

STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY

SUPERIOR COURT - NORTH

SARAH LYNCH

v.

MANCHESTER SCHOOL DISTRICT, et. Al

DOCKET NO. 216-2018-CV-00985

THE DISTRICT DEFENDANTS' MOTION TO DISMISS COMPLAINT

NOW COMES the Manchester School District, SAU 37, Superintendent Dr. Bolgen Vargas, in his individual and official capacities, and Assistant Superintendent Amy Allen, in her individual and official capacities, (collectively, the District Defendants), by and through counsel, Drummond Woodsum, and hereby move this Court to dismiss the complaint against them for failure to state a claim.

I. INTRODUCTION AND RELEVANT FACTS¹

During the summer of 2018, Ms. Lynch, as required by her position as principal of the Webster Elementary School, participated in the hiring process for numerous open positions at the school. *See generally* DECISION pp. 2-3, Exhibit C. At or around that time, the District discovered that Ms. Lynch lied about and/or falsified documents relating to her responsibilities during that process. In particular, the District received information that Ms. Lynch submitted a

¹ This motion refers to facts contained in documents incorporated by or referenced in the Complaint. *See* Section II.

Nomination Packet for a Health Teacher position that falsely stated that she had interviewed a candidate, and falsified reference checks for a candidate for an Emotional and Behavioral Disorders teaching position. *See* DECISION pp. 2-3, Exhibit C. The District then hired Jeni A. Mosca, a well respected former superintendent with 34 years of experience in education, to investigate the allegations. *Id.* at 3. The investigation also included review of an allegation that Ms. Lynch expended student activity funds without authorization and in defiance of a prior directive. *Id.* This investigation spanned several months and included numerous interviews with Ms. Lynch. *Id.*

On September 4, 2018, as the investigation was winding down, Dr. Vargas made the decision, pursuant to RSA 189:31, to temporarily remove Ms. Lynch from her position as Principal at Webster School due to the allegations. Exhibit A; COMPLAINT² ¶ 13. Thereafter, Ms. Mosca completed her investigation. *See* Investigation Report; Exhibit B. After reviewing Mosca’s report, on September 27, 2018, Dr. Vargas notified Ms. Lynch — who was still on paid administrative leave—that he was recommending her dismissal to the only body with authority to dismiss her: the governing body of the District, the Manchester Board of School Committee (hereinafter, the “Board”). *See* Vargas Letter, Exhibit C.

² Throughout her Complaint, Ms. Lynch vaguely alleges that the “District” did particular things, without ever identifying who, exactly, took what action. Here, the Superintendent placed her on unpaid leave. While the Superintendent is a representative of the District, precision is important in these matters because the District is a municipal corporation with an elected governing body and is ultimately accountable to the voters. For example, the Superintendent lacks the authority to dismiss teachers; only a school board has that power.

The Board then scheduled a hearing for October 29, 2018, pursuant to RSA 189:13, to consider whether or not to dismiss Ms. Lynch. The District, as required by law, notified Ms. Lynch of the hearing. However, she chose not to participate in the hearing. Because she did not participate in the hearing, she necessarily did not challenge the evidence presented, did not present her own evidence, and made no arguments against her dismissal during the hearing. DECISION p. 2; COMPLAINT ¶ 15.

After having considered the evidence presented at the hearing, the Board unanimously voted to dismiss Ms. Lynch from her position. DECISION pp. 4-5. Thereafter, the Board, through its attorney, notified Ms. Lynch of the Board's decision and, pursuant to administrative rules governing teacher dismissals, provided her a copy of the Board's written decision. Exhibit D. Ms. Lynch did not avail herself of any grievance procedures available under the Collective Bargaining Agreement.³ Instead, Ms. Lynch filed the instant Complaint. In it she asserts—in vague and conclusory fashion—that she was wrongfully terminated for “reporting and threatening to expose a litany of illegal practices” or, perhaps, for “refus[ing] to hire a crony of [the] Assistant Superintendent.” See COMPLAINT ¶¶ 18-19.

³ By that time, Ms. Lynch had already waived her right to grieve her termination when she rejected Union representation at the hearing. Instead, Ms. Lynch secured personal counsel. Because the Association of Manchester Principals, Teamster Local 633 of NH, is the exclusive representative of the bargaining unit and bargaining unit members only have access to the grievance procedure through their exclusive representative, Ms. Lynch waived her right to grieve her dismissal when she rejected Union counsel.

Indeed, Ms. Lynch's Complaint is an exemplar of "shotgun pleading," replete with salacious and conclusory allegations, yet devoid of particularized facts, and premised on multiple, inconsistent, theories in the hopes that one sticks.

However, despite Ms. Lynch's vague allegations to the contrary, the Board made clear that its decision "[was] based solely on whether [her] conduct [as set forth in Dr. Vargas' September 27, 2018 letter] constituted immorality and failure to conform to regulations..." DECISION p. 1. Ultimately, having considered the evidence presented, the Board "concluded that [Ms. Lynch] falsified official hiring reports, failed to follow District hiring policies, and disobeyed a direct instruction regarding use of District funds, which constitutes 'immoral' behavior as that term is used in RSA 189:13, as well as a failure to conform to regulations." DECISION p. 5. As required by law, the Board's decision to dismiss Ms. Lynch was necessarily limited to those stated reasons.

II. LEGAL STANDARD

"Generally, in ruling upon a motion to dismiss, the trial court must determine whether the allegations contained in the plaintiff's pleading sufficiently establish a basis upon which relief may be granted." *Baer v. new Hampshire Dept. of Educ.*, 160 N.H. 727, 729 (2010). This threshold inquiry involves testing the facts alleged in the pleadings against the applicable law. *Williams v. O'Brien*, 140 N.H. 595, 598 (1995).

However, in resolving a motion to dismiss, the court "may also consider documents attached to the plaintiff's pleadings, documents the authenticity of

which are not disputed by the parties, official public records, or documents sufficiently referred to in the complaint.” *Beane v. Dana S. Beane & Co., P.C.*, 160 N.H. 708, 711 (2010)(cleaned up); *see also Rederford v. U.S. Airways, Inc.*, 589 F.3d 30, 35 (1st Cir. 2009)(applying federal rules).

Attached hereto at **Exhibit A** is a true and correct copy of a letter sent to Ms. Lynch by Dr. Vargas, placing her on paid administrative leave. This letter is referenced in Paragraph 13 of Ms. Lynch’s Complaint and its authenticity is not in dispute.

Attached hereto at **Exhibit B** is a true and correct redacted⁴ copy of the Investigation Report prepared by Ms. Mosca. This investigation is referenced in Paragraph 13 of Ms. Lynch’s Complaint and the report, along with Ms. Mosca’s related testimony, was evidence at Ms. Lynch’s dismissal hearing referenced in Paragraph 15 of Ms. Lynch’s Complaint (erroneously referred to as October 9, not October 29). *See also* Exhibit D. The authenticity of this document is not in dispute.

Attached hereto at **Exhibit C** is a true and correct copy of the letter sent by Dr. Vargas to Ms. Lynch notifying her that he was recommending her dismissal to the Board and that the Board would conduct a hearing on the same. Ms. Lynch’s dismissal hearing is referenced in Paragraph 15 of her Complaint. The authenticity of this document is not in dispute.

⁴ The District has redacted the identities of the candidates whose hiring process underlies Ms. Lynch’s dismissal.

Attached hereto at **Exhibit D** is a true and correct redacted copy of the written Decision formally dismissing Ms. Lynch from employment with the District, together with the cover letter sent by the Chair of the Board. Ms. Lynch's dismissal is referenced throughout her Complaint. The authenticity of this document is not in dispute.

Because the authenticity of these documents is not reasonably in dispute and the Complaint references, directly or indirectly, the content of these documents, the Court should review and consider the entirety of these documents while resolving this motion to dismiss.

III. ARGUMENT

Ms. Lynch alleges three discrete claims: wrongful termination, violation of the whistleblower protection law, and violation of the freedom of expression law. In her Complaint, she names four different defendants, only one of which was her employer, yet fails to specifically identify which claims she asserts against which defendant.

A. The claims against the SAU, Dr. Vargas, and Ms. Allen must be dismissed because none of those individuals or entities employed Ms. Lynch, because Dr. Vargas and Ms. Allen are entitled to qualified and/or official immunity, and because Ms. Lynch fails to specifically allege any facts against any of those named defendants.

As a threshold matter, as a part of her shotgun, scorched earth, litigation strategy, Ms. Lynch named Dr. Vargas and Ms. Allen as defendants, in their official and individual capacities, as well as the SAU. However, she failed to state any claim against those defendants.

With respect to the wrongful termination claims, the District employed Ms. Lynch. She was not an employee of the SAU. She was not an employee of Dr. Vargas. She was not an employee of Ms. Allen. A cause of action for wrongful termination lies only against the employer, and therefore this claim must be dismissed as against these three defendants. *See, e.g., Bonczar v. Suburban Propane Gas Corp.*, No. 94-68-B, slip op. at 17 (D.N.H. Sept. 30, 1996). This, of course, is because only an employer has authority to terminate an employee.

Assuming *arguendo* that Ms. Lynch alleges conduct by Dr. Vargas and Ms. Allen in their official capacities, Ms. Lynch has failed to identify any basis for imposing independent liability on either, and each is protected by either official immunity or qualified immunity. *See Everitt v. General Electric Co.*, 156 N.H. 202, 214 (2007); *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). Further, Ms. Lynch's Complaint fails to allege a single discrete fact as against either Ms. Allen or Dr. Vargas in their individual, as opposed to official, capacities. As a result, all claims against Ms. Allen and Dr. Vargas in their individual and official capacities should be dismissed.

Finally, Ms. Lynch has failed to allege a single act by the SAU, a legally distinct entity that provides administrative services to the District. *See RSA 194-C, et seq.*

For these reasons, Dr. Vargas, Ms. Allen, and the SAU should be removed from this case as defendants.

B. Ms. Lynch failed to exhaust her administrative remedies with respect to Counts I and II. Ms. Lynch possesses no independent cause of action in tort.

Count I, Wrongful Termination, is solely premised on Ms. Lynch's dismissal. Count II, Whistleblower Protection, relies on both her paid administrative leave and her ultimate dismissal from employment as "adverse employment actions." Ms. Lynch failed to exhaust her administrative remedies with respect to both counts and they therefore should be dismissed.

With respect to the decision to place Ms. Lynch on paid leave, Ms. Lynch's sole remedy was an appeal to the New Hampshire State Board of Education. RSA 189:31. Having failed to take that appeal and exhaust her administrative remedies, Ms. Lynch cannot now assert any impropriety with respect to that decision.

With respect to her dismissal, Ms. Lynch, as a principal, is represented by the Association of Manchester Principals and subject to collective bargaining with the District. The current operative CBA contains language which dictates when, in conjunction with state law, the Board may terminate a principal's employment contract. The CBA provides a grievance procedure and binding arbitration, within a certain timeframe, of such violations. Having failed to file a grievance and exhaust her administrative remedies, Ms. Lynch cannot now assert a claim that she was wrongfully dismissed.

Ms. Lynch arguably wraps her employment claims up with a constitutional question related to freedom of expression, but that does not save her from this

requirement. *See, generally, Konefal v. Hollis/Brookline Cooperative School District*, 143 N.H. 256 (1998).

Finally, the employer-employee relationship giving rise to this complaint was governed by contracts. These contracts, the CBA and the individual employment contract, contain provisions governing termination of employment. Ms. Lynch cannot now seek through a tort action relief that she failed to bargain for in contract.

C. A cause of action for wrongful termination can never lie after a dismissal pursuant to RSA 189:13.

Under New Hampshire law, school districts are municipal corporations. RSA 194:2. A school district is governed by its school board, for the benefit of the public. The Manchester School District is governed by its Board of School Committee. School district board members are elected by the voters — i.e., the public — in the district. RSA 671:4. In Manchester, the Board is made up of 15 members, which includes the Mayor who also serves as chairperson of the Board. Pursuant to RSA 189:13, a school board has the sole authority to dismiss teachers, including principals.

As a result, a superintendent, such as Dr. Vargas, does not have authority to dismiss a teacher. Instead, a superintendent has the duty to recommend the dismissal of certified staff under applicable circumstances. *See* N.H. Admin. Code Ed. 302.02(h) (“The superintendent shall . . . [r]ecommend the dismissal of certified staff to the [school] board, which has the authority to dismiss in accordance with RSA 189:13 . . .”). Similarly, Assistant Superintendent Allen does not have

authority to dismiss a teacher. No employee or agent of the District has authority to dismiss a teacher. Only the governing body, the school board, has the sole authority to dismiss a teacher:

The school board may dismiss any teacher found by them to be immoral, or who has not satisfactorily maintained the competency standards established by the school district, or one who does not conform to regulations prescribed; provided, that no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, nor without having previously been granted a full and fair hearing.

RSA 189:13.

Given the statutory framework and the nature of an RSA 189:13 hearing, it is unlikely that a wrongful termination claim could ever lie against a District in this context. This is because a school board conducting an RSA 189:13 hearing on dismissal is sitting in a quasi-judicial capacity and therefore is “presumed to be of conscience and capable of reaching a just and fair result.” *Appeal of Hopkinton Sch. Dist.*, 151 N.H. 478 (2004). Because the hearing serves a due process function, no further process is due.

More importantly, “the school board are trustees--not agents--of the district.” *Horne v. Chester School District*, 75 N.H. 411 (1910). In other words, a school district has no authority to direct or control the conduct of its school board. A wrongful termination claim is an intentional tort, not a contract action. *Porter v. City of Manchester*, 153 N.H. 30 (2004). In order for a school district to be liable for an intentional tort, a court must apply the doctrine of respondeat superior, imputing liability through an agent (most likely an employee). *See, e.g., id.* This, as

a matter of law, cannot occur in the RSA 189:13 dismissal context because the act of dismissal is performed by the school board which is not an agent of the school district.

