

SPECIAL REGIONAL SCHOOL COMMITTEE MEETING

Monday, August 3, 2015

4:00 p.m. ARHS Library

IN ATTENDANCE

Trevor Baptiste, Chair

Katherine Appy

Kip Fonsh

Phoebe Hazzard

Dan Robb

Vira Douangmany Cage

Rick Hood

Maria Geryk, Superintendent

Mike Morris, Assistant Superintendent

Monica Hall, Director of Diversity and Equity

Fay Brady, Director of Student Services

Mark Jackson, ARHS Principal

Public and Press

Debbie Westmoreland, Recorder

ABSENT:

Stephen Sullivan

Kathleen Traphagen

1. WELCOME AND AGENDA REVIEW

4:02 p.m.

Mr. Baptiste called the meeting to order at 4:02 p.m. and reviewed the agenda. He noted that he would like to change the order of the agenda items to have the NAACP discussion first since there are members of the NAACP in attendance to make a presentation. Mr. Fonsh requested that the Chair pay particularly close attention to the time frames for each item since he has a 6:00 p.m. Leverett School Committee meeting he is obligated to attend. Ms. Appy asked that the agenda order not be changed since this was called as a special meeting to deal with the OML complaint, and she would like to present her response at the beginning of the meeting. Mr. Baptiste noted that he received several calls from members expressing their belief that the NAACP agenda item is the priority of the meeting. Mr. Fonsh noted that his understanding was that the OML complaint was the only purpose of the meeting when it was called, and he would also like to keep the order as noted. Ms. Appy asked for a vote of the Committee to determine the order since the meeting was called specifically to address the OML complaint. Ms. Hazzard moved to keep the agenda as is. Mr. Fonsh seconded and the motion was approved by a vote of five to three (Baptiste, Douangmany Cage, Robb).

2. NEW AND CONTINUING BUSINESS

4:08 p.m.

A. OML Complaint Response

Ms. Appy read the official response she prepared to the OML complaint that was filed against her by Ms. Douangmany Cage (attached). Ms. Appy moved to accept the statement, Mr. Robb seconded and discussion followed. Mr. Robb read information from the OML regarding expression of an opinion by a member, noting that he does not believe Ms. Appy's email violated OML by expressing her opinion. Mr. Robb noted that he does not think that Mr. Baptiste intended to move forward with mediation without a committee discussion and agreed with Ms. Appy that the committee needs to move forward with a spirit of collegiality. Mr. Fonsh expressed support for Ms. Appy's initial email because he was also uncomfortable that he left the meeting in June without asking more information about what Mr. Baptiste intended regarding mediation. He agreed with Mr. Robb's statement that the committee must work collegially. Mr. Fonsh noted that he has emails from Ms. Douangmany Cage that express her opinion. He began to read from the emails and Chair Baptiste stopped him and asked that the discussion remain only on whether the statement read by Ms. Appy will be supported. Mr. Hood noted that he believes Mr. Robb stated the issue very well and he agrees with his comments. Mr. Baptiste stated that he is in support of the letter with a few changes, particularly portions of the letter that refer to his intentions, noting that the email would not have been necessary if Ms. Appy had just called him with her questions. Ms. Appy noted that she did think about that, but after watching the tape and based on the newspaper article it was clear that the mediation was set to go with no meeting scheduled for the Regional School Committee to discuss the issue. She noted that her intention was to make sure nothing went forward without the full committee discussing the issue. Ms. Hazzard expressed agreement with the response letter, noting that her understanding of Mr. Baptiste's comments was also that he planned to move forward with mediation without discussing it with the Regional School Committee. Mr. Baptiste stated that he did intend to move forward, but after speaking to other members who called him directly he agreed that it should be discussed, which is why it is on the agenda at tonight's meeting. He noted that a discussion was not possible without the OML complaint, which required that a special meeting be called. Ms.

Douangmany Cage stated that her reason for filing the OML complaint was to follow the law, noting that she would rather err on the side of following the law than on being seen as collegial. She began to note a reference in the email to an earlier issue, and the Chair stopped her and asked that her remarks be kept only to the matter on the table. Mr. Hood noted that he does not see the comments in Ms. Appy's letter as implying that the Chair was doing anything nefarious, but he understands Mr. Baptiste's concerns. He moved to amend the original motion by striking the paragraph beginning "I am also disappointed...", Mr. Baptiste seconded and discussion followed. Mr. Fonsh spoke against the amendment, noting that he believes the letter simply recognizes that the actions have the appearance of the Chair acting unilaterally. The vote regarding Mr. Hood's motion was approved by a vote of four to three (Appy, Fonsh, Hazzard). Mr. Robb then moved to strike the paragraph beginning "But consider this..." Mr. Robb's motion was not approved by a vote of three in favor and four opposed (Appy, Fonsh, Hazzard, Hood). The motion to allow this letter, as amended by Mr. Hood's motion, to be the response to the Attorney General was approved by a vote of four in favor, two opposed (Baptiste, Robb), and one abstaining (Douangmany Cage).

