

LEXINGTON SCHOOL COMMITTEE MEETING

Tuesday, September 11, 2012
Cary Memorial Building, Cary Hall
1605 Massachusetts Avenue

Present: Dr. Paul Ash, Superintendent, Margaret Coppe, School Committee Chair; Alessandro Alessandrini, Vice Chair; Members: Bonnie Brodner, Jessie Steigerwald and Mary Ann Stewart; and Sam Alpert, Student Representative

The Minutes were taken by Jean Curran, Recording Secretary

The Meeting convened at 7:30 p.m.

I. Call to Order and Welcome

The Chair called the meeting to order and noted the meeting is being videotaped by LexMedia and other media is in attendance this evening. The Chair announced a change in tonight's Agenda in light of the New York Time Op-ed Article that appeared in Sunday's newspaper. This was a last minute change that needed to happen and apologized for the last minute change.

II. Superintendent Announcements

Dr. Ash thanked everyone for coming out tonight and those who are listening at home. After reading the opinion article in Saturday's New York Times written by Bill Lichtenstein who described a disturbing account of his special needs daughter's experience in the Lexington Public School system in 2006. Dr. Ash stated he was disturbed that the Lexington school system was being unfairly portrayed and the article was inaccurate. He then provided his insight into what happened in 2006 and what is happening in the Special Education Department today. Dr. Ash stated there are significant gaps in what the article alleges and what school records and notes reflect. If he believed that at any time a staff member mistreated a child, that staff member would be placed on immediate leave while being investigated. If the investigation revealed a staff member did mistreat a child he would have fired that employee immediately. He does not hesitate to act quickly when he feels a child is being mistreated. This is a terrific school system for children and he has complete confidence in the administration, staff and schools.

Dr. Ash reminded everyone that he has an obligation, as officer of the school, to abide by all state and federal laws and regulations and School Committee Policies. This prohibits him from speaking directly about Mr. Lichtenstein's daughter and her case. Also, the family signed off on a Confidentiality Agreement on the settlement. Despite the fact that Mr. Lichtenstein has chosen to publicly share these documents, Dr. Ash feels ethically and legally bound not to discuss any specifics of the case.

Dr. Ash spoke about the Department of Elementary and Secondary Education's (DESE) regulations, Lexington's Special Education Department (SPED) policies and protocols, definitions of seclusion and time out. He then provided a description of the room in

question and reiterated that it is no longer being used. Dr. Ash stated that when Mrs. Linda Chase became Director of Student Services in 2006-2007, these types of time outs were discontinued because staff felt there were better ways to deescalate children's behavior.

Having reviewed school notes and reports, he concludes that the staff members acted honorably and with the best interest of the child in mind. Dr. Ash stated he first became aware of the situation 22 months later when the parent's attorney sent a Demand Letter to the school requesting a certain amount of money. After receiving the letter, Dr. Ash started an investigation into what happened and (i) found no evidence of abuse or mistreatment, and (ii) the parents never complained in writing until 22 months later and then the parents dropped their initial demand. The case quickly became what should be the child's placement and how much will it cost. This case never went before the School Board of Appeals and both parties reached a settlement agreement and the parents agreed to drop all claims. That agreement included a confidentiality clause. In his review, it did not reveal that anyone deviated from any school policy or practice. If it had, he would have filed a report with the Massachusetts Department of Children and Families (DCF). He wants the Committee and the public to know that what Mr. Lichtenstein described was not a mop closet but a room for faculty to make private phone calls and there was a window on the door and it was not located in the basement but rather off the stairwell between floors.

Mr. Lichtenstein also claimed to have filed complaints with the Department of Mental Health and DCF, but a check with both agencies reveals no such complaints were ever filed. Dr. Ash has spoken with the mother of the child and she disputes some of the claims made by her ex-husband. Also, she wishes to abide by the Settlement Agreement and confidentiality clause. He repeated that he is proud to work here and he believes staff members followed school policy procedure, state laws and regulations.

Linda Chase, Director of Student Services, spoke about how the district approaches working with children with behavior issues. She addressed the district's two major goals (i) academic excellence and (ii) positive behavior intervention and how each school deals with those goals. She then spoke to what is available in the district, strategies and techniques that teachers use in general education for classroom management, behavioral specialists and what their jobs entail, functional assessment, special education evaluations, open circle, responsive classrooms and guidance counselors who work with children to give them strategies to work with during the day. She also spoke to the need to go further with some students who require more significant intervention and that is when restraint regulations come into use.

