



Lexington Public Schools

146 Maple Street ♦ Lexington, Massachusetts 02420

Lexington School Committee

email: school-com@comet.ci.lexington.ma.us

June 27, 2011

Amy Nable, Director
Division of Open Government
Office of Massachusetts Attorney General Martha Coakley
One Ashburton Place
Boston, MA 02108-1518

RECEIVED
2011 JUN 29 AM 8:00
TOWN CLERK
LEXINGTON MA

RE: Notice of Complaint Against the Town of Lexington School Committee filed by Dawn McKenna on June 15, 2011¹

Dear Ms. Nable:

In accordance with G. L. c. 30A, § 23, and 940 CMR 29.05 (5), the Town of Lexington School Committee ("Committee"), by this letter, notifies the Attorney General that a complaint under the Open Meeting Law (OML) was delivered to the School Committee Chair, Mary Ann Stewart on June 15 and filed with the Town Clerk on June 16, 2011. A copy of the complaint filed by Dawn McKenna of 9 Hancock Street, Lexington, MA, is enclosed herewith. (Ex. 16) This letter responds to Ms. McKenna's complaint and notifies the Attorney General of remedial actions undertaken or proposed. Ms. McKenna is copied on this response as required by the OML Complaint procedures.

Prior to her formal complaint, Ms. McKenna sent an email to each of the School Committee members on or about 11:39 p.m. on June 9, 2011 with much of the substance of her complaint, but she did not use the form or follow the procedure prescribed by the Attorney General at that time. Because the Committee's response is well within the time required even if the complaint is deemed received on June 9, the date on which Ms. McKenna perfected her complaint is immaterial. The complaint filed by Ms. McKenna sets forth numerous allegations in several paragraphs and in the attached June 9 email.

The Committee denies that it has violated the OML and asserts that even if it has violated the OML, its actions were unintentional and guided by the advice of its legal counsel.

Background Information

In April, 2011, Superintendent of Schools, Dr. Paul Ash, approached the Chairperson of the Committee, Ms. Mary Ann Stewart, to see if the Committee would be willing to amend his employment contract for the express purpose of extending its term to June 30, 2015 and fixing his compensation and benefits for FY13, FY14 and FY15. Dr. Ash made the following proposal to the Committee:

1. Increase his salary by three percent (3%) per year;
2. Increase his vacation days from 20 to 30 days per year and
3. Extend the term of the contract to June 30, 2015.

¹ The complaint filed by Ms. McKenna is attached hereto as Ex. 16.

The Committee consists of five members elected-at-large for staggered terms of three years each.² The five members all serve without compensation. The duties of the Committee are prescribed by state law. One of the most important of its duties is the responsibility for hiring a Superintendent of Schools³ and negotiating an employment contract that can run for up to six (6) years.⁴ In addition to its policy and budget setting responsibilities, the Committee also represents the Town of Lexington in its negotiations with all school department employees who are represented by unions, also referred to as “Associations.”⁵ While the School Committee has the discretion to seek input from the public, nothing in the OML or G.L. c. 71 imposes any requirements on school committees to seek comments or input in any fashion from the public before they hire a superintendent and negotiate an employment contract with the successful applicant for the position.

Chairperson Mary Ann Stewart presented Dr. Ash’s proposal to the School Committee in an executive session that was convened after the open session on April 26, 2011 to prepare for negotiations with Dr. Ash. As noted below in response to specific allegations made by Ms. McKenna, all procedures specified in the OML were followed. After considerable discussion of the topic in executive session, the Committee adjourned without taking any action on the Superintendent’s request to extend his employment contract on the terms he proposed. The Committee meeting of April 26th was followed by three additional executive sessions on May 16, May 25 and June 1, 2011 for the sole purpose of discussing strategy with respect to negotiating with the Superintendent of Schools, responding to his proposal and countering with their own proposals.⁶ There were no other executive sessions held to discuss strategy relative to negotiating the extension of the Superintendent’s individual employment contract. All meetings were properly posted at the Town Clerk’s Office in accordance with OML requirements.

The negotiations were concluded on June 1st, when the Committee voted:

(T)o offer to extend the Superintendent’s contract to June 30, 2015 at an annual salary increase of 3% plus 10 additional vacation days, striking Sections 6-1.1 through 6-1.3 and replacing the language in Section 2-2.1.

See, Minutes of executive session on June 1st (Ex. 8).

The Chair subsequently extended the Committee’s offer to Dr. Ash. He accepted the terms of the contract extension, and a contract was formed. On June 7, 2011, the School Committee voted the contract extension in an open session and authorized the Chair to sign the written contract extension.

The minutes of the open and executive sessions held on April 26th, May 16th, May 25th and June 1st, 2011 have all been approved and released by the School Committee. Both Town Counsel and School Counsel have given their opinions to the Committee that a lawful contract amendment was agreed to by Dr. Ash and the Committee no later than June 7, 2011.⁷

Because Ms. McKenna’s complaint form does not include numbered counts, the Committee’s response will use the number allegations set forth in her email of June 9th (which is attached her to complaint) to all five Committee members.

² The five Committee members are: Mary Ann Stewart, Alessandro Alessandrini, Bonnie Broder, Margaret Coppe and Jessie Steigerwald.

³ See G.L. ch. 71, sec. 41.

⁴ See G.L. ch. 71, sec. 37.

⁵ See G.L. ch. 150E, sec. 1.

⁶ See Exhibits #1-8 (minutes of the open and executive sessions)

⁷ The Minutes of the June 7th meeting were approved and released at the meeting on June 15th, 2011. (Ex. 10)

All responses to the Open Meeting Law Complaint filed by Eric Eid-Reiner and the CD of the School Committee Meeting of June 7, 2011 previously submitted are herein incorporated by reference and made a part of this response to the complaint filed by Ms. McKenna.

1. The Committee voted the Superintendent's contract extension in its open session on June 7, 2011. (Ex-9). The Committee acknowledges that it voted on June 1 in executive session to approve terms for an extension of the Superintendent's contract (as a counteroffer to the Superintendent's proposal, which was subsequently accepted by the Superintendent), and believes that such vote is lawful under the second exception to the Open Meeting Law. In the text of the complaint form, Ms. McKenna also charges that the final agenda for June 7 listed the Superintendent's contract as a "discussion item", not an "action item". The Committee often has taken votes on subjects listed as discussion items. No provision of the Open Meeting Law bars such a vote, so long as the agenda listed with sufficient specificity the subject of discussion, the Superintendent's employment contract, as it did.

2. Purpose # 2 of the provisions of the Open Meeting Law that allow for executive sessions **does not** require a finding of detrimental effect. In each case in which the Committee went into executive session, it was for purposes of discussing strategy and negotiations relative to an individual employment contract with the Superintendent of Schools pursuant to purpose #2. (Exs: 11-14)

3. Statement 3 is of no relevance or probative value to an alleged Open Meeting Law violation. The committee neither affirms nor denies this allegation regarding past practice.

4. Timely and adequate notice was given for each executive session at which the Committee discussed strategy and negotiations of the Superintendent's employment contract. (See attached postings, Ex. 11-14) Insofar as the notices did not specify the name or title of the individual with whom the Committee was negotiating, as prescribed in the Attorney General's recent Melrose School Committee opinion (OML 2011-15, May 4, 2011), the Committee will include such specificity in future agendas and votes (if such specificity is not detrimental to the purpose of an executive session), as a proposed remedial action.

5. The allegation of a fire safety violation is not a subject regulated by the Open Meeting Law and is more properly addressed to the Fire Chief.

6. In advance of and during the June 7th meeting the Chair of the Committee took reasonable steps to try to find an alternative larger room, but none became available. After the meeting room was fully occupied, the overflow attendees had access to a live video & sound feed of the Committee's meeting at all times and were afforded equal access to the microphone during all public comment periods. (Ex. 15)

Ms. McKenna's email of June 9th makes six requests of the Committee, and the Committee responds as follows:

1. The dates of the executive session discussions relative to strategy and negotiations of the proposed extension of the Superintendent contract were April 26, May 16th and 25th and June 1st, 2011.

2. The minutes of all open and executive sessions held on the above cited dates were approved and released at the Committee's meeting on June 15th, 2011.

3. See numbers 1 & 2 immediately above.

4. The meeting held on June 15th was in Cary Hall (the Town auditorium) that seats several hundred people, and was occupied by substantially less than half of its capacity.

5. This is a public records request that will be responded to by the Keeper of the Records (i.e. the Superintendent of Schools).

6. The Memorandum of Understanding between the Committee and the Superintendent has already been released and contains all of the terms of the extended contract to June 30, 2015.

The Committee hopes that Ms. McKenna is satisfied with its response. The Committee also respectfully requests that the Attorney General determine that the remedial actions taken and proposed by the Committee have remedied any Open Meeting Law violations, to the extent any such violations have occurred.

If your office has any concerns or questions, or needs additional information, please call or contact our School Counsel, Robert G. Fraser at Stoneman, Chandler & Miller LLP, 99 High Street Boston, MA 02110 (617-542-6789).

Duly Authorized and Approved
By the Lexington School Committee and
Respectfully Submitted by Its Chairman,



Mary Ann Stewart, Chair,

Encl./ (Ex. 1-16)

Cc: Donna Hooper, Town Clerk
Dawn McKenna
School Committee
Eric Eid-Reiner
Kevin Batt, Lexington Town Counsel

LEXINGTON SCHOOL COMMITTEE MEETING
Tuesday, April 26, 2011
Lexington Town Office Building, Selectmen's Meeting Room
1625 Massachusetts Avenue

Present: Superintendent Paul Ash, School Committee Chair Mary Ann Stewart, School Committee Members Sandro Alessandrini, Bonnie Brodner, Margaret Coppe and Jessie Steigerwald and student representative Noah Coolidge. The minutes were taken by Leora Tec.

The meeting was convened at 7:33 p.m.

I. Call to Order and Welcome (Chair Mary Ann Stewart)

II. Public Comment

Jacqueline O'Connor, a Lexington High School senior speaking on behalf of **Mark Chonofsky** who graduated from LHS in 2010 and is currently studying at Cambridge University: Mr. **Chonofsky** wrote to express his concern regarding the early retirements of Latin and French teachers, Dr. Michael Fiveash and Mme. Karen Girondel. He expressed concern for calling off the play, *Columbinus*, as well as the early retirement of Brian O'Connell 18 months before. Mr. Chonofsky feels there is a pattern and urged the School Committee and LPS administration to take necessary steps to ensure that Lexington continues to provide the very best education.

Dr. Ash stated the teachers mentioned in Ms. O'Connor's statement are outstanding teachers. The decisions of the teachers to leave was 100% their choice; these teachers were not forced to leave. The implication that the climate in the schools caused two teachers to leave, who were here for over thirty-eight years and that they were forced to leave by the administration, is false. They had personal reasons for retiring.

