

Amherst-Pelham Regional and Union 26 School Committee Meeting
Wednesday, March 15, 2017
Library, Amherst Regional High School

IN ATTENDANCE

Eric Nakajima, Region
Vira Douangmany-Cage, Region
Anastasia Ordonez, Region & Union 26
Emily Marriott, Region
Cara Castenson, Union 26
Katherine Appy, Region & Union 26
Phoebe Hazzard, Region & Union 26
Ron Mannino, Union 26
Trevor Baptiste, Region & Union 26

Michael Morris, Superintendent
Sean Mangano, Finance Director
Kathryn Mazur, Human Resources Director
Faye Brady, Student Services Director
Rachel Bowen, Human Resources Assistant Director
Mark Jackson, ARHS Principal
Tom Colomb, Esquire
Derek Shea, Crocker Farm Principal
Paul Wiley, Executive Director of Leadership
Jo Ann Smith, Special Education Administrator

ABSENT:

Stephen Sullivan, Region
Audra Goscenski, Region

1. Welcome and Call to Order 6:33 p.m.

Mr. Nakajima called the Regional School Committee to order and Ms. Ordonez called the Union 26 School Committee to order at 6:33 p.m.

2. Approve Minutes—March 7, 2017; March 8, 2017 6:34 p.m.

Ms. Appy moved to approve the minutes of March 7 and March 8, 2017. Ms. Hazzard seconded and the motion was unanimously approved with Ms. Marriott abstaining. Mr. Mannino moved to approve both sets of minutes on behalf of the Union 26 School Committee. Mr. Baptiste seconded and the motion was unanimously approved.

3. Announcements and Public Comment 6:35 p.m.

There were no public comments. At Mr. Nakajima's request, Ms. Appy reported on the recent high school musical and Mr. Jackson reported on the ARHS hockey and boys' basketball teams, which both made it to the finals.

4. Interim Superintendent's Update 6:38 p.m.

Dr. Morris thanked the committees and Ms. Castenson, in particular, for their efforts to advocate on behalf of the schools in opposing the expansion of the Pioneer Valley Chinese Immersion Charter School. He also thanked Ms. Douangmany Cage for her efforts in spearheading the Community Meeting that was held on Saturday in support of immigrant members of our community. Dr. Morris also reported on several items including:

- He, Ms. Douangmany Cage, Ms. Ordonez and Mr. Mangano attended the MASS/MASC summit *Poverty: It isn't just someone else's problem anymore*. Ms. Douangmany Cage and Ms. Ordonez reported on the break-out sessions they attended. Mr. Nakajima noted that he would like to schedule a meeting at which there can be a more in-depth discussion of what was learned at the conference and what is being done in the district.
- The Pioneer Valley Excellence in Teaching Award recipients this year are Marcia Gomes, ARMS; Leanne Hunt, Pelham; Naishin Kuo, Wildwood; and Trevor Takayama, Fort River.
- Nat Woodruff is in Finland as part of his sabbatical request that was approved for this year. He has started a blog and invites the School Committee to follow his work at <https://nwwfinlandfulbright.wordpress.com/>. Ms. Douangmany Cage asked if Mr. Woodruff can report back on what he is observing regarding homework, vacation days and school food in Finland. Dr. Morris said he will send him that request.
- The first of five water filling stations, financed by the ARHS PGO, is up and running in the lobby outside the cafeteria.
- Two sixth grade students have qualified for the state Geography Bee, which will be held at Elms College on March 31.

5. New and Continuing Business 6:53 p.m.

A. Superintendent Search Discussion

DOCUMENT: *Memorandum to Eric Nakajima, Amherst-Pelham Regional School Committee, and Anastasia Ordonez, Union 26 School Committee Chair; CC: Kathryn Mazur, Director of Human Resources, from Thomas W. Colomb, Esq., dated March 13, 2017 regarding Written Application for Superintendent of Schools Search*

Mr. Nakajima distributed copies of the memo that was forwarded to School Committee members via email. Mr. Nakajima spoke about Chapter 256 of the Acts of 2010 "An Act Reforming the Administrative Procedures Relative to Criminal Offender Record Information and Pre- and Post-Trial Supervised Release" (CORI Reform) and the background about why it

