TOWN OF BURLINGTON
Meeting Posting

Notice of Public Meeting – (As required by G.L. c. 30A, c §18-25)

DEPT./BOARD: School Committee – VIRTUAL MEETING using WebEx Technology*
DATE: May 12, 2020
TIME: 7:00 p.m.

This meeting is being held fully remotely in accordance with the Governor of Massachusetts’ March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20.

AGENDA**

1. Call to Order
2. Approval of Minutes of 3/2/20, 3/13/20, and 4/14/20
3. Public Participation
4. Coronavirus Update from the Superintendent (estimated time 7:00 – 7:30)
   a). Remote Learning from Home – Update
   b). Last Day of School June 19 - Approval
5. Communication (estimated time 7:30 – 9:30)
   a). School Building/Facilities Update
   b). Monthly Financial Update
   c). Employee Compensation through June 30, 2020
   d). School Transportation Services Update
   e). Summer Programming Delivery Model - Approval
   f). Revised Superintendent Evaluation Training – Attorney Darren Klein
   g). Ratification of 2020-23 Instructional Assistants Contract – Approval
   h). Ratification of 2020-21 Clerical Union Contract – Approval
   i). Ratification of 2020-21 Unit D Contract - Approval
6. Adjournment

*MEETING ACCESS INFORMATION ON NEXT PAGE

**Agenda subject to change
Meeting number (access code): 714 132 302
Meeting password: tuesday

Tuesday, May 12, 2020
7:00 pm  |  (UTC-04:00) Eastern Time (US & Canada)  |  3 hrs

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Chairman Monaco called this WebEx virtual meeting of the School Committee to order at 7:00 p.m. Present: Mr. Stephen Nelson, Ms. Martha Simon, Mr. Thomas F. Murphy, Jr., and Mrs. Kristin Russo. Superintendent Eric Conti, Assistant Superintendent Patrick Larkin, Business Manager Nichole Coscia, and Director of Operations Bob Cunha also present. Ways & Means subcommittee members present: Sue Harrigan, Diane Creedon, John Iler, Robert Neufeld, and Jaya Voruganti.

CALL TO ORDER
Chairman Monaco read the following statement: Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the (Name of) Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. He further explained that the Chat function is on; please type in a comment or question and the Chair will call on commenter.

APPROVAL OF MINUTES
Moved by Mr. Nelson and seconded by Mr. Murphy to approve minutes of 3/2/20. Mr. Nelson, aye; Mr. Murphy, aye; Mrs. Russo, aye; Ms. Simon, aye; Mrs. Monaco, aye. Motion carried 5-0-0. Moved by Mrs. Russo and seconded by Mr. Murphy to approve minutes of 3/13/20. Mr. Nelson, aye; Mr. Murphy, abstain; Mrs. Russo, aye; Ms. Simon, aye; Mrs. Monaco, aye. Motion carried 4-0-1. Moved by Mr. Murphy and seconded by Mrs. Russo to approve minutes of 4/14/20. Mr. Nelson, aye; Mr. Murphy, aye; Mrs. Russo, aye; Ms. Simon, aye; Mrs. Monaco, aye. Motion carried 5-0-0.

PUBLIC PARTICIPATION
Parent Grace Janusis, parent of a special needs student stated that students with disabilities are not getting the level of services needed, that other parents have similar concerns, and her child is receiving less than one hour of remote learning time per week. It’s important for School Committee members to know what students needs are, what they are getting, and requested that the school department think creatively on how to meet IEP/special education remote learning student needs. She further thanked educators for their consideration. Dr. Conti replied that the current situation is not ideal but the school department is doing our best to accommodate students with disabilities as well as ELL students. He further explained that special education teachers are working hard to meet with students, it’s very difficult to meet special needs students remotely and there isn’t an easy answer to the situation. Chairman Monaco stated she was acutely aware of this situation, would say more later during this meeting, and expressed concern for parents and students not receiving the services they need and further noted that the School Committee is also aware.

