

Lexington School Committee  
Tuesday June 20, 2006  
LHS Media Center  
251 Waltham Street

**Present: Superintendent Paul Ash, School Committee Chair Helen Cohen,  
School Committee Members Tom Diaz, Tom Griffiths, and Olga Guttag.  
Minutes taken by Leora Tec.**

**The Meeting was convened at 7:37 p.m.**

**I. Call to Order and Welcome**

**Helen Cohen:** The public can read a full account of the playground incident at Estabrook on the LPS website. It was reported to all the relevant authorities and no investigation was undertaken. The press release has resulted in harassment and threats against Dr. Ash, and I am very sorry that has happened. I hope if you hear people talking about this you will give them the facts from the press release on the LPS website. I'm sorry it has caused an interruption in the working of the Central Office and the School Committee.

**II. Public comment**

**Molly Garberg** (Co-chair of Lexington Stand for Children): Just a reminder that the margin of a few hundred votes on June 5<sup>th</sup> was not a mandate. Lexington Stand for Children will continue to work for education funding on local and state levels. Thank you to the entire school administration, those who voted yes and those School Committee members who worked hard.

**III. Superintendent's Report**

**A. Selection of LHS teacher as a member of the US Department of Education's Teacher Training Corp:** Lili Pan has been chosen for this elite corp. This is another example of Lexington's extraordinary teachers.

**B. Lexington Education Foundation Update:**

**Carol Pilarski:** Thank you to LEF's abundant generosity. It has been a pleasure to be an *ex officio* member of their Board. They have pledged \$40K to professional development and \$40K for summer workshops for 105 teachers in 22 workshops. In addition they have granted \$11,003 to continue action research, and will be increasing the amount of the school community grants. They have pledged \$32,500 for the new teacher induction program. This is \$279K in total. Please continue to support LEF.

- C. **LABB Collaborative voted to approve their contract:** This is their first contract and the negotiations have gone on for years. The LABB teachers are extraordinary people. This took a lot of work. This is a very fair contract. Tomorrow we will vote to ratify the contract.
- D. **Principal Search finalists for Bowman and Estabrook:** We have three candidates for two positions. The goal is to announce the names on Tuesday.

#### **IV. Discussion Items**

##### **A. Rental Rates for Extended Day Programs**

**Helen Cohen:** These rates were decided in December and January, not because the override failed. We raised many fees.

**Paul Ash:** No Superintendent wants to raise fees. But in the world today we need to think about how to best use our money to educate our children and consider what our revenue sources are. I thought about what would be fair. (He showed a slide with history of rental charges for each program.) There has been no inflation adjustment since 1999 when these were established. Increasing rates would generate \$182K. Because we were not collecting any money for custodial costs we are adding one hour a day. This revenue stream is \$20K lower than what is built into the budget. (He showed a slide outlining what this would mean for each family.) The increase in fees for the average family would range from \$188 to \$283 per year. That is an increase of about 7% to families. This is the first increase in six years. (He showed a slide of costs in neighboring communities. Fiske would be slightly below next year; Bowman would be slightly above.) These programs need to share equally in utility costs and wear and tear, and utilities have gone up tremendously. One hour of custodial time is \$38.50 (overtime charge). We are charging ITM less than custodial costs. We are running these programs with a heavy subsidy. The rates have not been increased in 6 years. Adding this \$200 I think is fair. It doesn't move us beyond the midpoint of the area programs. The price was too low to begin with.

**Tom Diaz:** We have gone too far in raising fees. Using fees for program A to benefit some unrelated activity is unacceptable. Would you, Dr. Ash, be in favor of a policy opposing such actions in the future? The public is invited to the discussions on the FY08 budget. There is contractual language that obligates us to give prior notice of a fee increase. What is your comment on that, Dr. Ash?

**Paul Ash:** In general fees should offset costs of the program. The contract has a number of provisions; there is a section that says how much it can go up and we have not raised it. The contract can be terminated with 90 days notice so we could send a new contract out. Our attorney says we can do this if we potentially could go into a contract dispute. Our goal is to have an ongoing relationship with

all the programs. We discussed this with the School Committee in December and these are public meetings. Letters went out on May 4<sup>th</sup> to all programs well before the override.

