



# Lexington Public Schools

146 Maple Street ♦ Lexington, Massachusetts 02420

Lexington School Committee

email: [school-com@comet.ci.lexington.ma.us](mailto: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

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LEXINGTON MA

**RE: Notice of Complaint Against the Town of Lexington School Committee filed by Eric Eid-Reiner on June 10, 2011<sup>1</sup>**

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 filed with the Committee Chair and the Town Clerk on June 10, 2011, by Eric Eid-Reiner of 7 Russell Road, Lexington, MA. A copy of the complaint is enclosed herewith. (Ex. 21). This letter responds to Mr. Eid-Reiner's complaint and notifies the Attorney General of remedial actions undertaken or proposed. Mr. Eid-Reiner is copied on this response as required by the OML Complaint procedures.

The complaint filed by Mr. Eid-Reiner sets forth five (5) separate counts. 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.

The Committee consists of five members elected-at-large for staggered terms of three years each.<sup>2</sup> 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 of hiring a Superintendent of Schools<sup>3</sup> and negotiating

<sup>1</sup> A copy of the complaint is attached hereto as Ex. 21.

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

<sup>3</sup> See G.L. ch. 71, sec. 41.

an employment contract that can run for up to six (6) years.<sup>4</sup> 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.”<sup>5</sup> 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 Mr. Eid-Reiner, 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 26 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. 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. (Exs. 17, 18, 19 & 20)

The negotiations were concluded on June 1<sup>st</sup>, 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 of June 1<sup>st</sup> (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. (Ex.9)

The minutes of the open and executive sessions held on April 26<sup>th</sup> (Ex. 1 & 2) May 16<sup>th</sup> (Ex. 3 & 4), May 25<sup>th</sup> (Ex. 5 & 6) and June 1<sup>st</sup>, 2011 (Ex. 7 & 8) 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.<sup>6</sup>

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<sup>4</sup>See G.L. ch. 71, sec. 37.

<sup>5</sup>See G.L. ch. 150E, sec.1.

<sup>6</sup> The Minutes of the June 7<sup>th</sup> meeting were approved and released at the meeting on June 15<sup>th</sup>, 2011. (Ex. 9)

**Count 1: The vote on Dr. Ash’s contract on June 1, 2011 was held in executive session rather than at a public meeting in violation of the Massachusetts Open Meeting Law.**

• **School Committee’s Response to Count 1:**

The Open Meeting Law, G.L. c. 30A s. 21, provides ten grounds upon which a public body may lawfully convene an executive session. Included among the ten reasons are two that deal with employment contracts. Section 21 (a) 2 of G. L. 30A, permits closed sessions for “...strategy sessions in preparation for negotiations with nonunion personnel...” and “...contract negotiations with nonunion personnel.” The minutes reflecting votes in open session cite this exception for each of the four relevant executive sessions. (Exs. 1-3-5 &7)

Count 1 of Mr. Eid-Reiner’s complaint, filed before the approval and release of minutes for the applicable open and executive sessions, reports only the Chair’s post hoc characterization of the executive session vote on the Superintendent’s contract amendment. As reported in the minutes of the executive session on June 1, 2011, the Committee approved a motion to “...offer to extend the Superintendent’s contract to June 30, 2015...” (Ex. 8). However the vote is characterized, negotiations over the terms of a contract involve an offer followed by an acceptance or a rejection that often takes the form of a counterproposal. Once the Superintendent accepted the final counteroffer from the Committee, a lawful contract, in effect, was formed. Nothing alleged in Count 1 supports Mr. Eid-Reiner’s assertion that the Committee’s vote to extend an offer to the Superintendent was not properly taken in an executive session called to conduct negotiations. The authorized conduct of negotiations in executive session implies, of course, that such negotiations may be conducted to their conclusion, as occurred in this instance.

**Count 2: The vote held at the June 7 School Committee meeting violated Open Meeting Law.**

• **School Committee’s Response to Count 2:**

a) The Complainant’s allegation that legal counsel advised the School Committee members that their votes on June 7 must be the same as when they voted the first time on June 1 is not true. Enclosed with this response is an audio/video CD that recorded the entire school committee meeting held at the Lexington Town Hall on June 7, 2011.<sup>7</sup> (Ex. 10)

b) Allegation is highly speculative and unsupported by any factual allegations that would even remotely support an Open Meeting Law violation. The entire meeting on June 7 was held in open session and in accordance with established practice it was recorded (Ex. 10)

c) See detailed discussion in Response to Count 3 below.

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<sup>7</sup> The Committee routinely records all of its open session meetings.

**Count 3: The agenda for the School Committee’s June 7, 2011 meeting was not “sufficiently specific to reasonably inform the public of the issues discussed at the Meeting,” thus violating Open Meeting Law Guidelines.**

- **School Committee’s Response to Count 3:**

In Count 3 of his complaint, Mr. Eid-Reiner alleges that three agendas were sent to the Lexington Yahoo Email List Serve by the Superintendent’s administrative assistant in advance of the Committee’s meeting on Tuesday, June 7, 2011. This allegation is immaterial to a claim of violation of the Open Meeting Law, since circulation of agendas on the Lexington Yahoo Email List is not an Open Meeting Law requirement. Such circulation is an administrative courtesy only.

The Open Meeting Law requires posting of the meeting notice, including the items reasonably anticipated by the Chair to be discussed, at the Town Clerk’s office and by means of an alternative method accessible at all hours to the public.<sup>8</sup> As an alternative posting method, Lexington has chosen to post meeting notices on the Town’s website as permitted by the Attorney General.<sup>9</sup>

Four successive notices, including agendas, were posted at the Clerk’s office and on the website in advance of the June 7<sup>th</sup> meeting. The first such notice (“first agenda”), received by the Clerk on June 3<sup>rd</sup> at 9:35 a.m. and posted promptly thereafter, did not include any item related to the Superintendent’s contract extension. (Ex. 11). By email later that day, the Superintendent advised the Clerk to post a new item on the agenda related to the Superintendent’s employment contract. (Ex. 12) On or about 3:36 p.m. on June 3, the Clerk posted a second notice (“second agenda”), which included “Superintendent’s employment contract” as item #8 under “Action Items.” (Ex. 13). The second agenda was posted well before 48 hours (excluding intervening weekend days) in advance of the June 7<sup>th</sup> meeting.<sup>10</sup> The second agenda had “sufficient specificity to reasonably advise the public” that the Superintendent’s employment contract would be discussed on June 7.<sup>11</sup> The School Committee fully complied with posting requirements with respect to this issue. Because the Superintendent did not rely on his administrative assistant to add this item to the meeting agenda, his assistant’s normal practice of emailing agendas to the Yahoo Email List Serve (along with other list serves) was not followed. Thus, Mr. Eid-Reiner, in relying on the Yahoo Email List Serve circulation, understandably overlooked this posting and the second agenda that was properly filed with the Town Clerk’s Office.