Coronavirus Update from The Superintendent
Remote Learning from Home – Update
Dr. Conti stated that he’d provided an updated summary email to the School Committee last Friday, to date 8 weeks of remote learning have been held and noted that Phase III of Remote Learning has begun this week incorporating the amended state guidelines. Assistant Superintendent Larkin explained the change this week is that the Department of Elementary & Secondary Education is requesting school districts to introduce new instructional content identified as power standards by the state to prepare students for their next grade level in the fall and a plan is being formalized outlining and following the guidance from DESE. Dr. Conti recognized the efforts and growth of teachers as their professional lives have been turned upside down and they are making the best of the situation.

The Superintendent has held meetings with school principals and rather than having the School Committee vote, he’d like to get the Committee’s thoughts on some subjects including: offering student extended year services school remotely, if summer enrichment programs are held they will likely be via remote learning, Summer Central may not be able to be offered as the school buildings may not be open, plans for student celebration/recognition and report cards.

School Committee comments included: making plans for programs is difficult right now, planning needs to be done – but everything is up in the air right now, safety and health of students & employees are the priority, members supported the plan to conduct student extended year services and summer programs remotely as the option to open school buildings may not be available, and commented on the possibility that all students may be behind. In response to Ms. Simon, Dr. Conti explained that extended year services will be offered to eligible students this summer, he is not sure if this option could be extended to all students,
and the length of extended years services may be increased.

Dr. Conti stated that it doesn’t make sense to issue report cards to students in preschool through grade 8 as school has been closed for over three months, there is not enough time or information to issue report cards and a pre-screener will be administered to students in the fall and shared with parents. The high school will issue report cards. In response to Mrs. Russo’s concern about not issuing a report card and thus not recognizing a large number of students putting in a lot of effort, Dr. Conti explained that teachers are giving students daily feedback, they see students’ work on seesaw and is not sure how to acknowledge students in a valid way. He further explained principals are working on acknowledging/recognizing students in grades 5, 8, and 12 as they go on to their next phase. Dr. Conti introduced BHS Principal Sullivan who informed the Committee of anticipated upcoming student celebrations explaining that it’s an extremely challenging situation, and there seem to be two trains of thought; families who want a non-traditional graduation ceremony on June 7 and others who want to delay graduation until August. Mr. Sullivan is proposing to do a virtual or drive up ceremony on June 7, students would walk up on the stage, their diploma would be conferred, and pictures with parents would be taken on the stage utilizing social distancing. Another senior celebration might be held in August (if social distancing rules are relaxed) and they are also tentatively planning a homecoming in the fall for 2020 graduates. He further explained that the majority of people are available for a June 7 senior celebration as it has been planned for over a year, it will allow senior student recognition, but health and safety is of the utmost importance. Superintendent Conti observed that the district is trying to provide as many options as possible but not everyone will be satisfied. Ms. Simon commented that she appreciates the creativity of the drive up plan for June 7 and understands there are no guarantees for August or September. In response to Ms. Simon, Mr. Sullivan replied that the June 7 plan will be shared publicly with families tomorrow.

Last Day of School June 19

The Superintendent explained that the official last day of school will be Friday, June 19. The last day of remote learning from home will be Friday, June 12 and the week of June 15 will be a week of transition that will focus on the end of the school year. Chairman Monaco stated that the School Committee doesn’t need to vote on the last day of school.

COMMUNICATION

School Transportation Services Update

By consensus, this item was taken out of order. Dr. Conti introduced Attorney Matt Feher of Kopelman & Paige who worked on the NRT/Trombly Motor Coach Memorandum of Agreement which is a joint agreement with a few other school district and the agreements was presented to the School Committee at the April 28 meeting. Attorney Feher explained the options that Burlington has with the Trombly Motor Coach as: pay the 78% of costs included in the Memorandum of Agreement, not pay the 78% in the agreement and to not have buses available for the fall, to reduce the number of bus routes, or to move in another direction towards a new bus company. In response to Ms. Simon, Attorney Feher explained that if the school district reduces or eliminates bus routes with 30 days notice then the school would be obligated to pay 20% and then the contract would be amended to reflect the cost of reduce bus routes 25%, which would reduce the contract costs.

