

MINUTES – WAYLAND SCHOOL COMMITTEE

Special Session – August 1, 2013

A Special Session of the Wayland School Committee was held on Thursday, August 1, 2013, at 11:00 A.M. in the School Committee Room of the Wayland Town Building.

Present were:

Barb Fletcher, Chair
Beth Butler, Vice Chair
Malcolm Astley (arrived at 12:09 p.m.)
Ellen Grieco
Donna Bouchard

Also:

Marlene M. Dodyk
Director of Student Services

Geoffrey MacDonald
Business Administrator

Also:

George Harris, resident

Chair Barb Fletcher convened the Regular Session at 11:06 A.M. and announced that the meeting is being videotaped by WayCAM.

1. **Comments and Written Statements from the Public:**

There were no comments and written statements from the public.

2. **Meeting with George Harris to Discuss his OML Complaints:**

The School Committee met with George Harris to discuss his OML complaints that were filed on June 17, 2013 and July 10, 2013 (re: the School Committee's Bargaining Team); and June 27, 2013 (re: an Executive Session held on June 3, 2013). Barb noted that if a discussion of the June 27th complaint is necessary, an Executive Session was posted on the agenda. Barb also stated that she responded to George's previous questions and sent a copy to the School Committee.

Barb began the discussion by saying that upon receiving the Open Meeting Law complaints, it is the School Committee's obligation to send their responses to the Attorney General's office as of today. During Barb's and George's prior conversations, they discussed the possibility of achieving a middle ground, and Barb invited George to meet with the School Committee.

George wanted to understand the School Committee's position and asked why the School Committee established a negotiating/bargaining team, which he interprets as a subcommittee (his definition is "a committee created by another public body") of the School Committee. Ellen explained the process from when she was first asked in September 2012 to replace Barb Fletcher as the liaison/representative between the negotiator (Gini Tate) and the School Committee. The role of Brad Crozier was also discussed. Ellen added that since Interest-based Bargaining (IBB) discussions were introduced to the process in late February, Gini Tate recommended that additional people be added to the team: Paul Stein and Beth Butler joined the bargaining sessions. Ellen explained the reasons and rationale for this decision and noted that it is believed the IBB discussions ultimately led to a better result for the town of Wayland.

George acknowledged that there are differences of opinion between him and the School Committee regarding whether there was a subcommittee formed in Executive Session. He said that he agreed that not all discussions can be done in open session; for example, during negotiating strategy. He suggested that all negotiation meetings should have begun in Open Session for the purpose of moving into Executive Session regarding negotiating strategy. He also stated that the Executive Session minutes would be protected if a case were made that releasing them would be detrimental to the Committee's position. Barb confirmed that the School Committee has minutes of past negotiations discussions during Executive Session, but the decision to release them or not is also a gray area.

George recommended that the School Committee look into what other School Committees have done regarding this matter. Barb reviewed action steps requested by George. They are: 1) to receive training in the Open Meeting Law

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being held in September; 2) to fully comply, going forward, with the Open Meeting Law and make a pledge that the Committee will make every effort to ensure that they comply with the law in all regards; 3) to acknowledge the School Committee's errors in terms of creating a subcommittee; 4) to prepare minutes for which no minutes presently exist; and 5) to release minutes of September 24 and March 11. Barb said that they will review these minutes and, if appropriate, they will be released.

Malcolm arrived at 12:09 p.m.

The School Committee and George Harris concluded this discussion in terms of how to move forward in addressing the subcommittee issue, as well as the issue of taking minutes during negotiations sessions. Also, if the Committee and George were to come to some sort of agreement, they discussed how the Attorney General's office would respond to the agreement if contacted by the School Committee.

Another discussion followed regarding the June 3, 2013 Executive Session. George stated his opinion that there was insufficient information given to the public regarding the subject matter, as he believed that the reason stated for entering Executive Session was incorrect. They also discussed timelines in terms of filed OML complaints and responses related to these complaints.

Barb informed George that she did not receive his email of July 16, 2013 regarding a public records request, in which he asked for bills from the school attorney.