This is why the legislature enacted RSA 189:14, which imposes statutory liability on a school district if its board violates RSA 189:13. *See Spencer v. Laconia School Dist.*, 107 N.H. 125 (1966). While the District Defendants assert that RSA 189:14 provides Ms. Lynch no relief because her dismissal was proper, a plaintiff may not pursue a common law remedy where the legislature intended to replace it with a statutory cause of action. *Howard v. Dorr Woolen Co.*, 120 N.H. 295, 297 (1980).

To the extent what Ms. Lynch is really claiming is that the Superintendent's motive in **recommending** dismissal — or some other District representative's motive in reporting or investigating her misconduct — is improper, her Complaint still fails. This is because only the Board has sole authority to dismiss a teacher. To the extent a teacher believes their dismissal proceeding is initiated based on either A) false allegations⁵ or B) is motivated by an improper bias or motive, they can raise that at the hearing. Here, Ms. Lynch affirmatively waived her right to A) attend the hearing, B) challenge the evidence presented, C) present her own evidence, and D) argue to the Board as to why she should not be dismissed.

⁵ Notably, in her Complaint Ms. Lynch never actually affirmatively refutes the **factual** allegations which were asserted against her in her dismissal hearing. Instead, she appears to only take issue with their import or characterization. E.g., she believes that falsifying hiring documents is merely a lapse in protocol, or that paying District bills without authorization is somehow okay when she believes they are “legally owed.”

Therefore, the wrongful termination claim should be dismissed on this basis and the whistleblower claim should be, to the extent it otherwise survives this motion, limited to the act of placing Ms. Lynch on paid administrative leave.

D. Assuming that this Court considers Ms. Lynch's claims, her Complaint fails to state sufficient facts to support a plausible claim to relief.

Assuming *arguendo* this Court allows the claims to proceed notwithstanding the above arguments, Ms. Lynch alleges three discrete claims: wrongful termination, violation of the whistleblower protection law, and violation of the freedom of expression law. However, the facts as pleaded, even when construed in a light most favorable to Ms. Lynch, are insufficient to sustain the Complaint.

i. Wrongful termination

In order to prevail on a claim of wrongful termination, Ms. Lynch must establish that 1) her termination was motivated by bad faith, retaliation, or malice, and 2) that she was terminated for performing an act that public policy would encourage or for refusing to do something that public policy would condemn. *Lacasse v. Spaulding Youth Ctr.*, 154 N.H. 246, 248 (2006). Ms. Lynch's Complaint, even read in the light most favorable to her, fails to state a claim for wrongful termination.

1. Ms. Lynch fails to allege any discrete facts to demonstrate that the Board's decision to terminate her was motivated by bad faith, retaliation or malice.

In her Complaint, Ms. Lynch vaguely alleges that she "witnessed countless illegal acts of her employer," that she "report [sic] these violations of law to her supervisors," and that she paid "bills legally owed by the Webster Street School."

Complaint ¶¶ 20-24. Ms. Lynch then claims that her dismissal, which is embodied in a written decision of a duly elected public board, was in response to these alleged “reports” and not because — as found by the Board — she “falsified official hiring reports, failed to follow District hiring policies, and disobeyed a direct instruction regarding use of District funds.” However, Ms. Lynch’s bald-faced allegation is insufficient as a matter of law to sustain a wrongful termination claim, especially given the plain language of the undisputed Board Decision.

As a threshold matter, although Ms. Lynch characterizes her falsification of records as a mere “failure to follow protocols in hiring,” it is clear that she does not — and cannot — dispute that the Board decision contained a clearly stated — and legally proper — basis for her dismissal. DECISION; COMPLAINT ¶ 16. Instead, Ms. Lynch alleges that, notwithstanding this stated basis, the District had an ulterior motive in dismissing her. However, Ms. Lynch fails to allege a single fact which suggests that A) any particular member of the Board was even aware of the reports she claims to have made in paragraphs 23-26 of her Complaint and B) that any particular board member voted to terminate her on that basis as opposed to the Board’s collectively stated basis. Indeed, she fails to allege any discrete facts regarding the Board at all.

Ultimately, the Board dismissed her for being dishonest, not for allegedly reporting alleged violations of the law. DECISION p. 5. Even assuming a plaintiff could maintain a wrongful termination action in the face of an objectively valid written dismissal decision by a school board, clearly a plaintiff must allege

something more than the threadbare allegation that they made reports. Ms. Lynch does not.

2. Public policy does not encourage principals to falsify district hiring documents or expend funds without authorization.

The Board dismissed Ms. Lynch because she falsified documents and disobeyed a direct instruction regarding the use of District funds. It is clear that public policy does not encourage such behavior. While Ms. Lynch is correct in the general sense that public policy encourages reports of unlawful behavior, she has failed to allege a single discrete fact to demonstrate she was dismissed because of those alleged reports and not for her own dishonest behavior. As a result, her wrongful termination claim should be dismissed.

ii. Ms. Lynch's whistleblower protection claim should be dismissed because she was dismissed for being dishonest, not for allegedly reporting violations of the law.

Ms. Lynch next alleges a claim for violation of RSA 275-E, the Whistleblower's Protection Act. The Act provides that "no employer shall harass, abuse, intimidate, threaten, or otherwise discriminate against any employee...because...the employee, in good faith, reports or causes to be reported, verbally or in writing, what the employee has reasonable cause to believe is a violation of any law..." Because this claim, as alleged by Ms. Lynch, is premised on the same facts as the wrongful termination, the arguments set forth above apply equally to this count. Put simply: even if Ms. Lynch was a "whistleblower," she was not dismissed for being a whistleblower, she was dismissed for being dishonest. Surely, the Board is permitted to dismiss dishonest teachers? Surely, a dishonest

teacher cannot insulate themselves from dismissal merely by claiming to also be a whistleblower?

iii. Ms. Lynch fails to allege sufficient facts to support a plausible claim for relief pursuant to RSA 98-E.

RSA 98-E protects a government employee's right to engage in personal speech outside the scope of their government employment. RSA 98-E:2 provides that "[n]o person shall interfere in any way with the right of freedom of speech, full criticism, or disclosure by any public employee."

Here, Ms. Lynch alleges four bases for her claim that the District Defendants violated RSA 98-E, COMPLAINT ¶ 35:

- By "instructing her to lie about her leave..."
- By "forcing [her] to get a permission slip to vote..."
- By "not permitting [her] to communicate with co-workers..."
- By "[n]ot allowing her to join her coworkers on a long planned vacation."

Ms. Lynch claims that these alleged actions caused "harm, including loss of income, emotional distress and 'other damages.'" COMPLAINT ¶ 36. As a threshold matter, these allegations are simply not plausible and are, at their core, unsupported conclusions. Ms. Lynch fails to allege sufficient facts to support any plausible inference that these actions, presuming they actually occurred, "interfered" with her speech rights. For example, Ms. Lynch does not allege that she did in fact lie, that she did not get to vote, that she did not get to communicate with coworkers. The only affirmative fact Ms. Lynch alleges is that she was "not allowed" to join her coworkers on vacation. Not only is this absurd (an employer cannot

plausibly “allow” or “disallow” employees from going on a particular vacation), it is contradicted by her admitted fact that she **was on paid leave at the time**.

As Ms. Lynch knows (and hid from this Court), it is not that **she** was denied the ability to go on a vacation, it is that her former coworkers sought to perpetrate fraud on the District by calling in sick in order to vacation with Ms. Lynch. Instead, after those workers were called out on their attempt to improperly call in sick and after they consulted with their union representatives, those employees thought better of that course of action. In any event, going “on vacation” is not the proper protected interest of an RSA 98-E claim.

IV. CONCLUSION

Ms. Lynch committed dishonest acts in the course of her employment. The Board found, after a full and fair hearing, that she committed dishonest acts and dismissed her for those dishonest acts. Ms. Lynch chose not to participate in her due process hearing. She cannot avail herself of relief in this Court. Even construed in the light most favorable to her, Ms. Lynch’s Complaint fails to state a plausible claim for relief. A mere threadbare claim that one is a so-called “whistleblower” cannot be enough to shield an employee from their own misconduct which results in an otherwise valid dismissal.

WHEREFORE, the District Defendants respectfully request this Honorable Court:

- A) Dismiss all claims against Dr. Vargas, Ms. Allen, and the SAU, and remove them as parties to this case; and/or
- B) Dismiss the Complaint for failure to exhaust administrative remedies; and/or
- C) Dismiss Count I for failure to state a claim; and
- D) Dismiss Count II for failure to state a claim; and
- E) Dismiss Count III for failure to state a claim.

Respectfully Submitted,

**Manchester School District, SAU 37, Dr.
Bolgen Vargas, and Amy Allen**

By their attorneys,
Drummond Woodsum & MacMahon, P.A.

Dated: January 11, 2019

By: /s/ Demetrio Aspiras
Demetrio Aspiras (NH Bar #19518)
501 Islington Street, Suite 2C
Portsmouth, NH 03801
(603) 433-3317
daspiras@dwmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss Complaint was this date forwarded via first-class US mail to Kirk C. Simoneau, Esq., of Nixon, Vogelmann, Slawsky & Simoneau, P.A., counsel for the Plaintiff, at 77 Central Street, Manchester, NH 03101-2423.

Dated: January 11, 2019

/s/ Demetrio Aspiras
Demetrio Aspiras, Esq.

EXHIBIT A



MANCHESTER SCHOOL DISTRICT
SCHOOL ADMINISTRATIVE UNIT NO. 37
 195 McGregor Street, Suite 201
 Manchester, NH 03102
 Telephone: 603.624.6300 • Fax: 603.624.6337

Bolgen Vargas, Ed.D.
 Superintendent of Schools

Jennifer C. Gillis
 Assistant Superintendent
 Curriculum & Instruction

Amy L. Allen
 Assistant Superintendent
 Elementary Education and
 Innovation

Karen DeFrancis
 Business Administrator

**Executive Director of the
 Innovation Zone**

VIA HAND DELIVERY

September 4, 2018

Ms. Sarah Lynch, Principal
 Webster Elementary School

Dear Ms. Lynch:

The Manchester School District has received a report of allegations that you falsified hiring documents and disregarded a directive involving the student activity fund. This letter is to confirm that effective immediately you are being placed on paid administrative leave pending the conclusion of the investigation and decisions relating to these allegations.

We will conclude the investigation as expeditiously as possible. When meeting with the school district's administrative representatives you are welcome to have a union representative accompany you.

While you are on leave from your position(s) you are reminded that this is a confidential personnel matter and should not be discussed with anyone except District administration, your union representative and the investigator. While you are on leave from your position you are prohibited from being on any Manchester School District property except as explained below. You are to remain available while on paid leave and may be requested to perform alternative work or respond to inquiries as arranged for you by Pamela Hogan, Director of Human Resources.

If you have any questions, please contact me or the Director of Human Resources, Pamela Hogan (624-6300, X142).

Sincerely,

Bolgen Vargas
 Bolgen Vargas, Ed. D.
 Superintendent of Schools

Sarah Lynch
 Signature – Sarah Lynch (Acknowledges Receipt Only)
 cc: Investigation File

9/4/18
 Date

It is the policy of the Manchester Board of School Committee, in its actions, and those of its employees, that there shall be no discrimination on the basis of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin or sexual orientation for employment in, or operation and administration of any program or activity in the Manchester School District. The Title IX Coordinator is Pamela Hogan; the 504 Coordinator is Mary Steady. Please see above for contact information.

EXHIBIT B

MANCHESTER SCHOOL DISTRICT

WEBSTER ELEMENTARY SCHOOL
HIRING PROCESS/STUDENT ACTIVITY FUND

(INVESTIGATION)

SUMMER 2018

PREPARED BY JENI A. MOSCA

RETIRED SCHOOL SUPT.

Manchester School District
Sarah Lynch
Principal Webster Elementary School

Investigation regarding Hiring Practices/Financial Directives regarding Student Activity Fund
(Final Report)

During early August I was contacted by Amy Allen, Assistant Superintendent for the Manchester School District with concerns that a Principal, Sarah Lynch falsified documents during the hiring process and that she disregarded a directive involving the use of the student activity fund.

Hours were spent reviewing various documents that included hiring, and financial explanations. Reviews were also done regarding the districts policies and practices.

Time was spent creating questions to conduct interviews with the interviewing committee as well as with Sarah.

All stakeholders who were interviewed were provided Union representation.

Interviews were conducted on August 21, 2018 and August 27th, 2018. Timelines were created based on information gathered the first round of interviews. Second interviews were conducted to clarify information gathered from first round of interviews.

Evaluations conducted by Sarah's supervisors were also reviewed.

Information gathered was shared with Amy Allen, Assistant Superintendent verbally, as well as a written report.

Facts Discovered: (from Interviews, and documents)

Hiring Process:

August 21, 2018 Interview:

This interview included Sarah Lynch, Principal at Webster Elementary School and her Union Representative Rick Chretien.

Health Teacher Interview:

Sarah stated she interviewed 3 people on July 13th. The interview team included Sarah and 4 other staff members. Sarah first stated that at "9am **Candidate A** came in and explained to the committee she accepted a position at Wilson and would not stay for the interview." Later on she came back to this and stated maybe **Candidate A** emailed her on Apple tracker that she accepted another position.

Sarah stated they interviewed 2 other people, [Candidate B] and [Candidate C]. [Candidate C] was the final candidate. Sarah called 3 people to conduct reference checks on [Candidate C], all 3 were colleagues.

When asked why she didn't contact a supervisor she stated she wasn't aware of any policies/practices that you must speak to a supervisor.

EBD Teacher Position: (1st time)

On July 13th Sarah and the same team that conducted the Health Teacher interviews also interviewed for an EBD Teacher.

3 candidates were interviewed; [Candidate D], [Candidate E] and [Candidate F]. [Candidate E] was the the team's top candidate.

On July 13th, Sarah left a message for Rich Zacchilli, the Principal of Londonderry Middle School. (Documented in her phone log she shared with the consultant on August 22nd, 2018)

On July 14th, Sarah contacts Kristen Fay, a parent and Angeia Fitzgerald a colleague as reference checks for [Candidate E]. She fills out the appropriate form stating their responses on the checklist. She also includes a Kathy McNally as a reference.