NAACP Discussion/Presentation

Ms. Appy noted that there is no agenda item for a presentation by the NAACP, noting that having a presentation will therefore breach OML. Mr. Fonsh noted that he received a copy of the consent decree at 12:30 p.m. this afternoon with no other explanation. He said he did not know until 45 minutes ago that the NAACP was going to make a presentation and had to enter this meeting prior to learning about it, which speaks to an issue with the communication between the Chair and the Regional School Committee. Mr. Hood noted that he does not believe the presentation is a violation of the OML but he believes the committee should have a discussion about the issue before the NAACP presents. Mr. Baptiste explained his reasons for agreeing to mediation with the NAACP, noting that after meeting with the NAACP there was no resolution. According to the consent decree, mediation is the next step. Mr. Hood noted that a lot has happened that the School Committee as a body did not know about, including the response from our attorney and the meeting that took place. Since Mr. Baptiste was referencing the third step in the process, the committee has not heard what has happened leading up to this. Ms. Appy noted that she is not trying to be non-collaborative, but she agrees with Mr. Hood's remarks and the School Committee was completely in the dark about the issue. She believes that her email is the thing that resulted in a meeting being called and the issue being discussed. Mr. Robb noted that he does not believe there is any OML violation by having anyone from the public comment at the meeting. He said that there is a decision right now whether to move forward collegially, and he has not lost faith in the committee's ability to do so. Ms. Hazzard said that she believes the School Committee needs to be provided with clear minutes from the face-to-face meeting Mr. Baptiste had with the NAACP, as well as with the attachments referenced in the NAACP's letter requesting a meeting. Michael Burkart spoke on behalf of the NAACP, beginning with background about the 1993 consent decree. He reported that the document was docketed by a federal judge in 1993 so it is still a living document, noting that he understands the district's attorney has disagreed with that assertion. Mr. Burkart reported on the steps that have been taken in the process to date. Mr. Baptiste noted that the purpose of mediation is to find out what will assuage the NAACP's assertions. He said it would be unwise to deny mediation and, since it was outlined in the decree as the next step, he saw that as a trigger for mediation. Mr. Hood asked how we jumped from creating the SETF to this. He asked if the NAACP feels they did not get anywhere with the task force. Ms. Douangmany Cage stated that the response from our attorney reads as if the Chair of the Regional School Committee acted in good faith to talk with the NAACP and read the response aloud. Ms. Appy noted that one of the things she finds confusing is that 1993 Ed Reform put many of the things alleged as potential breaches under the purview of the Superintendent so she is not sure why the School Committee would be mediating. She noted that mediation has the goal of reaching resolution, and the matters the NAACP puts forward as breaches are not things that can be resolved by the School Committee. Mr. Baptiste noted that the point of mediation is to come to an agreement that will keep the NAACP from feeling the district is in breach. He noted that it should not take lawsuits or threats of lawsuits to address issues brought by the public. Mr. Fonsh agreed that it is important for conversations and discussions to take place, but it troubles him that he does not have all of the information necessary to inform his vote. He noted that he is also concerned that there are no talking points set for mediation. Mr. Fonsh said he would like to have those talking points in place to inform his vote. Mr. Baptiste noted that he does not require a vote to move forward; however, if the School Committee votes that he should not move forward he will not. Ms. Appy said that what is hanging her up is the legal term mediation. She proposed that the Chair and another RSC representative sit down with the NAACP without a mediator and come back to share the

concerns with the committee. Ms. Appy noted that she believes a vote is required if it is done as a mediation with a disbursement of funds. Mr. Baptiste stated that the 1993 consent decree requires mediation as the next step and not doing so would potentially put the district at risk of litigation. After further discussion, Mr. Fonsh moved that the Regional School Committee authorizes the chair and another member of his choosing to enter into discussions with the NAACP to hear specific concerns of the NAACP. Mr. Robb suggested that the chair meet with the NAACP and bring those concerns to the committee at the Regional School Committee meeting scheduled for next Monday for a further discussion. Mr. Hood moved to amend the motion to add two additional members to the meeting instead of just one and to add "every effort will be made to meet within the next seven days." James Rogers, member of the local NAACP chapter, noted that he is a lawyer and a trained mediator. He stated that the decree requires mediation as the next step. Mr. Rogers noted that the mediation process will take place because it is the next requisite step. He said it will be to the advantage of both the Regional School Committee and the NAACP to reach an agreement to move forward on a difficult and painful situation, which is a lack of equity in the system. He urged the committee, on behalf of a civil and civic process, to use mediation. Mr. Hood noted that this is putting the Regional School Committee in a bind because the members have no idea what happened in the first meeting with Ms. Traphagen and Mr. Baptiste so he is in support of Mr. Fonsh's motion. Ms. Douangmany Cage noted that she would support the motion if it stated "mediated discussion." After further discussion, Ms. Appy seconded Mr. Hood's motion to amend and the amendment to the motion was approved with four in favor, two opposed (Baptiste, Robb) and one abstaining (Douangmany Cage). Mr. Baptiste spoke against the original motion, noting that he believes the only good faith thing to do is to enter mediation. Ms. Hazzard noted that she would like the motion to include an official request for the Excel spreadsheets referenced in the NAACP letter, the minutes of the meeting Mr. Baptiste and Ms. Traphagen had with the NAACP, the 1993 resolution and the DESE required corrective actions. Mr. Robb seconded and discussion followed. Mr. Fonsh noted that he does not believe this needs to be an amendment, but it is important for the committee to have the information as soon as possible. Ms. Hazzard withdrew the motion to amend. The original motion, as amended by Mr. Hood's motion, was approved by a vote of five to two, with Mr. Baptiste and Ms. Douangmany Cage opposed. Larry Kelley asked who the agreed-upon mediator is, and Mr. Baptiste noted that it is Arnold Lizana.

3. Adjourn to Executive Session

5:55 p.m.

By unanimous roll call vote, the committee entered Executive Session according to MGL Chapter 30A; Section 21(3) to discuss strategy with regard to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (to consider release of related Executive Session minutes according to MGL Chapter 30A; Section 22(g)(2) at 5:55 p.m. with no intention to return to open session.

Respectfully Submitted,
Debbie Westmoreland