3. **Executive Session:**

Upon a motion duly made by Ellen Grieco, seconded by Donna Bouchard, the School Committee voted unanimously (5-0) to convene in Executive Session at 12:40 P.M., as permitted by M.G.L. 30(a), Section 21(a) (1) to discuss the complaints or charges brought against a public officer, employee staff member, or individual, as set out in the four Open Meeting Law complaints filed by George Harris on June 17, June 27, and July 10, and Donna Bouchard's filed on July 1, as noted in the agenda for today's meeting. The Chair announced that the School Committee will reconvene in Open Session. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Barb Fletcher, Chair	X	
Beth Butler, Vice Chair	X	
Malcolm Astley	X	
Ellen Grieco	X	
Donna Bouchard	X	

The School Committee reconvened in Open Session at 1:03 P.M.

4. **Continued Discussion re: Reclassification of Dean of Students to Interim Assistant Principal for Interim Year:**

The School Committee continued their discussion from the previous meeting regarding the reclassification of the Dean of Students to Interim Assistant Principal. Questions were raised regarding proper licensure, and Barb noted that Scott Parseghian is certified for Principal/Asst. Principal. He has an initial license, but will be pursuing his professional license. This is not necessarily a requirement, but is part of the discussion between Scott and Paul Stein.

Upon a motion duly made by Ellen Grieco, seconded by Beth Butler, the School Committee voted (5-0) unanimously to approve the recommendation by Paul Stein that the Dean of Students position be reclassified as an Interim Assistant Principal position for the 2013-14 school year.

5. **Approval of Special Education Funds Transfer:**

Marlene explained to the School Committee that while developing the 2012-13 budget, she was working on a unique and specialized program for a student, which turned out to be a very successful program and enabled the student to remain in the district. As a result, Marlene and the family agreed to develop and implement the program moving forward, which requires a teacher and specialists entering the family's home to work with the student on a regular basis. This program was initially budgeted under Contracted Services due to the uncertainty of the program at the time. However, the law does not permit this and the person hired must be an employee of the district, thus being paid from the personnel budget in the amount of \$27,652. As a benefit eligible position, the town will pay for the benefits.

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Upon a motion duly made by Malcolm Astley, seconded by Beth Butler, the School Committee voted unanimously (5-0) to approve the transfer of \$27,652 from the Miscellaneous Contracted Services line item to the Home Tutor Payroll Account for 2013-14.

6. **Continued Discussion re: Legal Opinion Related to Term of Settled Contract with WTA:**

Beth Butler spoke to Gini Tate to get her legal opinion regarding the term of the settled contract with the WTA. Beth referred to a list that she provided the Committee of settled contracts in other towns. Gini related to Beth that this contract was within the law and the precedential case law does support this. According to Gini, the law was cited in a case under a version of the current law under the “Evergreen” clause under 150E, Section 7. Beth went on to explain that Gini also said that this type of settlement has been achieved, not only with teachers, but other public employees as well.

Barb will ask John Senchyshyn to get a second opinion from the Town’s labor counsel. However, there were also concerns in terms of the cost in seeking more than one legal opinion, but the Committee agreed in this one instance to do so.

Also raised was the issue of having confidence in the schools’ legal representation for all matters, and, if this is not the case, it was suggested that the School Committee have a discussion going forward. The School Committee will consider the suggestion to put a legal contract out for bid each March.

7. **Continued Discussion re: Release of Executive Session Minutes:**

As previously discussed by the Committee, Barb reviewed the Executive Session from July 1, 2010, and recommended releasing eight sets of minutes as follows: (9/12/11; 10/11/11; 11/21/11; 12/5/11; 12/19/11; 1/3/12, 2/25/13 (#2); 5/20/13 (#2).

Barb also created a chart for all Executive Session minutes going forward, which included the date, general topics, and any questions that might arise. Barb recommended that for any minutes falling into the categories of negotiations, grievances, personnel matters, and student matters, another person review these minutes, such as Mark Lanza, Gini Tate, or a third party. Barb explained the process and reasons for proceeding in this manner. She asked the School Committee for their input. A discussion followed.

Barb will ask Mark Lanza to review the Executive Session minutes and report back to the School Committee.