When asked how many of the people she spoke to were supervisors of [Candidate E] she stated "that Rich may have called me after I submitted the paperwork to the SAU which is why I didn't include his reference check". When asked again when did you speak to him, she stated; "July 20th at 5:20pm". She also gave me his number from her cell phone.

As Amy Allen, Assistant Superintendent reviewed the packet, she had concerns that [Candidate E] the candidate indicated she didn't want the district to contact Londonderry. Amy contacted HR in Londonderry and discovered that [Candidate E] was not the right candidate for the job and denied the application. She also spoke to Rich, the Londonderry Principal who claimed he never spoke to anyone from Manchester regarding [Candidate E].

Amy shared with Sarah the candidate would not be moving forward and to interview again for the position.

EBD Teacher Position: (2nd time)

On Wednesday, August 8th Sarah conducted interviews for the EBD position again. The interview team consisted of Sarah and 1 other staff member from the school.

Sarah and the staff member only interviewed one person; [Candidate G]

Sarah states she contacted Stacy Bachelder, [Candidate G]'s Principal on August 8th between 10-11:15am. She filled out the district reference form stating that Stacy had given [Candidate G] a great reference and would re-hire [Candidate G]. The consultant asked her twice if she was sure she spoke to Stacy and Sarah was adamant that she had.

The consultant asked Sarah on August 21st if she knew that [Candidate G] had been non-renewed. Sarah stated; "I didn't". For the record it was documented on the application by [Candidate G] that she had been non-renewed. Sarah stated she also contacted two other people and spoke to them regarding [Candidate G]'s performance, Vito Umbro a colleague and Claudia Martineau also a colleague. Upon further investigation Vito confirmed that he had not spoken to Sarah, yet Sarah filled out the reference form stating that she had spoken to him. She also filled out a reference form stating she had spoken to Claudia as well.

Amy Allen, Assistant Superintendent reviewed the packet on August 14th and became concerned about the non-renewed listing on the application. Amy contacted Stacy Bachelder, the Principal who indicated she never spoke to Sarah. Amy shared with Stacy that she had given [Candidate G] all strengths in her conversation and that she would re-hire her. Stacy was appalled as she never had a conversation with Sarah and was insulted that she indicated she had.

Amy again rejected this candidate.

Based on conversations between the consultant and Amy and the information Sarah shared during her interview, the consultant wanted to interview Sarah again with different questions based on the information gathered from the first interview.

August 21st: 2nd interview was conducted

The interview included Sarah Lynch, Principal at Webster Elementary and Rick Chretien, Union Rep.

The Consultant had spent time preparing a timeline associated with each interview, information Sarah had shared when interviewed the first time and documents that supported some discrepancies in the story.

Health Teacher Timeline/Questions:

The timelines are included in the back of this report. Here are Sarah's responses to some of the questions.

When asked why would you state [Candidate A] came in when it was clearly documented that she didn't? Sarah stated "she felt like she came in". When asked further if she understood the ramifications of falsifying a document she stated, "I didn't think of it that way, but I suppose it was."

Sarah admitted she could have done things differently. Sarah admitted that she falsified the document she submitted for the Health Position. She stated she knew she needed to bring forward 3 candidates.

Sarah stated this was the first time she had done hiring on her own. Previously most interviews were done by prior Assistant Principal.

Part way through the interview process on Monday, August 27th, Rick Chretien, Sarah's Union rep asked if they could have time to speak without the consultant in the room. The consultant

agreed and stepped out of the room while Sarah and Rick spoke. When the consultant returned, the interview continued.

Sarah admitted to doing a "sloppy" job of completing the hiring process from start to finish, including filling out the forms and making the reference checks.

EBD Position Timeline/Questions (1st round hiring):

Again the a timeline was presented to Sarah based on the information she shared regarding the hiring of **Candidate E**.

When asked did she speak to a Kathy McNally as there was no phone log documenting that she had a conversation with her, Sarah response was "Can't remember if I spoke to Kathy. I know I spoke with 3 people. I can't remember who." Yet she filled out a reference form that had Kathy's name on it.

Sarah struggled further with remembering whom she had spoken to. She could not verify speaking with Rich Zachilli, the Principal in Londonderry on August 27th when on August 21st during the interview she was adamant that she spoke to him. Documentation email from Rich Zachilli to Amy Allen dated August 23, 2018 states he never spoke to her. When asked why she wasn't truthful about speaking to him she states, "not positive about this. It might not have been Rich I spoke to." She also stated "Shoddy work on my part."

Sarah stated she had a difficult time getting people to come in and sit on interview teams because of "work to rule" based on current negotiations.

Sarah stated she didn't realize you need to have 3 people on the interview team.

Sarah admitted that she gathered little information on the reference forms and had documented her conversations as 2 minutes or less when making the reference calls based on the phone log she provided the consultant.

Sarah states none of this was intentional. She should have placed a higher importance on the process. She also states she was unaware that she needed to speak to a supervisor if they wrote a letter of recommendation as a reference check. (Not documented in Personnel 100.1R Appendix Staff Selection and Hiring Process)

When asked what she would do differently in the future, she would reach out to a colleague and have them walk her through the hiring process.

For the record, though this was not discussed with Sarah, there was a candidate for a Special Education position at Webster. The reference packet Sarah sent to Central Office was falsified. Sarah claimed she spoke to a Michael Flynn when she had not as he documented this in an email that Amy Allen received on August 22nd, 2018.

Financial-Student Activity Fund:

Sarah stated she received a verbal reprimand in October 2017 for not overseeing the Library renovation.

Sarah acknowledged that on November 28th she received an email from Karen DeFrancis, Business Administrator confirming that district dollars could not be used to pay the outstanding balance to Tucker Library.

On March 5th, 2018 Sarah was told by her supervisor to pay the Tucker Invoice based on the phone log she provided the consultant. She felt her supervisor told her to do something, she did it. When asked if she would do it differently next time she stated she would ask more clarifying questions or ask for help when unsure about what to do.

On March 12th, 2018 Sarah acknowledged that emails were exchanged between Ernest Kidman, Accounting Supervisor, Jane Rogers, Tucker Library Associate and Sarah regarding the \$1,611.92 outstanding balance. Sarah reiterates that school district funds can not be used which Ernest confirms. He encourages her to request the funds from the PTO.

On March 21st, Sarah replies to Lisa Paris, in Accounting that PTO denied her request. She asked, "How would you like me to proceed?" When asked if she followed up she replied no and that she was told by her supervisor on March 5th to pay the invoice. She claimed that Hannaford had donated money to the school and since it was not designated for anything she would use that. When asked where the funds were deposited she stated, "I suppose it was in the student activity account."

When asked why she paid the bill with student activity account after being told twice that those funds could not be used, she responded, "I was told to pay the bill and not told where to take the money from". "I have a lot to learn still."

Summary of Findings:

Based on the information provided by Sarah Lynch, Principal at Webster Elementary School through 2 interviews, documents obtained from Central Office, conversations with Amy Allen, Assistant Superintendent of Schools the following findings were discovered;

1. Sarah failed to follow district hiring practices. Her interview team violated district policies when she didn't include 3 staff members.
2. Sarah failed to conduct reference checks on various staff she attempted to hire and falsified the phone reference form stating she contacted supervisors when she had not.
3. Sarah falsified the Nomination of Candidate form stating she interviewed 3 candidates when in fact she only interviewed 2.
4. Sarah clearly stated this was her first time conducting interviews as the previous Assistant Principal handled that responsibility.

5. Sarah received a verbal reprimand regarding the oversight of the Library project in October 2017. She was also given a directive on two separate occasions, November 2017 and again in March 2018 not to use the Student Activity account to pay Tucker Library for services and yet on April 16, 2018 a check was written to Tucker Library from the Student Activity Account to pay the Tucker Library invoice.

Sarah's Evaluations:

Both of Sarah's evaluations indicate she is doing a satisfactory job. The evaluation model used by the Manchester School District is based on the Interstate School Leadership Licensure Consortium (ISLLC) Seven Standards for School Leaders, which includes 7 standards each having a separate number of components. Each rubric consists of four levels of leadership performance: accomplished, advanced, developing, and unsatisfactory. Advanced is defined "as meeting the requirements for success in the organization".

In 2016-17 most of the indicators show advanced and accomplished. (1 total standard, School Management shows developing). Developing is defined as "the leader is making progress, not yet proficient, but has the potential to become proficient and represents an ideal candidate for the organization to invest time in professional development, mentoring and coaching.

In 2017-18 most indicators show advanced. (3 performance indicators under standards have 1 each showing developing). For example in School Management 4 performance indicators show advanced, 1 is developing. School Culture/Instructional Practices 5 performance indicators show advanced, 2 are developing. Social/Cultural Context 2 performance indicators show advanced, 1 is developing. The developing performance indicators focus around understanding staff needs, providing teacher direction and human resource needs.

Jam' A Mosca 9/13/18

Ex. A-1



Karen DeFrancis <kdefrancis@mansd.org>

Re: Payment of Invoice to Tucker

1 message

Sarah Lynch <slynch@mansd.org>

Wed, Nov 29, 2017 at 8:21 AM

To: Karen DeFrancis <kdefrancis@mansd.org>

Cc: Amy Allen <amyallen@mansd.org>, Lisa Paris <lparis@mansd.org>

Thanks

On Tue, Nov 28, 2017 at 5:06 PM, Karen DeFrancis <kdefrancis@mansd.org> wrote:
That would be great. I will review them and then let you know when you can pay her.
Karen

Karen DeFrancis
Business Administrator
Manchester School District
603-624-6300

On Tue, Nov 28, 2017 at 3:56 PM, Sarah Lynch <slynch@mansd.org> wrote:

Thank you! My only other question is, prior to paying Mrs. Domin for her materials, would you like a detailed list with receipts and prices? I have no problem getting that to you!

Thank you for all of your help!

Sarah

On Tue, Nov 28, 2017 at 2:29 PM, Karen DeFrancis <kdefrancis@mansd.org> wrote:
Hi Sarah,

Based on the BOSC vote last night, I just wanted to confirm that the District is not permitted to pay any more than \$24,999.75 to Tucker Library. This means that the invoice for \$1,611.92 cannot be paid from any District funds including the bond, the two \$10,000 donations or any funds in the school account. The school is part of the Manchester School District, so no check can come from the school. I will work with the Facilities Department to pay the \$24,999.75 as well as the other vendors we spoke about yesterday (\$6,800 State of NH, \$1,497.11 The Library Store, \$535 TNT).

Please let me know if you have any questions.

Thanks,
Karen

Karen DeFrancis
Business Administrator
Manchester School District
603-624-6300

--

Sarah Lynch, Principal
Webster Elementary School
2519 Elm Street
Manchester, New Hampshire 03104
slynch@mansd.org



Karen DeFrancis <kdefrancis@mansd.org>

Re: Overdue Invoice

1 message

Sarah Lynch <slynch@mansd.org>

Wed, Mar 21, 2018 at 8:19 AM

To: Lisa Paris <lparis@mansd.org>

Cc: Ernie Kilman <ekilman@mansd.org>, Karen DeFrancis <kdefrancis@mansd.org>, Tammy Hanna <thanna@mansd.org>

Good Morning,

I put the request out to our PTO last week. It was voted down last night, as the funds have been allocated to other needs in the building. How would you like me to proceed?

Sarah

On Mon, Mar 12, 2018 at 5:46 PM, Lisa Paris <lparis@mansd.org> wrote:

Hi Sarah,

You are correct that it cannot be paid with District funds or your student activity. If the PTO is able to fund it that would be OK.

Lisa

On Mon, Mar 12, 2018 at 5:26 PM, Sarah Lynch <slynch@mansd.org> wrote:

Hi Ernie

I have been in touch with Tammy and Karen. It was my understanding that the Finance Committee voted that I was not able to pay it with district or library funds, which included our student activity account. I have been waiting on clarification.

Thanks

Sarah

On Mar 12, 2018 2:52 PM, "Ernie Kilman" <ekilman@mansd.org> wrote:

Ms. Lynch:

Please be aware that this bill needs to be paid immediately. Perhaps the PTO can fund it.

Thank you

Ernest Kilman
Accounting Supervisor
Manchester School District SAU #37
603-624-6300 ext. 159

On Mon, Mar 12, 2018 at 1:41 PM, Jane Rogers <jane@tuckerlibraryinteriors.com> wrote:

Hi Ernie: You helped me out last summer regarding an overdue invoice for the Webster School in Manchester. Since that time I have been bounced between the School's Principal and the School Department. On February 12, 2018 I was told to contact Karen De Frances who I have been calling weekly and leaving messages but no return calls. This bill is long overdue and I really don't see any other option at this point but to file for a small claims hearing with the Manchester District Court. Could you please see if there is anything you can do to get this invoice paid? Please feel free to contact me if you have any questions. Thank you so much. - Jane

Jane Rogers

Tucker Library Interiors, LLC

7/16/2018

Manchester School District Staff and Students SAU37 Mail - Re: Overdue Invoice

27 Harvey Road Unit 1

Bedford, NH 03110

603-666-7030

--
Sarah Lynch, Principal
Webster Elementary School
2519 Elm Street
Manchester, New Hampshire 03104
slynch@mansd.org



Karen DeFrancis <kdefrancis@mansd.org>

Re: Tucker Library

1 message

Sarah Lynch <slynch@mansd.org>

Wed, Feb 28, 2018 at 8:12 AM

To: Karen DeFrancis <kdefrancis@mansd.org>

Cc: Amy Allen <amyallen@mansd.org>

I did when she called the first time. I would be happy to do it again.

Sarah

On Feb 26, 2018 9:13 AM, "Karen DeFrancis" <kdefrancis@mansd.org> wrote:

Oh...and her name is Jane.

Karen DeFrancis
Business Administrator
Manchester School District
603-624-6300

On Mon, Feb 26, 2018 at 9:12 AM, Karen DeFrancis <kdefrancis@mansd.org> wrote:

Hi Sarah,

I received a call from Tucker Library looking for the balance on the work they did for the Webster Library. Can you please inform her that the board only approved the one invoice from District funds. Her number is 603-666-7030.