The Attorney General’s Open Meeting Law Guide advises that “[w]hile not required under the Open Meeting Law, public bodies are encouraged to make a revised list of topics to be discussed available to the public in advance of the meeting if the body intends to discuss topics that come up after posting but before the meeting convenes.” Open Meeting Law Guide (published 3/24/11) at 6. While a new topic did not come up after posting of the second agenda, the School Committee Chair updated the agenda two more times, in an abundance of caution to adhere to the Attorney General’s advice. Both these updates attempted to accommodate the anticipated time needed to adequately discuss and hear public comments on the issue of the Superintendent’s contract. Accordingly, on June 6 at 5:40 p.m., another agenda (“third agenda”) was posted, which moved the item from last to first place under Action Items, now listed as “Vote to Approve Superintendent’s Employment Contract (20 minutes)”. (Ex. 14). This agenda was circulated on the Yahoo Email List Serve and is referenced in Mr. Eid-Reiner’s letter.

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<sup>8</sup> 940 CMR 24.03(2).

<sup>9</sup> In addition, Lexington Public Schools (LPS) has its own website where meeting notices are posted, but like the Yahoo Email list serve, posting to the LPS website is not a requirement of the OML.

<sup>10</sup> 940 CMR 29.03 (1)(b).

<sup>11</sup> 940 CMR 29.03 (1)(b).

Finally, as she came to understand the degree of public interest in the topic, the Chair updated the agenda again (“fourth agenda”) (Ex. 15) to move the item to an earlier time in the meeting under “Discussion Items” and allow still more time to discuss the item, now listed as “Superintendent’s Employment Contract (60 minutes).” This change required that previously listed items of lesser priority be dropped altogether from the agenda. The fourth agenda was posted on the afternoon of the June 7 meeting at approximately 1:19 p.m. The fourth agenda was circulated to the Yahoo Email List Serve and other list serves.

The nub of Count 3 of Mr. Eid-Reiner’s Complaint is the change in wording and placement of the item from the third to the fourth agenda, dropping the words “Vote to Approve” and moving the item from “Action Items” to “Discussion Items.”

In part (c) of Count 2 and in Count 3, Mr. Eid-Reiner questions whether under the OML, on account of this agenda change, the Committee should be permitted only to discuss, but not vote on, the Superintendent’s contract extension. The Committee has never understood that placement of an item in the Discussion Items section of the agenda would bar a motion to take action on such an item, nor that the words “vote to approve” would be required in the agenda before a vote would be lawful under the Open Meeting Law. Indeed, no Attorney General’s opinion has yet required such precision, nor is there any basis in the Open Meeting Law to constrain public bodies to such a degree. The Attorney General’s regulations require that agenda items be described with sufficient specificity to advise the public of the “issues to be discussed,”<sup>12</sup> not the proposed treatment of or action to be taken on an issue. Clearly, the public was fully advised by the last three agendas that the Superintendent’s contract would be discussed at the June 7<sup>th</sup> meeting, and the meeting was attended by a large number of people.

Mr. Eid-Reiner goes on to fault the Chair for the timing of her disclosure on June 7<sup>th</sup> that a previous executive session vote on the Superintendent’s contract had taken place. The propriety and effect of that executive session vote is addressed under Count 1 above. Mr. Eid-Reiner also criticizes the timing of the Chair’s announcement and the absence of any indication in the agenda item itself that such a vote had been taken. First, the Open Meeting Law does not regulate whether the Committee should discuss the status of such a contract item before or after hearing public comment. Indeed, there is no requirement that the Committee receive any comments at all from the public on this agenda item. Nor, to meet the specificity requirement must an agenda item recite its prior treatment in executive session. Neither of these criticisms supports an inference that the Chair was intentionally withholding information, which she herself disclosed in open session.

- **Remedial Action Proposed**

Although the Committee strongly denies that the agenda postings violated any Open Meeting Law requirement, it recognizes that the public may have been confused by the postings. The Committee proposes to modify its agenda format as follows:

- The Chair will eliminate the topic categories (i.e. Discussion Items and Action Items) in the agenda, so that any item listed may be discussed and/or voted upon. Elimination of the headings “Discussion Items” and “Action Items” will serve to prevent any public misunderstanding as to whether the Committee, in its discretion, may take action on any properly described agenda item.
- A review of past agendas indicates a practice of including a standing item called “Executive Session (Collective Bargaining).” See Complaint at 9. Notwithstanding its inclusion, the Chair often did not anticipate, nor did the Committee enter into, an executive session for purposes of collective bargaining on each occasion this item was included in the agenda. Keeping this as a standing item on the agenda

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<sup>12</sup>940 CMR 29.03 (1)(b)

can be misleading to the public. The Chair will include more specifics when such an item is anticipated and listed, and will eliminate it as a standing item when such an executive session is not anticipated.

- In addition, the Committee will include other disclosures in its agenda, including the following:
  - The agenda items listed are reasonably anticipated by the Chair to be discussed.
  - The Committee may not reach certain listed items in its meeting.
  - The Committee may discuss items that the Chair did not reasonably anticipate when the agenda was posted, including matters coming to the Chair's attention within 48 hours of the meeting and matters that other members may raise that were not previously communicated to the Chair.
  - Times shown on the agenda are estimates only. The Committee may discuss items earlier or later than indicated on the agenda.
  - In the event of a difference between the postings, the most recent posting at the Town Clerk's Office and on the Town's website is the official posting under the OML.
- The Committee will evaluate whether or not to continue using alternate list serves for the circulation of the agenda. While this service may serve public convenience, it can also lead to confusion if the content and timing of agendas circulated by this method differ from official posting on the website and at the Clerk's office.
- Before repeatedly updating agendas within 48 hours of the meeting, the Chair also will balance the advice of the Attorney General encouraging update of agendas with the lesson learned here that multiple circulating agendas may lead to more confusion than transparency.

