

School Committee Executive Session
Town Hall Meeting Room
Wednesday, September 8, 2010

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

Other attendees: Mr. Leonard Kesten: Outside Counsel to School Committee

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

Purpose of meeting:

Pat Wenger made the motion that the School Committee enter into executive session as authorized by Chapter 30A, Section 18-25 of the Massachusetts General Laws to consider the discipline of an employee. Following the executive session the Committee will adjourn and not reconvene in open session.

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).

Approval of Minutes:

Piali De made the motion to approve the minutes of May 10, 2010 executive session.

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).

Pat Wenger made the motion to approve the minutes of May 28, 2010 executive session as amended (addition of confidentiality, context of SPED and other background information to discussion and questions).

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).

Pat Wenger made the motion to approve the minutes of June 29, 2010 executive session as amended (strike "recommendation" and add verbal (no written) to Attorney Kesten's description of the process and basis for his findings).

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).

Pat Wenger made the motion to approve the minutes of July 19, 2010 executive session as amended (Purpose of meeting #1.; “offered to forfeit two weeks vacation”; replace “loss of” with “without”; add VOTE (5/0)... to Pat Wenger’s motion- continued engagement of counsel).

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 for members of School Committee to review the minutes of August 30, 2010 executive session later and approve them at the next available opportunity.

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).

Keith Cheveralls reminded the committee members that these minutes are confidential and they are not to be shared with anyone.

Keith Cheveralls shared that Naomi Stonberg, Counsel, reviewed/agreed with the draft of the Public Statement that he and Attorney Kesten had drafted.

Attorney Kesten shared that there are conflicting opinions about the public sharing of the discipline of an employee. There is a conflict between two laws: Open Meeting Law and Case Law in regard to personnel records. Mike Long, attorney for the Superintendent, has also voiced these concerns. Attorney Kesten’s advice is to keep the minutes confidential. Interested parties would need to make appeal to Attorney General for minutes. Do not release minutes without permission of Attorney General. This protects School System from potential lawsuits.

Piali De expresses the need to make it public that we are doing this because of the conflict between the two laws and not because we are hiding something. The public needs to know that whenever possible we are committed to transparency.

Virginia Justicz cautions the group to be careful about what is brought to public meetings. Whatever is on the table is available upon request. Keith concurs, with the committee having a brief discussion about this.

Attorney Kesten reviews the draft of public statement and members of School Committee offer input to create the amended draft.

Piali De made the motion to accept draft of public statement as amended.

Pat Wenger seconded the motion.

VOTED (4/1) to accept motion. (Keith Cheveralls (Yes), Piali De (Yes), Virginia Justicz (No), Pat Wenger (Yes), Kirsten Wright (Yes).

Attorney Kesten will provide copy to Attorney Long ahead of time with suspension date. Keith advised to keep decision confidential until after School Committee meeting on Monday, 14, 2010 where statement will be made public. Dr. Jefferson may make a statement himself as a follow-up.

Discussion about handing out a written statement rather than reading it publicly. Agreement to read it.

Timing of the suspension was discussed by Keith with Naomi Stonberg prior to executive session. She recommended the one week suspension be done sooner rather than later, and that the Principals would accept responsibility in the Superintendent's absence, with Naomi available as needed.

Piali De made the motion that subject to there not being a compelling reason to alter the date set by the School Committee, Dr. Jefferson will serve a one week suspension without pay during the week of September 20th. Jim O'Shea will serve as Acting Superintendent with Suzanne Mahoney as a backup with access to School Counsel, Naomi Stonberg, as needed.

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).

The Chair will communicate this decision to the Principals.

Pat Wenger made the motion to adjourn.

Virginia Justicz seconded the motion to adjourn at 9:05.

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