Thanks,
Karen

Karen DeFrancis
Business Administrator
Manchester School District
603-624-6300



Karen DeFrancis <kdefrancis@mansd.org>

Tucker

1 message

Sarah Lynch <slynch@mansd.org>

Fri, Mar 9, 2018 at 12:51 PM

To: Tammy Hanna <thanna@mansd.org>, Karen DeFrancis <kdefrancis@mansd.org>

Hi there

I just wanted to let you know I reached out to Jane from Tucker Library again. It was my understanding that we cannot pay them, per the Finance Committee. Can I clarify. Is it the city that cannot pay them, or they cannot get paid at all. I thought I was told that I was not allowed to pay them, even from the school account. Please let me know.

Thanks!

--

Sarah Lynch, Principal
Webster Elementary School
2519 Elm Street
Manchester, New Hampshire 03104
slynch@mansd.org



Karen DeFrancis <kdefrancis@mansd.org>

Re: Overdue Invoice

1 message

Sarah Lynch <slynch@mansd.org>

Wed, Mar 21, 2018 at 8:19 AM

To: Lisa Paris <lparis@mansd.org>

Cc: Ernie Kilman <ekilman@mansd.org>, Karen DeFrancis <kdefrancis@mansd.org>, Tammy Hanna <thanna@mansd.org>

Good Morning,

I put the request out to our PTO last week. It was voted down last night, as the funds have been allocated to other needs in the building. How would you like me to proceed?

Sarah

On Mon, Mar 12, 2018 at 5:46 PM, Lisa Paris <lparis@mansd.org> wrote:

Hi Sarah,

You are correct that it cannot be paid with District funds or your student activity. If the PTO is able to fund it that would be OK.

Lisa

On Mon, Mar 12, 2018 at 5:26 PM, Sarah Lynch <slynch@mansd.org> wrote:

Hi Ernie

I have been in touch with Tammy and Karen. It was my understanding that the Finance Committee voted that I was not able to pay it with district or library funds, which included our student activity account. I have been waiting on clarification.

Thanks

Sarah

On Mar 12, 2018 2:52 PM, "Ernie Kilman" <ekilman@mansd.org> wrote:

Ms. Lynch:

Please be aware that this bill needs to be paid immediately. Perhaps the PTO can fund it.

Thank you

Ernest Kilman

Accounting Supervisor

Manchester School District SAU #37

603-624-6300 ext. 159

On Mon, Mar 12, 2018 at 1:41 PM, Jane Rogers <jane@tuckerlibraryinteriors.com> wrote:

Hi Ernie: You helped me out last summer regarding an overdue invoice for the Webster School in Manchester. Since that time I have been bounced between the School's Principal and the School Department. On February 12, 2018 I was told to contact Karen De Frances who I have been calling weekly and leaving messages but no return calls. This bill is long overdue and I really don't see any other option at this point but to file for a small claims hearing with the Manchester District Court. Could you please see if there is anything you can do to get this invoice paid? Please feel free to contact me if you have any questions. Thank you so much. - Jane

Jane Rogers

Tucker Library Interiors, LLC

Webster Elementary School

STUDENT ACTIVITY FUND

2017-18

REQUEST FOR PAYMENT

Organization

Club/Class: Webster

Date: 4/13/18

Make Checks Payable to:

Tucker Library

Address:

27 Harvey Rd Unit 1

Bedford, NH 03110

Purpose:

Added construction from original
library quote

Amount Requested:

\$ ~~1611.22~~ 1611.22

Documentation Attached:

X

Invoice

Receipts (Paid by individual above)

Order #

Requested By:

Sarah Lynch

Position:

Principal

Approved By:

Date:

PAYMENT INFORMATION

Paid by:

Check #:

1358

Date:

4/16/18

Issued By:

KMU

Debit:

Admin. Supplies

Basketball

Classes

Donations

Equipment

ELL

Field Trips

Food Sales

Guidance

Fund Raising

Library

Maintenance

General Fund: Misc.

Music

PE Library

Coca-Cola Teachers

Coca-Cola Students

Jeans for Tech

Professional Dev Library

Staff Morale

Websterfest

Hannaford money

Geny Donation

Ex. A-2

Questions Asked on Aug. 21st, 2018

Webster Elementary School

Questions for Sarah

Health Teacher Questions

1. What date did you conduct your Health Teacher interviews? Who was part of your interview team?
2. How many people did you interview?
3. Who was your final candidate and how did you reach that conclusion?
4. Who was the supervisor you spoke to regarding your reference checks?
5. What day and time do you have documented that you spoke to that person?

EBD Teacher Questions (Round 1 filling that position)

1. What date did you conduct your EBD teacher interviews? Who was part of your interview team?
2. How many people did you interview?
3. Who was your final candidate? How did you come to that conclusion?
4. How many people did you speak with for reference checks?
5. How many of those people you spoke to were the final candidate's supervisor?
6. Was the supervisor her most current employer?
7. Why didn't you contact a supervisor?

EBD Teacher (2nd round trying to fill this position)

1. What date did you conduct your EBD teacher interviews for the second time? Who was part of the interview committee?
2. How many people did you interview?
3. Who was your final candidate? How did you reach that conclusion?
4. How many people did you speak with regarding reference checks?
5. Were any of those reference checks a supervisor?
6. Did you speak with a Stacey Bachelder (Prin.) Candidate Gs supervisor? What date and time?

8. Did you know that **Candidate G** was non-renewed? Do you know why?

3. Did you after these directives still us Webster Student Activity Funds to pay for Tucker Library?
4. Why was a check dated April 16th (#1358) written from the Webster Student Activity Account to Tucker Library?
5. As a building Principal what are your responsibilities regarding fiscal management?
6. Since you have been in Manchester has anyone met with you to explain your fiscal responsibilities? When and where?

Ex. A-3

Health Teacher Timeline

Monday, July 9th:

Sarah Lynch, Webster Principal send [Candidate A] an invite through Apple tracker to interview on Friday, July 13th at 9:00am for the Health Teacher position at Webster.

Tuesday, July 10th:

[Candidate A] responds to Sarah on Apple tracker that she will not be attending the interview on Friday as she accepted a Health position at Wilson Elementary School.

Friday, July 13th:

Sarah states interviews were conducted.

Tuesday, August 21st:

Sarah is interviewed by a consultant regarding hiring practices and processes at Webster.

When asked about the interviews regarding the Health Teacher position, Sarah indicates they interviewed 3 people. She stated that [Candidate A] was scheduled to be interviewed for 9am. Sarah indicated that [Candidate A] came in and explained to the team that she had accepted a position at Wilson and then left.

1. Why would you state that [Candidate A] came in when clearly it has been documented that [Candidate A] would not be attending the interview on Friday?
2. Why would you fill out a form (the district reference form) that indicated you interviewed [Candidate A] as one of the 3 finalists?

3. There are many signatures on the form stating (district reference form) stating that 3 people were interviewed when actually only 2 were interviewed. What do you believe are the ramifications that you have falsified a document?

You then made 3 reference checks none of which included a supervisor for the final candidate.

4. Why didn't you contact a supervisor?

2018-2019 Phone Log

7/9 - Columbia University - 844 906 0594 - Canvas

7/13/18

7/12/30 Anita Kelley - Ref. for Candidate C Health 47 699 0485

Heather Desmarais - 603 654 6715 - WVA - 603 654 6714

Kathy Harris - 603 454 8381 / 603 654 6714

7/13/18

LM - Richard Zacchilli - Ref. for Candidate E (EBD)

7/14 Kristin Fay - mem - ref Candidate E - use firm - loved her

Angela Fitzgerald 603 965 0684 → Kristin Fay 508 241 8732

Sent in 3 AP nominations - [REDACTED]

Merckland School in Lowell - J.O.

8/7 - 11:15 Amy Allen - Transfer AP - will be [REDACTED]
from Wilson.

?? Does Pilly know? why?

Amy called back. more forward w/ Kathy Carlson
as FT EBD. Needs application. Will have team
interview.

Brandon French - totally blindsided. Does not know why
moving. Will meet tomorrow (Webster 8:30).

8/8 Candidate G -

* Stacy Bidder-Giles - Ref. 10:26 A - World - see ref.

* Claudia Martinez - 10:27 A spoke to -

- Vito Umbro - Called LM @ 10:35.

8/22 - Rick C. called @ 2:11pm - 11/20/17 was Finance

Committee. Rebecca attended. which did I do

I was at School Board meeting.

Home [redacted] x



Quick Look

Online Application

Application Materials (5)

References (3)

Communication Log (3)

Interviews (0)

Forms

Fill Out a New Form

Send a Form

List All Forms (0)

Next App New Form Email Print Tools Notes

Log New Communication

Save

Tuesday, July 10, 2018 7:06 PM

Delete Edit

Contact Person: slynch

From: "Sarah Lynch" <slynch@mansd.org>

Sent: Tuesday, July 10, 2018 7:06 PM CDT

To: [redacted] Candidate A

Subject: Re: Regarding your Manchester School District - SAU 37 New Hampshire applicant portal account.

Congratulations!! lol forward to hearing wonderful things from you!

Sarah

On Tue, Jul 10, 2018, 7:45 PM [redacted] Candidate A wrote:

Dear Sarah Lynch,

Thank you for the opportunity to interview for your school. I have recently accepted a position at Wilson Elementary School therefore I am not able to make the interview on Friday.

Again, thank you for the opportunity.

Respectfully,

[redacted] Candidate A

Get Outlook for iOS

From: Sarah Lynch <mansd+fda23ba1-8673@applitrack.com>

Sent: Monday, July 9, 2018 9:56 AM

To: [redacted] Candidate A

Subject: Regarding your Manchester School District - SAU 37 New Hampshire applicant portal account.

Dear [redacted] Candidate A,

Thank you for applying for Health Teacher at Webster Elementary. I was hoping you could come in for an interview on Friday 7/13 at 9:00 AM. Please let me know.

Sarah Lynch

Principal

Tuesday, July 10, 2018 6:45 PM

Delete Edit

Contact Person: slynch

Form:
T-1
A-1
S-1



Nomination Team Member Signature Form

This is to certify that none of the applicants to be interviewed is a blood relative, related by marriage and no conflict of interest exists as a result of a business or personal relationship. "Conflict of interest" means a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

I understand that any information gathered or discussed during the interview process is considered strictly confidential.

I understand that if I am an employee of the Manchester School District, falsification of information or violation of this confidentiality requirement shall result in discipline, up to and including termination or disqualification from continued service with the Manchester School District.

1. <u>Sarah Lynch</u>	Print Name and Title: Sarah Lynch Principal
2. <u>Kathy Carlson</u>	Print Name and Title: Kathy Carlson EBD Counselor
3. <u>Lori Coyle</u>	Print Name and Title: Lori Coyle School Psychologist
4. <u>Loryane VanDeventer</u>	Print Name and Title: Loryane VanDeventer Para
5. <u>Sarah Robinson</u>	Print Name and Title: Sarah Robinson Special Ed
6. _____	Print Name and Title: _____
7. _____	Print Name and Title: _____

Student participants do not sign this form (advisory capacity only)

Nomination Team Recommendation to Administration

The 1st Interview Nomination Team has completed its search and first round of interviews for the position of Health Teacher at Webster School, Manchester (school/location). After screening six candidates and interviewing three candidates, the Search Committee has reached consensus and identified the following candidate(s) to move forward to the next phase of the interview process (two of which are internal candidates if two or more applied):

Candidate C

By initialing below, I/we agree to move the above candidates forward to the superintendent (or superintendent's designee) for a final interview/process.

1. SR 2. MC 3. D 4. lv 5. SR 6. _____ 7. _____ 8. _____ 9. _____

Committee Member initials

Chair Signature: Sarah Lynch Date: 7/13/18



Manchester School District, SAU#37

Nomination of Candidate

[use for all certified positions and non-certified director positions]

Position Name: Health School/Location: Webster School, Manchester

Selected Candidate for Nomination: Candidate C

Finalist Candidate Name	Writing Prompt Pass?	Classroom Demo or Site Visit (Excellent, Fair, Poor)	2 nd Interview Date/Proceed (Y or N)	3 rd Interview (if applicable) Date/Proceed? (Y or N)	Reference Checks Pass? (Y or N)
1. Candidate B	Y or N	E F P	/ Y or N	/ Y or N	Y or N
2. Candidate A	Y or N	E F P	/ Y or N	/ Y or N	Y or N
3. Candidate C	Y or N	E F P	/ Y or N	/ Y or N	Y or N
4.	Y or N	E F P	/ Y or N	/ Y or N	Y or N
5.	Y or N	E F P	/ Y or N	/ Y or N	Y or N

A minimum of three finalist candidates are to be brought to the final stage, two of which are internal candidates if available.

Administrator Signature: *David Lynch*
 Date signed: _____

Final Applicants	Home Address (City, State only)	Current Position (& City or Town)	Date Interviewed
------------------	------------------------------------	--------------------------------------	---------------------

1. Candidate B			7/13/18
2. Candidate A			7/13/18
3. Candidate C			7/13/18
4.			

Ex. A-4

EBD Teacher Timeline (Round 1 Hiring)

Friday July 13th:

Sarah Lynch, Webster Principal interviewed 3 people for the EBD Teacher position; [Candidate D], [Candidate E] and [Candidate F].

Sarah and the committee decided upon [Candidate E] as the final candidate.

Friday July 13th:

Based on the phone log (sent to the consultant by email dated August 22nd) you conducted reference checks on [Candidate E] and left a message for Rich Zacchilli, Principal at Londonderry School District. [Candidate E] had recently worked there.

Saturday July 14th:

You again using the same phone log indicated you contacted Kristen Fay and Angela Fitzgerald as references for [Candidate E]. One of those being a colleague and one a parent. You completed the appropriate reference form on [Candidate E] based on the information these two had shared with you. You also included a Kathy McNally reference form, but have not provided any phone log documentation of contacting her?

1. Did you actually speak with a Kathy McNally? What date and time?

Tuesday August 21st:

You were told by Central Office on Monday, August 20th that an outside consultant would be conducting an investigation regarding your hiring practices and processes as well as your financial oversight of the student activity account. You were given written documentation that you signed making you aware of the investigation.