**Count 4: There was improper (incomplete) notice in the School Committee minutes of a topic to be discussed in executive session on multiple dates.**

**• School Committee Response to Count 4:**

Count 4 of Mr. Eid-Reiner's complaint alleges that he has identified no meeting minutes from September 7, 2010 through May 10, 2011 with votes to enter into executive session for purposes of negotiating the Superintendent's contract. He recognizes that the April 26 meeting minutes had not been published at the time of his complaint. His allegation is accurate. None of the referenced meeting minutes include such an item because the Superintendent's contract was not the subject of any of those meetings, or executive sessions held on those meeting dates.

The Committee went into executive session to discuss the Superintendent's contract on April 26, May 16, May 25 and June 1, 2011. At its duly called meeting on June 15, the minutes from the open and the executive sessions of these meetings were approved and released by the Committee as its first item of business in open session (Ex. 16).

As Mr. Eid-Reiner further acknowledges, the agenda for the April 26 meeting, posted on or about April 20, included "Executive Session (Contract Negotiations with Nonunion Personnel)." (Ex. 17). Agendas for May 16 (posted May 2) (Ex. 18), May 25 (posted May 20)(Ex. 19) and June 1 (posted May 26)(Ex. 20), also included the item "Contract Negotiations with Nonunion Personnel." Mr. Eid-Reiner characterizes this description as adequate under the Attorney General's guidelines. (Complaint at 9). Although Mr. Eid-Reiner does not fault this description, the Committee recognizes, having reviewed the Attorney General's recent opinion on a complaint against the Town of Melrose's School Committee and its executive session to conduct negotiations with non-union personnel (OML 2011-15, May 4, 2011), that the description of this agenda item may not have been sufficiently specific because it did not identify by name or title the non-union employee – the Superintendent – with whom the Committee was negotiating (See remedial response below).

In its Melrose opinion, the Assistant Attorney General affirmed that the Melrose School Committee went into executive session for contract negotiations under a lawful purpose, notwithstanding the agenda deficiency, and then goes on to say that “because the meeting notice [for executive session] did not provide the public with sufficient detail to understand what the Committee would discuss in executive session, the Committee should have postponed the open session contract ratification to a subsequent meeting where the vote could be listed on a notice 48 hours before the meeting.” OML2011-15 at 4. Here, the Committee’s June 1 vote in executive session was followed by the June 3 posting listing the Superintendent’s contract as an agenda item for June 7th. Accordingly, the procedure leading up to the ratification vote on June 7th adhered to the guidance in the Melrose opinion.

Finally, Mr. Eid-Reiner brings forth **no evidence** to support his speculative assertion that “if outside of public meetings . . . School Committee members discussed the Superintendent’s professional competence, they have violated the Open Meeting Law.” Complaint at 10 (emphasis not in original). See also discussion under Count 5 below.

- **Remedial Action Proposed.**

The Committee will henceforth add specificity, including names or titles, to agenda items for executive sessions under the second and third exceptions to the open meeting under the OML, unless the Chair determines that such disclosure would be detrimental to the purpose of the executive sessions.

**Count 5: It is possible that Dr. Ash’s competence was discussed partly in executive sessions of the School Committee rather than always at Public Meetings. If this were the case, Their actions would violate the Open Meeting Law.**

- **School Committee’s Response to Count 5:**

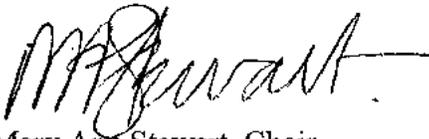
Mr. Eid-Reiner acknowledges that the School Committee conducted its evaluation of the Superintendent in public sessions with appropriate notice in agendas. The release of the minutes of the executive sessions in which the Superintendent’s contract negotiations took place (See, Ex: 2, 4, 6, & 8) should dispel his suspicions that, in contravention of the teaching of District Attorney v. School Committee of Wayland, 455 Mass. 561 (2009), the Superintendent’s professional competence was discussed in those executive sessions (unless linked to the contract extension and salary issues which were the subject of those executive sessions, id. at 568).

## Conclusion

The Committee hopes that Mr. Eid-Reiner 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./ (Exs. 1-21)

Cc: Donna Hooper, Town Clerk  
Eric Eid-Reiner  
School Committee  
Dawn McKenna  
Kevin Batt, Esq., 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 10<sup>th</sup> 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.**

4

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.**

9  
10 **Student representative, Noah Coolidge did not attend the Executive Session.**

11  
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

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

29  
30 **The meeting adjourned at 9:27 PM.**

- 31  
32  
33  
34  Voted released  
35  Voted not released  
36



**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.**



1  
2  
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**  
8  
9

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.**  
30  
31

32  
33  Voted released  
34  Voted not released  
35  
36

7

**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**  
6

7  
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.**

11  
12 **Mr. Lyle Kirtman, of Future Management Systems attended the Executive Session.**

13  
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.**

19  
20  
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.