The Committee discussed: increase/decrease of gas prices, reducing bus routes, the high cost of a 78% agreement, and bid climate for transportation services. Mr. Murphy inquired about the risk of litigation if the schools don’t pay the bus contract would there be exposure to the town for damages; Attorney Feher replied that there is always a risk of litigation, the community does have the option of reducing routes and the opportunity to work towards resolution. Mr. Murphy further inquired that if the schools choose not to pay the bus company and terminate the agreement can Trombly sue the town for damages; Attorney Feher replied yes. Mr. Murphy commented that if the schools don’t pay, terminate the agreement, the schools will have to out to bid again and having a higher contract price plus the risk of litigation with damages. In response to Mr. Nelson Dr. Conti replied that the original bus contract consultant has not been involved with these negotiations. Ms. Coscia stated that she’d sent a 30 day notification to Trombly last Monday and Dr. Conti commented that the reduction in costs may be only till June 19 and would it be possible to negotiate a reduction back to March 13. If the school department will only receive approximately a one month reduction, it would be recommended that Ms. Coscia, Attorney Feher, and Dr. Conti try to negotiate directly with Trombly to see if they would backdate a MOA to March 13. The School Committee was in support of this recommendation to renegotiate with Trombly. Dr. Conti further explained that if we reduce routes 25% now, the school department will start school in September with 25% fewer bus routes. Mr. Murphy observed that the school
department should think very hard about not paying this contract, as it’s going to become a seller’s market as a number of other towns will be competing for bus transportation, costs may rise dramatically, the school district would need to back out to bid for services again, and suggested that the school department shouldn’t walk away from this contract until after further discussion at the May 26 School Committee meeting.

The Superintendent stated that out-of-district student tuitions have not been paid since March and there is conflicting information coming from DESE. Ms. Coscia explained they are trying to get clarification from the legislature. Chairman Monaco noted that out-of-district services are not being paid for as services are not being rendered, but the schools are holding online classes for students, if tuitions are not paid, out-of-district students will lose their placements at those schools, and she thinks they should be paid. If students lose their spots in their schools, it will be a problem finding another placement due to long waiting lists at other suitable schools. She further explained that a lot of special education students are going to need compensatory services due to closures; if Burlington pays tuition bills now, those schools will be responsible for compensatory services. Burlington will be responsible for compensatory student services if we do not pay tuition bills. Mr. Nelson stated he shares the same concerns; it would be devastating to lose out-of-district student slots and suggested the possibility of working with state representatives/senators to get exemption. Mr. Murphy commented that this is a big financial decision, would like the chance to wait until the May 26 meeting to think this through. Chairman Monaco countered that it’s not good to wait any longer; if anything is done through the state, Burlington will get the money back or tuition will be refunded and she’s reluctant to wait. Attorney Darren Klein noted that the presumption is these bills should be paid if students are receiving services and if they are not receiving services, legally the district cannot pay those bills. Mr. Murphy commented that based on Attorney Klein’s explanation an argument could be made either way; if students are receiving remote services and the school district decides remote services are provided, we can pay the tuition bills. Attorney Klein further noted that the school district could do an analysis of what percentage of services students are receiving and try to negotiate with individual schools. Dr. Conti explained that both sides are right and the town has the right to question paying these tuitions but we don’t want to lose these student spots. In response to Dr. Conti, Ms. Coscia noted that tuition rates are set by the state division of OSD every year and to negotiate with 50 out-of-district schools is not possible. As an example, we’d want to make sure we are not paying $25K if a student is only receiving one hour of services per week. Special Education Director Mary Houde explained that the district is receiving remote learning information/plans from every school, we are communicating with each school, and she has attended out-of-district IEP meetings in May and will do so as well in June. Ms. Houde also explained that OSD rates are not negotiable, but are reimbursable via circuit breaker if Burlington pays tuition bills. In response to Mrs. Russo, Dr. Conti explained that out-of-district tuition bills are paid through the warrant process, the assistant town manager has final approval, and he’s following the process correctly by ensuring there is proof that the work is being done.