When interviewed on Tuesday, August 21st by the consultant you indicated the following; when asked how many people did you speak with for reference checks you claimed 3, Angela Fitzgerald, Kristen Fay and Rich Zacchilli. You submitted reference forms that included Angela, Kristen and Kathy McNally. When asked why you didn't include Rich Zacchilli, you stated "he must have called back after I submitted the packet to the SAU."

When asked when did you speak to Rich you stated; "July 20th at 5:20pm. My kids were in the background making noise. You also gave the consultant his phone number from your phone as 603-644-1465.

Wednesday August 22:

The consultant has Amy Allen, the Assistant Supt. verify the information you shared regarding a phone conversation with Rich Zachilli. She called the number given to verify it was Rich's number and it was not.

Thursday August 23rd:

Amy then contacted Rich through email to verify you had indeed contacted him and spoke to him as you had indicated to the consultant.

Rich responds to Amy that he had not spoken to anyone in Manchester regarding
Candidate E employment.

1. Why would you give that number and claim you had a conversation with him when you clearly had not?

2. Why not be truthful about this reference check?

Seasonal Office

From: Jeni Mosca <mightymosca24@gmail.com>
Sent: Thursday, August 23, 2018 10:52 AM
To: seasonal@danforthbay.com
Subject: Fwd: Re:

Jeni Mosca

Begin forwarded message:

From: Amy Allen <amyallen@mansd.org>
Date: August 23, 2018 at 10:40:14 AM EDT
To: Jeni Mosca <mightymosca24@gmail.com>
Subject: Fwd: Re:

----- Forwarded message -----

From: Richard Zacchilli <rzacchilli@londonderry.org>
Date: Thu, Aug 23, 2018, 10:30 AM
Subject: RE: Re:
To: Amy Allen <amyallen@mansd.org>

Hi Amy, I have not spoken to anyone in Manchester about Candidate E.....The telephone number is not mine....Candidate E did teach here last year, and if you need any information please let me know. Thank you!

From: Amy Allen [mailto:amyallen@mansd.org]
Sent: Thursday, August 23, 2018 9:57 AM
To: Richard Zacchilli <rzacchilli@londonderry.org>
Subject: Re:

We are following up on some of our hiring practices. Did you speak to a Principal Sarah Lynch to recommend a teacher : Candidate E? Is your number 644-1466?

On Thu, Aug 23, 2018 at 9:24 AM, Richard Zacchilli <rzacchilli@londonderry.org> wrote:

Hi Amy, I spoke with [REDACTED] at the Manchester District Office and she gave me your email address. I know you are out of the building today but I wanted to get back to you regarding your message. I am in and out of the office today as we have our second teacher workshop day

going on. We can touch base at another time, or if you have a specific question that can be answered via email that would be great as well. Thank you!

--

Amy Allen, Assistant Superintendent of Elementary and Innovation

Manchester NH School District

amyallen@mansd.org

603-624-6300 ext 111

Logic will get you from A to B. Imagination will take you everywhere - Albert Einstein

CONFIDENTIAL INFORMATION: This electronic message and any attachments are confidential and intended solely for the use of the person to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message without the express authorization of the addressee is prohibited. The sender takes no responsibility for any unauthorized reliance on this message. If you have received this message in error, please immediately notify the sender and purge the message you received

2018-2019 Phone Log

7/9 - Columbia University - 844 906 0594 - Canvas

7/13/18

(7/12/18) Anita Kelley - Ref. for **Candidate C** Health 47 679 0485

Heather Deshazo - 603 454 6715 - WV - 603 654 6714

Kathy Harris - 603 454 9381 / 603 654 6714

7/13/18

LM - Richard Zaccilli - Ref. for **Candidate E** (EBD)

7/14 Krista Fay - mem - ref **Candidate E** - use firm - loved her

Angela Fitzgerald 603 965 0684 → Kristin Fay 508 241 8732

Sent in 3 AP nominations - [REDACTED]

Merckland School in Lowell - J.O.

8/7 - 11:15 Amy Allen - Transfer AP - will be [REDACTED]
from Wilson.

?? Does Pilly know? Why?

Amy called back. more forward w/ Kathy Carlson
as FT EBD. Needs application. Will have team
interview.

Brandon French - totally blindsided. Does not know why
moving. Will meet tomorrow (P Webster 8:30).

8/8 **Candidate G** -

* Stacy Bachelors-Giles - Ref. 10:26 A - would - see ref.

* Claudia Martinez - 10:27 A spoke to -

- Vito Umbro - called LM @ 10:35.

8/22 - Rick C called @ 2:11pm - 11/20/17 was Finance

Committee. Rebecca attended. Which did I do

I was at School Board meeting.



Manchester School District, SAU#37

Nomination of Candidate

[use for all certified positions and non-certified director positions]

Position Name: EBD Teacher School/Location: Webster School, Manchester

Selected Candidate for Nomination: Candidate E

Finalist Candidate Name	Writing Prompt Pass?	Classroom Demo or Site Visit (Excellent, Fair, Poor)	2 nd Interview Date/Proceed (Y or N)	3 rd Interview (if applicable) Date/Proceed? (Y or N)	Reference Checks Pass? (Y or N)
1. Candidate F	Y or N	E F P	/ Y or N	/ Y or N	☒ Y or N
2. Candidate D	Y or N	E F P	/ Y or N	/ Y or N	☒ Y or N
3. Candidate E	Y or N	E F P	/ Y or N	/ Y or N	☒ Y or N
4.	Y or N	E F P	/ Y or N	/ Y or N	Y or N
5.	Y or N	E F P	/ Y or N	/ Y or N	Y or N

A minimum of three finalist candidates are to be brought to the final stage, two of which are internal candidates if available.

Administrator Signature: *Shad Lynch*
Date signed: _____

Final Applicants	Home Address (City, State only)	Current Position (& City or Town)	Date Interviewed
------------------	------------------------------------	--------------------------------------	---------------------

1. Candidate F			7/13/18
2. Candidate D			7/13/18
3. Candidate E			7/13/18
4.			



Form:
T-1
A-1
S-1

Nomination Team Member Signature Form

This is to certify that none of the applicants to be interviewed is a blood relative, related by marriage and no conflict of interest exists as a result of a business or personal relationship. "Conflict of interest" means a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

I understand that any information gathered or discussed during the interview process is considered strictly confidential.

I understand that if I am an employee of the Manchester School District, falsification of information or violation of this confidentiality requirement shall result in discipline, up to and including termination or disqualification from continued service with the Manchester School District.

1. <u><i>Sarah Lynch</i></u>	Print Name and Title: Sarah Lynch Principal
2. <u><i>Kathy Carlson</i></u>	Print Name and Title: Kathy Carlson EBD Counselor
3. <u><i>Lori Coyle</i></u>	Print Name and Title: Lori Coyle School Psychologist
4. <u><i>Loryane VanDeventer</i></u>	Print Name and Title: Loryane VanDeventer Para
5. <u><i>Sarah Robinson</i></u>	Print Name and Title: Sarah Robinson Special Ed
6. _____	Print Name and Title: _____
7. _____	Print Name and Title: _____

Student participants do not sign this form (advisory capacity only)

Nomination Team Recommendation to Administration

The 1st Interview Nomination Team has completed its search and first round of interviews for the position of EBD Teacher at Webster School, Manchester (school/location). After screening six candidates and interviewing three candidates, the Search Committee has reached consensus and identified the following candidate(s) to move forward to the next phase of the interview process (two of which are internal candidates if two or more applied):

Candidate E

By initialing below, I/we agree to move the above candidates forward to the superintendent (or superintendent's designee) for a final interview/process.

1. *SL* 2. *KAC* 3. *LC* 4. *LV* 5. *SR* 6. _____ 7. _____ 8. _____ 9. _____

Committee Member initials

Chair Signature: *Sarah Lynch* Date: 7/13/18

CONFIDENTIAL
MANCHESTER SCHOOL DISTRICT
CERTIFIED PERSONNEL TELEPHONE REFERENCE FORM

**Reference check conducted by Sarah Lynch

CANDIDATE:	REFERENCE CONTACT:
Name: <u>Candidate E</u>	Name: <u>Kristin Fay</u>
Address: <u>[REDACTED]</u>	Address: <u>[REDACTED]</u>
Position Desired: <u>EBD Teacher</u>	Phone: <u>508 241 8732</u>
School: <u>Webster</u>	School: <u>Parent of Student</u>

Introduce yourself and state your position and then proceed with the statement below.

[REDACTED] has applied for a position in the Manchester School District. Would you be willing to take a few minutes of your time to speak with me regarding this person's qualifications and abilities?

- What is your official relationship to the applicant? parent of student
- How long have you known the applicant? 3 years
- Did the applicant have tenure in your district (or is the applicant still an employee in your district)? Use this question only if applicable.
☐ Yes ☐ No If no, why: _____
- What do you consider to be the strengths of this candidate? Accessable, adaptable, charismatic great report
- What would you consider to be areas in which the candidate could grow more professionally? none
- Is there any reason why this candidate should not be considered for this position? No
- I would like to list some professional qualities and have you give your assessment of the candidate as to whether this quality is:
1 - strength, 2 - some skills, 3 - minimal skills, 4 - can't assess

1	2	3	4	Interpersonal Skills
1	2	3	4	Knowledge & Application of Trends
1	2	3	4	Curriculum & Instruction
1	2	3	4	Student Discipline
1	2	3	4	Application of Technology
1	2	3	4	Staff Development
1	2	3	4	Budgeting Skills
1	2	3	4	Relationships with Staff
1	2	3	4	Relationships with Students
1	2	3	4	Relationships with Parents
1	2	3	4	Communication Skills
1	2	3	4	Ability to Participate as a Team Player
1	2	3	4	Community Involvement
1	2	3	4	Organizational Skills
1	2	3	4	Flexibility/Versatility

Would you like to work with this individual in the future? ☐ Yes ☐ No

Do you have any additional comments you would like to add? _____

Do you have any additional comments you would like to add? _____

CONFIDENTIAL
MANCHESTER SCHOOL DISTRICT
CERTIFIED PERSONNEL TELEPHONE REFERENCE FORM

**Reference check conducted by Sarah Lynch

CANDIDATE:	REFERENCE CONTACT:
Name: <u>Candidate E</u>	Name: <u>Kathy McNally</u>
Address: <u>[REDACTED]</u>	Address: <u>Kmcnally@manesd.org</u>
Position Desired: <u>EBD Teacher</u>	Phone: <u>603 289 2679</u>
School: <u>Webster</u>	School: <u>Smyth Rd</u>

Introduce yourself and state your position and then proceed with the statement below.

[REDACTED] has applied for a position in the Manchester School District. Would you be willing to take a few minutes of your time to speak with me regarding this person's qualifications and abilities?

1. What is your official relationship to the applicant? Co Worker
2. How long have you known the applicant? 2 years
3. Did the applicant have tenure in your district (or is the applicant still an employee in your district)? Use this question only if applicable.
☐ Yes ☐ No If no, why: _____
4. What do you consider to be the strengths of this candidate? Ambitious, Caring, Creative, energetic
5. What would you consider to be areas in which the candidate could grow more professionally? Make sure IPI is up to date
6. Is there any reason why this candidate should not be considered for this position? no
7. I would like to list some professional qualities and have you give your assessment of the candidate as to whether this quality is:
1 - strength, 2 - some skills, 3 - minimal skills, 4 - can't assess

1	2	3	4	Interpersonal Skills
1	2	3	4	Knowledge & Application of Trends
1	2	3	4	Curriculum & Instruction
1	2	3	4	Student Discipline
1	2	3	4	Application of Technology
1	2	3	4	Staff Development
1	2	3	4	Budgeting Skills
1	2	3	4	Relationships with Staff
1	2	3	4	Relationships with Students
1	2	3	4	Relationships with Parents
1	2	3	4	Communication Skills
1	2	3	4	Ability to Participate as a Team Player
1	2	3	4	Community Involvement
1	2	3	4	Organizational Skills
1	2	3	4	Flexibility/Versatility

Would you like to work with this individual in the future? ☐ Yes ☐ No

Do you have any additional comments you would like to add? _____

DONNA L. DYER
84 Turtle Rock Road
Windham, NH 03087
(603) 345-9299
ddyerlovesdogs@hotmail.com

August 2, 2018

To Whom It May Concern:

Please accept this letter as a formal recommendation for **Candidate E**. Not only would she be an excellent teacher in a behavioral classroom, but she would also be an asset to your school.

Though I am now retired from the Assistant Principal position at Londonderry Middle School (over one year), I had the pleasure of working with **Candidate E** over the last several years. As the lead teacher of the Friends program, **Candidate E** dealt with a variety of special education diagnoses, some actually quite severe. The majority of this program was severely autistic.

As the administrator of the special education programs (without a special education degree), **Candidate E** taught me how to deal with very diverse behaviors. Simply, I just followed her lead when students acted out or became dangerous. Quite frankly I learned so much from her, and this changed from year to year; the behaviors seemed to become increasingly difficult throughout my tenure at the school. Thus, I strongly believe that **Candidate E** would be extremely suited for a behavioral classroom.

Should you have any further questions, please do not hesitate to contact me

Yours truly,



Donna L. Dyer
Former AP of Londonderry Middle School,
Londonderry, New Hampshire

Londonderry Middle School

313 Mammoth Road • Londonderry, New Hampshire 03053-3037

(603) 432-6925

Fax: (603) 432-0714

Ann Hadwen
Assistant Principal

Richard Zacchilli
Principal

David Sutherland
Assistant Principal

July 17, 2018

To Whom It May Concern:

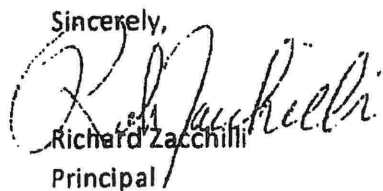
It is a pleasure to write this letter of recommendation for **Candidate E**, Special Education teacher and Case Manager at Londonderry Middle School. I have had the opportunity to work with **Candidate E** for the past five years in my role as Principal of the middle school. **Candidate E** is a dedicated educator who constantly strives to meet the unique needs of her students, utilizing a variety of instructional techniques.