was signed into law by Governor Patrick. The law forbids employers from asking a job applicant about his/her criminal record in the preliminary application process and forbids asking at any time about charges that did not result in a conviction. Mr. Nakajima explained that Ray and Associates, the search firm contracted to help with the Superintendent search, utilized an application in the search that does not comply with this Massachusetts law. Ms. Ordonez noted that she and Mr. Nakajima felt it is important to bring this matter to both committees to have the full committees help determine what steps should be taken. Mr. Nakajima noted that the district has not received any of the applications or application materials from anyone who has applied for the position with Ray and Associates. Discussion then followed. At Mr. Nakajima's request, Attorney Colomb reviewed what types of questions can be asked of applicants at each stage of the application process, and Ms. Mazur reviewed district practice in ensuring compliance with this law since it was passed in 2010. Mr. Nakajima opened the floor to questions and discussion. Ms. Douangmany Cage noted that we are self-acknowledging that we have not been compliant in this search and asked what the consequences would be with non-compliance. For instance, could an applicant bring a complaint or suit against the district for including the question on the application? Mr. Baptiste said that our not being in compliance has to do with our contracted search firm not taking the law seriously. He noted that the intent of this law is to help ensure a diverse pool. Mr. Baptiste suggested keeping the search open for some additional time without that question on the application if it would indemnify the district. Ms. Appy noted that she is less worried about liability than about people who may not have applied for the position because they saw the question and chose not to apply. She expressed concern that such potential applicants will not apply even if the process is kept open for an extended period. Ms. Appy also expressed concern about moving forward with a search firm that found it OK to disregard Ms. Mazur's information and use an illegal application. Mr. Mannino asked how Ray and Associates addressed the issue that they violated the law in Massachusetts. Mr. Nakajima noted that you can see in the memo from a month ago that they were fairly dismissive of Ms. Mazur's concerns. Ms. Mazur reported that she spoke to Dr. Rush to let Ray and Associates know that they should hold off on the search until the Committee can address their serious concerns. Ms. Castenson noted that she has the same concerns as those expressed by Ms. Appy, noting that the harm has been done if applicants chose not to apply due to the question on the application. Mr. Nakajima stated that there is a clear obligation for the employer to follow the law, noting that we know there are flawed materials in our possession that may have disadvantaged certain applicants and prevented them from applying. Ms. Hazzard thanked Ms. Mazur for catching this issue on the application. She said she believes it would be ethically very difficult to go forward with a search that did not comply with anti-discrimination laws. Ms. Appy noted that she believes that this search is seriously flawed, used an illegal and discriminatory application, and she believes this search has failed for those reasons. Mr. Baptiste stated that the search fails when the committee says it has failed. He said he believes we should figure out a way to make this a search that the constituents will accept. He noted that he believes we should see if the pool is diverse and move forward if it is. Mr. Baptiste noted that school committee members have broken the law in the past through open meeting violations. Ms. Hazzard called point of order. Ms. Appy noted that there is a major difference between an unintentional open meeting law violation and an intentional search with an MCAD violation. Mr. Nakajima noted that he does not care about anything that happened in the past, he does not want any laws broken right now. He stated that he believes two questions must be answered: What do we do right now about this? and How do we deal with Ray and Associates as a search partner? Mr. Colomb noted that the reality is that the district does not know what the liability will be as a practical matter, but the CORI question is not one that the district asks and his firm's legal advice is always not to ask it. Mr. Colomb noted that if it were the will of the committee to continue with the search, he would recommend that the new application be completed by every candidate and that the committee never know the identity of the applicants who have applied to date through the current application. Mr. Nakajima noted that the question tonight is whether to move forward with this search and, based on that decision, the question for next week's meeting would be how or if to move forward with Ray and Associates. Extensive discussion followed regarding how to move forward. Mr. Nakajima asked for a motion regarding whether to discontinue the current search. On behalf of the Regional School Committee, Ms. Appy moved to discontinue the current search for a superintendent. Ms. Marriott seconded and discussion followed about the wording and intent of the motion with Mr. Baptiste expressing concern that it is not clear. After discussion, Ms. Appy agreed to amend the motion to replace the word "discontinue" with "suspend." The motion to suspend the current search for a superintendent was then unanimously approved. On behalf of the Union 26 School Committee, Mr. Baptiste moved to suspend the current search for a superintendent. Ms. Castenson seconded and the motion was unanimously approved. This topic will be on the agenda at the next meeting with the Chairs presenting options for moving forward after talking with Ray and Associates and legal counsel.

Mr. Mannino moved to adjourn Union 26 at 8:47 p.m. Ms. Appy seconded and the motion was unanimously approved.

B. 2017-2018 School Year Calendar Vote

DOCUMENT: 2017-2018 School Year Calendar (Pre-Sept. 1 Start Draft)

Dr. Morris reported that the APEA worked with district administration to draft two calendars, the one presented and one with a Post-September 1 start, which is required contractually. The APEA membership reviewed both and also supports the Pre-September 1 start the committee is being asked to approve. Ms. Appy moved to approve the Pre-Labor Day start calendar for the 2017-2018 school year. Mr. Baptiste seconded and, after brief clarifying questions, the motion was unanimously approved.