8. **Kindergarten Entrance Process:**

Barb mentioned that a matter which was not on the agenda has just arisen. She said that a family recently moved into Wayland with a child who will turn five on September 16th, which is one day over the entrance waiver deadline. In an effort to have their child attend kindergarten in the fall, the parents contacted Paul and Barb. The Committee discussed how to address this matter. Marlene added that there is a policy/protocol for early entrance, which allows the family to seek a waiver of the entrance age policy before March 31. However, in this case, the waiver request would not be available because the family moved to Wayland after March 31. Barb will forward the parents’ email to the School Committee and recommended that the members contact Paul if they have any questions, as the Committee will address this again at a posted meeting on August 26.

Donna Bouchard left the meeting at 1:30 p.m.

9. **Continued Discussion re: HSBC Gift:**

The School Committee discussed the engraving to be done on the granite bench in honor of the HSBC. They agreed that the words “With Gratitude to the HSBC” will be engraved on the bench and the individual names will be mentioned in an accompanying letter. Beth received the Committee’s support to move forward.

10. **Continued Discussion re: Dr. Stein’s Evaluation for FY13:**

The School Committee reviewed the Superintendent’s goals and the ratings/performance measures that the Committee members applied to each goal. All goal performance measures were agreed upon by the School Committee. The Committee also discussed the standards and indicators, as well as the performance measures related to the standards and indicators.

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Upon a motion duly made by Ellen Grieco, seconded by Beth Butler, the School Committee voted unanimously (4-0) to approve the Superintendent's evaluation as amended today, and he has given his permission to release the evaluation. The reason previously given by Donna Bouchard for abstaining from signing the evaluation will be added, which is that she attended her first meeting as a member on April 22, 2013.

11. Consent Agenda:

(a) Release of Executive Session Minutes:

- September 12, 2011
- October 11, 2011
- November 21, 2011
- December 5, 2011
- December 19, 2011
- January 3, 2012
- February 25, 2013 - #2
- May 20, 2013 - #2

(b) Approval of Accounts Payables & Payroll Warrants

- Wayland Public Schools Payroll warrant, dated July 25, 2013, in the amount of \$220,540.31
- Wayland Public Schools Accounts Payables warrant, dated August 1, 2013, in the amount of \$590,619.66
- Wayland Public Schools Accounts Payables warrant, dated August 1, 2013, in the amount of \$6,000.50 (School Buildings)

(c) Approval of Minutes:

- Special Session of July 15, 2013

Barb said she asked Gini Tate about a question that was raised regarding the review of the Executive Session minutes and how to address the language when entering into Executive Session. Gini's recommendation was to reference M.G.L. 30(a), Section 22, which has to do with the OML section that relates to minutes.

Upon a motion duly made by Malcolm Astley, seconded by Beth Butler, the School Committee voted unanimously (4-0) to approve to release the Executive Session minutes as noted and to approve the Accounts Payables and Payroll warrants. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Barb Fletcher, Chair	X	
Beth Butler, Vice Chair	X	
Malcolm Astley	X	
Ellen Grieco	X	

Upon a motion duly made Ellen Grieco, seconded by Malcolm Astley, the School Committee voted (3-0-1) (Beth Butler abstained) to approve the Special Session minutes of July 15, 2013 as written.

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Barb Fletcher, Chair	X		
Beth Butler, Vice Chair			X
Malcolm Astley	X		
Ellen Grieco	X		

14. Business Office Accountant Position:

Geoff MacDonald announced that Carla McAuliffe has accepted the position as accountant in the Business Office. Geoff commented that she is the most qualified out of the 29 applications received, and he will soon interview for the position of Accounts Payable Specialist.

15. Comments from the Public:

There was no public comment.

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16. **Adjournment:**

Upon a motion duly made by Ellen Grieco, seconded by Malcolm Astley, the School Committee voted unanimously (4-0) to adjourn the Special Session at 1:45 p.m.

Respectfully submitted,

Barb Fletcher, Chair
Wayland School Committee

Corresponding Documentation:

1. Memo re: Interim Assistant Principal at WHS
2. Memo re: Special Education Funds Transfer
3. Executive Session Minutes:
 - September 12, 2011
 - October 11, 2011
 - November 21, 2011
 - December 5, 2011
 - December 19, 2011
 - January 3, 2012
 - February 25, 2013 (#2)
 - May 20, 2013 (#2)
4. Accounts Payables & Payroll Warrants
5. Special Session Minutes of July 15, 2013