The School Committee further discussed: debating paying/not paying or paying a percentage of tuition and out-of-district schools have to pay their teachers the same as we have to pay our teachers. Ms. Houde explained that if student spots are lost, it would be a safety issue, there are a lot of high risk students, there would not be a safe place to put them, the financial ramifications would be huge, and then compensatory services would also have to be provided, and it’s not worth the risk to not pay out-of-district tuitions. Parent Beth Colburn who has students at Pine Glen and the preschool explained that out-of-district student services are being provided, the risk of not paying tuitions outweighs the cost of paying tuitions, and these teachers need to be paid to teach our disabled students using their specialized services. Ms. Simon stated that it’s important to pay out-of-district student tuitions and trusts that Dr. Conti will speak with the town and explain we feel they are providing services to students.

Moved by Mr. Nelson and seconded by Mr. Murphy to authorize and direct the Superintendent to pay all Burlington out-of-district placement bills through the end of FY20. Mr. Murphy, aye; Mr. Nelson, aye; Mrs. Monaco, aye; Ms. Simon, aye; Mrs. Russo, aye. Motion carried 5-0-0.
By consensus, this item was taken out of order. Dr. Conti explained that the state has a new superintendent evaluation process and Attorney Darren Klein will provide training on the Summative Evaluation part of the process to the School Committee. Kopelman & Paige Attorney Darren Klein reviewed a powerpoint presentation: Superintendent Evaluations Under Massachusetts Law – Overview & Implementation. Attorney Klein reviewed the five-step evaluation cycle used for Superintendents and stated that the School Committee is at step 5: Summative Evaluation of the cycle. He further explained the changes are not major, the process has been streamlined to reduce the number of indicators for evaluation, the new process allows the Superintendent and School Committee to set between 5-6 major goals, and then to evaluate how the Superintendent is progressing on achieving these goals. Attorney Klein reviewed the four areas in evaluation standards/indicators as: instructional leadership, management and operations, family and community engagement and professional culture. He also reviewed the sub-categories of the four major goal areas. Dr. Conti and the School Committee reviewed his mid-cycle goals progress at the January 28, 2020 School Committee meeting and he was on task to accomplish his goals. The next steps to complete the evaluation process are: Dr. Conti should submit an end of cycle report to the School Committee on how he’s performed on the four standards, the School Committee will review this report and any other evidence submitted by the Superintendent, each individual School Committee member then writes a summative report including his progress on goals, assigns a rating of the Superintendent’s performance on each of the standards, and also a rating of the Superintendent’s impact on student learning. Chairman Monaco drafts an End-of-Cycle Summative Evaluation report (a compilation of the five individual evaluations), at a regular School Committee meeting, the Superintendent and School Committee discusses the report and finally, the Committee adopts an End-of-Cycle Summative Evaluation Report. Attorney Klein expressed the opinion that if the five individual evaluations are not used or referenced in a school committee meeting in public session, then those individual evaluations are not public documents. For next year with the new regulations, Attorney Klein suggested that Dr. Conti be put on a two-year evaluation cycle as he is an experience superintendent and further recommended that he should focus on 6-8 indicators instead of 20.

Mr. Cunha reported that on Saturday morning, BHHS Principal Sullivan discovered flooding in the athletic area of the building. Water was leaking from the ceiling, a copper pipe in the penthouse had broken, and water leaked into the gym, girls locker room, and the wrestling room. There is a lot of damage, Service Master has been in to begin the clean up, electrical and water have been shut off in parts of the high school complex. Mr. Cunha is meeting with the insurance company tomorrow and will report back at the May 26 School Committee meeting. Dr. Conti further explained there was 5-6 inches of water, the leak is no one’s fault, the hvac system is 45 years old, and they are moving forward with the design of a new BHHS hvac system. Mr. Cunha reported that the fire alarm system replacement and installation of a/c on the first floor at Francis Wyman is substantially completed, the punch list remains, and he is reviewing that all elements of these two projects are completed. The Superintendent explained they are waiting for the re-opening of public buildings prior to bringing back the custodians and beginning the summer cleaning of each of the buildings.

