

MINUTES – WAYLAND SCHOOL COMMITTEE  
Regular Session – September 22, 2014

A Regular Session of the Wayland School Committee was held on Monday, September 22, 2014, at 7:00 P.M. in the School Committee Room of the Wayland Town Building.

Present were:

Ellen Grieco, Chair  
Barb Fletcher, Vice Chair  
Malcolm Astley  
Donna Bouchard  
Jeanne Downs

Also:

Paul Stein  
Superintendent of Schools

Brad Crozier  
Assistant Superintendent

Marlene Dodyk  
Director of Student Services

Susan Bottan  
Business Administrator

Ellen Grieco convened the Regular Session at 7:05 p.m.

1. **Executive Session #1:**

Upon a motion duly made by Ellen Grieco, seconded by Barb Fletcher, the School Committee voted (4-1) to enter into Executive Session for the purposes of discussion of the investigation of charges of criminal misconduct, pursuant to M.G.L. c. 30A, §21(a)(5) with Town Counsel, discussion of the investigation of charges of criminal misconduct, pursuant to M.G.L. c. 30A, §21(a)(5) with Town Counsel related to a request for the release of executive session minutes regarding discussions of the investigation of charges of criminal misconduct, discussion of the Open Meeting Complaint filed by George Harris on September 15, 2014 regarding the Executive Session of August 28, 2014 against the School Committee, pursuant to M.G.L. c. 30A, §21(a)(1), and to discuss strategy with respect to pending litigation from the Attorney General's decision regarding Open Meeting Law Complaints filed by George Harris on June 27, 2013 and Donna Bouchard on July 1, 2013 regarding the June 3, 2013 Executive Session, pursuant to M.G.L. c. 30A, §21(a)(1) and (3), as such discussions in open session may have a detrimental effect on the litigation position of the School Committee and an Executive Session is necessary to protect the litigation position of the School Committee. The School Committee will reconvene in open session to conduct regular matters as noted on the meeting notice. A roll call vote was taken as follows:

The School Committee will be joined by Paul Stein, Superintendent of Schools, Brad Crozier, Assistant Superintendent, Susan Bottan, Business Administrator, Mark Lanza, Town Counsel, and Diane Marobella.

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

Donna voted "no" because, in her opinion, the meeting notice was improper.

The School Committee re-convened in open session at 8:31 p.m.

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2. **Comments & Written Statements from the Public:**

Tom Sciacca noted that the name of the Chair has not been updated on the school website. He also commented on the recent School Committee Long Range Planning Summit in terms of the group in which he participated. The group focused on more immediate issues rather than long-term issues five to ten years out. Tom is eager to hear the outcome of the summit. Tom commented on the risk factors of why children are born with autism, which some news media claim stems from the iron levels during a mother's pregnancy. In Tom's opinion, because public schools only interact with children after the age of three because it is the law, public schools should think outside the box on this issue. Lastly, Tom referred to a Times article, "He Died Playing this Game – Is Football Worth It?" The article, Tom noted, speaks to concussions and includes references and statistics that should be considered at the highest level of seriousness.

3. **Special Matters:**

(a) Review Draft Communication regarding Work Done to Address Open Meeting Law Complaints:

At Barb's request, this agenda item will be reviewed under item 6(c).

(b) Discussion of Open Session Review of Certain Open Meeting Law Issues:

Ellen referred to a chart of outstanding Open Meeting Law complaints that will be updated as they are assigned to Committee members. It will include the timing of the OML complaints, as well as the resolution reached regarding the complaints. There was no discussion.

(c) Review of System Information and Position on Concussions and Warnings to Parents:

Prior to this meeting, the School Committee reviewed information on the Wayland Public Schools website (link sent by Malcolm). Malcolm asked the Committee to consider the following options in an effort to further address its position on concussions:

- Suspend all head impact sports until this matter is resolved
- Inform parents of the warning that there is considerable risk by citing related information

Members confirmed that all parents and students must take a course that warns of the dangers of head injuries before registering for sports. Thus, Malcolm was assured, as noted by the Committee, that parents are given ample warning of the risks involved, but he still questioned if statistics were given as well. Malcolm quoted some statistics from the December 3, 2012 NPR Report. Malcolm suggested that the Committee send a "low level" response to parents informing them of statistics and the dangers and risks of playing some sports. Malcolm noted that it is repeated low level hits to the head that have the most affect to the brain.