The Crisis Prevention Institute (CPI) is an internationally known curriculum since 1980. Lexington's school district uses CPI and has for a number of years. Two members are CPI Certified Trainers and a third specialist is about to be certified. Mrs. Chase stated that every school has a crisis management team made up of teachers, administration, instructional assistants and they all go through 16 hours of training over the course of a year. The CPI restraint training is more about how to prevent restraining a child, by

deescalating and de-stimulating a child. Mrs. Chase stated that in any interventions or strategies, Lexington never uses restraint to discipline the child, but rather to shape and mold students to shape themselves and deal with feelings. Restraint is a last resort and is only to be used if a child is in imminent danger of harming themselves or others. She then spoke to the Behavior Plans and how staff members take careful notes and that data is reviewed daily, weekly and on an ongoing basis to determine if the plan is working. Every year the staff is trained on CPI and every staff member reviews district policy and state policy. She outlined the different kinds of physical restraints to limit student's freedom of movement. Lexington does not use chemical restraint or seclusion restraint, but they do use a physical escort which does not include use of force and the use of time outs where staff remains accessible. She explained in detail how Lexington uses time outs. If a student becomes out of control and trained individuals are required to restrain that child there are strict reporting requirements. Mrs. Chase went on to explain notification policy to parents and DESE.

There were questions and comments from the Committee regarding (i) what was required by law, regulation and policy regarding how restraint could be used or not used, (ii) M.G.L. Ch. 71B and Ch. 71 §37G having the School Committee Policy align with state regulations, (iii) Margaret Coppe questioned by members of what she witnessed during meeting with Dr. Ash and Joan Stein, Esq. regarding school records of 2006 incident, (iv) independent review by third party, (v) how do we handle the most vulnerable children, (vi) what is the parent notification process, (viii) DCM Report and how does the Committee understand the different services available for SPED, (ix) what happens when a child is out of control and what happens to the other children in that room, (x) are children safe in school, (xi) recommendation for more information since the DCM Report regarding staffing levels, funding, outreach with parents, and (xii) what are the School Committee next steps.

Margaret Coppe Invited Public Comment:

Carol Millard, 85 North Street, shared that her daughter has been in SPED classroom since 2004. Wanted to know if there were any specific allegations against teacher aides in SPED classrooms. She then stated that her daughter first went to Lexington's Children Place and then to the Fiske Elementary School and the situation described in the New York Times is not her experience and knows her child is cared for in the Lexington Public School system.

Patrick Mehr, 31 Woodcliffe Rd, Town Meeting Member, Precinct 3 questioned how a child could have soiled themselves and disrobed if a staff member was present with the child. Mr. Mehr made reference to the Horace Mann School in Riverdale NY and questioned whether he could rely on staff records and notes and wants an independent review of the 2006 situation and how and when will the Committee decide to conduct an investigation of this particular incident.

Margaret Coppe responded to Mr. Mehr that she and legal counsel would have to review if it is possible for a 3rd party to review the records of a particular child. She would discuss the matter and report back to the Committee.

Alessandro Alessandrini also responded to Mr. Mehr's reference to the Horace Mann case which was four professors who sexually abused children over a number of years. He feels that as part of the Committee it is important to have questions and evaluate the SPED programs.

Barbara Visovatti, 10 Fessenden Way, came forward and shared her son's personal experience in SPED and stated that seclusion rooms were being used after 2007. She provided very detailed descriptions of what her son experienced and the room he described had one chair and the window was papered over and he was left by himself on many occasions. The teacher in this case kept written notes in his Behavior Plan which she has copies of and will share with the Committee and Superintendent. She also stated that as a parent of two special need children it is very difficult to navigate through the SPED system.

Margaret Coppe responded by stating how very sorry she is for what happened and thanked her for coming forward to share such a personal story. She then asked if she could share her notes with her and Dr. Ash.

Lynn Perry, 21 Hayes Lane, SPED teacher since 1979 and has worked here in Lexington for 12 years. She shared her experience over the course of her career and also shared that having worked at both Fiske Elementary School and Hastings Elementary School and she wanted to go on record to say that she does not believe the article in question and to her personal knowledge children were never left behind a door by themselves.

Faye Burgess-Backert, 5 Wyman Road, stated that she also works in a school system and thanked Linda Chase for her presentation. She had questions regarding SPED training for general educators and urged the Committee to make sure general educators are better trained and also would like to see an independent investigation into what happened in 2006.

Dawn McKenna, 9 Hancock Street, Precinct 6, has been in school system for 46 years. She agrees that this is a two part problem (i) are we doing the right thing, and (ii) are we confident that what happened six years ago is no longer happening and were any staff members disciplined. Ms. McKenna would like the Committee to investigate the 2006 incident and inquired if she voted for the funding of the settlement agreement.

