

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – August 17, 2015

A Regular Meeting of the Wayland School Committee was held on Monday, August 17, 2015, at 7:00 P.M. in the School Committee Room of the Wayland Town Building.

Present were:

Ellen Grieco, Chair
Donna Bouchard
Jeanne Downs
Kathie Steinberg

Absent:

Barb Fletcher, Vice Chair

Also:

Paul Stein
Superintendent

Brad Crozier

Assistant Superintendent

Marlene Dodyk

Director of Student Services

Susan Bottan

Business Administrator

Also:

Leisha Simon
Director of Technology and Accountability

Chair Ellen Grieco convened the Regular Session at 7:08 p.m. and announced that the meeting is being taped by WayCAM.

The Superintendent Evaluation Subcommittee held a brief meeting prior to the School Committee meeting and it was noted that there wouldn't be any public comments during this subcommittee meeting.

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

Dorothy Dunlay commented on and read a sentence from the statement that the School Committee released regarding the Athletic Program. She believes that all those who are involved in this issue have a duty to think for themselves, to find out the facts, and to help in the pursuit of justice.

Dave Howe, a member of the Technology Task Force, commented on the proposal to form two Technology Advisory Committees. He suggested changes to the phrasing of the charge, believes there should be a balanced representation of both the town and school sides on these committees, as well as putting a mechanism in place so the public can follow the work being done. Dave also believes that these committees should not function under the open meeting laws.

2. **Educational Matters:**

(a) Superintendent's Report:

Paul provided an update regarding the Middle School and High School ramp up courses that are designed to encourage students to take honor level classes while giving them support. Small numbers in enrollment are expected, given that the program is a new model; however, enrollment should increase going forward. The teachers will make a presentation to the School Committee in mid-October.

(b) Review of Draft School Committee Communication regarding STEAM Education in District:

Jeanne drafted this first communication for the Committee's review. Kathie suggested that it be titled, "Full

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STEAM Ahead.” Donna suggested adding the link to the Technology Spotlights PowerPoint Presentations. The Committee will review general headings for communications at the September 8th meeting.

(c) Summit Follow-up Meeting Update and Schedule:

As members of the Technology Summit Group, Donna and Leisha Simon discussed the timing of the group’s presentation to the School Committee. Leisha noted that the group’s priority is to write the Technology Plan for the school district. However, the next topic of discussion regarding the formation of two Technology Advisory Committees is related to this priority. Leisha also commented that there will be a need for professional development to support changes in the plan, as well as engaging in curriculum development and requirements based on state standards, even though the state has not released its first draft of the standards. Wayland will focus on STEAM initiatives.

In terms of next steps, Paul commented that he and the Administrative Council, at the summer retreat, will be discussing the district goals, including the summit priorities. Paul hopes to present the goals to the Committee for its receivership on September 8th.

3. **Financial Matters:**

(a) Update regarding Technology Advisory Committees – Charter and Invitation to Apply:

Leisha Simon reviewed with the School Committee the formation of two Technology Advisory Committees, the Technology Planning Committee and an Advisory Committee to the Technology Director.

The Technology Planning Committee will write the Technology Plan and will be comprised of administrators, technology leaders, students, community members, and teachers. Its charge would be to review the state standards and, based on those standards, the members would write a plan that the district could assess, follow, and integrate over the next three years. The Technology Plan is about teaching and learning. Leisha described the planning process, meeting schedules, and evening forums needed to accomplish this task.

The Technology Advisory Committee will assist Leisha in developing a sustainable budget necessary for the schools’ technology needs in the classroom. However, it must be decided how to share the budget for a data center upgrade, given that the core infrastructure is shared by both the schools and the town.

Leisha described the difference between the schools’ three-year Technology Plan and the Town’s five-year plan, which addresses the infrastructure, as well as the schools’ business needs. A discussion ensued about Ellen’s concerns regarding potential recommendations from the two advisory committees that would be fiscally unreasonable or affordable. Recommendations were made in terms of the coordination and total commitment of the members of the two committees, as well as addressing the number of members on each committee. An individual can serve on one or both committees.