The Policy Subcommittee will compare its policy to Weston's. Marlene pointed out that Weston combined policy and protocol, but Wayland separated them because, if necessary, it is easier to change protocol. Barb described the procedures, separate from the mandatory course, that parents go through when signing up their children for sports. A discussion followed regarding Malcolm's suggestion and options. The Committee discussed reinforcing what the district already does in terms of providing information to parents and whether the choice to participate or not is an individual or School Committee decision. Paul and Marlene commented on the level of parental awareness in terms of recognizing signs of a concussion. Malcolm stated that, as in the seat belt decision, the choice to eliminate high-risk sports is a community decision. The Committee agreed to each take the online course and to discuss this topic again at a future meeting.

*Sarah left the meeting at 9:00 p.m.*

4. **Educational Matters:**

(a) Hear Superintendent's Report:

Paul commented that he attended the opening of The Education Cooperative's (TEC) new location in East Walpole. He noted that the relocations allow TEC to offer a number of programs and services to children, such as the TEC High School and TECCA, the new online academy. Paul noted that The Education Cooperative has grown remarkably and is quite impressive in terms of its offerings.

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Paul praised Betsy Meindl's persistent efforts in applying for and receiving a Drug-Free Communities Support Program Grant. This is a five-year grant with an award of \$125,000 per year. Since the grant is ongoing, it requires having an Executive Board, and Paul will ask about the involvement of a School Committee liaison. Because this organization falls under the auspices of Youth and Family Services, the agent may change from the School Committee to the Town.

Paul informed the Committee of his visits to vocational high schools, Assabet Valley and Keefe Tech. He added that these schools are very special places whose students are completely engaged in learning.

Brad reported on the status of hiring a Wayland School Communities Program Director. After conducting a second search process, a contract has been offered to Patricia Keefe. She held a similar position in Troy, Illinois for many years, and has a background in music therapy and experience in evaluating programs. Brad noted that she will begin on October 1.

Paul announced that in a letter from the MASC President, Malcolm has been selected to receive the MASC Division II All-State School Committee 2014 Award in recognition of his years of service and the work for the children of Wayland. He will receive the award on November 7<sup>th</sup> in Hyannis. Malcolm commented that this award is also in recognition of the work he has done in the prevention of violence, and would be happy to share it with the School Committee. Paul also reminded the Committee that we should register anyone by October 1<sup>st</sup> who wishes to attend the MASC/MASS Conference.

(b) Discussion regarding the School Committee's Long Range Planning Summit:

In response to the FinCom raising the issue of long-range planning, Paul noted that the summit was very successful in terms of engaging the community. He informed the School Committee that the notes from the summit are being organized into one document for the Committee's review and discussion of its next steps. Paul suggested that the Committee could take up to a year to decide its top ten priorities and hopes that the community will continue to be involved.

The School Committee discussed having a retreat to discuss the outcome of the summit and to discuss the Committee's actions steps going forward. The Committee will discuss the summit at its Public Forum, which will be changed to October 20<sup>th</sup>. The Committee also discussed writing thank-you notes to those who participated in the breakout sessions. Paul asked the Committee to suggest items to include in the survey to send out to participants in the summit.

Ellen apologized to the Committee for not posting the summit.

(c) Update on Achievement Gap Information related to FY15 District Goals:

Donna collected a variety of information to substantiate what she means by a collection of data linked to the assessment of performance related to the goals. She described how Weston approaches measuring data in terms of specifics related to the achievement gap and the scheduling of annual reporting of curriculum programs and other groups, such as METCO, within the district. Donna elaborated further, and a discussion ensued in terms of how this information and the collection of data would help the Wayland superintendent evaluation process.

Paul commented that he will be meeting with Weston's Superintendent Cheryl Maloney in early October to share best practices regarding the achievement gap and other programs, including the summer program. Paul noted that extensive reports, such as curriculum reports, MCAS reports, etc. were presented to the School Committee in the past, but were discontinued because they didn't receive the level of discussion deserved due to information overload. However, MCAS data will be presented to the Committee, as well as a possible update regarding the achievement gap tool. Paul asked the Committee if there is a particular piece of data the members would like to receive in relation to the district goals and/or his goals. In terms of the elementary schools, the teachers are compiling data continuously by using other forms of assessment, such as the GMADE, GRADE, Lexia, etc.

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Malcolm reminded the Committee that it should approve the district goals, the goals related to the Superintendent's evaluation, and the indicators and elements related to the Superintendent's performance. A discussion ensued and Paul noted that his goals will include the Professional Practice Goal that will emphasize community engagement, a Student Learning Goal, and two goals directly related to the five HEART goals. His goals, although not the same, must be connected to the system-wide goals.

- (d) Hear Student's Report:  
There was no report.