Jeff Crampton, 7 Lockwood Road, Town Meeting Member, Precinct 5 would like to see an independent investigation of the 2006 incident. He then stated that the community funds a lot of money into SPED and would like confidence in the programs and to have confidence that everything is okay now.

Karen Cacciatore, 3 Brent Road questioned how the community can trust what has been said earlier when we have clear evidence that it did happen after 2006-2007. She also wanted to know if Dr. Ash would go back and look at depositions in the case.

Margaret Coppe responded that the Committee's special needs attorney gave her confidence that the notes and records she read in the files are accurate.

Dr. Ash is very interested in following up with Barbara Visovatti and wants to review her matter before rendering any opinion. He then spoke about the documents that Mr. Lichtenstein has put online and that people should note that no rebuttal documents were posted so you are only seeing one side.

Jennifer Yaar, 15 Wilson Road, parent of two children and Co-Chair of SEPAC. She shared that her child is in an ILP at the Hastings Elementary School and has been happy with her services, but again, when people read an article such as Mr. Lichtenstein's, it shakes their trust. She wanted to know what immediate things we can tell our kids to get them to school next week and if parents have questions or concerns are their specific things they can do to get answers.

Dr. Ash stated that he and Linda Chase would welcome an invitation to meet with parents with special needs to get all questions answered.

Margaret Coppe stated that she believes that parents who have questions and concerns should go to the teacher, principal or the Director of Special Education. She would encourage parents to come forward and would encourage staff to also encourage parents to bring their concerns forward.

Jennifer Yaar then stated that SEPAC always posts their meeting through multiple outlets such as List servers so if anyone is interested in attending they can find the information through various methods or contact SEPAC.

Holly Boker, 4 White Pine Lane, Treasurer of SEPAC and has two children in the district since 2006 stated that she is very pleased with the services and feels that her children are treated and respected. She questioned how and why the administration did not know for two years that a child had been pulled out of the district and wondered if the administration investigates these situations.

Bronte Abraham, 5 Colony Road, has a sixth grade child who is relatively new to the district and has no issues with her child's IEP. She commented on the vocabulary that is used in the district and for someone who is new that it is extremely frustrating to understand what people are saying and who the responsible individuals are to approach with questions.

Ruth Litchfield, 6 Conestoga Road and reading specialist at Bridge Elementary School who has worked with the SPED Department since 1995. She has a great deal of trouble

with what is being reported because she has witnessed very out of control children and they have been treated very well.

III. Public Comment

Margaret Coppe then invited Public Comment

Zach Strohmeyer, 62 Harding Road, Senior Class President of LHS 2013, addressed the Committee that the increase in student parking fee is impacting students who may need to drive to school due to necessity and cannot afford the increased fee. He also stated that there are currently 16 unused spaces when this time last year there were none. Mr. Strohmeyer noted that the surrounding communities do not charge for student parking and many students feel that this may be creating a class system where only those that can afford the fee are able to park in these spots. He urged the Committee to reconsider the fee. There were questions and comments from the Committee.

IV. Members' Reports / Members' Concerns

Jessie Steigerwald shared that we won't be meeting again until September 22, 2012 which is the date of official kickoff for 300th Anniversary Celebration. She stated that tomorrow all 9 PTAs will be participating. Estabrook Elementary School is having the first official school 300th Anniversary Celebration assembly. Ms. Steigerwald then thanked the Lexington Minute Men Company, His Majesty's 10th Regiment of Foot, the William Diamond Fife and Drum Corp., the 300th Fiber Arts Textile Team and others who are volunteering to come into our public schools for these special assemblies.

Margaret Coppe announced that it was now 9:30 p.m. and due to the late hour, the following three Agenda Items will be postponed to a future School Committee Meeting (i) iPad Pilot Program at Lexington High School, (ii) School Committee Role in Curriculum Changes and (iii) Discussion of School Committee Legal Counsel will all be moved to a future School Committee Meeting.

V. Agenda

1. Preliminary Enrollment Numbers

Dr. Ash reported on the preliminary enrollment numbers and by January he will have a full report for the Committee. He noted a significant increase in kindergarteners this year and is not sure why there was such a large gap in his projections from last year. He is performing a thorough review and will report back to the Committee. Dr. Ash then noted that the number of Grade 7 students is currently at 578 and that in two years they will all be at the high school so there will be a need to focus on adding additional classrooms at the high school in two years. There were questions and comments from the Committee regarding (i) whether the Bowman renovation can absorb the increase in students, (ii) census conducted by the Town Clerk and Dr. Ash have any bearing on the difference in kindergarten enrollment, and (iii) how are the numbers analyzed.

The Chair called for a 15 minute break at 9:30 p.m.