26  
27 **Mr. Kirtman left the meeting at 9:57 PM.**

28  
29  
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.**

38  
39 **The meeting adjourned at 10:07 PM.**  
40

- 41  
42  
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 15<sup>th</sup> 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 Gironel 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 our 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.*

10

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

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



Lexington Town Clerk Public Meeting Posting	
Date:	6-3-11
By:	CE
VTH:	DB: /
BB:	TMO: /

**LEXINGTON SCHOOL COMMITTEE MEETING**  
**Tuesday, June 7, 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:**

**7:45 p.m. Members' Reports / Members' Concerns:**

**7:55 p.m. Discussion Items:**

1. ING/MASBO Finance Award (10 minutes)
2. K-5 Pro-Social Skills Program (20 minutes)
3. FY12 Budget Changes (30 minutes)
4. FY11 Budget Changes (20 minutes)
5. New England Association of Schools and Colleges Two-Year Progress Report for Lexington High School (20 minutes)
6. Superintendent's End-of-Year Report (30 minutes)

**10:05 p.m. Action Items:**

1. Vote to Approve Jonas Clarke Middle School Field Trip to LaGuácima de Alajuela, Costa Rica, March 8 through March 17, 2012 (10 minutes)
2. Vote to Approve Lexington High School Field Trip to Stockholm, Sweden; Helsinki, Finland; and Tartu and Tallinn, Estonia, April 12 through April 22, 2012 (10 minutes)
3. Vote to Approve Lexington High School Science Team Trip to New Brunswick, Canada, July 24 through July 29, 2011 (5 minutes)
4. Vote to Approve 2012-2013 School Calendar (15 minutes)
5. Vote to Accept a \$100 Donation to the William G. Tapply Memorial Fund (2 minutes)
6. Vote to Approve School Committee Minutes of April 11, 2011 (2 minutes)
7. Vote to Approve School Committee Minutes of May 10, 2011 (2 minutes)

**10:51 p.m. Executive Session (Collective Bargaining):**

RECEIVED  
 2011 JUN -3 AM 9:35  
 TOWN CLERK  
 LEXINGTON, MA

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

12

**Donna Hooper**

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**From:** Paul B. Ash [pash@sch.cl.lexington.ma.us]  
**Sent:** Friday, June 03, 2011 3:07 PM  
**To:** Donna Hooper  
**Subject:** Re: Changed agenda

Donna:

I just spoke with Mary Ann, Please change the language to

Action Item:  
Superintendent's employment contract

Paul

"Donna Hooper" <[DHOOPER@lexingtonma.gov](mailto:DHOOPER@lexingtonma.gov)> writes:  
Received & posted

Donna M. Hooper, Town Clerk

Town of Lexington

781-862-0500 x273

[dhooper@lexingtonma.gov](mailto:dhooper@lexingtonma.gov)

RECEIVED  
2011 JUN -3 PM 3:36  
TOWN CLERK  
LEXINGTON MA

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**From:** Paul B. Ash [mailto:pash@sch.cl.lexington.ma.us]  
**Sent:** Friday, June 03, 2011 3:03 PM  
**To:** Donna Hooper  
**Subject:** Changed agenda

Donna:  
Please add to the School Committee agenda

Action Item:  
Vote on the Superintendent's employment contract

Paul



**LEXINGTON SCHOOL COMMITTEE MEETING**  
**Tuesday, June 7, 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:**

**7:45 p.m. Members' Reports / Members' Concerns:**

**7:55 p.m. Discussion Items:**

1. ING/MASBO Finance Award (10 minutes)
2. K-5 Pro-Social Skills Program (20 minutes)
3. FY12 Budget Changes (30 minutes)
4. FY11 Budget Changes (20 minutes)
5. New England Association of Schools and Colleges Two-Year Progress Report for Lexington High School (20 minutes)
6. Superintendent's End-of-Year Report (30 minutes)

RECEIVED  
2011 JUN -3 PM 3:36  
TOWN CLERK  
TOWNSHIP  
LEXINGTON MA

**10:05 p.m. Action Items:**

1. Vote to Approve Jonas Clarke Middle School Field Trip to LaGuácima de Alajuela, Costa Rica, March 8 through March 17, 2012 (10 minutes)
2. Vote to Approve Lexington High School Field Trip to Stockholm, Sweden; Helsinki, Finland; and Tartu and Tallinn, Estonia, April 12 through April 22, 2012 (10 minutes)
3. Vote to Approve Lexington High School Science Team Trip to New Brunswick, Canada, July 24 through July 29, 2011 (5 minutes)
4. Vote to Approve 2012-2013 School Calendar (15 minutes)
5. Vote to Accept a \$100 Donation to the William G. Tapply Memorial Fund (2 minutes)
6. Vote to Approve School Committee Minutes of April 11, 2011 (2 minutes)
7. Vote to Approve School Committee Minutes of May 10, 2011 (2 minutes)
8. Superintendent's employment contract

**10:51 p.m. Executive Session (Collective Bargaining):**

Lexington Town Clerk
Public Hearing Meeting
Date: 6-3-2011
By: DS
With: LOR
For: TREC

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



✓ posted 5:40pm  
6/6/11  
BAT

RECEIVED

2011 JUN -6 PM 5:43 LEXINGTON SCHOOL COMMITTEE MEETING  
Tuesday, June 7, 2011  
TOWN CLERK  
LEXINGTON MA 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:

7:45 p.m. Members' Reports / Members' Concerns:

7:55 p.m. Discussion Items:

1. ING/MASBO Finance Award (10 minutes)
2. K-5 Pro-Social Skills Program (20 minutes)
3. FY12 Budget Changes (30 minutes)
4. FY11 Budget Changes (20 minutes)
5. New England Association of Schools and Colleges Two-Year Progress Report for Lexington High School (20 minutes)
6. Superintendent's End-of-Year Report (30 minutes)

10:05 p.m. Action Items:

1. Vote to Approve Superintendent's Employment Contract (20 minutes)
2. Vote to Approve 2012-2013 School Calendar (10 minutes)
3. Vote to Approve Jonas Clarke Middle School Field Trip to LaGuácima de Alajuela, Costa Rica, March 8 through March 17, 2012 (10 minutes)
4. Vote to Approve Lexington High School Field Trip to Stockholm, Sweden; Helsinki, Finland; and Tartu and Tallinn, Estonia, April 12 through April 22, 2012 (10 minutes)
5. Vote to Approve Lexington High School Science Team Trip to New Brunswick, Canada, July 24 through July 29, 2011 (5 minutes)
6. Vote to Accept a \$100 Donation to the William G. Tapply Memorial Fund (2 minutes)
7. Vote to Approve School Committee Minutes of April 11, 2011 (2 minutes)
8. Vote to Approve School Committee Minutes of May 10, 2011 (2 minutes)

11:06 p.m. Executive Session (Collective Bargaining):