5. **Financial Matters:**

- (a) Hear Business Administrator's Report:

Susan informed the School Committee that over the past two weeks, she participated in the Massachusetts Certified Public Purchasing Officer seminars for recertification. Susan is now the town's designee as the certified procurement officer for the school district.

Susan commented that the procedures in place and the careful attention the Accounts Payables Department and school staff has displayed has had its benefits. For example, the Business Office received an outside invoice that staff questioned and discovered it to be fraudulent. It was not paid. Susan thanked all staff and the prior business administrator for their efforts in this regard.

- (b) Annual Authorization and Review of Student Activities Account:

The School Committee reviewed a list of student activities accounts that were authorized in FY2013. Susan noted that although annual authorization is not required, it is recommended by the Association of School Business Officials and Melanson & Heath. Susan explained that with the exception of some high school accounts that were approved by the Committee last year, the accounts have remained the same. Susan explained the close-out procedures for class accounts.

Donna described the accounting procedures for the Middle School trip ships' fundraising and commented that more segregation is needed for these accounts. A discussion followed. Paul suggested that the Finance Subcommittee look into this matter further. Susan will look into the METCO student activities account.

Upon a motion duly made by Barb Fletcher, seconded by Malcolm Astley, the School Committee voted unanimously (5-0) to approve the student activities accounts, as included in the spreadsheet provided to the Committee at tonight's meeting, with the spelling of "Lerner" corrected.

- (c) Continued Discussion regarding 5-Year Capital Budget Plan and FY16 Capital Budget Requests, including Draft CIPs:

Barb commented that the Finance Subcommittee reviewed and discussed the 5-year capital plan recommended by John Moynihan. Barb noted John's recommendation for the elementary schools to create an in-house feasibility study committee to evaluate current school facilities and how they are serving the educational programs today and where they will be twenty years from now. He recommended that the district replace the Claypit Hill windows and doors now, as other major projects could be about five years out, and Claypit may not be the first building to be addressed. However, other capital projects that are included in the current capital plan could be deferred a year.

Barb summarized Donna's conversation with the MSBA in terms of its needs assessment in 2010 regarding the condition and environment of the buildings. Barb asked the Committee to think about which direction it wants to go in terms of the elementary schools and noted a few options, such as the creation of a study committee or going ahead with the five-year capital plan as presented. Donna added that she discussed life spans of buildings and renovation projects with the MSBA in terms of its recommendations. The School Committee discussed its options short and long term, including having a long term plan, beyond the 5-year plan, for each building.

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The Finance Subcommittee will look at options on the spectrum, cost them out, and report back to the School Committee. The draft CIPs will be reviewed again on October 6<sup>th</sup>.

- (d) Discussion of Budget Guidelines and Proposed Timeline for Upcoming FY16 Budget Process:  
Barb commented that the Finance Subcommittee will discuss the major budget drivers with Paul and the School Committee will discuss the larger budget drivers before Paul presents his proposed FY16 budget in December.

Jeanne recommended that the School Committee incorporate the Summit results into the budget process.

6. **Administrative/Procedural Matters:**

- (a) Discuss Open Meeting Law Complaint from George Harris on September 15, 2014 regarding the Executive Session of August 28, 2014:

Ellen commented that this item was previously discussed in Executive Session; however “a possible vote” by the School Committee was not included on the agenda topic. Therefore, an extension to respond may need to be requested. A discussion ensued in terms of School Committee practice vs. the law and agreed to move forward with a vote.

Ellen recapped the OML complaint and the discussion that took place in Executive Session. She also reiterated town counsel’s original advice in terms of the wording of the agenda item and citation, which Ellen followed. However, a second email, which Ellen did not see, was sent by town counsel changing his original advice, but it was too late to change the agenda. She elaborated on his recommendations. The Committee reviewed the draft response and made language changes.

Barb commented that if the response is sent, the Committee must state in open session the four points discussed.

Ellen informed the Committee that she spoke to George Harris today informing him that she received advice from counsel in terms of the written agenda. At his request and in an effort to keep communication ongoing, Ellen will call George regarding the conversation tonight in open session. Ellen read the response, recapping what happened leading up to the meeting and the reasons for the error.

Donna asked if they should include OML 2014-42 and read the statute. A discussion followed and additional changes were made. Donna stated why she was opposed to the cited statute and purpose. She noted that when purpose 7 is used, there must be an enabling statute. She read the “right to privacy” law. Ellen reiterated the sequence of events leading up to the language posted in the agenda.