III. Superintendent's Announcements

1. The Second Annual LHS Senior Art Exhibit will be held in the LPS Central Office Gymnasium, April 27 through May 13. The public is invited to attend.
2. The final day of school for students in all schools except Estabrook will be June 22. The final day of school for Estabrook will be June 24. The last day of school for all students will be a half-day.
3. The presentation of the Massachusetts School Wellness Awards to the Hastings School and Lexington High School was held at the 2011 Legislative Breakfast on Wednesday, April 6, 2011.

IV. Members' Reports / Members' Concerns

Sandro Alessandrini: There will be two showings of the film *Race to Nowhere* this week at Cary Hall. This movie deals with student stress.

Regarding the comments of the student during Public Comment, I would like to know why we had three teachers at that level resign at the same time. Dr. Fiveash is an excellent teacher.

Margaret Coppe: The Policy Sub-Committee has several policies to bring to the School Committee, including the third reading of the Medication Policy.

Bonnie Brodner: I am wondering, after the situation with *Columbinus*, if it would be worth discussing whether or not we want to have a policy about plays—perhaps we can put that on a future agenda?

Jessie Steigerwald: Thank you to Suzie Barry and the Celebrations Committee for all their hard work on Patriot's Day.

Thanks to Cynthia Wimer and Songyi Kim the co-chairs of the ACT Committee at Fiske for sending us a copy of "Our Corner of the World: A Year in the Life of Fiske Students," which is the result of an artist-in-residence project done through ACT - with additional support from LEF and the Fiske PTO. This creative enrichment project was a wonderful way to enhance student learning.

The high school is putting on *The Mystery of Edwin Drood* (due to retirement, it is potentially Mr. Bogart's last production at LHS).

In the future I would like to continue our discussion of funding of the music program.

I also agree with Bonnie that I would like us to discuss a play policy, and with Sandro, that I would like to discuss the retirements.

Mary Ann Stewart: The Cary Memorial Library Art Sale and Soiree will take place this Sunday, May 1.

Before our next regular meeting convenes on May 10th, there will be a Public Hearing on School Choice, beginning at 7:30 PM.

Jessie Steigerwald: Robinson Road is probably more a municipal issue than a School Committee issue because it involves a town street. However if there were to be a very long driveway at Estabrook would that make this a School Committee issue?

V. Discussion Items

1. Plan to Establish Three Special Education Study Committees. Introduced by Superintendent Dr. Paul Ash. The following three topics will be discussed: 1). The need to establish three Special Education Study Committees described in the packet; 2). Our current work to strengthen general education and it's relationship to special education; and 3). Our Theory of Action to help struggling students in both special education and general education. Our goal is to supply an excellent, effective and efficient education for all students. We need to ensure that the programs are cost effective but first we need to make sure we are providing an excellent education for all children. We are going to do an internal review of how we provide special education. We want to agree on program eligibility criteria, program standards and processes. We will define and operationalize what excellent special education services look like as part of a pre-K -12 system of services.

Dr. Ash presented his Theory of Action to improve general education for struggling students in general education, which includes setting clear learning expectations and determining the best instructional practices. Prevention is much better than intervention. Frequent assessments are necessary. Teachers will be trained in assessment. Not all students who are in special education should be there. Special education was never designed to be the remediation program for all students. Last year all nine schools had an academic and a pro-social goal as part of their School Improvement Goals. The academic goals all talked about using data to improve instruction. This is a major shift that will enable us to identify problems sooner. The second goal, teaching students pro-social skills, will make students more resilient.

Director of Student Services Linda Chase briefly described the three proposed committees:

- The first will look at eligibility for special education services.
- The second is concerned with service delivery: what types, frequency and duration of services are required?
- The third committee will look at when and how the decision is made to place a child in a district-wide program or an out-of-district placement. Having clear placement criteria will insure that all students will receive the help they need and that standards are consistently applied.

Special education is meant to support, not supplant, general education; we need to be able to support struggling students in general education.

There were questions and comments from the Committee on topics including parent perceptions of the IEP process, parent feedback on special education, educating regular education teachers on special education and the use of assistive technology.

There were comments from the audience.

2. Recommendation for Extended Day Child Care Lease Award. Introduced by Dr. Ash. He explained that the Extended Day Review Committee has selected Lextended Day to run the extended day programs at all six elementary schools. Lextended Day plans to retain the same staff members in the other three programs. There will be one parent from each school

on the board—there is strength in collaboration. There are programmatic, professional development, and financial reasons for having one competent Lexington-based company that will provide terrific services. The Lextended Day board has a thoughtful plan on how to embrace the other programs. Dr. Ash feels the individual characters of the programs will continue.

Dr. Ash requested the School Committee to authorize him to enter into a five-year contract with Lextended Day.

Jessie Steigerwald stated that she respects the advantages of one program but she would like to see the programs come to this willingly. She is not comfortable with dictating the structure of the after-school programs. She is surprised that the RFP did not call for a middle school program.

Dr. Ash stated that if we were not to have this structure then over time outside vendors would take over the individual programs and it would be very hard to stop this under the law.

The other Committee members expressed confidence that existing programs will retain their autonomy.

Margaret Coppe expressed a hope that eventually there would be a middle school program.

Sandro Alessandrini likes the increased financial stability with one town-wide program.

Irene Denty (Director, Lextended Day): The vision that I have is that Lextended Day will be more of an administrative umbrella. Directors have to have autonomy—they will select their own staffs and determine certain aspects of their budgets. I envision a lot of collaboration.

Bonnie Brodner: Agrees with Ms. Coppe and Dr. Alessandrini that it sounds like there will not be any changes from the perspective of the students in the programs.

Chair Stewart: Families need access to quality and affordable programs. We are fortunate to have access to such high quality programs. I was impressed with the sensitivity of the transition plan; the transition plan is very thoughtful.

There were comments from the audience:

Miriam Fein Cole (Cliffe Avenue) stated that HED is not interested in merging. She wanted to know if it were possible to keep it running as an individual program.

Dawn McKenna (9 Hancock Street) questioned the School Committee's authority for enjoining all six schools as one entity. She does not support the plan and asked the Committee not to vote it in.

Paul Ash responded that under statute 30(b) leasing school space is subject to the procurement laws. We could get out of this by not renting school space but we want to support high-quality, affordable child-care. Some districts run their own programs. That would not make sense here since high quality programs already exist.

Flavia Vidal (Maple Street): The wording of the bid—the preference for one provider—was a choice of the administration.

Motion to authorize the superintendent to enter into a five-year contract with the Lextended Day Program in all six schools (Coppe, Alessandrini). **The motion passed 4-1** (Steigerwald).

3. Future School Committee Meeting Dates and Tentative Agenda Items. Dr. Ash would like to add to the agenda for Tuesday May 10th a recommendation from him and Carl Valente on how to approach the issue of the access road to Estabrook School. He would like to tentatively add to the agenda for Tuesday June 7 revisiting what we might do if we had more funding (i.e., fees, critical positions).

VI. Action Items

1. Vote to Appoint Charles Favazzo as the School Committee Representative on the Permanent Building Committee.

Motion to appoint Charles Favazzo as the School Committee Representative on the Permanent Building Committee (Alessandrini, Coppe). **The motion passed 5-0.**

2. Vote to Accept a \$635 Donation from Wilson Farms' School Fundraiser to the Hastings School.

Motion to accept with appreciation a \$635 donation from Wilson Farms' School Fundraiser to the Hastings School (Steigerwald, Brodner). **The motion passed 5-0.**

3. Vote to Accept \$300 in Donations to the William G. Tapply Memorial Fund.

Motion to accept with excitement \$300 in donations to the William G. Tapply Memorial Fund (Steigerwald, Alessandrini). **The motion passed 5-0.**

The launch of the book of student poetry that has been supported by the William G. Tapply Memorial Fund will be done with the poet Robert Pinsky.

4. Vote to Approve School Committee Minutes of March 21, 2011.

The minutes of 3/21/11 are approved pending an amendment to the sentence regarding the bid criteria.

VII. Motion to go into executive session for the purpose of contract negotiations with non-union personnel, to return to public session only for the purpose of adjourning, (Brodner, Steigerwald). Alessandrini-aye; Brodner-aye; Coppe-aye; Steigerwald-aye and Stewart-aye.

The meeting went into executive session at 9:43 p.m.

Documents: Meeting agenda; Superintendent's Bulletin, dated 4.8.11 containing a draft of the proposed Special Education Study Committees; memo from Assistant Superintendent for Business and Finance Mary Ellen Dunn, to Superintendent Paul Ash, re: Recommendation for Award: Extended Day Child Care Lease; Future School Committee Meeting Dates and Tentative Agenda Items, revised April 20, 2011; resume, Charles N. Favazzo, Jr., Project Manager; memo from Hastings Principal, Louise Lipsitz, re: donation from Wilson Farms in the amount of \$635; memo from Superintendent for Business and Finance Mary Ellen Dunn, to Superintendent Paul Ash, re: Acceptance of Donation of \$300 for the Tapply Fund; draft School Committee minutes from 3.21.11 meeting; letter from Mark Chonofsky to the School Committee.

**Minutes of the Executive Session of the Lexington School Committee
Lexington Town Office Building, Selectmen's Meeting Room
1625 Massachusetts Avenue
Tuesday, April 26, 2011**

Present: School Committee Chair Mary Ann Stewart, School Committee Members Sandro Alessandrini, Bonnie Brodner, Margaret Coppe, and Jessie Steigerwald.

Student representative, Noah Coolidge did not attend the Executive Session.

Mr. Robert Fraser and Ms. Colby Brunt, School Committee Counsel from Stoneman, Chandler, & Miller, LLP attended the Executive Session.

The Minutes of the Executive Session were taken by School Committee Chair Mary Ann Stewart.

The meeting went into executive session at 9:43 PM.

Discussion: Members of the Committee discussed a request for a contract extension from Superintendent, Dr. Paul Ash. Terms proposed by Dr. Ash called for 2 additional years at 3% per year plus the addition of 10 vacation days. Committee members discussed the superintendent's proposal and agreed to reconvene another Executive Session on May 16, 2011 to develop a counter-proposal. No action was taken.

Motion to return to public session for the purpose of adjourning, (Coppe, Steigerwald). Alessandrini-aye; Brodner-aye; Coppe-aye; Steigerwald-aye; and Stewart-aye.

The meeting adjourned at 10:51 PM.

List of documents: *copy of Superintendent's 2009-2012 employment contract.*

- Voted released
 Voted not released

**Minutes of the Lexington School Committee
Ellen Stone Room, Isaac Cary Memorial Hall
1625 Massachusetts Avenue
Monday, May 16, 2011
7:30 PM**

Present: School Committee Chair Mary Ann Stewart, School Committee Members Sandro Alessandrini, Bonnie Brodner, Margaret Coppe and Jessie Steigerwald.

