU5 during the term of this agreement, paragraphs 2 and 3 of this agreement will terminate on the effective date of such withdrawal and the individual towns may negotiate regarding further tuition arrangements.

Moved by Peter Murray, seconded by Kate Brown, to update the amendment, (new F) page 27 Exhibit 1 paragraph 1, to copy into main agreement as paragraph X on page 4 and add phrase at end of sentence “under the terms in the tuition contract at Exhibit 1”

Vote on Amendment: Amendment Passes: 508 – 490 (Decsipkes, Parker, Larkins, Pike, Ritcheson)

Amendment #7: Moved by Kate Brown, Seconded by Michelle Ritcheson to add back in the original paragraph beginning “Third” (new A) and remove new E.

Vote on Amendment: Amendment Passes: 802 – 196 (Murray, Morang)

Vote on adding A, B, D and F to the body of the original proposal: Passes: 998 - 0

Moved by Valy Steverlynck, Seconded by Naomi Ledbetter, to have a recess. 998 – 0

Vote on Main Motion as Amended: Passes: 998 - 0

6. ADJOURNMENT:

VOTED: To adjourn at 11:25 p.m. (Parker – Murray) (998 – 0).

 9/17/14

Michael L. Lafortune
Superintendent of Schools