Since the Technology Advisory Committee will be making decisions for the finances for instructional technology, Donna recommended that it report to the School Committee and operate under the Open Meeting Laws. The School Committee discussed its role if it were to follow this process. Leisha’s impression was that a School Committee member would act as a liaison between the two committees. Further discussion followed regarding consulting with the Board of Selectmen in terms of having a standing Technology Advisory Committee for Wayland for purposes of coordination of budgeting and planning. Leisha reiterated her imminent needs and the process by which she will follow.

The Committee will discuss again in September.

(b) Discussion of Statutory Authority for Revolving Accounts and Review and Possible Vote to Approve Draft Warrant Article for Fall Special Town Meeting:

Susan provided the School Committee with language for the draft warrant article for the fall Special Town Meeting regarding the statutory authority for revolving accounts. She noted that Jim Toomey is preparing a report for the School Committee and the Board of Selectmen to be ready before September 8.

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The Committee discussed having a meeting on August 28th as well as proposed topics for the meeting.

- (c) Discuss the Receipt of Funds by School Employees and the Proper Deposit and Expenditure Process, including a Discussion of the Proper Process for the Receipt of Gifts (such as equipment):

The School Committee discussed the proper tracking process for funds/money received by all school employees for any purpose, and the expenditure process for organizations, such as PTO, Boosters and Wayland Public Schools Foundation. Donna stated what the law says in this regard in terms of all monies going through the School Committee. Brad and Paul commented on past and current processes and confirmed that employees are following policy.

Jeanne commented that the Policy Subcommittee will be reviewing this process for school organizations and will report its findings to the School Committee. Because Donna believes that the School Committee policy is contrary to the law, she requested that the Committee get an opinion from town counsel in terms of what is exempted in the gift policy and that policies and procedures are in place for the new school year. Jeanne and Barb will consult with town counsel.

The Committee discussed a date and agenda topics for a meeting on August 28th.

- (d) Receive Updated FY16 Financial and Marketing Plan for Food Service Program, including Vote to Approve Increased Meal Pricing for FY16:

Susan commented that she, Cheryl Judd, and John Ledwig of Edvocate prepared the FY16 financial and marketing plan for the Food Service Program that included developing goals that will require an increase in meal prices. Susan detailed the marketing plan that includes going green and increasing lunch portions. The price increases are as follows: \$.25 increase at the elementary level, \$.25 at the middle school, and \$.50 at the high school. The School Committee was impressed with this plan. Susan commented that she will report to the Finance Subcommittee monthly on the status of the marketing plan. Donna suggested that a communication is sent to the parents regarding the plan and the increase in lunch prices.

A vote was postponed because the proper paperwork was not filed by some members with school-aged children.

- (e) Receive Scope of Service and Cost Estimates for Custodial Assessment Project:

This agenda item was passed over, as Susan Bottan would like to receive more information regarding this assessment.

- (f) Discuss and Vote to Approve Revised Student Activity Account Guidelines and Procedures:

In terms of the revised Student Activity Account Guidelines and Procedures, Susan reported that she has worked over the past year, in conjunction with procedures put in place by the former Business Administrator, to include new decisions, new policies, and update the practices in this living document; however, it is a work in progress. Susan noted that Donna will compare our guidelines to and integrated with the new student activity audit guidelines that the DESE has put in place as of July 1. Susan also described her work with school employees in terms of upcoming training sessions. She will also meet with coaches regarding policies and procedures.

- (g) Discuss and Vote to Approve Proposed FY15 End-of-Year Transfers between Buildings and between Personnel and Non-Personnel:

At the request of the Finance Subcommittee, Susan prepared spreadsheets for the School Committee's review based on FY15's actual financial figures for budget transfers between buildings and between personnel and non-personnel as of two weeks ago. Susan described the past process and the process that is recommended going forward. Transfers will be done in Munis quarterly, and the new process will provide another layer of control, review, increase in clarity, and will help budget preparation for FY17. A discussion ensued in terms of how this process will help in preparing the budget.