Upon a motion duly made by Barb Fletcher, seconded by Jeanne Downs, the School Committee voted (4-1) (Donna opposed) to send the response to the Attorney General with the changes noted tonight pertaining to this particular OML complaint filed by George Harris on September 15, 2014.

- (b) Acknowledge Receipt of and Assign Open Meeting law Complaint Filed by George Harris on September 15, 2014 regarding the Executive Session Minutes of January 21, 2014 and January 27, 2014 and George Harris’s Public Records Request of August 4, 2014:

Ellen delegated the work to be done in terms of this Open Meeting Law complaint to Malcolm and noted that she will request an extension from the Attorney General’s office. Ellen will report back to the Committee on October 6<sup>th</sup> regarding a response.

- (c) Possible Vote to Approve Settlement Agreement related to Attorney General’s Decision regarding Open Meeting Law Complaints Filed by George Harris on June 27, 2013 and Donna Bouchard on July 1, 2013 regarding the June 3, 2013 Executive Session:

Upon a motion was duly made by Barb Fletcher, seconded by Jeanne Downs, the School Committee voted (4-1) to approve the draft Settlement Agreement provided tonight, with the addition of the date at

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which time the School Committee released the June 3, 2013 Executive Session minutes related to the personnel matter and to pay the associated fine of \$500.00.

As a further comment, Donna stated that she will vote “no” because she believes this violation was intentional, based on what is written in the Attorney General’s OML Guide. She read from the Guide further, as well as from a written statement. She also does not agree with the Committee to seek taxpayers’ funds to pay the settlement. Malcolm asked for clarification in terms of the wording of the agenda for the June 3, 2013 meeting. Barb noted that this was an oversight on her part, and was not intentional.

Upon a motion duly made by Barb Fletcher, seconded by Jeanne Downs, the School Committee voted (4-1) (Donna opposed) to ask the Finance Committee to use reserve funds to pay this fine.

Donna commented that it is not appropriate to ask the taxpayers to pay the fine, even though it was an oversight and based on the definitions. She commented further. Barb responded that a volunteer member of the community should not be asked to pay a fine due to an administrative oversight. She went on to say that if she had been contacted to change it, she would have done so. It is also a bad precedent to set and could hurt the town in terms of getting people to volunteer. As a School Committee member and a taxpayer, Ellen agrees with and supports Barb’s comments. She feels very strongly that given this mistake was pure error and a technical oversight, volunteers should not be asked to personally pay a fine. Also, the Attorney General’s definition of intent is not the only legal definition of intent. Malcolm commented that Barb has gone above and beyond and should be provided some latitude, as she has made continuous efforts to abide by the Open Meeting Law. He added that these types of errors are occurring in many towns.

The School Committee discussed and reviewed the communication distributed and drafted by Barb. Barb incorporated comments from Malcolm’s letter into the article. Paul suggested that the Supervisor of Public Records decision be included regarding Gatehouse Media’s public records request. Language changes were made to the article.

Donna did not want to sign the communication and stated her reasons. A discussion followed in terms of sending two communications, one with Donna’s signature.

Upon a motion duly made by Barb Fletcher, seconded by Jeanne Downs, the School Committee voted (4-1) (Donna opposed) to send out the letter as amended tonight and without Donna’s signature.

- (d) Vote to Approve Transfer of Bi-Weekly Warrant Authorization from the Superintendent to the Finance Subcommittee:

Susan commented that since the Finance Subcommittee meets on the alternate weeks of School Committee meetings, she recommended that the Finance Subcommittee sign the warrants, instead of the Superintendent.

Donna noted that she received input from some community members who are not in favor of the Superintendent signing the warrants. A discussion followed. If the Finance Subcommittee does not meet, the Superintendent will sign the warrant.

Upon a motion duly made by Donna Bouchard, seconded by Barb Fletcher, the School Committee voted unanimously (5-0) to authorize the Finance Subcommittee to approve the weekly warrants during the weeks when the School Committee does not meet.

- (e) Monthly Review of Legal Bills:

Ellen recommended a discussion of the Committee in terms of reviewing legal bills on a monthly basis. She added that the bills can contain attorney/client privileged information and asked how the School Committee would like to move forward. A discussion followed, but no decision was made. Ellen passed out a chart of the monthly legal bills year to date.

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*Donna left the meeting at 11:04 p.m.; returned at 11:06 p.m.*

- (f) Review of the Draft FY14 Annual Report:  
The School Committee reviewed the draft Annual Report for language and content and provided comments. Malcolm will get certain financial information from Susan to be included in the report.