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

15

**LEXINGTON SCHOOL COMMITTEE MEETING**  
**Tuesday, June 7, 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:**

**7:45 p.m. Members' Reports / Members' Concerns:**

**7:55 p.m. Discussion Items:**

1. ING/MASBO Finance Award (10 minutes)
2. Superintendent's Employment Contract (60 minutes)
3. FY12 Budget Changes (20 minutes)
4. FY11 Budget Changes (20 minutes)

TOWN CLERK  
LEXINGTON MA

2011 JUN -7 PM 1:19

RECEIVED

**9:45 p.m. Action Items:**

1. Vote to Approve 2012-2013 School Calendar (10 minutes)
2. Vote to Accept a \$100 Donation to the William G. Tapply Memorial Fund (2 minutes)
3. Vote to Approve School Committee Minutes of April 11, 2011 (2 minutes)
4. Vote to Approve School Committee Minutes of May 10, 2011 (2 minutes)

**10:01 p.m. Executive Session (Collective Bargaining):**

Lexington Town Clerk Public Meeting Posting	
Date:	6-9-11
By:	DS
VTH:	<input checked="" type="checkbox"/>
DB:	<input checked="" type="checkbox"/>
BB:	
TMO:	

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



**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 Guttag** (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 6<sup>th</sup>, 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**

### 1. 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 reaccruited. 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:	TMO: <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: DR:
DR: 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: CE  
VTH: \_\_\_\_\_ DG: \_\_\_\_\_  
SA: \_\_\_\_\_ TMO: \_\_\_\_\_

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

20



# Lexington Public Schools

146 Maple Street ♦ Lexington, Massachusetts 02420

Lexington Town Clerk Public Meeting Posting	
Date:	5-26-11
By:	CF
VTH:	DB:
BB:	TMO: 02420

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



7 Russell Road  
Lexington, MA 02420  
Eric.Eid.Reiner@gmail.com

June 10, 2011

Donna Hooper, Lexington Town Clerk  
cc: Lexington School Committee  
cc: Town Manager Carl Valente  
cc: School Superintendent Paul Ash  
Town Office Building  
1625 Massachusetts Avenue  
Lexington, MA 02420

RECEIVED  
2011 JUN 10 PM 3:34  
TOWN CLERK  
LEXINGTON MA

Dear Ms. Hooper:

According to the Massachusetts Attorney General's Office,

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to balance its operations efficiently.<sup>1</sup>

**The Lexington School Committee's actions in recent months with regards to the renewal of Superintendent Paul Ash's contract present four clear violations of Massachusetts' Open Meeting Law, as well as one potential violation about which further information or investigation is needed. These violations call into question the validity of the process and outcome of the School Committee's recent decision to approve a two-year extension of Dr. Ash's contract as Superintendent of the Lexington Public Schools. The following pages explain the School Committee's recent actions vis-à-vis the Open Meeting Law.**

I write you with this formal complaint, according to the protocol for doing so as outlined by the Massachusetts Attorney General's Office. This protocol is summarized on the first page of that office's complaint form, which follows.

Sincerely,



Eric Eid-Reiner

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<sup>1</sup>"Open Meeting Law Guide," July 10, 2010, [www.mass.gov/Cago/docs/Government/OML\\_Guide\\_07012010.pdf](http://www.mass.gov/Cago/docs/Government/OML_Guide_07012010.pdf), 1.



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## **OPEN MEETING LAW COMPLAINT FORM**

### **Instructions for completing the Open Meeting Law Complaint Form**

The Office of the Attorney General's Division of Open Government is responsible for interpreting and enforcing the Open Meeting Law. Pursuant to G.L. c. 30A, §23, the Open Meeting Law requires that, prior to filing a complaint with the Attorney General, complaints must first be filed with the public body that is alleged to have committed the violation. The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

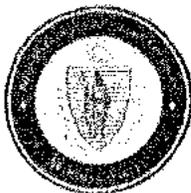
Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints.

Complaints alleging a violation of the Open Meeting Law by a local public body must be filed with the clerk of the city or town where the alleged violation occurred. Complaints alleging a violation by a county, regional or state public body must be filed with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General 30 days after filing your complaint with the public body. The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail or by hand with the:

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

The Attorney General may decline to investigate a complaint that is filed with the Attorney General more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.



### 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: Eric Last Name: Reiner

Address: 7 Russell Road

City: Lexington State: MA Zip Code: 02420

Phone Number: 781-608-3442 Ext. \_\_\_\_\_

Email: ERIC.EJD.REINER@GMAIL.COM

Organization or Media Affiliation (if any): None

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

(For statistical purposes only)

Individual  Organization  Media

*Mark Chonofsky and Sharon Olofsson, both Lexington residents, also support the filing of this complaint.*

#### 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, Massachusetts

Specific person(s), if any, you allege committed the violation: Lexington School Committee

Date of alleged violation: Spring of 2011, including specifically June 1-7

**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.

Please see the attached typed pages, which provide a detailed response to this question, detailing what I believe to be four clear violations and one possible violation. I consider the attached pages to be a part of this complaint document.

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

I request that the Town Clerk, School Committee, and Town Counsel carefully read the complaint I am submitting and take seriously my analysis of their recent actions pertaining to Dr. Ash's contract and Massachusetts' Open Meeting Law. I expect that they will respond publicly and to me directly to ALL issues raised in the complaint. A summary of the issues raised in the complaint is below.

Of the School Committee, I request:

- Regarding what I describe as violations 1, 2, and 3: With proper notice to the public in an agenda, hold a public vote on Dr. Ash's contract in which they are free to vote however they wish and not bound by the way they voted in an executive session vote that I believe violated Open Meeting Law.
- Regarding what I describe as violation 4: Revise and approve updated meeting minutes from meetings this school year in which they talked about Dr. Ash's contract in executive session.
- In response to all alleged violations: Implement procedures for the future to ensure greater transparency on contract negotiations and votes to the extent allowable by law to ensure that members of public bodies in town are more aware of state law on when executive session is permitted and prohibited.
- Make all corrective actions taken in response to this complaint clear to the public.

