

School Committee Executive Session  
Bromfield Faculty Room  
Monday, July 19, 2010

Members attending: Thomas Jefferson, Piali De, Virginia Justicz, Pat Wenger, Keith Cheveralls, Kirsten Wright

Other attendees: Mr. Leonard Kesten: Outside Counsel to S.C., Mr. Joshua Coleman: Outside Counsel to Dr. Jefferson

Meeting called to order by Keith Cheveralls at 7:01 p.m.

Piali De made the motion: to enter into executive session, as authorized by Chapter 30A, Section 18-25 of the Massachusetts General Laws, at a meeting for which 48 notice has been given to hear recommendations for and to consider the discipline of an employee.

Following the executive session, the Committee will not return to open session.

Virginia Justicz seconded the motion.

VOTED (5/0) to accept the motion. (Keith Cheveralls (Yes), Piali De (Yes), Virginia Justicz (Yes), Pat Wenger (Yes), Kirsten Wright (Yes).

Committee Chair Keith Cheveralls requested Counsel for Superintendent participate as an observer rather, and was asked not to speak without invitation to do so. Chair supplied a history of previous meetings (3 meetings containing approximately 4 hours of discussion), and Mr. Kesten's findings.

**Purpose of meeting:**

1. To hear Counsel's recommendation for discipline of Superintendent in regard to state ethics violation.
2. To hear Superintendent's prepared remarks on this matter.
3. To deliberate in regard to disciplinary action of Superintendent related to ethics violation.

Based on his review of the evidence NOT the Ethics Decision (which is not final-Superintendent is appealing) itself, Mr. Kesten made the following findings:

1. Lapses of judgment
2. Appearance of impropriety
3. School Committee Member was given privilege because of his power/position/access to Superintendent that others do not have. It just "looks bad" even if motives were pure.

4. Could have done the “rule of necessity”- Get someone else to be directly involved to eliminate the possibility of looking bad.
5. Overruling the SPED Director, asking him to sign looks bad.
6. Result: School Committee and Public questioned the decision. Lack of trust.
7. Would it have cost the town more money to go to hearing instead of solve the way the Superintendent did? Yes, probably. The end, however, does not justify the means.

Mr. Kesten made the following recommendations:

1. There should be sanctions of some sort (suspension/ public letter of reprimand for example). Appropriate # of weeks suspension 2-4.
2. Superintendent does have the right to appeal.
3. Dismissal is not recommended- very costly; time has passed; need to move forward.

Counsel, Joshua Coleman, and Superintendent caucus 7:12- 7:14 p.m.

Tom speaks to offer “clarifications”.

1. Highlights the savings to the district by settling out of court; the fact that SPED was out of compliance according to DESE therefore he entered as Superintendent in 2005 without confidence in the department; SC member did not give his rights as a parent away when he signed on for SC; his motivation was the best interest of the student, financial interest of the district and absolutely not his own gain.
2. “Overruling” Charles Horne is an over statement.
3. Student #2 history
4. Filed appeal with Ethics Commission because he received no unwarranted privileges.
5. Disclosure is problem statewide due to confidentiality issues.
6. He has apologized to parents.
7. This has been difficult. He has been punished enough.

Mr. Kesten- There is no evidence that the superintendent received advice to do things as he did.

Joshua Coleman asked to speak, and was given permission by the Chair. He reiterated the concern about confidentiality for the student and that filing of a disclosure would have violated privacy of the student. He also said that Dr. Jefferson did consult Naomi Stromberg.

Mr. Kesten- The concern is doing what the Superintendent did, not disclosure. The Superintendent could have gotten help rather than be directly involved.

The Chair invited each School Committee member to share thoughts on this matter in order of most to least experience on the Committee.

Piali De:

1. Lapse of judgment (Boss>Worker parameters)
2. Learn something from this. Don't do it the same way.
3. "The buck stops here" with the Superintendent. Telling Charles to sign, for example. Good leaders protect their underlings and take responsibility.

Virginia

1. Difficult to publically speak up right away.
2. Do SC members have fewer rights?
3. What things could Tom have done differently?
4. There was concern in the community about rising SPED costs.
5. Easy to look back and second guess.
6. Conflict between SC and Superintendent. How do we move forward?
7. How do we as a SC and Superintendent work together to lead the District?

Pat

1. History from beginning of ignoring the public despite the please to understand.
2. Superintendent has never apologized publicly.
3. There is a lot of hurt all around.

Kirsten

1. Tom has been through a lot- we all have.
2. Need to move forward, but first must deal with the past.
3. Acknowledge, apologize and deal with the mistake.
4. Make a commitment to building SC/Superintendent relationship.

Keith

1. History
2. Inept School Committee
3. Wormser is out of reach, but Superintendent is here and is still the CEO
4. Own the mistake.

8:00- 8:12 p.m.

Counsel, Joshua Coleman, and Counsel, Leonard Kesten caucus

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Superintendent and Counsel waive right to be at remaining deliberations for the evening.

Proposal from Joshua Coleman: Superintendent will accept loss of 2 weeks "vacation" pay, without calling it a suspension. A joint public statement of regret from School Committee and Superintendent to be drafted.

Naomi was asked to speak with DESE about not having an interim Superintendent for 1-2 week period. And, DESE comfortable with this for this limited amount of time.

8:35- 8:41 p.m.

Counsel, Joshua Coleman, Leonard Kesten, and Superintendent caucus.

Superintendent will agree not to arbitrate if docked 2 weeks pay. He wants input into letter of reprimand if there are to be two separate statements instead of a joint statement.

Piali's proposal: Two weeks loss of pay, and public apology from the Superintendent (which we approve). Separate statement by S.C. about standards etc. expected of SC of itself and Superintendent. The proposal was not voted on instead Attorney Kesten will discuss proposal with Superintendent's counsel.

August 23, 2010 Next executive session. Goal: Shape the ideas we have on the table.  
August 30, 2010 Goal: Public announcement

Pat Wenger made the motion to authorize continued engagement of Leonard Kesten as outside counsel up to and including the conclusion of this dispute.

Piali De seconded the motion.

VOTED (5/0) to accept motion. (Keith Cheveralls (Yes), Piali De (Yes), Virginia Justicz (Yes), Pat Wenger (Yes), Kirsten Wright (Yes).

Virginia Justicz made the motion to adjourn at 9:02.  
Pat Wenger seconded the motion.

VOTED (5/0) to accept motion. (Keith Cheveralls (Yes), Piali De (Yes), Virginia Justicz (Yes), Pat Wenger (Yes), Kirsten Wright (Yes).

Respectfully submitted,  
Kirsten Wright  
Secretary