Student representative, Noah Coolidge was absent.

The Chair called the Meeting of the Lexington School Committee to order.

Motion to go into executive session for the purpose of discussing contract negotiations with non-union personnel, not to return to open session (Coppe, Steigerwald). Alessandrini-aye; Brodner-aye; Coppe-aye; Steigerwald-aye; and Stewart-aye.

The meeting went into executive session at 7:33 PM.

1
2 **Minutes of the Executive Session of the Lexington School Committee**
3 **Ellen Stone Room, Isaac Cary Memorial Hall**
4 **1625 Massachusetts Avenue**
5 **Monday, May 16, 2011**
6 **7:30 PM**

7 **Present: School Committee Chair Mary Ann Stewart, School Committee Members Sandro**
8 **Alessandrini, Bonnie Brodner, Margaret Coppe and Jessie Steigerwald.**

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10 **Student representative, Noah Coolidge did not attend the Executive Session.**

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12 **Mr. Robert Fraser, School Committee Counsel from Stoneman, Chandler, & Miller, LLP**
13 **attended the Executive Session.**

14
15 **The Minutes of the Executive Session were taken by School Committee Chair Mary Ann**
16 **Stewart.**

17
18 **Discussion:** Members of the Committee met to consider the Superintendent's proposal to extend
19 his contract to June 30, 2015. Committee members authorized the Chair to offer a counter-
20 proposal to Dr. Ash. Topics discussed include:

- 21 • Development of a counter-proposal to June 30, 2015
- 22 • Salary adjustment
- 23 • Language relative to consulting time
- 24 • Notification requirements regarding any further extensions
- 25 • Vacation days

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27 **Motion to adjourn (Coppe, Brodner). Alessandrini-aye; Brodner-aye; Coppe-**
28 **aye; Steigerwald-aye; and Stewart-aye.**

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30 **The meeting adjourned at 9:27 PM.**

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34 Voted released
35 Voted not released
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**Minutes of the Lexington School Committee
Ellen Stone Room, Isaac Cary Memorial Hall
1625 Massachusetts Avenue
Wednesday, May 25, 2011
7:30 PM**

Present: School Committee Chair Mary Ann Stewart, School Committee Members Sandro Alessandrini, Bonnie Brodner, Margaret Coppe, and Jessie Steigerwald.

Student representative, Noah Coolidge was absent.

The Chair called the Meeting of the Lexington School Committee to order.

Motion to go into executive session for the purpose of discussing contract negotiations with non-union personnel, not to return to public session, (Brodner, Steigerwald). Alessandrini-aye; Brodner-aye; Coppe-aye; Steigerwald-aye; and Stewart-aye.

The meeting went into executive session at 7:33 PM.

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3 **Minutes of the Executive Session of the Lexington School Committee**
4 **Ellen Stone Room, Isaac Cary Memorial Hall**
5 **1625 Massachusetts Avenue**
6 **Wednesday, May 25, 2011**
7 **7:30 PM**
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10 **Present: School Committee Chair Mary Ann Stewart, School Committee Members Sandro**
11 **Alessandrini, Bonnie Brodner, Margaret Coppe, and Jessie Steigerwald.**

12
13 **Student representative, Noah Coolidge was absent.**

14
15 **Mr. Robert Fraser, School Committee Counsel from Stoneman, Chandler, & Miller, LLP**
16 **attended the Executive Session.**

17
18 **The Minutes of the Executive Session were taken by School Committee Chair Mary Ann**
19 **Stewart.**

20
21 **Discussion:** Members of the Committee discussed their reaction to the Superintendent's
22 rationale to his positions as summarized by the Chair and formulated a second proposal that
23 involved salary adjustment and consulting and vacation days.
24

25
26 **Motion to adjourn, (Steigerwald, Alessandrini). Alessandrini-aye; Brodner-aye;**
27 **Coppe-aye; Steigerwald-aye; and Stewart-aye.**

28
29 **The meeting adjourned at 9:27 PM.**
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33 Voted released
34 Voted not released
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**Minutes of the Lexington School Committee
Town Office Building, Room G-15
1625 Massachusetts Avenue
Wednesday, June 1, 2011
8:00 PM**

The Chair called the Meeting of the Lexington School Committee to order.

Present: School Committee Chair Mary Ann Stewart, School Committee Members Sandro Alessandrini, Bonnie Brodner, and Margaret Coppe.

Student representative, Noah Coolidge did not attend; Jessie Steigerwald was absent.

Motion to go into executive session for the purpose of discussing contract negotiations with non-union personnel, not to return to public session, (Coppe, Alessandrini). Alessandrini-aye; Brodner-aye; Coppe-aye; and Stewart-aye.

The meeting went into Executive Session at 8:12 PM.

1
2 **Minutes of the Executive Session of the Lexington School Committee**
3 **Lexington Town Office Building, Room G-15**
4 **1625 Massachusetts Avenue**
5 **Wednesday, June 1, 2011**
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8 **Present: School Committee Chair Mary Ann Stewart, School Committee Members Sandro**
9 **Alessandrini, Bonnie Brodner, and Margaret Coppe. Jessie Steigerwald arrived at 8:21**
10 **PM.**

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12 **Mr. Lyle Kirtman, of Future Management Systems attended the Executive Session.**

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14 **Mr. Robert Fraser and Ms. Colby Brunt, School Committee Counsel from Stoneman,**
15 **Chandler, & Miller, LLP attended the Executive Session.**

16
17 **The Minutes of the Executive Session were taken by School Committee Chair Mary Ann**
18 **Stewart.**

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21 **Discussion:** Members of the Committee continued a discussion regarding the Superintendent's
22 contract extension. The Chair consulted with Mr. Kirtman prior to the Executive Meeting held
23 on April 26 and requested his presence at this meeting to address questions related to searches of
24 Superintendents, conditions of the marketplace, and Mr. Kirtman's guidance with respect to the
25 available applicant pool of experienced Superintendents in high-performing school districts.

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27 **Mr. Kirtman left the meeting at 9:57 PM.**
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30 **Motion: To offer to extend the Superintendent's contract to June 30, 2015 at**
31 **an annual salary increase of 3% plus 10 additional vacation days, striking**
32 **Sections 6-1.1 through 6-1.3 and replacing the language in Section 2-2.1**
33 **(Coppe, Brodner). Alessandrini-aye; Brodner-aye; Coppe-aye; Steigerwald-**
34 **aye; and Stewart-aye.**

35
36 **Motion to adjourn, (Steigerwald, Coppe). Alessandrini-aye; Brodner-aye;**
37 **Coppe-aye; Steigerwald-aye; and Stewart-aye.**

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39 **The meeting adjourned at 10:07 PM.**
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43 Voted released
44 Voted not released

LEXINGTON SCHOOL COMMITTEE MEETING
Tuesday, June 7, 2011
Lexington Town Office Building, Selectmen's Meeting Room
1625 Massachusetts Avenue

Present: Superintendent Paul Ash, School Committee Chair Mary Ann Stewart, School Committee Members Sandro Alessandrini, Bonnie Brodner, Margaret Coppe and Jessie Steigerwald and student representative Noah Coolidge. The minutes were taken by Leora Tec.

LPS attorneys Robert (Bob) Fraser and Colby Brunt were in attendance.

The meeting was convened at 7:33 p.m.

I. Call to Order and Welcome (Chair Stewart)

The Chair explained that there is a monitor in the hallway for the overflow portion of the audience. The meeting may move to Cary Hall at 9:30 p.m. for the discussion on the Superintendent's contract.

The Chair then explained why the agenda had changed since the original agenda for this meeting went out.

There will be an additional meeting on June 15th to complete the items from the original agenda.

II. Public Comment

Eric Eid-Reiner (Russell Road): Why is the Superintendent's contract being discussed at 9:30 when it looks like 8:05 on the agenda?

The Chair explained that there could be some people who are under the impression that the Superintendent's contract is coming up later because of where it appeared originally on the agenda.

Edith Sandy (Town Meeting member precinct 6): I am glad the School Committee decided to modify its agenda to not take a vote tonight on the superintendent's contract but this should not have taken a public outcry. The original agenda gave no hint that the contract would even be discussed. No corrected agenda was sent out until late yesterday. Until the last minute the School Committee, through its chairman, expressed no willingness to hear or accede to parental concerns— this shows no respect for parents and the public at large-- and it is not a stretch to think that teachers too would feel disrespected, unsupported and unheard.

III. Superintendent's Announcements

Dr. Ash and Director of Public Facilities Pat Goddard had a meeting at MASC about the design capacity for the Estabrook building project. MASC has agreed that we can proceed with a design capacity of 540 students for Estabrook, which will create extra space. Dr. Ash will ask the Chair to sign the document after tonight's meeting; he has already signed the MSBA Estabrook Project Design Enrollment Certification as has Town Manager Carl Valente. They will be laying out timetables for the project soon.

IV. Members' Reports / Members' Concerns

Sandro Alessandrini: Congratulations to the seniors who graduated.

Jessie Steigerwald: Thank you also to Hank Manz who made a wonderful speech about collaboration at graduation. Thank you to all the people who wrote to us this week. Our Chair writes back but we all read all emails.

V. Discussion Items

1. **ING/MASBO Finance Award.** Terry Finnigan from ING Financial Partners presented the first annual Donald D. Johnson Award for Operational Cost Efficiency to LPS. Lexington's proposal saved millions and millions of dollars. This was achieved through collaboration between: Paul Ash, Linda Chase, Carl Valente, Mary Ellen Dunn, Pat Goddard, the School Committee, the Appropriation Committee, the Board of Selectmen, the Capital Expenditures Committee and employees of student services and LPS. We have provided a \$2500 grant to fund student scholarships to three students, Kelsey Fenn, Andre Ho and Jacquelyn O'Connor.

Dr. Ash emphasized that collaboration among the committees and individuals honored was responsible for the savings LPS has realized. We have a one million dollar stabilization fund for Special Education. We have returned \$6.4 million dollars over the last several years. Saving money means saving jobs, which means better education. We have also reduced the operating budget by \$2.5 million.

(Note: Discussion Items listed on the agenda as 3 and 4 were taken up before number 2. These minutes reflect the order in which these items were actually taken up. Subject headings have remained the same).

2. **FY12 Budget Changes.** Introduced by Dr. Ash. We have had an excellent year. We have some money to turn back to the general fund. We will get at least \$500K in new money because of an increase in the circuit breaker reimbursement account. We could not have known about this money earlier.

Dr. Ash proposed three changes for FY12: 1). Rescind the 1.0 teacher cut in LHS; 2). Reduce the elementary music fee by half from \$300 to \$150 and 3). Add a .5 interventionist specialist position at the Bowman School.