I also request that the Town Clerk's Office:

- Investigate whether the School Committee discussed Dr. Ash's competence in executive sessions rather than in public meetings, which would be a violation of Open Meeting Law (possible violation 5), and make the findings of her office public.
- Oversee the School Committee's efforts to rectify this complaint, as appropriate and consistent with the protocol established by the Attorney General's Office.

**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: Eid-Reiner

Date: June 10, 2011

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

1. A VOTE ON DR. ASH'S CONTRACT ON JUNE 1, 2011 WAS HELD IN EXECUTIVE SESSION RATHER THAN AT A PUBLIC MEETING, IN VIOLATION OF MASSACHUSETTS' OPEN MEETING LAW.

At the June 7 School Committee meeting, Chairwoman Mary Ann Stewart clearly stated that the School Committee had previously voted in executive session, on the renewal of Dr. Ash's contract. (Ms. Stewart stated that all members were present and voted "aye" in favor of a two-year extension of Dr. Ash's contract.)

The Attorney General's Office states that "with certain exceptions, all meetings of a public body must be open to the public."<sup>2</sup> A review of the list of exceptions (provided in footnote 2) makes clear that **voting on a nonunion employee's contract, such as that of Dr. Ash, does not fall into any of the categories of exceptions to Open Meeting Law that would allow for deliberations to held in executive session. Thus, holding the vote on Dr. Ash's contract in executive session rather than at a public meeting appears to violate the guidelines set forth by law.**

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<sup>2</sup> "Open Meeting Law Guide," July 10, 2010, [www.mass.gov/Cago/docs/Government/OML\\_Guide\\_07012010.pdf](http://www.mass.gov/Cago/docs/Government/OML_Guide_07012010.pdf), 2. Those exceptions, according to the Attorney General's "Open Meeting Law Guide" are: "(1) To discuss the reputation, character, physical condition or mental health, rather than the professional competence of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual...; (2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; (4) To investigate the deployment of security personnel or devices, or strategies with respect thereto; (5) To investigate charges of criminal misconduct or to consider the filing of criminal complaints; (6) To consider the purchase, exchange, lease or value of real property...; (7) To comply with, or act under the authority of, any general or special law or federal grants-in-aid requirements; (8) To consider and interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening; (9) To meet or confer with a mediator...; and (10) To discuss trade secrets or confidential, competitively-sensitive or other proprietary information..."

## 2. THE VOTE HELD AT THE JUNE 7 SCHOOL COMMITTEE MEETING VIOLATED OPEN MEETING LAW.

On June 7, when the School Committee met publicly, a second vote was held on renewing Dr. Ash's contract. This vote was intended to correct the Open Meeting Law violation committed on June 1 when the School Committee voted on Dr. Ash's contract in executive session. However, **the vote that was held on June 7 was not a legal vote either, for several reasons:**

- a) **The legal counsel present at the meeting advised School Committee members that their votes on June 7 must be the same as when they voted the first time on June 1 – but that original vote violated Open Meeting Law.** In essence, the vote held to appease those concerned with the original vote only reinforced the previous improper vote.
- b) When they voted on June 7, the School Committee members, under advisement of the Town Counsel, were forced to disregard the public's comments – in the form of a significant number of emails to the School Committee and many spoken comments at the School Committee meeting on June 7 – on Dr. Ash's competency in various areas. It is reasonable to think that members may have wished to change their vote – and they should have had that option, whether or not they would have chosen to utilize it – but the Town Counsel told them that their vote must be the same as their prior (illegitimate) vote. Thus, **the second vote was coercive; the School Committee members were not free to vote as they saw fit but rather made to vote they way they had initially, which was held in executive session and also before they knew so acutely what the public felt about Dr. Ash's competence.** The counsel may have led the vote on June 7 to go a certain way or at least come out differently than it would have had School Committee members had the true freedom to vote as they wished.
- c) **The vote on June 7 was not on the agenda for that School Committee meeting. Whether a vote can be held on a matter not included on the agenda is unclear, and a matter for further inquiry.** The Attorney General's Office does note in its Open Meeting Law guide that, "While not required under the Open Meeting Law, public bodies are encouraged to make a revised list of topics to be discussed available to the public in advance of the meeting if the body intends to discuss topics that come up after posting but before the meeting convenes."<sup>3</sup> However, this guidance only makes clear that discussions are permitted to come up at a meeting or after the agenda has been posted.

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<sup>3</sup> "Open Meeting Law Guide," July 10, 2010, [www.mass.gov/Cago/docs/Government/OML\\_Guide\\_07012010.pdf](http://www.mass.gov/Cago/docs/Government/OML_Guide_07012010.pdf), 6.

3. THE AGENDA FOR THE SCHOOL COMMITTEE'S JUNE 7, 2011 MEETING WAS NOT "SUFFICIENTLY SPECIFIC TO REASONABLY INFORM THE PUBLIC OF THE ISSUES DISCUSSED AT THE MEETING," THUS VIOLATING OPEN MEETING LAW GUIDELINES.

The Attorney General's Office states that "meeting notices [i.e., agendas] must:

be posted in a legible, easily understandable format; contain the date, time, and place of the meeting; and list the topics that, as of the time the notice is filed, the chair reasonably anticipates will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. While not required under the Open Meeting Law, public bodies are encouraged to make a revised list of topics to be discussed available to the public in advance of the meeting if the body intends to discuss topics that come up after posting but before the meeting convenes.<sup>4</sup>

Three agendas were sent to the Lexington Yahoo Email List by Miriam Sousa, the Administrative Assistant to the Superintendent:

- The School Committee Agenda for that body's June 7 meeting, in its original form, emailed out on the morning of Friday, June 3, made no mention of Dr. Ash's contract. This agenda was published more than 48 hours before the meeting, as required by Open Meeting Law.
- The School Committee's first Revised Agenda for its June 7 meeting (sent to the Lexington List at 4:53 p.m. on Monday, June 6) listed "Vote to Approve Superintendent's Employment Contract (20 minutes)" as an Action Item.
- The School Committee's second Revised Agenda, released the afternoon of the meeting (sent out to the Lexington List at 1:16 p.m. on Tuesday, June 7), did not include this item so worded, and rather listed "Superintendent's Employment Contract (60 Minutes)" as a Discussion Item.