Jessie Steigerwald left the meeting.

2. Update on Bowman and Bridge Renovation Projects

Dr. Mary Anton Oldenburg, Principal, Bowman Elementary School and Margaret Colella, Principal, Bridge Elementary School presented the update on the Bowman and Bridge Renovation Projects. They stated that they are on track and will be moving into the new space by the end of the week and the staff is delighted. The Facilities Department, architects and contractors are finishing the final work and over the long weekend the move will take place. There were questions and comments from the Committee.

3. Update on Summer Capital Projects

Patrick Goddard, Director of Public Facilities presented an update on the Summer Capital Projects and gave the Committee a packet of the slides he is showing the work done over the summer. He stated that it is a tribute to the planning, cooperation, collaboration and flexibility in running and cleaning of these schools and the Facilities Department to make this happen. Mr. Goddard presented the projects which included (i) school enabling work at the Joseph Estabrook Elementary School, (ii) building envelope which included a maintenance on the façade of the Diamond Middle School, (iii) flooring project, fitness center and auditorium work at the Clarke Middle School, (iv) the Hastings Elementary School flooring project of the main corridor, (v) school window treatment projects, (vi) new lockers at the Diamond Middle School which completes the Locker Project, (vii) renovation to the lower level of the Hasting Elementary School to add two adult bathrooms and add additional storage area, (viii) acoustical work at the Diamond Middle School, (ix) increased storage in the Clarke Middle School Physical Education area, (x) switching from oil to natural gas at the Hastings Elementary School and the Bridge and Bowman Elementary Schools will be on natural gas once the renovations are completed, (xi) moving the Harrington Preschool Occupational Therapy Room from the Facilities Department freed up the space downstairs, (xii) addition of 4 classrooms at the High School, the IT Department has been set up for wireless computer labs, the relocation of certain staff at the High School to the Central Office, administration area converted into private office for the Assistant Vice Principal along with a conference room, (xiii) the addition of 38 gross parking spots at the Central Office along with improved circulation, (xiv) the Bridge and Bowman Elementary Schools boiler rooms were the highest priority and will be ready by October 15th, the energy recovery systems are now on the roofs of both schools and the double hung windows are now installed, and (xv) a new sidewalk at the Clarke Middle School. There were questions and comments from the Committee regarding (a) Estabrook Elementary School enabling work and bids, (b) Diamond Middle School acoustical treatment, (c) LHS overcrowding, administration area renovation and when can the Committee see these projects, (d) additional classroom space at LHS, (e) Hastings Elementary School flooding and French drains, (f) underground storage tank removal, and (g) gate behind Hastings Elementary School.

4. Vote to Approve School Committee Meeting Minutes of July 17, 2012

The Committee discussed a heading change.

Motion to Approve School Committee of July 17, 2012, as amended. (Stewart, Brodner) **The Motion was Approved.** (4-0). Steigerwald absent.

6. Vote to Approve School Committee Executive Session Minutes of August 14, 2012

Margaret Coppe inadvertently attached an earlier version and not the final version to be voted on, so there will be no vote on these minutes tonight. They will be brought forward at another meeting.

7. Vote to Approve School Committee Executive Session Minutes of August 30, 2012

Motion to Approve and Not Release School Committee Executive Session Minutes of August 30, 2012. (Alessandrini, Stewart) **The Motion was Approved.** (4-0). Steigerwald absent.

8. Vote to Accept a \$200 Donation from Wade Steadman Productions to the Maria Hastings School

Motion to Accept a \$200 Donation from Wade Steadman Productions to the Maria Hastings School, with Gratitude. (Brodner, Alessandrini) **The Motion was Approved.** (4-0) Steigerwald absent.

Motion to Adjourn (Stewart, Brodner). **The Motion was Approved.** (4-0). Steigerwald absent.

The Meeting Adjourned at 10:30 p.m.

Documents: Meeting Agenda, LPS 2012-2013 Enrollment as of September 4, 2012 and LPS 2011-2012 Enrollment as of August 31, 2011, FY 13 Capital Projects, Memorandum dated September 6, 2011 from Carol Pilarski to Dr. Paul As regarding Curriculum, Instruction, and Professional Development, Lexington SC Meeting Minutes of July 17, 2012, Letter dated August 24, 2012 from Louise P. Lipsitz, Principal, Maria Hastings Elementary School to Dr. Paul Ash regarding donation from Wade Steadman Productions, Memorandum dated September 6, 2012 from Margaret Coppe, Chair, Lexington School Committee to the School Committee regarding September 11, 2012 School Committee Agent Item – Discussion of School Committee Legal Counsel

Voted by the School Committee November 27, 2012