Bowman Principal Mary Anton explained the interventionist specialist position. Dr. Ash hopes eventually this position will be implemented at all six elementary schools. Dr. Anton took questions from the Committee.

Motion to rescind the 1.0 teacher at LHS, reduce the elementary instrumental music fee from \$300 to \$150 and add a .5 intervention specialist at Bowman (Steigerwald, Brodner). The motion passed 5-0.

3. FY11 Budget Changes. Dr Ash recommended that we spend a portion of the surplus FY11 funds and return the balance to the Town to the general fund. The principals have determined which needs would make the most difference in the lives of the children. Dr Ash read the list of items, which included: technology, textbooks, resource room materials for freshman and sophomore interventions, furnishings, emergency response readiness kits for REMS (Readiness Emergency Management for Schools), Elmos, completion of wireless in both middle schools, iPads, secretarial support for June, printing equipment to produce secure i.d. passes for school bus riders. The request totals \$299,432.

There were comments and questions from the Committee.

Motion to amend the FY11 budget and approve the \$299,432 funding request across all nine schools and the Central Administration (Coppe, Alessandrini). The motion passed 5-0.

4. Superintendent's Employment Contract.

The Chair gave students present an opportunity to speak.

Amy Patterson (LHS class of 2011): I started a survey of teachers and have spoken to sixty of them. I do not have a complete data set but I already have a sense that there is a problem with morale. Some comments I have received included: The culture of the current administration is one of intimidation and punishment; Teachers and custodians are treated like children; Creative approaches are not encouraged; There are bureaucratic miscommunications and inconsistencies in leadership.

Benjamin Ruesch (LHS class of 2010): I am concerned about things I have heard. It is alarming to hear of the recent retirements of three of the most loved and valued teachers: Mr. Bogart, Mme Girondel and Dr. Fiveash. Mme Girondel reached out to me in a way I have not seen from the younger teachers. The school district needs to take account of its most experienced teachers. The faculty of the music department, especially Mr. Leonard, were very important to me. Experienced teachers must be valued. They are very important to the development of students.

Michaela (LHS class of 2011): I had both Mme Gironel and Dr. Fiveash and I have seen them get frustrated with how the school is run. It is not fair that Dr. Fiveash's Latin 3 class was eliminated. Both of these teachers arrive very early in the morning and put their heart and soul into their work. Their experience cannot be passed on through pieces of paper. It is unfair that older teachers are being pushed away for younger teachers. They are needed for guidance.

Josh Melnick (sophomore at LHS): I had Dr. Fiveash for one year. What has been said is a wide-ranging opinion. Dr. Fiveash has done more for my education in one year than multiple teachers have done in many years. He is a true teacher. We need these kinds of teachers at all the schools. They are hard to find and we need to retain them when we have them.

Angela (LHS class of 2007): I want to reiterate the concerns regarding Dr. Fiveash, Mr. Bogart and Mme Girondel. It is common in organizations that out of the box people can get shut out. A way to make Lexington outstanding is by honoring these teachers. I visit Mme Gironel and Dr. Fiveash whenever I come back to Lexington and they are better than some of my professors at Mt. Holyoke.

Sonya Taeffe (LPS graduate 12 years ago): I went to Brandeis and then to Yale for classics. The ways that I learned to think about academia, comparative literature and interdisciplinary work I got from Dr. Fiveash's classes. I also learned that the study of dead languages is a worthwhile endeavor. I don't want this to disappear from Lexington before its time. I would like that environment to survive and thrive. Three teachers of this ilk to disappear at once is a bit drastic.

Eric Eid-Reiner: (LHS class of 2007): I had Mme Girondel and Dr. Fiveash. Dr. Ash said that fifteen teachers are retiring this year. He said Lexington has a 6.5% turnover rate compared to a national average of 15%. A national average is meaningless, we need to look at comparable school districts. We need to listen to what teachers, students and parents are saying. The level of response here tonight and the vibe in the schools is a cause for serious concern. I hope the School Committee will continue to listen to these concerns.

Chair Stewart: Thank you to all the students who spoke. The School Committee also cares about the schools. We have gone through many changes in the last few years with respect to state and federal mandates. We need to ask ourselves if we are pushing toward standardization at the expense of creativity and flexibility. The School Committee would like to look more closely at standardization, morale, and our vision for our schools, and in doing so engage community members in effective ways.

Dr. Ash: I came to Lexington because of its deep commitment to education. Thank you for coming here and challenging me. We hear a lot about standardization. I recommended that we not participate in the Race to the Top program. The United States is moving towards a national curriculum. We are moving towards nationalized standardized tests. The DOE is going to pass new regulations on teacher evaluations and will mandate that multiple measures of student performance including performance on MCAS be included. I deeply believe that we need a balance between a tight fit and a loose fit. Hyper standardization will

not lead to an outstanding education. Good teachers need to deeply know their students and how to teach. Our schools were built around a factory model. There has never been a public school district in the United States that has educated every student at a high level both academically and socially. That is our mission. We have individual instruction when necessary, not standardization.

I am heartbroken about the teachers who are leaving. I have spoken to all three of the teachers who are leaving and told them I respect what they have done and I wish they were not leaving. I cannot speak to personnel decisions; they are a private matter. I look forward to listening and learning from you.

Chair Stewart outlined the background on the superintendent's contract. The discussion is on extending the current contract to June 20, 2015. This discussion began following Dr. Ash's evaluation. The Chair described the process by which the evaluation was done and stated that the superintendent received a strong evaluation. Based on that evaluation Dr. Ash asked the Committee to consider extending his contract for two additional years. They discussed this in executive session. On June 1 there was a motion to extend Dr. Ash's contract for two more years, the Committee took a voice roll call vote and extended the contract for two more years. They added ten vacation days, continued the annual increase of 3%, took out the requirement for an annual physical and extended the amount of notice Dr. Ash is required to give of his intention to leave. The LPS attorneys suggested that this item be placed on the agenda. It was posted it within the forty-eight hour window required. All that is needed to implement the new contract is a signature from the Chair and the Superintendent.

Zeynep Bursal (Diamond and Fiske parent): Who is the School Committee responsible to? Have our voices been heard? Why did you not hold a public hearing? What happens if the community is not happy with this? Everything that made Diamond Diamond has been taken away: teams, project day. The parents are truly unhappy. Standardization will result in training robots. If you take away the individuality of the teaching styles there is no creativity left.

Bob Fraser (LPS attorney): The School Committee as a matter of law is an agent of the state. There are some circumstances in which the School Committee can take action independent of state requirements but they are few. School Committee members are the only government officials primarily responsible to a non-voting segment of the community. The Superintendent is hired by the School Committee. The School Committee is authorized to enter into a contract for as much as six years. From a legal standpoint there is no mandated role for the community in negotiating a contract with the superintendent.

There were comments and questions from the Committee.

Jessie Steigerwald described how the School Committed conducted a survey at the time of the evaluation of the Superintendent. In prior years it was only the five School Committee members who had input. She explained why the survey was not put out to more people. She said that Dr. Ash has been open to discussions with Committee members. There is a difficult

balance between mandates and fostering creativity. She told the audience that it is better if the public participates more.

Sandro Alessandrini: There are two different issues: standardization and teacher morale. We are going to look at this. I hope that we continue to attract good teachers and maintain them. Teacher morale is very important to us. If we have made policies that are making teachers unhappy we should change those.

The Chair noted that this is only the beginning of the conversation and opened the floor to continued Public Comment:

Jerry Harris (Parker Street): Why weren't the negotiations done in public?

The Chair indicated that the negotiations took place in executive sessions and that they were posted. Only action items can be reported from executive session.

Bob Fraser: No two negotiations are exactly the same. There are roughly ten reasons for which the School Committee may go into executive session. In my experience contract negotiations with superintendents have been done in executive session.

Jerry Harris: The important thing is: How are you going to engage the community on the teacher morale issue? The culture of an organization is determined by the boss. Concerns about fear, low morale, and retaliation do not come from standardization. That is the culture of the group. The worst case will be that teachers will disengage. The School Committee should form an independent committee to look into this.

Kevin Johnson (Concord Ave., SEPAC board member): I have seen steady improvement in the schools since my kids began. A lot of progress has been made, particularly in home-school communication. I support the School Committee while they work to improve Lexington schools. Changes must be pursued if improvement is to be made.

Diane Biglow (precinct 8): Thank you to Jessie for her comments. Everyone needs to vote. You waited until 8:30 to tell us that the contract was already signed; you should have told us that at the beginning of the meeting.

Nancy Rozier (Concord Avenue, Former LEF Board member): I applaud Amy Patterson who has come here with qualitative and quantitative data. I support the parents, teachers, School Committee and Dr. Ash. We use collaboration and teamwork because we all want excellence in our schools. During Dr. Ash's tenure I have noticed a real shift in the effort to raise student achievement. All teachers retire including great teachers. I am going to feel just as bad when Dr. Ash retires as when Steve Bogart retires.

Dawn McKenna (precinct 6): We are over capacity in this room and there are over thirty people in the hallway; I have concerns about that for Open Meeting Law.

According to the Attorney General's website regarding executive session if you go into executive session to discuss a contract you need to declare that a discussion in open session would have a detrimental effect. Why would this have been detrimental?

Bob Fraser: I have never seen any decision that requires that the Committee to go beyond just saying that there would be a detrimental effect in conducting the negotiations in public.

Dawn McKenna: I publicly request that on June 15 you state the dates that you went into executive session for this issue and that you release those minutes on June 15.

Dr. Faruk Bursal (Adams St., Fiske and Diamond): Financial achievement should not be a measure of our success as educators. The needs of those who are high achievers are not being met and these kids will become disinterested in education. I would like to vent my frustration about standardization, which can lead to mediocrity. We must combat this with the School Committee's and the school administration's help. Standardization helps underachievers not overachievers. Lexington children have traditionally been overachievers. We are passionate about our children's futures.

Kathleen Lenihan (Bloomfield Street): As the co-PTA president of the Bowman PTA, for the past two years I have had the pleasure of working with Dr. Ash and I have always been impressed with his openness and his commitment to our children's education. Lexington is not merely surviving in this difficult economic climate but we are adding programs and staff and increasing access to cutting-edge technology. While finances are not everything, if we do not keep our financial house in order many of the things that we take for granted will disappear. I am pleased that Dr. Ash will be continuing.

Andre Radelescu Banu (Cedar Street): The Chair used to always respond to emails and I would like to ask you to resurrect that tradition.

Chair Stewart: We do respond within a week. I am sorry if I missed an email from you.

Andre Radelescu Banu (Cedar Street): Can the School Committee investigate the assigning of teachers to classes?