Given that there was considerable public outrage once word spread on Friday, June 3 that there would be a vote on Dr. Ash's contract -- many in town were concerned with a multitude of Dr. Ash's actions as Superintendent -- it appeared that the modification in wording reflected responsiveness of the School Committee to the public's concerns. At a minimum, the revised wording on its own from the initial revised agenda to the second one was clear that there would be a discussion of Dr. Ash's contract, a discussion that one could reasonably expect to take place before a vote were held; after all, discussions on a given matter rarely follow a vote.

The School Committee Chairwoman, Mary Ann Stewart, revealed at the June 7 School Committee meeting, that in fact, a vote had been held in Executive Session the prior week during which all members of the School Committee voted in favor of extending Dr. Ash's contract by two years, such that that he would serve in that position until at least 2015. Ms. Stewart did not announce this fact, which surprised all or nearly all in attendance, when explaining the meeting's agenda, nor when she spoke at the beginning of the discussion on this particular agenda item. Rather, she made it known after a multitude of Lexington High School students and graduates had spoken on teacher morale issues they saw as pertinent to the topic of Dr. Ash's potential contract renewal.

**Based on the latest revised agenda (sent out on June 7), the public's understandable confusion as to what would be discussed at the meeting on June 7 resulted from an agenda that was not**

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<sup>4</sup> "Open Meeting Law Guide," July 10, 2010, [www.mass.gov/Cago/docs/Government/OML\\_Guide\\_07102010.pdf](http://www.mass.gov/Cago/docs/Government/OML_Guide_07102010.pdf), 5.

**“sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting,” as the Attorney General’s guidelines stipulate that it should be. In other words, by having an agenda that did not make clear that the conversation to be held was truly a follow-up to an already-cast vote, the School Committee did not follow the letter or spirit of the Commonwealth’s Open Meeting Law. Furthermore, the School Committee Chairwoman’s withholding of such clearly pertinent information suggests that shielding the public from the nature of the discussion at the June 7 meeting prior to the meeting’s occurrence was very likely intentional.**

**4. THERE WAS IMPROPER (INCOMPLETE) NOTICE IN THE SCHOOL COMMITTEE MINUTES OF A TOPIC TO BE DISCUSSED IN EXECUTIVE SESSION ON MULTIPLE DATES.**

In a 2009 case that ultimately came before the Massachusetts Supreme Judicial Court, brought forth by the District Attorney for the Northern District against the School Committee of Wayland, the state wrote:

Collective bargaining does not cover the superintendent, as he is not a union employee. "Purpose 3" of § 23B, which states that a governmental body may convene in executive session "to conduct strategy sessions in preparation for negotiations with nonunion personnel," would allow the school committee to enter into executive session to discuss the Superintendent's contract renewal or salary. However, there is no indication in the open meeting minutes that the executive sessions would consider the Superintendent's contract renewal or salary. A precise statement of the reason for convening in executive session is necessary under the open meeting law because that is the only notification given to the public that the school committee would conduct business in private, and the only way the public would know if the reason for doing so was proper or improper. Therefore, the school committee's votes to enter into executive session to consider "collective bargaining" or "collective bargaining and personnel" were not proper.<sup>5</sup>

**The School Committee in Lexington committed the same error as the Wayland School Committee. In meeting minutes from September 7, 2010, through May 10, 2011, the School Committee never makes a specific reference to meeting in executive session to discuss Dr. Ash's contract. Rather, according to meeting minutes, they made and approved a "motion to go into Executive Session for the purpose of collective bargaining" (or simply held an executive session on collective bargaining) on the following dates: October 19, 2010; November 30, 2010; and December 14, 2010.**

**Though the Wayland court case as cited above refers to the importance of meeting *minutes* stating "precise reason for convening in executive session," it may be worth mentioning that there were multiple *agendas* this school year which also refer to executive session on collective bargaining, though all but one of these come no closer to the level of specificity the court case in Wayland made clear is required. These agendas were for meetings on the following dates: September 7, 2010; September 21, 2010; October 5, 2010; October 19, 2010; November 2, 2010; November 30, 2010; December 14, 2010; January 18, 2011; January 25, 2011; February 1, 2011; February 8, 2011; February 15, 2011; March 1, 2011; May 31, 2011; June 7, 2011. According to the School Committee *agendas*, the Committee went into executive sessions for the purpose of "contract negotiations with nonunion personnel" on April 26, 2011 – a description that meets with the Attorney General's guidelines for what kind of description would need to be in meeting *minutes*<sup>6</sup> – unfortunately, on this one date where the School Committee appears to have had the appropriate level of specificity in its agenda, the meeting minutes have not been made available so further assessment on my part is not possible at this time.**

<sup>5</sup> *District Attorney for the Northern District vs. School Committee of Wayland*, 2009, <http://masscases.com/cases/sjc/455/455mass561.html>, 566-567.

<sup>6</sup> *District Attorney for the Northern District vs. School Committee of Wayland*, 2009, <http://masscases.com/cases/sjc/455/455mass561.html>, 567.

**At the June 7, 2011 School Committee meeting, Chairwoman Mary Ann Stewart stated that three executive sessions had been held this spring on Dr. Ash's contract. There is not a single set of meeting minutes with a clear, specific statement that even one of these executive sessions was held on the topic (as explained, the April 26 minutes have not been posted online for some reason, so it is possible that these include a reference as needed). Since no meeting minutes from spring of 2011 include mention of an executive session for the purpose of discussing the Superintendent's contract (or even refer to "contract negotiations with nonunion personnel," which the Attorney General's Office wrote in the Wayland case would be acceptable<sup>7</sup>), an Open Meeting Law violation has occurred, based on the state's findings in the 2009 Wayland case that discussions on the Superintendent's contract must be delineated as such in meeting minutes (though the details of said discussions are not required to be released). With regards to proper notice in meeting minutes, the School Committee did not follow the legal requirements set forth by the Attorney General's Office.**

**Additionally, if outside of public meetings (and presumably outside of executive sessions), School Committee members discussed the Superintendent's professional competence, they have violated the Open Meeting Law.<sup>8</sup>**

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<sup>7</sup> *District Attorney for the Northern District vs. School Committee of Wayland*, 2009, <http://masscases.com/cases/sjc/455/455mass561.html>, 567.