**Helen Cohen:** Let's please keep the level of the discussion civil. We know that people are upset.

**Tom Harrington** (President of the Board of Lextended Day): The extended day programs are non-profits with parent boards, professional staffs, and high quality programs that have been in operation for more than 25 years. They have paid more than \$320K to the schools (in playground improvement among other things); they have also made contributions to the schools. We don't want parents to send kids home to empty homes because they didn't have a choice. We have four concerns:

1). **Affordability:** Budgets are kept tight, affordability is an individual matter. The increases amount to hundreds of dollars per child. The same families have bus fees, soccer fees, groceries, etc...Breaking it down trivializes the increase. Asking what families can afford is really a diversion from what the law requires. And that is: that the fees be revenue neutral.

2). **What are the actual costs?:** a). Custodians: we clean up after ourselves, the custodians clean the areas they would clean anyway. Also why would we be paying custodial overtime rather than the regular hourly rate? b). Lights and heat: \$127K for light, heat, and wear and tear? The lights and heat would be on anyway. What is our fair share? We will pay it. c). Wear and tear: we repair and clean things up. For example, the Fiske extended day program painted and installed lights and fans. The programs are flexible and respond to the demands of the schools. These programs do much for our children for so little cost; the School Committee could not ask for a better partner in public education for the town.

3). **The License Agreement:** We have abided by and relied in good faith on the agreement. The current fee increase far exceeds the increase stipulated in the agreement. And we have relied on the fact that it says that any increase shall not exceed the CPI. The change was 3.3%. This has been the average. The extended day programs are not at fault for not having been charged this. Proposed increases are double or triple what we are currently paying. Increases are: 82%, 107%, 128%, 238% and 261%, and they occur on top of cost of living adjustments. These programs extend the day in a very real sense. They are not mere licensees. We need a holistic vision for public education. The families that use these programs are ready to partner with you to solve this problem.

**Joan Heffernen** (founder ITM): The American Association of School Administrators published a report last May stating that the transition from elementary school to middle school is critical, and the school-after-school link

can be strengthened by administrators. Juvenile offenders and victims' incidents peak between three and six pm. Thirty-four percent of middle school kids take care of themselves after school. California funds after school programs for both elementary and middle school students. We were parents from the elementary schools whose kids had been in elementary after school programs. The kids in ITM have homework contracts. We work with teachers and guidance counselors for a good school-after-school connection. High school kids come to mentor ITM kids even after they have finished their community service. Please take another look at the rental decision, sound as it is. We would like to take a joint look at finances. With a 357% increase we won't be able to open in the fall, it'll be \$350 per family, last year we said the rent was not affordable and you decreased it by 50%. Now you want to triple it. We ask that you work with us.

**Public Comment on this issue (There was standing room only in the room):**

**Thomas Fiori:** I have 3 kids in Lextended Day. This move is both politically ill-advised and of questionable legality. The School Committee is obligated to make school property available to these programs (according to Chapter 71 section 71) and is subject to established policies; fees cannot be used to generate additional revenue or they amount to an illegal tax. A potential legal challenge might cause the town and the School Committee to take on legal fees. Also, some may view this as the School Committee's indifference to working parents. The fee increase is unnecessarily divisive. I urge you to abandon the fee increase. The Supreme Judicial Court (1941) The discretion to disallow use is at an end once the committee has determined that that use benefits the community. The extended day programs meet crucial needs. There is an obligation to provide school property for a use such as this. In the Emerson College Case the Supreme Judicial Court of Massachusetts said fees are charges to compensate government entities for expenses, not to raise revenues. Extended Day programs are not revenue sources. Financial impact only becomes an issue after the School Committee has documented the cost attributed to the after school programs in an open and transparent process. I urge the School Committee to meet with the representatives of the after school programs and open the books so that they can understand the basis for assessing legitimate fees.

**Tom Diaz:** We are not hostile or unappreciative. Since 1999 rates were not raised. Sounds like gradual increases might have been accepted. I don't think any of us regard these programs as a revenue source to fund unrelated parts of the education agenda, but we have been subsidizing this program with tax dollars. This is not a *proposed* increase. If we were to forgo a large part of this increase where would we get these funds?

**Helen Cohen:** There will not be a decision tonight.

**Beth Ioakimidis** (Harrington parent): My kids want to go every day. The Harrington increase of 228% (excuse me if my numbers are off, I couldn't see the slide) since 1999 is 25% for every year, which is much more than the CPI. It is fair to charge for the utilities we use. What are those actual numbers? The same families are paying other fees too.