During these past five years, **Candidate E** has been responsible for overseeing an ABA program for lower functioning students on the autistic spectrum. She does an excellent job communicating with parents who tend to require more attention on a daily basis in part because their children do not typically have the ability to communicate themselves. Parents trust her ability to work in the best interest of her students and depend upon her to assist them. As well, she has been responsible for supervision of up to six para-professionals, and is responsible for collaborating regularly with the Speech and Language Pathologist, the Occupational Therapist, the Physical Therapist, the BCBA, and the Special Educational Counselor assigned to her program.

Candidate E maintains a cooperative dialogue with regular education teachers, parents, and administration, always communicating concerns and successes about individual students. She has gone above and beyond the call of duty on many occasions, assisting students after school hours, and working with parents who need additional support and guidance.

In summary, **Candidate E** is a dedicated educator with a distinct and unique skillset and educational background. She will be a valuable resource that will benefit any school system fortunate enough to hire her. She is an outstanding teacher/case manager, who is willing to do whatever is necessary for the good of the individual student. If I can be of further assistance, please do not hesitate to contact me at (603) 432-6925.

Sincerely,



Richard Zacchilli
Principal

July 13, 2018

To whom it may concern:

It is with great pleasure I write this letter of recommendation on behalf of [redacted] Candidate E [redacted]. [redacted] Candidate E has been my [redacted]'s Middle School Special Education Teacher for the past three years.

The initial transition into middle school was a very difficult and anxious time for [redacted], but [redacted] Candidate E was able to develop a strong rapport with [redacted] almost immediately due to her nurturing nature. This rapport helped immensely with easing [redacted] anxiety and allowed [redacted] to feel safe and comfortable in [redacted] new environment.

I have found [redacted] Candidate E's dedication and reliability to be invaluable. She is an attentive teacher who never hesitates to reach out when an issue or concern arises. She is always accessible and has created a welcoming, open form of communication.

In addition, [redacted] Candidate E has always been supportive and thoughtful of [redacted]'s ever changing needs. She has demonstrated this through her willingness to modify curriculum and classroom expectations when needed.

I am confident [redacted] Candidate E will be a wonderful addition and asset to your school. Please feel free to contact me at: [redacted] for any additional information.

Sincerely,



Kristin Fay

Ex. A-5

EBD Teacher Timeline (Round 2 hiring)

Wednesday August 8th:

Sarah interviews for the second time attempting to fill the EBD teacher position.

1. Why did you only have yourself and Kathy Carlson conduct these interviews?
2. Why does the Nomination Team Member signature form only include your signature?
3. Was Kathy really there?

Your phone log you shared with the consultant indicates you called Stacy Bachelder at 10:26am and Claudia Matineau at 10:27am.

4. How did you have a 1 min. conversation with Stacy who was Candidate Gs Principal and complete that reference form in that amount of time?

5. Why did you only interview 1 candidate?

Tuesday August 21st:

When interviewed by the consultant on Tuesday, August 21st you stated you spoke to Stacy Bachelder between 10-11:15am. When asked again regarding speaking with Stacy you also indicated that Kathy Carlson was in the room.

Amy Allen, Ass't Supt was reviewing the packet you submitted on Candidate G on August 14th and became concerned about the non-renewed listing that Candidate G had stated on her application. She contacted Stacy Bachelder the Principal who indicated she never spoke to you. Amy indicated to Stacy that the reference form you documented indicated all strengths, but 1 category and that Stacy would work with the candidate again in the future. Stacy was adamant that she would not recommend a non-renewed teacher for rehire and that it was illegal for someone to write that on her behalf.

1. Why would you state that you spoke to her when you had not and why would you falsify a document?

Wednesday August 22nd:

On Wednesday, August 22nd Stacy send Amy an e-mail indicating she received an email inquiry from you while she was on vacation and returned a quick email indicating she was back. No recommendation was given regarding Candidate G. Stacy also claims she has no recollection of speaking with anyone this summer regarding Candidate G's employment.

2. Have you had any conversation with Stacy Bachelder in the last week or so regarding this situation?

When asked by the consultant regarding Candidate G being non-renewed you indicated you didn't know that.

3. When you receive an application what process do you use to review the documents?
4. How did you not know that she was non-renewed as it was clearly written in her paperwork?

2018-2019 Phone Log

7/9 - Columbia University - 844 906 0594 - Canvas

1/12/18

7/12/18 Anna Kelley - Ref. fr. **Candidate C** Health 87 679 0485
 Heather Desnoes - 603 654 715 - WW - 603 654 6714
 Kathy Harris - 603 454 9381 / 603 654 714

7/13/18

LM - Richard Zacchilli - Ref. fr. **Candidate E** (EBD)
 7/14 Kristin Fay - mem - ref **Candidate E** - use firm - loved her
 Angela Fitzgerald 603 965 0684 → Kristin Fay 508 241 8732

Sent in 3 AP nominations - [REDACTED]

Merckland School in Lowell - J.O.

8/7 - 11:15 Amy Allen - Transfer AP - will be [REDACTED]
 Ann Wilson.

?? Does Pilly know? Why?

Amy called back. more forward w/ Kathy Carlson
 as FT EBD Needs application. Will have team
 interview.

Brandon French - totally blindsided. Does not know why
 moving. Will meet tomorrow (21 Webster 8:30

8/8 **Candidate G**

* Stacy Burkholder-Giles - Ref 10:26 A - would - see ref.
 * Claudia Martineau - 10:27 A spoke to -
 - Vito Umbro - called LM @ 10:35.

8/22 - Rick C called @ 2:11pm - 1/20/17 was Finance
 Committee Rebecca Illandick. Which did I do
 I was at School Board meeting.

Seasonal Office

From: Jeni Mosca <mightymosca24@gmail.com>
Sent: Wednesday, August 15, 2018 7:09 AM
To: office seasonal
Subject: Fwd: today's incident

Jeni Mosca

Begin forwarded message:

most recent
incident

From: Amy Allen <amyallen@mansd.org>
Date: August 14, 2018 at 6:08:41 PM EDT
To: mightymosca24@gmail.com
Subject: today's incident

So I was reviewing a nomination packet from Sarah Lynch. I noticed the nominee was non-renewed so I reviewed the reference checks. The reference check from the former Principal who non-renewed the candidate was completed. Based on the form, I called the former Principal to verify the reference and ask some clarifying questions.

On Aug 14, 2018, I spoke with the Principal from Broad St in Nashua. She indicated that she did not speak to Sarah Lynch. I reviewed the form and asked her if she gave "strengths in all but 1 category and asked her if should we "work with the candidate" in the future. The Principal was adamant that she would not recommend a non-renewed teacher for rehire and it was "extremely unprofessional" and illegal for someone to write that on her behalf. I will have this paperwork available Friday at 8 am.

--

Amy Allen, Assistant Superintendent of Elementary and Innovation
 Manchester NH School District
amyallen@mansd.org
 603-624-6300 ext 111

Logic will get you from A to B. Imagination will take you everywhere - Albert Einstein

CONFIDENTIAL INFORMATION: This electronic message and any attachments are confidential and intended solely for the use of the person to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message without the express authorization of the addressee is prohibited. The sender takes no responsibility for any unauthorized reliance on this message. If you have received this message in error, please immediately notify the sender and purge the message you received

Seasonal Office

From: Jeni Mosca <mightymosca24@gmail.com>
Sent: Wednesday, August 22, 2018 2:09 PM
To: seasonal@danforthbay.com
Subject: Fwd: follow-up

Jeni Mosca

Begin forwarded message:

From: Amy Allen <amyallen@mansd.org>
Date: August 22, 2018 at 1:31:02 PM EDT
To: Jeni Mosca <mightymosca24@gmail.com>
Subject: Fwd: follow-up

----- Forwarded message -----
From: Stacy Bachelder <bachelders@nashua.edu>
Date: Wed, Aug 22, 2018 at 12:43 PM
Subject: RE: follow-up
To: Amy Allen <amyallen@mansd.org>
Cc: Garth McKinney <McKinneyG@nashua.edu>

Hello,

This is extremely concerning to me. I was in a meeting at that time and I have no recollection of speaking with anyone this summer about **Candidate G**. I received an email inquiry while I was on vacation the week prior and returned a quick email letting them now I was back in the office upon my return. The response I was given was that they were all set and I deleted the email. There was no recommendation given.

I looked at how this form was completed. I've only known **Candidate G** 1 year and I would not have answered any of those questions as they are marked on your form. Do you think it is possible that she spoke with someone other than me and listed my information (possibly a previous employer)?

I would like to resolve this as I feel my professional reputation and integrity are at stake regarding this matter.

Thank you,

Stacy

Stacy Bachelder

Principal

Broad Street School

603.966.1880



From: Amy Allen [mailto:amyallen@mansd.org]
Sent: Wednesday, August 22, 2018 12:31 PM
To: Stacy Bachelder <bachelders@nashua.edu>
Subject: follow-up

Hi Stacey-

We spoke last week about a reference for **Candidate G**. We are investigating the current hiring practices. The Principal stated you two spoke in person on 8/8/18 between 10:00-11:15.

Can you verify you did speak to her?

And can you verify your responses to her reference check?

--

Amy Allen, Assistant Superintendent of Elementary and Innovation

Manchester NH School District

amyallen@mansd.org

603-624-6300 ext 111

Logic will get you from A to B. Imagination will take you everywhere - Albert Einstein

CONFIDENTIAL INFORMATION: This electronic message and any attachments are confidential and intended solely for the use of the person to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message without the express authorization of the addressee is prohibited. The sender takes no responsibility for any unauthorized reliance on this message. If you have received this message in error, please immediately notify the sender and purge the message you received

--

Amy Allen, Assistant Superintendent of Elementary and Innovation

Manchester NH School District

amyallen@mansd.org

603-624-6300 ext 111

Logic will get you from A to B. Imagination will take you everywhere - Albert Einstein

CONFIDENTIAL INFORMATION: This electronic message and any attachments are confidential and intended solely for the use of the person to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message without the express authorization of the addressee is prohibited. The sender takes no responsibility for any unauthorized reliance on this message. If you have received this message in error, please immediately notify the sender and purge the message you received



Manchester School District, SAU#37

Nomination of Candidate

[use for all certified positions and non-certified director positions]

Position Name: Candidate G

School/Location: Webster, Manchester

Selected Candidate for Nomination: Candidate G

Finalist Candidate Name	Writing Prompt Pass?	Classroom Demo or Site Visit (Excellent, Fair, Poor)	2 nd Interview Date/Proceed (Y or N)	3 rd Interview (if applicable) Date/Proceed? (Y or N)	Reference Checks Pass? (Y or N)
1. Candidate G	Y or N	E F P	/ Y or N	/ Y or N	Y or N
2.	Y or N	E F P	/ Y or N	/ Y or N	Y or N
3.	Y or N	E F P	/ Y or N	/ Y or N	Y or N
4.	Y or N	E F P	/ Y or N	/ Y or N	Y or N

A minimum of three finalist candidates are to be brought to the final stage, two of which are internal candidates if available.

Administrator Signature: *Sarah Lynch*
Date signed: _____

Final Applicants	Home Address (City, State only)	Current Position (& City or Town)	Date Interviewed
------------------	------------------------------------	--------------------------------------	---------------------

1. Candidate G			8/8/18
2.			
3.			
4.			



Nomination Team Member Signature Form

This is to certify that none of the applicants to be interviewed is a blood relative, related by marriage and no conflict of interest exists as a result of a business or personal relationship. "Conflict of interest" means a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

I understand that any information gathered or discussed during the interview process is considered strictly confidential.

I understand that if I am an employee of the Manchester School District, falsification of information or violation of this confidentiality requirement shall result in discipline, up to and including termination or disqualification from continued service with the Manchester School District.

1. Sarah Lynch Print Name and Title: Sarah Lynch, Principal
2. _____ Print Name and Title: Kathy Carlson, EBD Counselor
3. _____ Print Name and Title: _____
4. _____ Print Name and Title: _____
5. _____ Print Name and Title: _____
6. _____ Print Name and Title: _____
7. _____ Print Name and Title: _____
8. _____ Print Name and Title: _____
9. _____ Print Name and Title: _____

Student participants do not sign this form (advisory capacity only)

Nomination Team Recommendation to Administration

The 1st Interview Nomination Team has completed its search and first round of interviews for the position of EBD Teacher at Webster School, Manchester (school/location). After screening 5 (#) candidates and interviewing 1 (#) candidates, the Search Committee has reached consensus and identified the following candidate(s) to move forward to the next phase of the interview process (two of which are internal candidates if two or more applied):

Candidate G , _____

By initialing below, I/we agree to move the above candidates forward to the superintendent (or superintendent's designee) for a final interview/process.