C. Amended Regional Method of Assessment Vote

DOCUMENT: School Votes--March 15, 2017

Mr. Mangano briefly noted that the assessment method being recommended by the Assessment Working Group will be supported at all four Town Meetings if the School Committee approves it tonight. Mr. Nakajima read the motion as follows: To amend the Amherst Pelham Regional School District Agreement such that, notwithstanding Section VI, for Fiscal Year 2018 only, 10% of the operating budget assessment shall be allocated to each town based on proportionate shares of a five year average of statutory minimum contributions (FY14-18), and the other 90% will be allocated to the member towns in accordance with the per-pupil method found in the Amherst Pelham Regional School District Agreement. Since FY18 minimum contributions will not be finalized at the time of this vote, the District will use the state's preliminary figures with estimated corrections provided by the state. Ms. Marriott so moved, Mr. Baptiste seconded and the motion was unanimously approved.

D, FY2018 Amherst-Pelham Regional School District Budget Vote

DOCUMENT: School Votes--March 15, 2017

Mr. Mangano distributed updated budget pages, including changes based on the assessment method which the Regional Assessment Working Group has agreed to support. Ms. Ordonez moved to adopt a budget of \$31,317,900 for Fiscal year 2018 for the Amherst Pelham Regional School District and to assess member towns according to the method in the just approved amendment such that 10% of the operating budget assessment will be allocated to each town based on proportionate shares of a five year average of statutory minimum contributions (FY14-18) and the other 90% to each town according to the per-pupil method assessment method specified in the Regional as follows:

Amherst	\$15,502,710
Pelham	\$1,035,183
Leverett	\$1,492,715
Shutesbury	\$1,735,946
Total	\$19,766,554

Ms. Appy seconded and the motion was unanimously approved.

E. Capital Plan Vote

DOCUMENT: School Votes--March 15, 2017

Mr. Mangano noted that the vote is the required legal language to enact the capital plan as proposed. Mr. Baptiste moved that the District hereby appropriates the sum of \$155,000 for the purpose of paying costs of the following projects, including the payment of all costs incidental or related thereto: (i) Field Improvement Study in the amount of \$30,000; (ii) Architectural Services for the Middle School Roof in the amount of \$75,000; and (iii) Removal of the Middle School underground oil storage tank in the amount of \$50,000, said sum to be expended at the direction of the Regional School District School Committee. To meet this appropriation, the District Treasurer is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d), of the General Laws and the District Agreement, as amended, or pursuant to any other

enabling authority. The amounts indicated above for each project are estimates and the Director of Finance may allocate more funds to any one or more of such projects, and less to others, so long as, in the judgment of the Director of Finance, each of the projects described above can be completed within the total appropriation made by this vote. Any premium received by the District upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER VOTED: That within forty-eight hours from the date on which this vote is adopted the Secretary be and hereby is instructed to notify the Board of Selectmen of each of the member towns of this District in writing as to the amount and general purposes of the debt herein authorized, as required by Chapter 71, Section 16(d), of the General Laws, and by the District Agreement. In addition the Committee shall cause the same information to be published within 10 days after such authorization as a paid notice in a newspaper circulating in the District.

Ms. Appy seconded and, after brief discussion, the motion was unanimously approved.

F. Special Education Stabilization Fund Vote

DOCUMENT: School Votes--March 15, 2017

Mr. Mangano noted that this motion will be setting up the reserve fund for unanticipated special education costs, as authorized by the State. This vote will just establish the fund, which will then go to the Town Meetings for approval. After brief clarifying questions, Mr. Nakajima read the motion which is to move that the School Committee vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 13E, which allows the establishment of, and appropriation or transfer of money to, a reserve fund to be utilized in the upcoming fiscal years, to pay, without further appropriation, unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation. Ms. Hazzard so moved, Ms. Marriott seconded and the motion was unanimously approved.

G. Accept Gifts

DOCUMENT: Memo to the Amherst-Pelham Regional School Committee from Jill Berry, Amherst-Pelham District Treasurer, dated March 3, 2017

Ms. Hazzard moved to accept \$500 from Jones Group Realtors for a scholarship; \$500 from Florence Bank for a scholarship; \$2,000 from anonymous for the Boys' High School Lacrosse Team; and \$12,500 from Amherst Education Foundation for the ARHS Digital Music Lab, Century Biology and SE Technology. Mr. Baptiste seconded and the motion was unanimously approved.

6. School Committee Planning

9:28 p.m.

Dr. Diehl from the Collaborative, policies, superintendent search, and attorney selection will be on the next agenda.

7. Adjourn

9:29 p.m.

Ms. Appy moved to adjourn at 9:29 p.m. Mr. Baptiste seconded and the motion was unanimously approved.

Respectfully Submitted,
Debbie Westmoreland

Approved 3/21/17