<sup>8</sup> In the 2009 Wayland case, the court wrote: "Here, prior to conducting an open meeting, the school committee commenced a private e-mail exchange in order to deliberate the superintendent's professional competence. This violated the letter and spirit of the open meeting law. Governmental bodies may not circumvent the requirements of the open meeting law by conducting deliberations via private messages, whether electronically, in person, over the telephone, or in any other form" (*District Attorney for the Northern District vs. School Committee of Wayland*, 2009, <http://masscases.com/cases/sjc/455/455mass561.html>, 570).

5. IT IS POSSIBLE THAT DR. ASH'S COMPETENCE WAS DISCUSSED PARTLY IN EXECUTIVE SESSIONS OF THE SCHOOL COMMITTEE RATHER THAN ALWAYS AT PUBLIC MEETINGS. IF THIS WERE THE CASE, THEIR ACTIONS WOULD VIOLATE THE OPEN MEETING LAW.

The fact that Dr. Ash's contract had been renewed surprised those at the School Committee meeting because most had been previously unaware that his contract was even up for renewal. However, that the matter was under discussion was not hidden from the public: a review of School Committee meeting minutes from September 7, 2010 through March 15, 2011 revealed that evaluation of the Superintendent or renewal of his contract came up, with appropriate notice (in agendas) at the School Committee's January 4, February 8, February 15, and March 1 meetings, all in 2011.<sup>9</sup>

However, the question of whether any discussion was held on Dr. Ash's competency in his role as Superintendent *while the School Committee was in executive session* bears further investigation.<sup>10</sup> As a state Appeals Court wrote in 1981 with regards to the town of Sunderland, "The burden to show the need for a closed session rests on the governmental body."<sup>11</sup>

As mentioned previously, the Attorney General's Office states that, "with certain exceptions, all meetings of a public body must be open to the public."<sup>12</sup> The Attorney General's Office makes clear that one exception is that an executive session can be held, "To discuss the reputation, character, physical condition or mental health, *rather than professional competence*, of an individual..."<sup>13</sup> Thus, if the School Committee discussed Dr. Ash's professional competence in executive session, then they acted in violation of Open Meeting Law. If they truly limited their discussion of his professional competence to the open School Committee meetings on February 15 and March 1 where Dr. Ash's evaluation – no doubt, an evaluation largely of his professional competence

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<sup>9</sup> The matter of the Superintendent's evaluation came up briefly in conversation or remarks at the February 8 and February 8 meetings. The School Committee agenda for its March 1 meeting listed "Vote to Approve the Evaluation of the Superintendent (20 minutes)" as an Action Item, and the minutes from that meeting reveal that the evaluation was unanimously approved by the School Committee. The School Committee agenda for its February 15 meeting listed "Superintendent's Evaluation (45 minutes)" in its agenda, and it was indeed discussed that date.

<sup>10</sup> While it is clear that that the Committee's vote in executive session was not made with extensive public feedback on Dr. Ash's professional competency, the limited public input in itself is not a violation of the Open Meeting Law *so long as the School Committee did not discuss his competency while in executive session.*

<sup>11</sup> See mention in an article on a different case, *District Attorney for the Northern District vs. School Committee of Wayland*, 2009, <http://masscases.com/cases/sjc/455/455mass561.html>, 566.

<sup>12</sup> "Open Meeting Law Guide," July 10, 2010, [www.mass.gov/Cago/docs/Government/OML\\_Guide\\_07012010.pdf](http://www.mass.gov/Cago/docs/Government/OML_Guide_07012010.pdf), 2.

<sup>13</sup> Emphasis added. "Open Meeting Law Guide," July 10, 2010, [www.mass.gov/Cago/docs/Government/OML\\_Guide\\_07012010.pdf](http://www.mass.gov/Cago/docs/Government/OML_Guide_07012010.pdf), 2. In explaining this requirement of the Open Meeting Law, the Attorney General's Office writes: "This Purpose is designed to protect the rights and reputation of individuals. Nevertheless, it appears at least that where a public body is discussing an employee evaluation, considering applicants for a position, or discussing the qualifications of any individual, these discussions should be held in open session to the extent that the discussion deals with issues other than the reputation, character, health, or any complaints or charges against the individual" (6). In other words, personal issues relating to personnel have their place in executive session while issues that truly relate to the professional performance of personnel should be addressed in public meetings.

Notably, in the 2009 case that ultimately came before the Supreme Judicial Court (Massachusetts' highest court), brought forth against the School Committee of Wayland, the state wrote: "While professional competence must first be discussed in an open session, how that evaluation will factor into a contract or salary negotiation strategy may be suitable discussion for an executive session" (*District Attorney for the Northern District vs. School Committee of Wayland*, 2009, <http://masscases.com/cases/sjc/455/455mass561.html>, 568).

in many different areas – was on the agenda and discussed, then a violation as to this particular aspect of the Open Meeting Law may not have taken place.<sup>14</sup>

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<sup>14</sup> It is worth bearing in mind that potential means for trying to figure out whether the conversations in executive sessions on Dr. Ash's contract renewal does exist: "Public bodies are not required to disclose the minutes, notes or other materials used in an executive session where the disclosure of these records may defeat the lawful purposes of the executive session. Once disclosure would no longer defeat the purposes of the executive session, minutes and other records from that executive session must be disclosed unless they are within an exemption to the Public Records Law, G.L. c. 4, § 7, cl. 26, or are attorney-client privileged. The public body is also required to periodically review the executive session minutes to determine whether continued non-disclosure is warranted, and such determination must be included in the subsequent meeting minutes. A public body must respond to a request to inspect or copy executive session minutes within 10 days of request and promptly release the records if they are subject to disclosure. If the body has not performed a review to determine whether they are subject to disclosure, it must do so prior to its next meeting or within 30 days, whichever is sooner" ("Open Meeting Law Guide," July 10, 2010, [www.mass.gov/Cago/docs/Government/OML\\_Guide\\_07012010.pdf](http://www.mass.gov/Cago/docs/Government/OML_Guide_07012010.pdf), 10-11).