1. AL 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____

Committee Member initials

Chair Signature: Sarah Lynch Date: _____

CONFIDENTIAL
MANCHESTER SCHOOL DISTRICT
CERTIFIED PERSONNEL TELEPHONE REFERENCE FORM

**Reference check conducted by Sarah Lynch

CANDIDATE:	REFERENCE CONTACT:
Name: Candidate G	Name: Stacey Bachelder
Address: [REDACTED]	Address: 390 Broad St Nashua, NH 03063
Position Desired: EBD Teacher	Phone: 603 966 1880
School: Webster	School: Broad Street School

- What is your official relationship to the applicant? Colleague/Principal
- How long have you known the applicant? 2 years
- Did the applicant have tenure in your district (or is the applicant still an employee in your district)? *Use this question only if applicable.*
☐ Yes ☐ No If no, why: _____
- What do you consider to be the strengths of this candidate? Great structure, motivated, knows curriculum well. Positive
- What would you consider to be areas in which the candidate could grow more professionally? I would want her to share knowledge more cooperatively with staff.
- Is there any reason why this candidate should not be considered for this position? None
- I would like to list some professional qualities and have you give your assessment of the candidate as to whether this quality is:
1 – strength, 2 – some skills, 3 – minimal skills, 4 – can't assess

1	2	3	4	Interpersonal Skills
1	2	3	4	Knowledge & Application of Trends
1	2	3	4	Curriculum & Instruction
1	2	3	4	Student Discipline
1	2	3	4	Application of Technology
1	2	3	4	Staff Development
1	2	3	4	Budgeting Skills
1	2	3	4	Relationships with Staff
1	2	3	4	Relationships with Students
1	2	3	4	Relationships with Parents
1	2	3	4	Communication Skills
1	2	3	4	Ability to Participate as a Team Player
1	2	3	4	Community Involvement
1	2	3	4	Organizational Skills
1	2	3	4	Flexibility/Versatility

Would you like to work with this individual in the future? ☒ Yes ☐ No

Do you have any additional comments you would like to add? _____

CONFIDENTIAL
MANCHESTER SCHOOL DISTRICT
CERTIFIED PERSONNEL TELEPHONE REFERENCE FORM

**Reference check conducted by Sarah Lynch

CANDIDATE:	REFERENCE CONTACT:
Name: Candidate G	Name: Claudia Martineau
Address: [REDACTED]	Address: 390 Broad St Nashua, NH 03063
Position Desired: EBD Teacher	Phone: 802 272 4032
School: Webster	School: Broad Street School

- What is your official relationship to the applicant? Colleague / Special ed team
- How long have you known the applicant? 2 years
- Did the applicant have tenure in your district (or is the applicant still an employee in your district)? *Use this question only if applicable.*
☐ Yes ☐ No If no, why: _____
- What do you consider to be the strengths of this candidate? Compassionate and empathetic and calm. Great collaboration, team player
- What would you consider to be areas in which the candidate could grow more professionally? _____
- Is there any reason why this candidate should not be considered for this position? _____
- I would like to list some professional qualities and have you give your assessment of the candidate as to whether this quality is:
1 - strength, 2 - some skills, 3 - minimal skills, 4 - can't assess

1	2	3	4	Interpersonal Skills
1	2	3	4	Knowledge & Application of Trends
1	2	3	4	Curriculum & Instruction
1	2	3	4	Student Discipline
1	2	3	4	Application of Technology
1	2	3	4	Staff Development
1	2	3	4	Budgeting Skills
1	2	3	4	Relationships with Staff
1	2	3	4	Relationships with Students
1	2	3	4	Relationships with Parents
1	2	3	4	Communication Skills
1	2	3	4	Ability to Participate as a Team Player
1	2	3	4	Community Involvement
1	2	3	4	Organizational Skills
1	2	3	4	Flexibility/Versatility

Would you like to work with this individual in the future? ☒ Yes ☐ No

Do you have any additional comments you would like to add? _____

CONFIDENTIAL
MANCHESTER SCHOOL DISTRICT
CERTIFIED PERSONNEL TELEPHONE REFERENCE FORM

**Reference check conducted by Sarah Lynch

CANDIDATE:	REFERENCE CONTACT:
Name: Candidate G	Name: Vito Umbro
Address: [REDACTED]	Address: 390 Broad St Nashua, NH 03063
Position Desired: EBD Teacher	Phone: 603 204 3447
School: Webster	School: Broad Street School

- What is your official relationship to the applicant? colleague / teacher
- How long have you known the applicant? 1 year
- Did the applicant have tenure in your district (or is the applicant still an employee in your district)? *Use this question only if applicable.*
☐ Yes ☐ No If no, why: _____
- What do you consider to be the strengths of this candidate? Great differentiation, positive, diversified.
- What would you consider to be areas in which the candidate could grow more professionally? none
- Is there any reason why this candidate should not be considered for this position? none
- I would like to list some professional qualities and have you give your assessment of the candidate as to whether this quality is:
1 – strength, 2 – some skills, 3 – minimal skills, 4 – can't assess

1	2	3	4	Interpersonal Skills
1	2	3	4	Knowledge & Application of Trends
1	2	3	4	Curriculum & Instruction
1	2	3	4	Student Discipline
1	2	3	4	Application of Technology
1	2	3	4	Staff Development
1	2	3	4	Budgeting Skills
1	2	3	4	Relationships with Staff
1	2	3	4	Relationships with Students
1	2	3	4	Relationships with Parents
1	2	3	4	Communication Skills
1	2	3	4	Ability to Participate as a Team Player
1	2	3	4	Community Involvement
1	2	3	4	Organizational Skills
1	2	3	4	Flexibility/Versatility

Would you like to work with this individual in the future? ☒ Yes ☐ No

Do you have any additional comments you would like to add? _____

Applicant Tracking

Portability AppliTrack Recruit & Fill

Manchester School District - SAU 37 New Hampshire



Pamela Hogan ▾



[Redacted]


[Next App](#) [New Form](#) [Email](#) [Print](#) [Tools ▾](#) [Notes](#)

Quick Look

Online Application

Application Materials (5)

References (4)

Communication Log (4)

Interviews (0)

Forms

Fill Out a New Form

Send a Form

List All Forms (0)

Monday, August 6, 2018 1:23 PM

[Delete](#)[Edit](#)

Contact Person: slynch

From: "Sarah Lynch" <slynch@mansd.org>

Sent: Monday, August 6, 2018 1:23 PM CDT

To: [Redacted] Candidate H

Subject: Re: Regarding your Manchester School District - SAU 37 New Hampshire applicant portal account.

Congratulations!

On Mon, Aug 6, 2018, 2:16 PM [Redacted] Candidate H wrote:

Sarah, Sorry, I would of loved to interview at Webster. I just got a call from Beech Hill School. They offered me a job and I accepted it. Thank you, [Redacted] Candidate H Sent from my iPhone > On Aug 6, 2018, at 9:56 AM, Sarah Lynch wrote: > > Dear [Redacted] Candidate H, > > > Thank you for your interest and application for the posting of EBD teacher at Webster School. I was wondering if you would be available to come in for an interview on Wednesday 8/8 at 9:45? Please confirm that you can make it! > > Looking forward to meeting you! > > Sarah

Monday, August 6, 2018 1:17 PM

[Delete](#)[Edit](#)

Contact Person: slynch

From: [Redacted] Candidate H

Sent: Monday, August 6, 2018 1:16 PM CDT

To: "Sarah Lynch" <mansd+76652dfa-10146@applitrack.com>

Subject: Re: Regarding your Manchester School District - SAU 37 New Hampshire applicant portal account.

Sarah, Sorry, I would of loved to interview at Webster. I just got a call from Beech Hill School. They offered me a job and I accepted it. Thank you, [Redacted] Candidate H Sent from my iPhone > On Aug 6, 2018, at 9:56 AM, Sarah Lynch wrote: > > Dear [Redacted] Candidate H, > > > Thank you for your interest and application for the posting of EBD teacher at Webster School. I was wondering if you would be available to come in for an interview on Wednesday 8/8 at 9:45? Please confirm that you can make it! > > Looking forward to meeting you! > > Sarah

Monday, August 6, 2018 8:56 AM

[Delete](#)[Edit](#)

Contact Person: slynch

Dear [Redacted] Candidate H,

Thank you for your interest and application for the posting of EBD teacher at Webster School. I was wondering if you would be available to come in for an interview on Wednesday 8/8 at 9:45? Please confirm that you can make it!

Looking forward to meeting you!

Sarah

message copied to: [slynch@mansd.org]



Wednesday, December 13, 2017 10:12 AM

[Delete](#)[Edit](#)

Contact Person: admin



Re: Reference check

Sarah Lynch <slynch@mansd.org>
To: Richard Chretien <rchetien@mansd.org>

Wed, Aug 22, 2018 at 2:21 PM

I just got this in reference to **Candidate G**. Do I email her back? I have in my notes that I spoke to her on 8/8 at 10:26 AM. I called 603 966 1880. Please tell me how to proceed.

Sarah

On Wed, Aug 22, 2018 at 1:52 PM Stacy Bachelder <bachelders@nashua.edu> wrote:

Hello Sarah,

I am contacting you because I have been in touch with Amy Allen about a reference check on **Candidate G**. I did not speak with anyone regarding **Candidate G** this summer. I did receive an email asking for me to please call and when I returned from vacation I was informed that it was "all set."

I am concerned about the reference check that was forwarded to Amy as I believe it is a direct reflection of my professional integrity. I'd like to get to the bottom of this.

Can you please provide me with clarification of numbers you used to call references? I would like to know if you were possibly given a wrong cell phone number and spoke to someone other than myself?

If for some reason you did inappropriately list me as giving a positive reference, I would ask that you please apologize and clear this up immediately with your assistant superintendent.

Thank you for your attention to this matter.

Stacy

Stacy Bachelder

Principal

Broad Street School

603.966.1880

EXHIBIT C



MANCHESTER SCHOOL DISTRICT
SCHOOL ADMINISTRATIVE UNIT NO. 37
195 McGregor Street, Suite 201
Manchester, NH 03102
Telephone: 603.624.6300 • Fax: 603.624.6337

Bolgen Vargas, Ed.D.
Superintendent of Schools

Jennifer C. Gillis
Assistant Superintendent
Curriculum & Instruction

Amy L. Allen
Assistant Superintendent
Elementary Education and
Innovation

Karen DeFrancis
Business Administrator

Executive Director of the
Innovation Zone

Via Certified Mail, Return Receipt Requested

September 27, 2018

Ms. Sarah Lynch
102 North Adams Street
Manchester, NH 03104

Re: Employment Status

Dear Ms. Lynch:

I am writing regarding your status as a principal in the Manchester School District. As you are aware, you were placed on paid administrative leave pending the results of an investigation into alleged misconduct committed by you in regards to your hiring practices. The District has now received the final results of that investigation. A copy of the investigation report has been shared with your attorney.

In summary, the investigation report finds that you falsified at least two reference check forms. During the hiring process, you were required to contact references for each candidate and fill out the reference check form based on the comments of the referring party regarding each candidate. During a recent hiring process, you failed to speak to at least two references, and yet filled out the form, attributing specific statements to each reference. You then submitted these falsified forms to the District to recommend the hiring of this candidate, even though you failed to check the references.

Similarly, you also knowingly falsified the Health Teacher Interview form. In a form submitted to the District on July 13, 2018, you indicated that you had interviewed three candidates for the health teacher position at Webster, when in fact you only interviewed two candidates. You admitted during the investigation that you had never interviewed one of the candidates because she had canceled her interview earlier that week via email. You responded to her email and acknowledged that she would not be coming in for an interview. You further admitted that you knew that you were supposed to bring forward three candidates per District policy.

Additionally, the investigation report also finds that you were insubordinate in relation to funds paid out from the Webster Student Activity fund. You were told multiple times by the administration that you could not use District funds to pay an invoice for the Tucker Library. You acknowledged that you knew that you could not use District funds to make the payment. Despite this clear directive, on April 16, 2018, you paid \$1,611.22 to the Tucker Library out of the Student Activity fund.

Your decision, on at least three occasions, to falsify and/or misrepresent pre-employment records during the hiring process constitutes a serious breach of District policy and procedure, of your duties and responsibilities as a school principal and administrator, and demonstrates dishonesty as a supervisor and school leader. An

It is the policy of the Manchester Board of School Committee, in its actions, and those of its employees, that there shall be no discrimination on the basis of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin or sexual orientation for employment in, or operation and administration of any program or activity in the Manchester School District. The Title IX Coordinator is Pamela Hogan; the 504 Coordinator is Mary Steady. Please see above for contact information.

employer and a school system in particular, has the right to demand that all of its employees be honest and truthful in every facet of their employment, especially when providing information during the hiring process. By deliberately falsifying pre-employment records in your role as Principal and as the person primarily responsible for hiring in your school, you acted to deprive the Superintendent and the Manchester School District of the ability to obtain accurate and truthful information from prior employers regarding their qualifications for the position, including the specific reasons those employees left their prior employment. This willful falsification of several applicant pre-employment records is particularly concerning in this day and age where we have a legal duty to complete thorough background checks on all employees and volunteers working with the students in our schools. Additionally, the deliberate misrepresentation during the hiring process negated your obligation under BOSC policy Personnel 100.R, as well as BOSC policy Personnel 100.1, which mandates that the District "make every effort possible to attract and retain the best qualified personnel" and requires that "the best-qualified applicant be selected for each position."

NH law states that a person is guilty of a criminal misdemeanor under RSA 641:7 if she deliberately tampers with or falsifies a public record. The public policy behind this criminal provision is necessary to protect the integrity of all records which are maintained in the public interest. Knowingly falsifying a personnel record, which the District is required by law to maintain, is a clear violation of this strong public policy and potentially a violation of the law as well.

In addition, you willfully expended school district funds without authority and in direct contravention of a clear directive and District fiscal policy.

Your conduct, which constitutes immorality as well as a failure to conform to the rules and regulations of the District and the state, renders you unfit to continue in your role as the leader of an elementary school. Therefore, I have recommended your dismissal to the Board of School Committee.

Pursuant to RSA 189:13, you are entitled to a hearing before the Board of School Committee. You are entitled to have union representation at the hearing. The date for your hearing will be communicated through legal counsel as soon as it is scheduled.

You will remain on paid administrative leave until the hearing takes place. While you are on leave, you are not to be on Manchester School District property.

Please feel free to contact me if you have any questions.

Sincerely,



Bolgen Vargas, Ed. D.
Superintendent of Schools

It is the policy of the Manchester Board of School Committee, in its actions, and those of its employees, that there shall be no discrimination on the basis of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin or sexual orientation for employment in, or operation and administration of any program or activity in the Manchester School District. The Title IX Coordinator is Pamela Hogan; the 504 Coordinator is Mary Steady. Please see above for contact information.