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(h) Provide Finance Subcommittee Update:

The following Finance Subcommittee update was reported by Donna.

- Discussed a custodial review
- Discussed the transfers between buildings and between personnel and non-personnel
- Discussed a multi-year financial plan
- Discussed Munis in terms of the revolving fund budgets; reviewed the Lexington Report in terms of following this template
- Discussed the Food Service Marketing Plan

At a future meeting, the Subcommittee will discuss peer communities' benchmarking, and Susan will share procedures and guidelines for fundraising.

4. **Administrative/Procedural Matters:**

(a) Continued Review of Draft of Superintendent's Evaluation Document, including Continued Discussion of Related Standards:

This agenda item was passed over, as the Committee was not prepared to discuss.

(b) Continued Review and Possible Vote to Amend the Staff Ethics/Conflict of Interest Policy (GBEA):

In terms of who this policy applies to, Jeanne reported that she called the Massachusetts Association of School Committees (MASC), and it is Jim Hardy's opinion that all school staff are employees of the School Committee is the "person" on record who does collective bargaining with the employees. The words "School Committee" can also be replaced in the policy with the word "district." The Committee reviewed the MASC policy as it compares to the Wayland Public Schools policy; language changes were suggested.

Donna moved that the School Committee adopt the MASC Policy GBEA as written. No action was taken.

To avoid any misunderstanding or misinterpretation and to address Paul's concerns, a discussion ensued regarding the third paragraph of the MASC policy: "Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources." Tutoring may apply to this reference.

Upon a motion duly made by Jeanne Downs, seconded by Donna Bouchard, the School Committee voted (4-0) to amend Policy GBEA with the words "The School Committee expects all employees of the school district..." and add the fifth paragraph of the MASC policy.

More discussion followed in terms of changing the language in the fifth paragraph of the MASC policy relative to the Conflict of Interest statute. Jeanne will do more research regarding clarity of these policies. The Policy Subcommittee will discuss further and ultimately put the policy out for public comment.

(c) Review and Discuss Wayland School Committee Policy Titled "Discrimination Complaint Procedure" (Section AC-R):

The School Committee discussed a resident's concern regarding Title IX procedures as noted in an old policy contained in a high school student handbook. These regulations have been updated and posted online. The School Committee will compare the old policy with the new procedures at its September 8th meeting.

Paul and Brad confirmed that under the existing policy, there has been no formal complaint in relation to a Title IX violation related to the allegations made by the former Athletic Director.

Jeanne noted that when "-R" is noted on a document related to a policy, it refers to regulations.

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5. **Matter not Reasonably Anticipated by the Chair:**

(a) Employee Trainings and CORI Checks:

Brad commented on the process regarding different trainings for employees, including Conflict of Interest training. Paul is working with Leisha in terms of tracking employees' training participation online; it is a work in progress. Monitoring of CORI checks will be discussed at a future meeting.

6. **Administrative/Procedural Matters (continued):**

(a) Continued Discussion of Proposed Topics for School Committee Communication Plan for the 2015-2016 School Year:

- *Review all Draft Articles for the Week of August 17:*
This was discussed earlier in the meeting.

- *Feedback from School Committee regarding Recent Communications:*

Regarding the recent articles about METCO and the Athletic Department, Jeanne commented that the feedback she received was positive and the public does want to receive School Committee communications.

Donna noted that the public wants to know if they will receive answers to the questions regarding the athletic program asked of the School Committee. Ellen typed up the questions, sent them to counsel and drafted answers to the questions. A discussion ensued regarding how to proceed, given that there is an internal investigation being conducted, as well as investigation by one or more state agencies.

A discussion followed about the timeline of the internal investigation and the concern of confidentiality of some aspects of this investigation and pending litigation. Paul responded that he hopes to have an update by September 8th. Procedures were discussed in terms of investigation vs. litigation, as well as identifying the purpose (1 or 3) of the agenda item related to the Open Meeting Law.