**Paul Ash:** The increase is to charge what it really costs.

**Karen Zell:** With all the fees there are opportunities for scholarships but not here. Both my kids were in Lextended for six years, the school couldn't deal with the kids leaving kids out, but the extended program dealt with it (social issues).

**Amos Schnorrer** (Fiske parent): Those using these programs need them. The biggest increase is going to the people who are the most vulnerable, like single parents. What are the real costs of these programs?

**Staci Simon** (Fiske parent): It costs more to send one kid to ITM than two kids to Fiske. At Newton they charge per child per hour for rent.

**Jamie Katz** (Bridge parent): I am Chief of the Public Charities Division in the Attorney General's Office. I regulate 20,000 public charities. There are different ways of thinking about the subsidy issue. These parents are being charged twice for the facilities. We subsidize these programs in our own way; we pay for blocks that we don't use. If you lose enough of the revenue and infrastructure and you lose the quality and you won't have the relationship you talked about. The budget assumptions are merely assumptions; there needs to be real world analysis about what happens to some of these programs.

**Man from 40 Fottler Ave:** My son enjoys ITM. We should not cut ITM. I view it as essential because it allows kids to be in a supervised situation. If the School Committee can find a solution it will be very helpful for us.

**Beth Gaudette** (Harrington parent, via email): There are many fee increases. This is just one increase among many. I support Dr. Ash and the School Committee. Parents should attend the budget meetings.

**Olga Gutttag:** These programs are very valuable to children. Dr. Ash determined the true cost of space. We got lots of help from extended day on the Fiske playground. The reason our schools are as good as they are is because of this giving back. We got no input from parents on this until now since February. The budget has been approved. Our system has already suffered damage because of the loss of the override. What could we trade? I hope we can work out a way to keep you in our schools. Do we need to give notice of the contract cancellation to not leave us open to litigation? Would it be prudent to authorize Dr. Ash to terminate the contract with the understanding that this is not trying to get rid of the programs but that we actually work with the programs and see what we can

do, with no guarantees that we will be able to do something, because once the Town Meeting votes the budget we are sort of stuck, particularly after the loss of an override.

**Paul Ash:** A harmonious agreement between parties is always preferable. I genuinely thought people in the programs knew we were raising the rate.

**The public:** No!

**Paul Ash:** I thought people knew because people from my office called and got information and the budget was built based on information we got from those phone calls. Also the fee increases were discussed in public meetings. Communication can always be better. I value the programs. Clearly the message did not get out effectively before the letter of May 4th. Now we are stuck because we are at the end of the year. We did receive an email quoting us a section of the contract, so we sent the contract to our attorney. I am committed to these programs and reissuing new contracts but I don't see there is an alternative if you want to protect the interests of the school system from litigation and therefore I don't think we have a choice. We have to notify the lessees that the contract will be terminated in 90 days and say very clearly that it is our intention to reissue new contracts. I do want to have conversations. We will know in a while how much flexibility there is; this is the worst time to say exactly where we are in the FY07 budget. We can say the rates won't be greater than what we have already increased them to. Maybe dialogue can produce some change.

**Tom Griffiths:** We value these programs. How much of a risk is there of these programs being cancelled?

**Joan Heffernan:** We need to have people commit upfront to maintain the program. People are already finding our program to be at the outer limit of what is affordable. We operate at a deficit. We are not unwilling to work with the School Committee.

**Tom Harrington:** The programs are fragile. The elementary programs won't disappear overnight, it will be gradual.

**Tom Griffiths:** What school programs would we be sacrificing if we were to reduce this increase? This is comparable in cost to the luncheon fee increase. We need money to run the schools. We don't always tax who it is fairest to tax. I am not hopeful that we will find a solution to this this year. We made commitments to the voters. We chose this revenue source with the same amount of notice to the public as the other revenue sources for the other fee increases.

**Rose Culkins** (Director, Harrington Extended Day): Harrington Extended Day has not set its rates yet, and the rates are already going to have to be 10-20% higher than last year, even without the rental increase. We will have to cut staff or

programs. We did not receive proper notification. I don't think this has been a very fair process; if we had been notified my parents would have been at more meetings.

**Olga Gutttag:** We also lost many programs. We also had to sacrifice the quality of our programs. How can we minimize the damage across the board?

**Robert Foley** (President, Harrington Extended Day): Will there be an open dialogue with Directors and board members? Dialogue would be good.