Theodora Martin: I saw a very different attitude at the April meeting. Dr. Ash acted like a bully when a student read a letter about Dr. Fiveash and Mme Girondel, and he lied. He said that these teachers chose to retire. Do you think we are idiots? What good is a superintendent who lies?

Tim Zhu (LHS Junior): I commend you on the progress you have made this year. Which is more important: listening and acting on the ideas of the community or abiding by rules made by people who are not in the community? I suggest that you break the rules when necessary so that every student can get a high quality education.

Harvy Simkovits (parent, Estabrook, Diamond and LHS): Thank you for listening to us. I am an organizational consultant. Culture and leadership are not about numbers but about a

feeling. Since you arrived, Dr. Ash, there has been a change of feeling in Estabrook. There was less parent involvement when Principal Batten came on the scene. Parental presence was not as strongly felt. This issue also came up around the Extended Day issue. There was a feeling that the parents were not welcome in the room. I have no doubt that there has been good management of LPS in the last five years but I wonder about the leadership. Are the teachers being inspired to be and do their best? Do we allow diversity in the way that they teach? Can we manage well and lead well in a way that inspires the teachers to do more and more for the students and not less and less.

Gloria Bloom (Reading from a letter from **Robert Gartside**): LHS has been known as one of the finest public schools in Massachusetts. The resignations of Brian O'Connell and the latest three teachers are disturbing. Clearly the great teachers are leaving, allowing the superintendent to appoint young teachers who cost less. This happened to Oberlin College, where the quality of the faculty declined. Poor teacher morale has far reaching effects. I have already heard of one young family that was advised not to move to Lexington because of the turmoil here.

Michaela: It is absolutely true that Mme Girondel and Dr. Fiveash were pushed to retire. Mme Girondel was taken out of the exchange. We had eleven students for a literature class and twenty-three for the AP class. They decided to have two AP sections, instead of one AP class and one literature class. I am active in the foreign language department and they are getting aggravated. The department is not going in the right direction. They are losing two great teachers and keeping some not so great ones.

Elizabeth Dalamito (LHS class of 2011): I have had three siblings to go through LHS. There is a trend towards oppression of teachers. They are afraid to speak their minds and take risks because there is a culture of retaliation and oppression. Many teachers and students are very unhappy with the current leadership of Dr. Ash. All of these teachers were pushed out. This leadership is not good. The backhanded way the contract was discussed is very disturbing. It should have been made more public—we should have had more opportunity to discuss out feelings about Dr. Ash's contract.

Debbie Strod (parent): Change is hard. I hope that you will do more community building before big decisions. Help us in building our partnerships with teachers. I want our teachers to know we appreciate them. Quality improvement is best if there is not a culture of fear and blame. One person in a kid's schooling experience can make a difference in a kid making it or not.

Josh Melnick: A question to attorney: Where is the conflict if no constituency is against deciding this in public?

Bob Fraser: Both parties must agree to have the discussion in open session.

Josh Melnick: Could the School Committee member whose child who could have had any of these teachers please comment?

Bonnie Brodner: Thank you for asking that question. Clearly the teachers who are leaving are beloved. It is a testament to our community to see all this interest. It is clear we need to look into morale. There are fifteen teachers retiring. I am sure the other ones will be missed as well. We need to figure out the best way to discuss morale.

Sandro Alessandrini: I also have children in the schools. I admire Dr. Fiveash. When we make decisions we look at the big picture. We also take into account the concerns of the public. I don't want to see Dr. Fiveash leave. We care about the students and the teachers.

Jessie Steigerwald: As a parent my daughter would have had Mme Girondel and has been looking forward to having her. She is sad that Mr. Bogart is leaving. As a School Committee member I look through a different lens. We don't micromanage. We give feedback. We should be a synthesizer of community concerns. The fiscal part is important because it allows us to keep teachers. Where does teacher input belong in the school system and what role do we play in that? We are an intellectual community, we want teachers who question.

Noah Coolidge: As a student at LHS, I have worked with both Mme Girondel and Dr. Fiveash on Student Senate. There was a tearful goodbye party for them. I was going to take a class with Dr. Fiveash next year. PLCs are important and standardization does have a place in some school systems. LPS needs to find ways to use its talented teachers and committed parents and I hope to help with that.

Britta McCarthy (Mass. Ave.): I want to commend that you are maintaining the budget. It is difficult to quantify teacher morale. There should be a safe place for teachers to express their concerns. Please reconsider how you approach the teachers and staff. We pride ourselves in controversial theater.

Margaret Coppe: I want to commend everyone in this room for the tenor of tonight's meeting. It has been constructive and informative. I take seriously an obligation to act on what we hear tonight. It has been a difficult week for all of us.

Dr. Ash: Thank you for coming tonight. A healthy school culture is a place where you can have disagreement and dialogue. What is important is what is in the best interests of students. I took copious notes tonight and I really want to look into how we make LPS a caring and respectful place for everyone. I am genuinely sad to see good teachers retire. Where we have made a mistake we need to learn from those mistakes. Part of that is getting feedback. There was a voluntary survey to all teachers in Massachusetts—the Mass TeLLS Survey. From it we learned that our professional development needed improvement. My heart and soul is in personnel not in numbers. A school system is only as good as the people you hire and retain. Good teachers really know their students. I will be pushing back hard on the common core curriculum. Because we are so high performing my hope is that the state will leave us alone. My job, working with the School Committee and the principals is to address issues like morale. I have never worked with a stronger group of principals. Next year we will repeat the Mass TeLLS survey and we will share the results and come up with an action plan. There are four drivers of a really good school system: an environment of honesty, collaboration,

capacity building and leadership everywhere. I apologize for where we have not done a good job. I look forward to opportunities to have dialogue face-to-face.

Jessie Steigerwald: I want to clarify that my understanding was that we voted on terms in executive session and were going to ratify the contract in public.

Bob Fraser: The vote was to accept the last position of the Superintendent that was on the table so it was *de facto* accepted. The School Committee could take another vote publicly either on the terms of the contract or to authorize the Chair to sign on behalf of the School Committee.

Motion to formalize the contract in public and authorize our Chair to sign for our convenience (Steigerwald, Brodner). The motion passed 5-0.

Frank Sandy (precinct 6): I am disturbed that a vote was taken in executive session where not all the members of the Committee knew what they were voting on. Does what these parents have said have *any* effect on any member of the School Committee? Will you take a vote now that takes into account all the things the parents and students have said tonight?

Chair Stewart: I believe that our lawyer clarified that the vote taken on June 1 was a legally binding vote. We have listened to all the comments; this is the beginning of a process.

Dawn McKenna (precinct 6): Taking a vote in public at this point does not solve the problem. You cannot vote on the contract in executive session. Has it been appropriately done? The point of the open meeting law has not been honored.

There was a short break before the Action Items were taken up at 11:03 p.m.

VI. Action Items

1. Vote to Approve 2012-2013 School Calendar. Carol Pilarski noted several changes to the calendar: The professional development day will take place on September 13; Back to School Night will take place on September 20; Elementary conferences will take place on October 31, November 1, November 7 and November 8. Also, Election Day, November 6, will be a full-day professional development day.

There were comments and questions from the Committee.

Dawn McKenna raised concerns about the post-Labor Day start.

Motion to approve the 2012-2013 School Calendar (Steigerwald, Alessandrini). The motion passed 5-0.

2. Vote to Accept a \$100 Donation to the William G. Tapply Memorial Fund.

Motion to accept with gratitude a \$100 Donation to the William G. Tapply Memorial Fund (Alessandrini, Coppe). The motion passed 5-0.

3. Vote to Approve School Committee Minutes of April 11, 2011.
4. Vote to Approve School Committee Minutes of May 10, 2011.

Margaret Coppe suggested an amendment to the May 10 minutes: Removal of the words "...and not to those who do not" at the end of the "Superintendent's Announcements."

Motion to accept the School Committee minutes of April 11, 2011 and May 10, 2011 as amended (Steigerwald, Brodner). The motion passed 5-0.

Dr. Ash: The letter reminding people to register their children is not meant to be disparaging in any way it is just a reminder to perform a clerical task. At some point we will have to assume that people who have not registered are not living in town. There were 1800 students not on the census. After the first letter that number dropped by 1000.

VII. Motion to adjourn (Coppe, Steigerwald). The motion passed 5-0.

The meeting was adjourned at 11:25 p.m.

Documents: *Meeting agenda; memo from Paul Ash, to the School Committee, re: June 7, 2011 School Committee Meeting memo from Bowman Principal Mary Anton and Elementary School Principals, to Superintendent Paul Ash and Members of the Lexington School Committee, re: Creation of a Pilot Response to Intervention Specialist Position; Lexington Public Schools FY11 Available Funds Request; Lexington Public Schools 2012-2013 School Calendar draft; Lexington Public Schools 2012-2013 School Calendar updated draft memo from Mary Ellen Dunn, Assistant Superintendent for Finance and Business, to Superintendent Paul Ash, re: Acceptance of Donation of \$100 for the Tapply Fund; School Committee minutes of April 11, 2011; School Committee minutes of May 10, 2011; revised meeting agenda; Evaluation of the Superintendent by the Lexington School Committee, July 12, 2009 through March 1 2011.*

LEXINGTON SCHOOL COMMITTEE MEETING
Wednesday, June 15, 2011
Cary Hall — Auditorium and Ellen Stone Room
1605 Massachusetts Avenue

Present: Superintendent Paul Ash, School Committee Chair Mary Ann Stewart, School Committee Members Sandro Alessandrini, Bonnie Brodner, Margaret Coppe and Jessie Steigerwald. Student representative Noah Coolidge arrived during the second portion of the meeting. The minutes were taken by Leora Tec and edited by the Chair.

School Committee attorneys Robert (Bob) Fraser and Colby Brunt, of Stoneman, Chandler & Miller, LLP and Town Counsel Kevin Batt, of Anderson & Kreiger, LLP were in attendance.

The meeting was convened at 6:40 p.m.

I. Call to Order (Cary Hall Auditorium) (Chair Stewart)

(Superintendent Paul Ash was not present for this portion of the meeting. He joined the meeting after the Executive Session).

The Chair reviewed the complaint procedure set out in the Open Meeting Law. She explained that the Executive Session minutes would first be reviewed, followed by the complaints.

II. Review of Executive Session Minutes

Chair Stewart noted that Town Counsel and School Committee Counsel recommended that the School Committee vote to approve and release the minutes from both the Open Sessions and the Executive Sessions.

Motion to approve and release Open Meeting minutes of Tuesday, April 26, 2011 (Steigerwald, Alessandrini). The motion passed 5-0.

Motion to approve and release Executive Session minutes of Tuesday, April 26, 2011 (Brodner, Coppe). The motion passed 5-0.

Motion to approve and release Open Meeting minutes of Monday, May 16, 2011 (Alessandrini, Steigerwald). The motion passed 5-0.