Ellen suggested that these are two legal questions that should be resolved before finalizing the next agenda. She asked the Committee if they would like to have them answered by legal counsel or if the Committee would proceed with its own decision. Donna will consult with the Attorney General's office.

Kathie addressed the task of Open Meeting Law responses, the amount of time it takes, and her lack of legal expertise in addressing legal opinions and legal conclusions.

(b) Discussion of Meeting Schedule, Agenda, Delegation of Matters, and Future Agenda Items:

The Committee continued discussing some members' lack of legal expertise in terms of responding to Open Meeting Law Complaints and how to move forward with this task. Kathie recommended that a School Committee executive session motion be drafted by the Committee's attorneys, as well as the responses for Open Meeting Law complaints. Ellen agreed with Kathie's comments, as she would like to find a better process, so that the Committee members are not spending an overwhelming amount of time, as they are now, drafting responses. Kathie noted that some towns have a designated person to deal with these types of compliance issues.

Before moving on to the next agenda item, Ellen commented that some OML matters can either be done in open or executive session.

7. **School Committee's Report and Concerns:**

(a) Open Meeting Matters:

1. *Report on School Committee's Review of the Attorney General's Open Meeting Law Training Video on Executive Sessions and Potential Vote to Certify Review in Writing to the Division of Open Government:*

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- Ellen will write a letter to Amy Nable in the Attorney General's office certifying that the School Committee has watched the Open Meeting Law training video on executive sessions.
2. *Review and Discussion of and Possible Vote to Send Draft Response to Attorney General regarding George Harris's Open meeting Law complaint dated July 20, 2015:*

- The School Committee discussed the components of the OML complaint by George Harris dated July 20, 2015 and reviewed the draft response for content written by Kathie and due August 18th. The complaint asserted that there was not sufficient detail to inform the public in the posted agenda of July 20th. The Committee also discussed the most effective and efficient way to address the number of OML complaints filed, such as discussing the complaint as a whole Committee before a response is drafted. Ellen also noted that she has discussed this issue with the complainant on many occasions.

Upon a motion duly made by Jeanne Downs, seconded by Ellen Grieco, the School Committee voted (3-1) (Donna voted no.) to approve the communication that will be sent to the Attorney General on August 18th.

A discussion followed in terms of compliance or non-compliance of the law.

3. *Discussion of and Potential Delegation of Pending Matters under the Open Meeting Law and Public Records Law:*
- The Committee discussed whether these pending matters should be delegated to legal counsel. Ellen described the nature of the OML complaint of August 5, 2015 and the responsive procedure that was followed thereafter. A response is due on August 26, 2015. A discussion followed in terms of how to proceed with a response to the complainant.

This discussion was delayed in order to discuss other matters so that the administrators can leave the meeting, given the time.

8. **Matters not Reasonably Anticipated by the Chair:**
There were none.

9. **Consent Agenda:**

- (a) Approval of Accounts Payables & Payroll Warrants:
 - Wayland Public Schools Payroll warrant, dated August 5, 2015, in the amount of \$239,011.41
- (b) Approval of Invoice from Pinck & Company
 - Dated June 30, 2015 and in the amount of \$626.25 for the Claypit Hill windows project
- (c) Approval of Minutes:
 - Regular Session of July 6, 2015
 - Special Session of July 20, 2015

Upon a motion duly made by Jeanne Downs, seconded by Ellen Grieco, the School Committee voted unanimously (4-0) to approve the Consent Agenda with the July 6, 2015 and July 20, 2015 minutes, as amended. Within the same motion, the vote to approve the July 20, 2015 minutes as amended was (3-0-1), as Donna abstained.

10. **School Committee Report and Concerns (continued):**

- (a) Discussion of and Potential Delegation of pending Matters under the Open Meeting Law and Public Records Law (continued):
The Committee continued its discussion in terms of consulting an attorney about legal issues related to OML matters, but determined that a Committee member would still have to draft a response based on legal advice. Ellen and Jeanne will work on the August 5th and August 11th OML complaints, respectively. The

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Committee again discussed the specifics of the August 5th OML complaint surrounding the minutes noted in the meeting notice. Ellen will request an extension for the both OML complaints to September 9th, so the Committee can revisit this matter on September 8th. Town Counsel will be consulted regarding the minutes noted in the August 5, 2015 complaint.