**Tom Griffiths:** We made a decision and it should stand and there is no need for a motion here. We have made a decision and that decision should stand. Ninety day notice should go out.

**Tom Diaz:** I don't see a solution to this before next year. This will be revisited in the FY08 budget discussions.

**Olga Gutttag:** It is our obligation to protect the town from lawsuits. If a motion is in order I will make it. The budget has been approved.

**Helen Cohen:** I would like to include an instruction of the sharing of information of the costs with the programs. It would be good to get the information from each of the programs as to exactly what the impacts were going to be. If we find a middle ground another group would be angry that we violated what we said we would do. I'm not seeing that we can make a change but I do think we should have a dialogue. I know you were surprised, all the taxpayers are paying for this if the programs are truly being subsidized. I would like to have a dialogue.

**Tom Griffiths: Motion to leave the fees unchanged and support Dr. Ash in whatever administrative actions he may have to take to implement the fee changes. (No second).**

**Tom Diaz:** Can we remove the first part about leaving the fees unchanged?

**Olga Gutttag:** Most disturbing is that there are scholarships for other fees but here people are most needy and we don't have them. You can do fundraising; others in the community can support you.

**Helen Cohen:** Scholarships are for public school programs. We need to make clear to Dr. Ash where we are.

**Olga Gutttag: Motion to instruct Dr Ash to terminate existing contracts as soon as practicable so that he can then implement the voted budget unless we can come up with a better solution. (No second).**

**Tom Griffiths:** Motion to leave fees unchanged and support Dr. Ash in whatever administrative actions he may have to take to implement these fee changes (Griffiths, Diaz). I agree with Helen about the dialogue. I am making this motion to be clear with Dr. Ash.

**Tom Diaz:** Maybe some solution will emerge. He proposed but we disposed. I want to be clear that this is our responsibility.

**Olga Gutttag:** I prefer not to include "leave the fees unchanged." We do need to show that the fees are justified.

**Tom Diaz:** It is not just Dr Ash's problem to work out.

**Tom Griffiths:** Each action of the School Committee can be reversed at the next meeting.

**The motion passed 4-0.**

## B. School Improvement Plans

There were questions for principals and a discussion about school improvement plans. Dr. Ash stated that next year all schools will use the same format for school improvement goals.

## C. Reorganization of the Technology Department: Paul Ash will move forward with the reorganization.

**Tom Diaz:** The reorganization is within your administrative domain and you don't need our approval in my opinion.

**Olga Gutttag:** I have a couple of concerns. First the .5 tech start-up specialist: We have never had this kind of support for any school. Hiring this specialist at the beginning of the year when we may not be in Fiske until Christmas means we will be paying a salary for something that we don't have to. We know our enrollment numbers don't settle until the end of the summer; what if we need another teacher and we will have lost the slack in our budget? At Harrington it didn't take a half-time position for a full year to teach the teachers how to use the new technology. It changes the equity between Fiske and Harrington. Also, I would not fully commit to hiring the Director of Technology in January. I'd rather defer the decision. We could use a temporary consultant at Fiske.



**Tom Diaz:** Dr. Ash acknowledges the situation is bad due to the lost override. We lost our IT Director during the school year. We need to support Dr. Ash.

**Helen Cohen:** Re: getting a director mid-year: I would be in favor of getting someone mid-year.

**Tom Diaz:** When we moved into Harrington the new IT director did nothing for a while but bring Harrington up to speed. We have a different set of problems now. This is a difficult situation.

## **V. Action Items:**

A. Vote to approve Superintendent's Recommended 2007-2008 Calendar

**Olga Gutttag:** Update on tally: 195 parental emails saying start in August, one was an entire group. Sept start=103. There were 27 other suggestions. The ratio was almost 2 to 1 for August vs. September start.

**Tom Diaz:** Are there other extenuating circumstances we haven't thought of?

**Olga Gutttag:** Handling vacations differently, conferences differently.

**Tom Diaz:** We can still address some of those issues.

**Olga Gutttag:** We should vote the calendar and post it. We'd rather have an algorithm than go through this exercise every year.

**Motion to approve the superintendent's recommended 2007-2008 calendar** (Griffiths, Gutttag).

**Paul Ash:** You can tweak half days here and there.

**Judy Vorsack (?)**: We don't want our children to start before Labor Day. We value the time we spend with our children in the summer. Perhaps teachers could start before Labor Day. Perhaps we could have delays instead of snow days. Why can't the town vote on whether to start before Labor Day as happened in the past?