Motion to approve and release the Executive Session minutes of Monday, May 16, 2011 (Steigerwald, Coppe). The motion passed 5-0.

Motion to approve and release Open Meeting minutes of Monday, May 25, 2011 (Brodner, Alessandrini). The motion passed 5-0.

Motion to approve and release Executive Session minutes of Monday, May 25, 2011 (Coppe, Alessandrini). The motion passed 5-0.

Motion to approve and release Open Meeting minutes from Wednesday, June 1, 2011 (Coppe, Alessandrini). The motion passed 4-0-1 (Steigerwald). Ms. Steigerwald clarified that the reason for her abstention was her absence from that portion of the meeting.

Jessie Steigerwald offered an amendment to the Executive Session minutes of Wednesday, June 1, 2011: Replace “to extend” with “to offer to extend.”

Motion to approve and release Executive Session minutes of Wednesday, June 1, 2011 as amended (Alessandrini, Brodner). The motion passed 5-0.

III. Open Meeting Law Complaints

Chair Stewart explained that Counsel recommends that the School Committee go into Executive Session to discuss the two Open Meeting Law complaints. The Chair has determined that with respect to litigation an open session may have a detrimental impact upon the School Committee’s defense of its actions.

Motion to go into executive session for purposes of discussing the Open Meeting Law complaints and to discuss strategy with respect to administrative litigation to return to an open session after discussion (Coppe, Alessandrini). Alessandrini-aye, Brodner-aye, Coppe-aye, Steigerwald-aye and Stewart-aye.

IV. Executive Session (Ellen Stone Room)

V. Return to Open Session and Welcome (Chair Stewart, Cary Hall Auditorium)

The meeting was reconvened at 8:07 p.m.

Chair Stewart explained that in Executive Session the School Committee began to craft an appropriate response to the two Open Meeting Law complaints filed by Mr. Eric Eid-Reiner and Ms. Dawn McKenna. The Committee has also begun to identify ways to improve with respect to minutes, agenda and other allegations contained in the Open Meeting Law Complaints. The Chair outlined the structure of the rest of the meeting. She explained the nature of a School Committee meeting including the roles of both the Superintendent and the School Committee. She explained that there will be no public comment during the main portion of the meeting tonight as the agenda is very full.

VI. Public Comment

Pam Hoffman (Rangeway), a long time Lexington resident and past Estabrook PTA President, former Estabrook Site Council member, and former Town of Lexington Appropriation

Committee member, thanked members of the School Committee and LPS staff for their dedication and tireless efforts to make the Lexington Public Schools the best system possible.

Michaela Shtilman-Minkin (LHS class of 2011) stated that she helped 2011 LHS classmate Amy Patterson in completing a survey regarding teacher morale at the high school.

The Chair interrupted to clarify that this is not an appropriate topic for Public Comment, as it is an agenda item coming up shortly.

Jessie Steigerwald requested that the Chair permit Ms. Shtilman-Minkin to speak now as it was stated there would be no time for public comments later in meeting.

The Chair asked if a majority of Committee members also wished to hear from the speaker; a majority indicated that they did.

Ms. Shtilman-Minkin read a statement about the results of the recent student survey of high school teachers. She acknowledged that the survey is not scientific and they received a response rate of 70%. They included all comments with the survey and explained the methodology behind the survey.

Ilene Benghiat (Sunny Knoll Avenue) expressed concern about teachers not having a voice and the fact that they may be afraid to speak out for fear of retribution. She suggested an ombudsman may be a good solution.

The Chair thanked the speakers and announced the end of Public Comment.

Jessie Steigerwald objected to closing Public Comment, seeing citizens still waiting to speak.

Margaret Coppe suggested that perhaps people already standing at the microphone could speak before closing Public Comment.

The Chair explained that the Committee had heard from the public through emails, letters and nearly two hours of public comment the week before. She stated this is an opportunity for the Committee to discuss the issue.

Margaret Coppe asked that the Committee agree to take the statements from the five people at the microphone and requested that each of those people take only two minutes each.

The Chair asked for a majority of the Committee to also agree to extend Public Comment. A majority indicated that they agreed.

Sandro Alessandrini agreed to allow these five people to speak and called for civility.

Bonnie Brodner also agreed, requesting the audience not react to speakers so there would be more time to hear people.

Stephanie (Last name?), an LHS student, read some results from the student survey. She said students asked many non-teachers for comments and almost all decided not to comment; the speaker read several comments made by one non-teacher respondent .

Deborah Zilberman (Parker Street) called for building trust between all parties and stated the importance of each party being able to openly share their concerns without fear of retribution. She suggested an outside facilitator be hired to better foster an atmosphere of trust.

Susan Kenyon (Parker Street) expressed faith in ways to improve the situation and she thanked the Committee for their tireless work. She also thanked the students who conducted the survey. Ms Kenyon called for civil and respectful discourse and an independent committee to introduce a new model of relationship building.

Olga Gutttag (Former School Committee member, Emerson Road) talked about providing adequate public notice of important issues and asked the School Committee to establish clear procedure in this regard.

Dawn McKenna (Hancock Street) identified herself as one of the complainants who filed an Open Meeting Law violation with the Attorney General's Office. She appreciates the work of the Committee and expressed concern related to process, especially regarding the extension of Dr. Ash's contract.

VII. Superintendent's Announcements

1. Cary Memorial Library Summer Reading Program — "One World, Many Stories." Dr. Ash shared part of a letter from Ruth Nadelman Lynn about the summer reading program at Cary Memorial Library.
2. Lexington Education Foundation Program Grants. Dr Ash thanked the LEF for grants totaling \$280,233. A list has been made available to the public and the School Committee.

VIII. Members' Reports / Members' Concerns

Margaret Coppe: The School Committee thanks Leora Tec who has been our secretary for 5.5 years.

Sandro Alessandrini: I have had good feedback about cutting the elementary music fee in half and about acquiring Elmos.

Bonnie Brodner: The Lexington Human Right's Committee is holding an event on Sunday, November 6th, 2011 at 2:00 p.m. at Cary Hall about the 1960s and 1970s in Lexington. They are looking for people who have material from this era that has to do with Lexington. Please contact the Lexington Historical Society if you have such materials.

Jessie Steigerwald: Congratulations to Noah Coolidge, the School Committee student representative who won a book award. Thanks to everyone who has participated and who has reached out to us. A lot of teachers are here tonight. Thank you for constantly being present. Thanks to the parents who make an effort to thank the teachers. She noted Harvy Simkovits' suggestion for a bi-monthly meeting where schools could be discussed and said that is what

School Committee is. She also noted it is very difficult to give weight to the two anonymous notes School Committee received and stated it is better to come out and to speak.

IX. Agenda

I. Follow-Up Discussion on School Climate Survey, Including Morale.

The Chair noted that the School Committee had received numerous communications regarding this issue and this is the first opportunity the Committee has had to discuss it. As it is difficult to measure the scope of this issue, she is interested in hearing feedback from her colleagues and from Dr. Ash.

Dr. Ash thanked speakers for their comments and for coming out to the meeting. He reiterated that one of his core beliefs is caring and respectful relationships. Healthy organizations can have conflict and the environment created for the adults also affects the students. Dr. Ash then read prepared remarks regarding the issues of morale that have come up and addressed four areas for collaboration with the LEA.

Phyllis Neufeld (LEA President) read a statement supported by the LEA Executive Board. She said the LEA looks forward to collaborating with Dr. Ash on this important work. The issue of morale has received a lot of attention; LEA educators, School Committee members, and school administrators must work together to determine how widespread these issues are and to formulate a plan to address concerns in a safe environment. She stated the LEA looks forward to the next steps in this collaboration.

The Committee discussed the morale issue.

Bonnie Brodner: I am happy about the collaboration. Thank you to Dr. Ash and to Phyllis Neufeld.

Jessie Steigerwald asked Dr. Ash about a timeframe for the steps he outlined. She would like to know what resources exist, including outside resources for this in the budget. She feels there is a disconnect between the results of the evaluation and the opinions that have recently been expressed. She wants to ensure the Committee does a good job when evaluating Dr. Ash.

Sandro Alessandrini: Who is more independent than the union representative for teachers? Having Phyllis Neufeld involved is key. We have a great opportunity to be innovative here. Teachers have people work and administrative work. We can be innovative to help teachers with their administrative work so they can be more creative in their teaching. I hope we discuss morale and how to best educate the students. We have an opportunity to go forward and ask how to provide the best environment for the teachers to teach more creatively as their work load increases.

Margaret Coppe: The state mandated teacher evaluations will begin in 2013. I want to second that we need to put our trust in someone and Phyllis is a good place to start. The issue of trust is so important right now. Going outside the community to get a neutral person to facilitate might be a wise move. I lean towards that.

Jessie Steigerwald: We are trying to re-establish trust between teachers and the administration but also between the community and School Committee. I feel strongly that someone independent should look at the student survey and the TeLLs Survey. There is a complex relationship between the union president and the Superintendent. Regarding the culture of fear: it's not just teachers who are afraid, parents are also afraid. It's complicated.

Sandro Alessandrini: If there is an impasse then we should have an outside person come in. The School Committee does listen to people.

Jessie Steigerwald: We need to re-establish trust with the community. I'd like to know what Margaret thinks as someone who has been a member of the teachers' union.

Margaret Coppe: A good start is what Dr. Ash has produced here. We need to have measurable goals. Disagreement can result in things getting better.

Jessie Steigerwald: Schools are different than when we went to school and are evolving. This is an ongoing conversation. We need to put together a panel on standardization to educate the community. The Cambridge School Committee has a round table a couple of times a year. Preserving creativity in a time of standardization would be a possible round table topic. The conversation with parents should continue in a more informal setting. I agree with Margaret that we also need to figure out something around measurement.

Bonnie Brodner: Regular public hearings would be a good idea. Could we ask for a report in our first meeting in the fall?

Chair Stewart: I think we are hearing broad support for a structure to be determined with the Superintendent and the LEA president. We are very interested in being collaborative. We care about education and want to bring that into our own community.

2. **New LPS Website.** Presented by Thomas Plati, Director of Education Technology and Assessment. Mr. Plati thanked LEF for the technology grants that they have provided to LPS. An outside group called School Wires has been contracted to do the website. Web content coordinators for each school have been appointed. The new site will be visually pleasing and there will be online options for translation to many different languages. The new website is expected to go live in September. Mr. Plati requested feedback on what content should be included in the School Committee section of the website.

There were questions and comments from the Committee and from the audience.

3. **K-5 Pro-Social Skills Program.** Introduced by Dr. Ash. Bridge Principal Meg Colella and Estabrook Principal Sandra Trach explained the adoption of *Responsive Classroom* which will work in tandem with *Open Circle*.

There were questions and comments from the Committee and the audience.