The Committee discussed the public records request related to the executive session minutes surrounding the Martha Jamieson lawsuit. The request was made by George Harris dated July 18, 2015. Jeanne explained the process she undertook to address this request and noted some references found in the minutes related to this matter. Jeanne also consulted with legal counsel. Jeanne noted the date of the lawsuit, the date of settlement, and the signers on the settlement. Jeanne responded to Mr. Harris, and she will provide a factual response to the related August 11, 2015 Open Meeting Law complaint for the School Committee at its September 8th meeting.

As a matter not reasonably anticipated by the Chair, but related to this discussion, a question was raised by Donna about other lawsuits for which the School Committee is unaware. This matter will be put on a future agenda.

Richard Lodge's public records request of August 6th will be discussed in Executive Session.

As a point of clarification, Jeanne commented that Louis Jurist was deposed related to the Martha Jamieson lawsuit, but there was no discussion about the lawsuit in executive session, with the exception of the May minutes.

- (b) Discussion of Constructive Dialog between the Wayland School Committee and Members of the Public:
The Committee discussed reaching a more manageable process in dealing with Open Meeting Law complaints and public records requests, in spite of several gray areas in the laws, as suggested in a recent Open Meeting Law training session. Ellen confirmed that there was never a deliberate intention on her part to not abide by the Open Meeting Laws. A suggestion was made to have legal counsel review School Committee agendas before posting; Ellen will ask the Board of Selectmen about their process.

11. **Comments from the Public:**

There were no public comments.

12. **Executive Session:**

Upon a motion duly made by Ellen Grieco, seconded by Jeanne Downs, the School Committee voted (4-0) to enter Executive Session at 11:20 p.m. for the purpose of reviewing Executive Session minutes related to the Attorney General's decision 2015-99 regarding George Harris's Open Meeting Law Complaint of September 15, 2014 and Richard Lodge's Open Meeting Law Complaint of November 24, 2014 and possible declassification of related minutes, pursuant to M.G.L. c. 30A, §22, and approving minutes from prior executive sessions, as permitted by M.G.L. c. 30A, §22, for the following meeting: August 3, 2015, Sessions 1 and 2. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Ellen Grieco, Chair	X	
Barb Fletcher (absent)		
Donna Bouchard	X	
Jeanne Downs	X	
Kathie Steinberg	X	

The School Committee will be joined by Diane Marobella, recording secretary.

The School Committee will reconvene in open session to conduct regular matters as noted on the meeting notice.

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

- (a) Possible Declassification of Executive Session Minutes as listed on the Meeting Notice:
This agenda item was passed over, as the Committee is unprepared at this time to address this matter.

13. **Adjournment:**

Upon a motion duly made by Ellen Grieco, seconded by Jeanne Downs, the School Committee voted unanimously (4-0) to adjourn the Regular Session at 12:02 a.m.

Respectfully submitted,

Paul Stein, Clerk
Wayland School Committee

Observers:

Mary Ann Borkowski, Wayland
Dorothy Dunlay, Wayland
Dave Howe, TTF

Corresponding Documentation:

1. Agenda & Backup Information
2. Information re: Technology Advisory Committees
3. Draft Warrant Article
4. Draft STEAM Article
5. Updated Food Service Budget
6. 2015-2016 Food Service Marketing Plan
7. Food Service Ala Carte Elementary Menu
8. Revised Procedures for Student Activity Accounts
9. Personnel and Non-Personnel Budget Transfers by Org, Object & Code
10. Finance Subcommittee Update
11. MASC Policy – GBEA
12. School Committee Policy – GBEA
13. Title IX Discrimination Grievance Procedures
14. Payroll Warrant Ending 8-5-2015
15. Regular Session Minutes of July 6, 2015
16. Regular Session Minutes of July 20, 2015
17. Executive Session Motion