EXHIBIT D



MANCHESTER SCHOOL DISTRICT
SCHOOL ADMINISTRATIVE UNIT NO. 37
195 McGregor Street, Suite 201
Manchester, NH 03102
Telephone: 603.624.6300 • Fax: 603.624.6337

RECEIVED
NOV 02 2018
DRUMMOND WOODSUN

Bolgen Vargas, Ed.D.
Superintendent of Schools

Jennifer C. Gillis
Assistant Superintendent
Curriculum & Instruction

Amy L. Allen
Assistant Superintendent
Elementary Education and
Innovation

Karen DeFrancis
Business Administrator

Sherri Nichols
Executive Director of the
Innovation Zone

November 1, 2018

Sarah Lynch
102 North Adams Street
Manchester, NH 03104

Dear Ms. Lynch:

The Manchester Board of School Committee recently conducted a non-public hearing, pursuant to RSA 189:13, to consider the recommendation of the Superintendent that the Board dismiss you from employment with the Manchester School District for reasons of which you have previously been made aware.

I enclose the Decision of the Board of School Committee, which has been drafted by our attorney and which I have reviewed. The decision accurately reflects the testimony and facts presented at the hearing, as well as the Board's unanimous decision to terminate your employment with the Manchester School District, effective the date of this letter.

Regards,

Mayor Joyce Craig, Chairman
Manchester Board of School Committee

cc: Meghan Glynn, Esquire
Kirk Simoneau, Esquire
Dr. Bolgen Vargas, Superintendent

It is the policy of the Manchester Board of School Committee, in its actions, and those of its employees, that there shall be no discrimination on the basis of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin or sexual orientation for employment in, or operation and administration of any program or activity in the Manchester School District. The Title IX Coordinator is Pamela Hogan; the 504 Coordinator is Mary Steady. Please see above for contact information.

DECISION OF THE BOARD

On October 29, 2018 at 6:30 pm, the Manchester Board of School Committee (the "Board") conducted a non-public hearing, pursuant to RSA 189:13, to consider the recommendation of the Superintendent that the Board dismiss you from employment with the Manchester School District ("the District") for reasons of which you have previously been made aware.

BACKGROUND

On September 27, 2018, Superintendent Bolgen Vargas advised you that he would be recommending your dismissal from your position as Principal of Webster Elementary School due to the fact that you violated the District's hiring policies, falsified hiring documents, continued to lie about the falsification, and disregarded a directive involving the student activity fund. The basis for the Superintendent's recommendation was that your conduct was a cause for dismissal pursuant to RSA 189:13, as it constituted gross immorality, as well as insubordination, and a violation of School District policy.

RSA 189:13 ("Dismissal of a Teacher") provides as follows:

The school board may dismiss any teacher found by them to be immoral, or who has not satisfactorily maintained the competency standards established by the school district, or one who does not conform to regulations prescribed; provided, that no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, nor without having previously been granted a full and fair hearing.

As a principal, your employment is governed by this statute. The September 4, 2018 and September 27, 2018 letters that you received from the Superintendent notified you of the cause of the recommended dismissal, and the hearing held by the Board on October 29, 2018, was full and fair.

The Board's decision is based solely on whether your conduct constituted immorality and failure to conform to regulations for the purposes of RSA 189:13. Accordingly, the Superintendent had the burden of proving by the preponderance of the evidence that your conduct was immoral and a violation of regulations under RSA 189:13. As the hearing was not conducted in a court of law, it was not governed by the formal rules of evidence. The Superintendent, with the assistance of Attorney Meghan Glynn proceeded. The Superintendent's other witnesses were Assistant Superintendent Amy Allen, Investigator Jeni Mosca, Business Manager Karen DeFrancis, Human Resource Director Pamela Hogan, and Superintendent Dr. Bolgen Vargas.

Although you were advised of the hearing both through your former attorney and a letter from the Board's counsel, you, through your new counsel, opted not to attend the hearing or present a defense.

The Superintendent began his presentation with the testimony of Assistant Superintendent for Elementary Education and Innovation Amy Allen. Ms. Allen testified that as principal, your role in hiring staff for Webster Elementary School involves posting the job, convening an interview committee, interviewing three candidates, checking references and then making a recommendation to the Superintendent as to who to hire. Ms. Allen, as Assistant Superintendent performs a second interview of those candidates before a recommendation is made to the Board to hire the candidate.

Ms. Allen reviewed Personnel 100.1 and 100.1R (Administration Exhibits B and C) with the Board. She testified that everyone responsible for hiring is bound by these policies, and that you were aware of these policies, both of which are intended to result in the best candidate being hired. Ms. Allen also reviewed the Nomination Packet Checklist, the Nomination Team Member Signature Form, the Guidelines for Reference Checking, and the Certified Personnel Telephone Reference Forms (Administration Exhibit C-1), all of which you were familiar with because you had used them when hiring staff in the past.

Ms. Allen testified that she met with you on two occasions to prepare for the interviews that you were about to undertake--once on June 25, 2018 and once thereafter. At the June 25 meeting, you discussed with her the need to have a strong EBD teacher. At the follow up meeting, you discussed the District's strong preference for certified teachers. Ms. Allen also testified that you were offered, but declined, a mentor in May of 2018.

When Ms. Allen received the nomination packet regarding the Health Teacher position, she was surprised by two things. First, she noted that [Candidate C], the recommended candidate, held no certifications in either health or elementary education, while both of the other candidates were certified health teachers. She was also surprised to see that you had interviewed [Candidate A], since she had recently accepted a position at Wilson Street, and Ms. Allen was concerned that [Candidate A] was going to back out of that commitment. Ms. Allen therefore called [Candidate A], who indicated that she had never been interviewed for the Webster position. This was confirmed by communications between you and [Candidate A] found on the Applitrack system. Those communications revealed that [Candidate A] notified you on July 10, 2018 that she had accepted a position and would not be able to interview with you on July 13.

Interviewing only two candidates is a violation of the District's hiring policy. Lying about interviewing a third candidate is unacceptable. This concern was exacerbated when Ms. Allen later learned that you had falsified a reference check for [Candidate G], a candidate for the EBD position. That position is hard to fill and requires a highly

qualified individual to perform the required duties. [Candidate G] had been non-renewed at her previous school district (something which was noted on Applitrack), and had not stayed at schools for more than 2 years at a time. Nonetheless, the Certified Personnel Telephone Reference Form that you submitted from her former principal, Stacy Batchelder, was glowing, which led Ms. Allen to follow up with Ms. Batchelder.

The telephone log you produced as part of the investigation indicated that you called Ms. Batchelder at 10:26 am on August 8, 2018. Ms. Batchelder reports that she was in a meeting at that time and had no recollection of speaking with anyone about [Candidate G], who she would not have recommended because she was non-renewed. Ms. Batchelder reports that she received an e-mail inquiry regarding [Candidate G] while she was on vacation, to which she responded upon her return. You responded that the District was "all set."

You purportedly also conducted a telephone reference check regarding [Candidate G] by contacting Vito Umbro. Ms. Allen testified that Mr. Umbro also indicated that he never spoke with you about [Candidate G], and your telephone log indicates only that you left a message for him. Interestingly, the reference forms you completed after supposedly speaking with Ms. Batchelder and Mr. Umbro reflect identical marks for [Candidate G] skills.

As a result of these issues, the District hired former superintendent Jeni A. Mosca to investigate your hiring practices, as well as an earlier issue regarding the unauthorized spending of student activity funds. Ms. Mosca¹ testified at the hearing via Skype. Her report (Administration Exhibit A) was also provided to the Board, and to your first attorney. As set forth in that report, Ms. Mosca, who has 34 years of experience in education, reviewed various documents provided by both you and Ms. Allen. You were interviewed twice, both times with union representation, and others were also interviewed. Ms. Mosca testified that the reason you were interviewed twice was because she felt that you had not been truthful in your initial interview. That feeling was reinforced during your second interview when your answers were vague despite the fact that the questions were quite pointed.

For example, the first time you were interviewed you were very clear that you had met with [Candidate A] on July 13, 2018. During your second interview, after the Applitrack communication had been discovered, you stated that you "felt like she came in." Likewise, the first time you were interviewed you were adamant that you had spoken with Rich Zachilli about candidate [Candidate E]; however, Mr. Zacchilli sent Ms. Allen an e-mail stating that he had never spoken with anyone in Manchester about [Candidate E] and that the telephone number at which you claimed you reached him was not his. When questioned further at your second interview, you noted that perhaps it

¹ Both Member Bergeron and Member Scannell are acquainted with Ms. Mosca from previous interactions. Member Bergeron grew up with her in Berlin; and Member Scannell interacted with her in her role as Superintendent of SAU #56 when he served on the accreditation committee for that school district. Neither member felt that their acquaintance with Ms. Mosca was a basis for them to recuse themselves from sitting on this matter.

was not Mr. Zachilli to whom you had spoken, and that this had been "shoddy work" on your part.

Ms. Mosca also discussed your use of student activity funds to pay for work on the Tucker Library. She testified that you knew that you were not supposed to use student activity funds to pay that invoice, yet you did so anyway. Your explanation was that you still have a lot to learn.

Karen DeFrancis testified next. The focus of her testimony was the payment of the library invoice with student activity funds over which you, as principal, have control without any oversight of the Superintendent. Ms. DeFrancis testified that you were told on several occasions that you were not to use any District funds to pay this invoice, something you acknowledged in your March 12, 2018 e-mail to Mr. Kilman; yet you paid the invoice using District funds. Moreover, it was only by chance that this payment was discovered by the auditors during a random sampling of checks paid from that fund.

Pamela Hogan was the next witness. Her testimony related to the adequate training you received with regard to the District's hiring policies and practices, as well as the hiring process itself. She testified that since Applitrack was implemented, the principals have become the trained designees who screen applications for minimum qualifications, including certifications.

Finally, Superintendent Dr. Bolgen Vargas testified. He testified that in nominating staff to the Board, he relies both on his assistant superintendents to do second interviews and upon the principals to have performed appropriate screening in the initial process. He testified that hiring is the most important responsibility principals have and that faulty hiring can both lead to liability and compromise the ability to educate the children for whom the District is responsible. He testified that you did not meet the District's hiring expectations, and that after reviewing the investigation report, he had no other option but to recommend your termination given your lack of integrity and his inability to trust you in the future.

At this point, the administration rested, and because you did not appear, the hearing was concluded.

THE BOARD'S DECISION

The evidence presented at the hearing, including all of the witnesses' testimony and statements, together with the exhibits presented by the Superintendent, establish that you failed to follow District hiring practices, failed to conduct reference checks, falsified various nomination forms, continued to lie, and violated a direct order regarding payment of the library invoice from District funds.

While the Board recognized that you have a very good relationship with the community, it evaluated your conduct with heightened scrutiny due to the important role

principals have in the community. Ms. Allen, Ms. Mosca and Dr. Vargas all testified that these issues were not something that could be cured with training, because the issue was deeper than not following the District's hiring policies. All three testified that the most important thing a principal can do is hire staff, and you appear not to have taken that task seriously. Further, all three questioned your integrity in light of the falsification of reports, and stated that they could not trust you to be honest in the future. Ms. Allen and Ms. Mosca also both testified that although there were resources available to you to assist with the hiring process, you failed to avail yourself of those resources, despite the fact that you had apparently relied upon your assistant principal when hiring in the past. The Board was also concerned with your insubordination in paying the library invoice from District funds when you had specifically been told not to do so, and by the fact that you clearly had no intention of reporting that action to anyone.

Perhaps most troubling to the Board was that although you were offered several opportunities to be honest, you continued to be dishonest and failed to take any responsibility for your actions. Also concerning to the Board was the potential security and legal issues your behavior could have caused, and the potential negative impact of putting you back into the school given these factors.

In light of the testimony and exhibits presented by the Administration, the Board concluded that you falsified official hiring reports, failed to follow District hiring policies, and disobeyed a direct instruction regarding the use of District funds, which constitutes "immoral" behavior as that term is used in RSA 189:13, as well as a failure to conform to regulations. The Board's deliberations resulted in a unanimous vote (12-0) to support the Superintendent's recommendation to dismiss you from your position with the Manchester School District pursuant to RSA 189:13 for immorality, insubordination, and a violation of School District policy. Accordingly, Ms. Lynch, you are hereby dismissed from your employment from the Manchester School District, effective the date of this letter. This decision constitutes the Board's final decision for purposes of the grievance and dismissal under state law.

STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY

SUPERIOR COURT - NORTH

SARAH LYNCH

v.

MANCHESTER SCHOOL DISTRICT, et. Al

DOCKET NO. 216-2018-CV-00985

AFFIDAVIT OF SUPERINTENDENT DR. BOLGEN VARGAS

I, Dr. Bolgen Vargas, Superintendent, first being duly sworn and on oath
depose and state as follows:

1. I am over eighteen years of age.
2. I am the Superintendent of SAU 37 and the Manchester School District.
3. I am a named Defendant in the above captioned matter.
4. I hereby certify the facts contained within the accompanying District
Defendants' Motion to Dismiss Complaint are true and accurate to the best
of my knowledge and belief.
5. I further certify that the document attached hereto as Exhibit A is a true and
correct copy of a letter sent to Ms. Lynch by Dr. Vargas, placing her on paid
administrative leave.
6. I further certify that the document attached hereto as Exhibit B is a true and
correct redacted copy of the Investigation Report prepared by Ms. Mosca.

7. I further certify that the document attached hereto as Exhibit C is a true and correct copy of the letter I sent to Ms. Lynch notifying her that I was recommending her dismissal to the Board and that the Board would conduct a hearing on the same.

8. I further certify that the document attached hereto as Exhibit D is a true and correct redacted copy of the written Decision formally dismissing Ms. Lynch from employment with the District, together with the cover letter sent by the Chair of the Board.

FURTHER AFFIANT SAYETH NAUGHT.

SIGNED and SWORN under the pains and penalties of perjury this 11th day of January 2019.



Dr. Bolgen Vargas, Superintendent
SAU 37 and the Manchester School District

OATH CERTIFICATION

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this 11th day of January, 2019, before me, personally appeared Dr. Bolgen Vargas, known to me (or satisfactorily proven to be) the person whose name is subscribed to the foregoing instrument and made oath that the facts contained in the foregoing Affidavit are true to the best of his knowledge, information and belief, and that he executed the same as his free act and deed for the purposes therein contained.

Before me,


Notary Public/Justice of the Peace

Print Name:

My Commission Expires: PAMELA D. HOGAN, Notary Public
My Commission Expires June 7, 2022