4. **New England Association of Schools and Colleges (NEASC) Two-Year Progress Report for Lexington High School.** Presented by LHS Principal Natalie Cohen. Ms. Cohen gave the background of the NEASC study in Lexington. Communicating expectations for students was one area that needed to be improved. Ms. Cohen wrote a report and submitted it in

January of this year and stated that LHS has been reaccredited. She noted improved collaboration at the high school and the need for continued professional development support for teachers and that teachers need more time to work together.

There were comments and questions from the Committee.

Dr. Ash emphasized that the NEASC report was extremely complimentary.

5. Superintendent's End-of-Year Report. Presented by Dr. Ash. He stated this is an interim report, as these goals were established as 18-month goals in order for the goals and the budget to be proposed in sync in the future (January 2012). He stated that the faculty and the administration made significant progress on all of the School Committee's system goals.

Dr. Ash stated that for the fourth year in a row LHS has had the highest mean SAT scores in the state. LPS has been cited by Education Week and the National Staff Development Council as having a national model for professional development (PD). He thanked Carol Pilarski and Joanne Hennessy for their work on PD. Town Meeting approved the scope for the Bridge and Bowman renovation project (this was not one of our goals), we dealt with the PCB problem at Estabrook through collaboration among the community, the staff at Estabrook, the School Committee, the administration and outside experts. Every room at Estabrook is now below EPA guidelines. The MSBA has approved our plan to build a new Estabrook School. METCO Director Barbara Nobles has done a lot to improve academics and improve communication with Boston families. The DMC report looked at SPED services and next year we will have three committees to look at specific areas.

Dr. Ash then went through the goals set out by the School Committee. Almost all goals were attained including those around: curriculum review, professional development, websites and social and emotional competency. The only goal that was not met was the safety goal due to the fact that the company working with LPS to provide materials went bankrupt; he stated that this goal is expected to be completed by January 2012. Dr. Ash thanked the Central Office team, the principals and many others in the system who made attaining these goals possible.

There were comments and questions from the Committee and from the audience.

6. Vote to delegate full authority and responsibility to the Town Manager to agree to terms and conditions, as he deems fit, and to award and execute all contracts involving the feasibility study, design and construction of the new Estabrook School. Dr. Ash stated that this is formality; someone must be delegated to act in this capacity.

Motion to delegate full authority and responsibility to the Town Manager to agree to terms and conditions, as he deems fit, and to award and execute all contracts involving the feasibility study, design and construction of the new Estabrook School (Brodner, Alessandrini). The motion passed 5-0.

(Note: Item #s 7, 8 and 9 were taken up after item #1.)

Before discussing the field trips, Director of Student Services **Linda Chase** discussed children with medical needs attending field trips out of state or out of the country. She noted that these are considered on a case-by-case basis.

7. Vote to Approve Jonas Clarke Middle School Field Trip to LaGuácima de Alajuela, Costa Rica, March 8 through March 17, 2012.

There were comments and questions from the Committee on issues including: getting homework done and missing school.

Motion to approve Jonas Clarke Middle School Field Trip to LaGuácima de Alajuela, Costa Rica, March 8 through March 17, 2012 (Coppe, Brodner). The motion passed 5-0.

8. Vote to Approve Lexington High School Field Trip to Stockholm, Sweden; Helsinki, Finland and Tartu and Tallinn, Estonia, April 12 through April 22, 2012.

There were comments and questions from the Committee on issues including: cost and ratio of students to chaperones.

Motion to approve Lexington High School Choral Field Trip to Stockholm, Sweden; Helsinki, Finland and Tartu and Tallinn, Estonia, April 12 through April 22, 2012 (Coppe, Alessandrini). The motion passed 4-1 (Steigerwald).

9. Vote to Approve Lexington High School Science Team Trip to New Brunswick, Canada, July 24 through July 29, 2011.

Motion to approve Lexington High School Science Team Trip to New Brunswick, Canada, July 24 through July 29, 2011 (Steigerwald, Brodner). The motion passed 5-0.

10. Animals in Schools Policy – Second Reading. Presented by Margaret Coppe, Chair of the Policy Sub-Committee. Ms. Coppe noted that there are two town regulations governing animals in schools: the first is a Parks and Recreation policy that does not allow dogs or horses on school grounds and the second is a Board of Health requirement for a permit to hatch and maintain more than five chickens. The school nurses are opposed to live animals in schools in general.

There were questions and comments from the Committee.

Motion to dispense with the third reading of the animals in schools policy (Steigerwald, Alessandrini). The motion passed 5-0.

Motion to adopt the Animals in Schools Policy (Steigerwald, Brodner). The motion passed 5-0.

11. Vote to Accept a \$250 Donation to the Nick Barnett Science Olympiad Team.

Motion to accept a \$250 donation to the Nick Barnett Science Olympiad Team (Steigerwald, Alessandrini). The motion passed 5-0.

12. Vote to Accept a \$5,000 Donation to Lexington Children's Place.

Motion to accept a \$5,000 donation to Lexington Children's Place (Coppe, Brodner. The motion passed 5-0.

13. Vote to Accept a \$282 Donation to Lexington Children's Place from the LEXFUN Consignment Sale.

Motion to accept a \$282 donation to Lexington Children's Place from the LEXFUN Consignment Sale (Brodner, Alessandrini). The motion passed 5-0.

14. Vote to Approve School Committee Minutes of May 31, 2011.

Motion to approve School Committee Minutes of May 31, 2011 (Steigerwald, Brodner). The motion passed 5-0.

15. Vote to Approve School Committee Minutes of June 7, 2011.

Motion to approve School Committee Minutes of June 7, 2011 (Alessandrini, Steigerwald). The motion passed 5-0.

Ms. Steigerwald brought up the fact that minutes that were previously approved by consensus must be voted on with a motion.

Motion to approve the minutes from January 25, 2011, February 15, 2011 and March 1, 2011 (Coppe, Alessandrini). The motion passed 4-0-1 (Brodner).

Motion to approve the minutes from March 15, 2011, March 21, 2011, March 23, 2011, March 30, 2011 and April 4, 2011 (Steigerwald, Brodner). The motion passed 5-0.

X. Motion to adjourn (Alessandrini, Coppe). The motion passed 5-0.

Documents: *Meeting agenda; letter from Ruth Nadelman Lynn, Children's Services Department Head, Cary Memorial Library, to Superintendent Paul Ash, re: "One World, Many Stories @ Cary Library"; program grants 2011-2012; Lexington Public School Web Site Update; memo from the elementary school principals, to Dr. Ash and the School Committee, re: "Transition from the Open Circle Program to the Responsive Classroom Program; letter from NEASC Commission on Public Secondary Schools to LHS Principal Natalie Cohen re: LHS accreditation; memo from Superintendent Paul Ash, to the School Committee, re: Interim Report on System Goals (July 1, 2010 through January 1, 2012) and supporting documentation; Documents related to Jonas Clarke Middle School Homestay in Costa Rica; Documents related to Lexington High School Choirs Concert Tour of Europe to Stockholm, Sweden; Helsinki, Finland; and Tartu and Tallinn, Estonia; Lexington Public Schools Field Trip Request Form for the Lexington High School Science Team Trip to New Brunswick, Canada; Animals in Schools Policy, Second Reading; letter from Daniel Mehr, class of 2003, to Superintendent Paul Ash, re: \$250 contribution to the Lexington High School Science Olympiad Team; memo from Liz Billings-Fouhy, Supervisor of Early Childhood Education to School*
SC Meeting 6/15/11

Committee Members, re: \$5,000 anonymous grant from an LCP family and letter from the family to Ms. Billings-Fouhy; memo from Liz Billings-Fouhy, Supervisor of Early Childhood Education to School Committee Members re: donation of \$282 from LEXFUN to LCP; Lexington School Committee minutes of May 31, 2011; Lexington School Committee minutes of June 7, 2011; letter from Lexington residents Britta McCarthy, Tom Sidely and Donna Heuchling, to Superintendent Paul Ash, The School Committee and the Administration, re: complaints about the school administration; "Save the Date" card from the Town of Lexington Human Relations Committee and Lexington Historical Society; statement of Dr. Ash concerning School Climate and the plan to gather more information.

| | |
|--|---|
| Lexington Town Clerk Public Meeting Posting | |
| Date: | 4-20-11 |
| By: | CF |
| VTH: | DB: <input checked="" type="checkbox"/> |
| BB: | TWO: <input type="checkbox"/> |

LEXINGTON SCHOOL COMMITTEE MEETING
Tuesday, April 26, 2011
Lexington Town Office Building, Selectmen's Meeting Room
1625 Massachusetts Avenue

7:30 p.m. Call to Order and Welcome:

Public Comment – (Written comments to be presented to the School Committee; oral presentations not to exceed three minutes.)

7:40 p.m. Superintendent's Announcements:

1. Second Annual LHS Senior Art Exhibit to Be Held in the LPS Central Office Gymnasium, April 27 through May 13
2. The Final Day of School for Students in all Schools except Estabrook Is June 22. The Final Day of School for Estabrook is June 24. Both June 22 and June 24 are Half Days for Students
3. Presentation of Massachusetts School Wellness Awards to Hastings School and Lexington High School Held at the 2011 Legislative Breakfast on Wednesday, April 6

7:50 p.m. Members' Reports / Members' Concerns:

8:00 p.m. Discussion Items:

1. Plan to Establish Three Special Education Study Committees (30 minutes)
2. Recommendation for Extended Day Child Care Lease Award (30 minutes)
3. Future School Committee Meeting Dates and Tentative Agenda Items (10 minutes)

9:10 p.m. Action Items:

1. Vote to Appoint Charles Favazzo as the School Committee Representative on the Permanent Building Committee (5 minutes)
2. Vote to Accept a \$635 Donation from Wilson Farms' School Fundraiser to Hastings School (2 minutes)
3. Vote to Accept \$300 in Donations to the William G. Tapply Memorial Fund (2 minutes)
4. Vote to Approve School Committee Minutes of March 21, 2011 (2 minutes)

9:20 p.m. Executive Session (Contract Negotiations with Nonunion Personnel):

TOWN CLERK
LEXINGTON MA

2011 APR 20 PM 4:02

The next meeting of the School Committee is scheduled for Tuesday, May 10, 2011, at 7:30 p.m. in the Town Office Building, Selectmen's Meeting Room, 1625 Massachusetts Avenue

All agenda items and the order of items are approximate and subject to change.