**Dawn McKenna:** Did the teacher's union vote?

**Vito La Mura** Three to one.

**Dawn McKenna:** Can you change the professional development day to election day? We are rushing the process. I believe no matter when the last day of school

is there will be problems of nonattendance and now there will be many families who won't come for the start of school.

**Bill Sackett** (?) Many schools have professional development before school starts.

**Paul Ash:** When they come back in the summer teachers have a short window to get ready; you don't have their full attention. People have different points of view.

(inaudible audience response)

**Olga Gutttag:** We have no choice. I will pass interesting suggestions on to the calendar committee. The email preferences are for this. I plan to support the superintendent.

(inaudible comment from audience)

**Olga Gutttag:** I applaud and thank the administration for the fact that we have two viable calendars in front of us.

**Dawn McKenna:** You can make a decision in September or October with more people knowing about it.

(a lot of inaudible discussion)

**Tom Griffiths:** This is not a monumental decision.

**Motion passed 4-0.**

B. Vote to approve Wellness Policy—Third reading

**Motion to Approve the Wellness Policy** (Griffiths, Gutttag). **The motion passed 4-0.**

Helen Cohen thanked Olga Gutttag, Ravi Sakhuja and the rest of the policy subcommittee for all of their work. Olga Gutttag thanked Jane Franks and her committee.

C. Reorganization of School Committee

Helen Cohen suggested that Paul Ash run this part of the meeting. Paul Ash entertained motions for chairman of the School Committee. Tom Griffiths nominated Tom Diaz.

**Olga Gutttag:** I am concerned that we are discussing this in the middle of the night and without Ravi. If Helen would be willing to serve until our next meeting in the summer, I would rather wait until we are all present.

**Tom Griffiths:** We all knew that this was on the agenda for this evening. People make decisions about when to take vacations knowing what is on the agenda.

**Helen Cohen:** I would like to vote.

Discussion of when Ravi was supposed to be returning, mostly inaudible.

**Olga Gutttag:** I want to thank Helen for all her hard work as chair. I am anxious about having a member who is running for reelection run for chair, however this time I believe that concern is overridden by the opportunity to be a model for collaboration. We can also send a message that a portion of the community is not represented and their voices don't count when it comes to School Committee leadership. We need a broad range of opinion as part of our leadership structure. I'd like to make a friendly amendment to nominate a slate.

**Tom Griffiths:** I don't consider it a friendly amendment.

**Paul Ash:** So we will vote them one at a time.

**Helen Cohen:** We all play important roles on the Committee. We are all able to be collegial. We try to work all together as a group.

**Olga Gutttag:** I have heard from my constituency that if we want to pass the next override we need to come together closer, one of the ways is through leadership. I don't want to be the chair. I support you (to Tom Diaz) as chair. I thought that showing unity on the entire slate with me as vice chair would send a stronger message.

**The motion passed 4-0.**

**Paul Ash entertained motions for vice chair.**

**Helen Cohen:** I nominate Tom Griffiths

**Olga Gutttag:** I nominate myself.

**Tom Diaz:** Thank you for your support. I promise to never be dismissive or discourteous to any of you.

**Helen Cohen:** Never?

**Tom Diaz:** No, I certainly hope not. I agree with Olga that it's important for us to show a unified face to the community, especially following the defeat of the override. I just don't think the necessary solution is identifying factions on the School Committee and making sure each one is represented in an officer's position. What's more important is courtesy and diplomacy and how we act as a Committee and the superintendent and how we resolve things. I've been in the minority on this Committee. I don't think people are very aware of who is vice-chair of the School Committee.

**Olga Gutttag:** I am disappointed that our group is not taking advantage of the opportunity to show the balance. Describing us as two factions is not quite right but there is diversity of opinion. If you had seen the value of the recommendations that Ravi and I made regarding the size and structure of the override I believe that the schools would now be in a substantially better place. We do have an override to pass next year and we cannot keep sending messages to the community saying we only hear a group of constituents who want one thing. We have been elected by all the citizens. Last time we went through this process, Tom said it is important to develop a capacity of leadership. Diversity in leadership needs to reflect the diversity in the community. I'm looking for a way to show a spirit of collaboration.

**Vote on the nomination of Tom Griffiths as vice chairman: 3 in favor, 1 opposed (Gutttag).**

THE DVD RAN OUT

**VI. Motion to Adjourn**