Upon a motion duly made by Barb Fletcher, seconded by Ellen Grieco, the School Committee voted unanimously (5-0) to submit the FY14 Annual Report as amended for inclusion in the Town's Annual Report.

- (g) Review Draft FY15 School Committee Calendar with Topics Included:  
This agenda item was tabled.

7. **Consent Agenda:**

- (a) Approval of Accounts Payables & Payroll Warrants:
- Wayland Public Schools Accounts Payables warrant, dated September 22, 2014, in the amount of \$98,778.37
  - Wayland Public Schools Accounts Payables warrant (Student Activities), dated September 22, 2014, in the amount of \$29,003.04
  - Wayland Public Schools Payroll Warrant, dated September 18, 2014, in the amount of \$1,350,065.04
- (b) Approval of WHS Trips:
- Judy Kostas Christmas Tournament – Hockey Team
  - National High School Journalism Convention – WSPN Club
- (c) Approval of Minutes:
- Regular Session of July 30, 2014

Upon a motion duly made by Barb Fletcher, seconded by Donna Bouchard, the School Committee voted unanimously (5-0) to approve the Consent Agenda with the Regular Session Minutes of July 30, 2014, as written.

8. **Comments from the Public:**

There were no public comments.

9. **Executive Session #2:**

Upon a motion duly made by Ellen Grieco, seconded by Jeanne Downs, the School Committee voted (5-0) to enter Executive Session at 11:24 p.m. for the purposes of discussing strategy related to George Harris's Open Meeting Law Complaint filed on August 27, 2014 related to certain Executive Session meetings, pursuant to M.G.L. c. 30A, §21(a)(1) and to declassify related minutes, pursuant to M.G.L. c. 30A, §22, and to review minutes from prior executive sessions for declassification, as permitted by M.G.L. c. 30A, §22 for the Executive Session meetings noted on the meeting notice. In addition, the School Committee will approve the July 30, 2014 minutes from a prior executive session, as permitted by M.G.L. c. 30A, §22. The School Committee will reconvene in open session to conduct regular matters as noted on the meeting notice. A roll call vote was taken as follows:

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

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The School Committee will be joined by Paul Stein, Superintendent of Schools and Brad Crozier, Assistant Superintendent, and Diane Marobella.

The School Committee reconvened in Regular Session at 11:55 p.m.

*Brad Crozier left the meeting at 11:30 p.m.*

9. **Regular Matters (continued):**

(a) Possible Vote to Declassify Executive Session Minutes Covered by Public Records Request from Town Crier:  
This agenda item was tabled until October 6<sup>th</sup>, as Ellen and Donna will craft language related to this matter.

(b) Possible Vote to Send Response to Attorney General related to Open Meeting Law Complaint filed by George Harris on August 27, 2014 related to certain Executive Minutes and Possible Declassification of Related Minutes:  
Jeanne read the final response that she will send to the Attorney General related to the OML complaint filed by George Harris on August 27, 2014. The related minutes will be put on the October 6<sup>th</sup> agenda for possible declassification.

Upon a motion duly made by Barb Fletcher, seconded by Jeanne Downs, the School Committee voted unanimously (5-0) to send the response, as amended tonight, to the Attorney General regarding the Open Meeting Law complaint filed on August 27, 2014 by George Harris.

(c) Possible Vote to Declassify Executive Session Minutes as Discussed in Executive Session:  
This agenda item was tabled.

The School Committee agreed that Ellen should contact the Attorney General's office and open a line of communication and establish a relationship regarding the Open Meeting Laws.

10. **Adjournment:**

Upon a motion duly made by Barb Fletcher, seconded by Donna Bouchard, the School Committee voted unanimously (5-0) to adjourn the Regular Session at 12:03 a.m.

Respectfully submitted,

Paul Stein, Clerk  
Wayland School Committee

Observers:  
Tom Sciacca, WVN

Corresponding Documentation:

1. Agenda & Backup Information
2. Executive Session Motions
3. Email re: the 8/28 Agenda and Meeting Posting
4. Two OML Complaints filed by George Harris on 9/15/14
5. Draft Response to the AG's Office re: OML Complaint of 9/15/14
6. Redlined Settlement Agreement with the Attorney General
7. Draft School Committee Communication
8. Chart of Status of OML Complaints
9. Memo re: Student Activity Accounts Authorization
10. List of Student Activity Accounts
11. Q & A re: School Capital Requests

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12. Memo re: Authorization for Warrant Approval
13. Draft FY14 Annual Report
14. Accounts Payables & Payroll Warrants
15. WHS Hockey Tournament Trip Request
16. WHS WSPN Trip Request
17. Regular Minutes of July 30, 2014