Lexington Public Schools

146 Maple Street ♦ Lexington, Massachusetts 02420

Paul B. Ash, Ph.D.
Superintendent of Schools

(781) 861-2580
email: pash@sch.ci.lexington.ma.us
fax: (781) 863-5829

April 29, 2011

TO: Donna Hooper, Town Clerk, Town of Lexington
FROM: Paul B. Ash, Superintendent of Schools
RE: Lexington Public School Committee Meeting

Please be advised that the Lexington Public School Committee will meet on the date, at the time, and in the location noted below. It is anticipated that this meeting will go immediately into Executive Session for the purpose of contract negotiations with nonunion personnel and is not expected to return open session.

| <u>Date</u> | <u>Time</u> | <u>Location</u> |
|----------------------|-------------|---|
| Monday, May 16, 2011 | 7:30 p.m. | Lexington Town Office Building Room 111 1625 Massachusetts Avenue |

Anticipated Agenda Item: Contract Negotiations with Nonunion Personnel

Many thanks for publicly posting this meeting.

| | |
|--|--------|
| Lexington Town Clerk Public Meeting Posting | |
| Date: | 5/2/11 |
| By: | KK |
| VTH: | DP: |
| DB: | TMO: |

RECEIVED
TOWN CLERK
LEXINGTON MA
2011 MAY -2 AM 9:07



Lexington Public Schools

146 Maple Street ♦ Lexington, Massachusetts 02420

| | |
|--|---------|
| Lexington Town Clerk Public Meeting Posting | |
| Date: | 5-20-11 |
| By: | CF |
| VTR: | Dir: |
| BB: | TRD: |

Paul B. Ash, Ph.D.
Superintendent of Schools

(781) 861-2580
email: pash@sch.ci.lexington.ma.us
fax: (781) 863-5829

May 20, 2011

TO: Donna Hooper, Town Clerk, Town of Lexington
FROM: Paul B. Ash, Superintendent of Schools
RE: Lexington Public School Committee Meeting

Please be advised that the Lexington Public School Committee will meet on the date, at the time, and in the location noted below. It is anticipated that this meeting will go immediately into Executive Session for the purpose of contract negotiations with nonunion personnel and is not expected to return open session.

| <u>Date</u> | <u>Time</u> | <u>Location</u> |
|-------------------------|-------------|---|
| Wednesday, May 25, 2011 | 7:30 p.m. | Cary Memorial Building Ellen Stone Room 1605 Massachusetts Avenue |

Anticipated Agenda Item: Contract Negotiations with Nonunion Personnel

Many thanks for publicly posting this meeting.

RECEIVED
2011 MAY 20 AM 9:31
TOWN CLERK
LEXINGTON MA



Lexington Public Schools

146 Maple Street ♦ Lexington, Massachusetts 02420

| | |
|--|---------|
| Lexington Town Clerk Public Meeting Posting | |
| Date: | 5-26-11 |
| By: | CF |
| VTH: | DB: |
| PR: | TMO: |

Paul B. Ash, Ph.D.
Superintendent of Schools

(781) 861-2580
email: pash@sch.ci.lexington.ma.us
fax: (781) 863-5829

May 26, 2011

TO: Donna Hooper, Town Clerk, Town of Lexington
FROM: Paul B. Ash, Superintendent of Schools
RE: Lexington Public School Committee Meeting

Please be advised that the Lexington Public School Committee will meet on the date, at the time, and in the location noted below. It is anticipated that this meeting will go immediately into Executive Session for the purpose of contract negotiations with nonunion personnel and is not expected to return open session.

| <u>Date</u> | <u>Time</u> | <u>Location</u> |
|-------------------------|-------------|---|
| Wednesday, June 1, 2011 | 8:00 p.m. | Lexington Town Office Building Room G15 1625 Massachusetts Avenue |

Anticipated Agenda Item: Contract Negotiations with Nonunion Personnel

Many thanks for publicly posting this meeting.

RECEIVED
2011 MAY 26 AM 11:42
TOWN CLERK
LEXINGTON MA

15

DISK OF
LEXINGTON SCHOOL COMMITTEE
SCHOOL COMMITTEE MINUTES
JUNE 7, 2011

**Copies of this disk are available through
the Office of the Superintendent.**



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Dawn Last Name: McKenna

Address: 9 Hancock Street

City: Lexington State: MA Zip Code: 02420

Phone Number: +1 (781) 862-6690 Ext. n/a

Email: dawnforlexington@yahoo.com

Organization or Media Affiliation (if any): n/a

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Lexington School Committee

Specific person(s), if any, you allege committed the violation: Mary Ann Stewart, Chair, Margaret Coppe, Jessie Steigerwald, Alessandro Alessandrini, Bonnie Brodner

Date of alleged violation: 6/7/2011 approx

Dawn
6/9/2011

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The contract of the School Superintendent did not expire for another year +. The June 7th agenda was changed a couple of times. The final agenda indicated that a contract extension would be publicly discussed. Over 100 people came to comment on the appropriateness of the contract extension. During that open session, the School Committee announced that they had already voted to extend the contract for three years in a prior Executive Session. For the last 26 years I have regularly attended School Committee meetings and read agendas and heard motions to enter Executive Session. Nothing I knew prior to the announcement on June 7th gave notice that such a contract extension was being proposed. At no meeting that I attended did the School Committee move to go into Executive Session to discuss the extension of the Superintendent's contract. The fact that they had two attorneys present on June 7th (a rarity) indicated that they knew their process and agenda changes would be questioned. At the June 7th meeting I asked a series of questions regarding their compliance with the Open Meeting Law. What was the detrimental effect of discussing in public the extension of a contract that had not yet expired? They declined to answer. Under what exemption did they use to vote the extension in Executive Session? Instead of answering they

What action do you want the public body to take in response to your complaint?

Note: This textfield has a maximum of 500 characters.

The extension be nullified. Open session with adequate notice to take public comments and vote on extension. Provide: list of the dates of all meetings at which they voted to go into ES for purpose of contract extension; copies of minutes for each such meeting; release appropriate ES minutes; copies of all email correspondence related to extension; summary of extension terms; Hold meeting in room that accommodates audience. Also see email dated June 9, 2011 11:39 PM attached hereto.

Review, sign, and submit your complaint

Read this important notice and sign your complaint.

Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

I certify that the information contained on this form is true to the best of my knowledge.

Signed: Dawn L. McKenna

Date: 6/9/2011

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

The contract of the School Superintendent did not expire for another year +. The June 7th agenda was changed a couple of times. The final agenda indicated that a contract extension would be publicly discussed. Over 100 people came to comment on the appropriateness of the contract extension. During that open session, the School Committee announced that they had already voted to extend the contract for three years in a prior Executive Session.

For the last 26 years I have regularly attended School Committee meetings and read agendas and heard motions to enter Executive Session. Nothing I knew prior to the announcement on June 7th gave notice that such a contract extension was being proposed. At no meeting that I attended did the School Committee move to go into Executive Session to discuss the extension of the Superintendent's contract. The fact that they had two attorneys present on June 7th (a rarity) indicated that they knew their process and agenda changes would be questioned.

At the June 7th meeting I asked a series of questions regarding their compliance with the Open Meeting Law. What was the detrimental effect of discussing in public the extension of a contract that had not yet expired? They declined to answer. Under what exemption did they use to vote the extension in Executive Session? Instead of answering they voted to ratify their prior vote without specificity as to when that prior vote took place nor the exact prior motion. Yet, on the agenda that night there was no indication that they would be taking such a vote. The School Committee separates their agenda into discussion items and action items. This was listed as a discussion item.)

At the June 7th meeting, the School Committee acknowledged that there were too many people in the room and that people were waiting in the hallways. They asked the audience if they should move to a larger room and when they declined, proceeded in that room. However, the capacity of the room exceeded fire safety regulations. There were 30+ people standing in the hallway, many of whom could not see or hear the discussion, nor the tv monitors. Based on prior email traffic, it should have been foreseen that the room was too small to handle the anticipated crowd. The School Committee had an obligation under the law to suspend the meeting and move to larger quarters, not proceed based on public sentiment.

*Full text of description
of alleged violation*

*dem
6/9/2011*



Superintendent Contract Extension Open Meeting Law concerns

Thursday, June 9, 2011 11:39 PM

From: "Dawn McKenna"
<dawnforlexington@yahoo.com>
To: "Mary Ann Stewart"
<MaryAnn@redoniondesign.com>,
"Margaret Coppe" <mecoppe@gmail.com>,
"Jessie Steigerwald"
<jess@shininghours.com>, "Alessandro
Alessandrini" <alessandrini@comcast.net>,
"Bonnie Brodner"
<bonniebrodner@aol.com>

Mary Ann, Margaret, Jessie, Sandro, and Bonnie:

Before sharing the purpose of this email, I want to acknowledge the appropriateness Mary Ann's conduct of Tuesday's School Committee meeting. Her demeanor, body language, and comments was respectful, especially given the emotions of the moment. I am grateful that each of you were willing to hear audience comments that were uncomfortable at times.

In that spirit, I reiterate that I believe that the actions of the School Committee in approving the extension of the contract in executive session violates the Open Meeting Law. This email provides you with notice of my concerns and asks that corrective action be taken.

Here is a summary of my concerns:

1. It is a violation of the open meeting law to go vote on a contract extension in executive session.
2. There is no detrimental effect of having a contract extension discussion in public.
3. As a matter of precedence, I believe that prior

Dawn
6/9/2011

superintendent's contract terms in Lexington have been voted in public session.

4. Whether appropriate and timely notice was given for each public and executive session meeting regarding the contract extension. In addition, the agenda(s) were not sufficiently specific to reasonably inform the public of what was to occur at the meeting.

5. Whether the fact that number of people in the room created a fire safety violation.

6. Whether the fact that at least 30 people could not be accomodated in the room violated the open meeting law.

As I mentioned, I feel strongly enough about this that I am willing to file a complaint with the Attorney General's Office. However, I would prefer that the School Committee take corrective action so that such a complaint is not necessary.

What I propose is that the School Committee and Dr. Ash agree to withdraw the approved extension voluntarily at the June 15th meeting. Public comments be taken at the June 15th meeting, and at a subsequent meeting, with plenty of notice given, in open session, vote whether or not to extend the existing contract.

In addition, I request that at the June 15th meeting, the following actions be taken:

1. provide list of the dates of all meetings at which you voted to go into executive session for the purpose of contract extension with Dr. Ash.
2. provide copies of the minutes for the open session for each of those dates. (The law provides that they must be available whether they are in draft or final form so this can be done without approved minutes being in place.)
3. Vote to release the minutes of each an every executive session at which this topic was discussed. (This can be done since the purpose for the executive session no longer exists. If other items were discussed at those meetings, you can vote to release only the portions that relate to the Superintendent

Done
6/9/2011

contract.)

4. The meeting be scheduled in a room large enough to accomodate the size of the reasonably anticipated crowd.
5. Copies of all correspondence including emails received by the School Committee member(s) be made available for review by the public.
6. Provide a written summary of the terms of the extension and how that differs from the existing contract.

Please let me know your thoughts.

Dawn McKenna
9 Hancock Street

dcm
6/9/2011