Dr. Conti reviewed four pages of monthly financials included in the School Committee’s meeting packet. He pointed out that the lunch revolving account is in deficit of $192,392 but the account will be closed out to zero by the end of this fiscal year. The FY20 Operating Budget is projected to have a $969,434 favorable balance but there may be some unexpected expenses. Ms. Coscia explained that the FY20 Accommodated budget table shows student tuitions as being paid and estimates $140,527 in excess funds at the end of the fiscal year. In response to Mrs. Russo, Ms. Coscia replied the school department utilities are based on usage and there may be some savings; however other areas will see increases i.e. legal expenses. In response to Mr. Iler, Ms. Coscia explained that reimbursement for the lunch account is lagging but today we received a reimbursement of approximately $42K. In response to Mr. Iler, Ms. Coscia replied that we will have expenses for substitute teachers because coverage is needed for maternity leaves and for permanent substitutes. Chairman Monaco commented that the only employee wage savings that she could identify would be daily per diem substitutes. Ms. Coscia explained that she is working on providing a budget savings analysis for a June School Committee meeting. Town meeting member Eileen Sickler commented that she expected to see under spending/favorable variances on a number of budget lines; such as out of district tuition on line 74 where tuitions are not being paid. Ms.

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1 Superintendent Evaluations – Overview & Implementation
Coscia replied that she doesn’t have a three month projected savings estimate at this time.

Dr. Conti informed the Committee that they do not need to vote again on employee compensation during the school closure and read the motion from the March 13 Emergency Meeting: Moved by Mrs. Monaco and seconded by Mrs. Russo that for the duration of the Burlington Public Schools school closing commencing on Friday, March 13, the School Committee authorizes that, subject to appropriation, regular wages will continue to be paid to employees, including those not covered by a collective bargaining agreement, and non-exempt employees; motion carried 3-0-1; Mr. Murphy abstained. This motion covers payment of wages to employees through June 30. He stated that the Committee can decide to revisit this in June if they’d like to, but the March 13 vote was for the payment of wages for the duration of the school closure.

The Superintendent explained that a tentative three-year agreement was reached with the Instructional Assistants’ union prior to the school closure in March but had not been brought to the Committee for approval. The Committee was emailed a copy of the three-year Memorandum of Agreement with the Instructional Assistants’ union earlier today. Moved by Ms. Simon and seconded by Mr. Murphy to approve the three-year Instructional Assistant contract; Ms. Simon, aye; Mrs. Monaco, aye; Mrs. Russo, aye; Mr. Murphy, abstain; Mr. Nelson, abstain. Motion carried 3-0-2.

Dr. Conti commented that the School Committee had been emailed a copy of the one-year Memorandum of Agreement with the Clerical Union for July 1, 2020 – June 30, 2021. Moved by Mr. Nelson and seconded by Mrs. Russo to ratify a one-year clerical contract; Ms. Simon, aye; Mrs. Monaco, aye; Mrs. Russo, aye; Mr. Murphy, aye; Mr. Nelson, aye. Motion carried 5-0-0.

Dr. Conti pulled this agenda item as the Unit D agreement is not ready to be voted on by the School Committee yet.

The Superintendent announced that extended year student services will be offered remotely, report cards will not be issued to students in pre-K through grade 8, a prescreening will be conducted with students in the fall, high school diplomas will be conveyed on June 7, and options for grade 5 and grade 8 student celebrations are being considered.

Dr. Conti stated that a spending/savings budget analysis will be presented at the June 9 School Committee meeting. Chairman Monaco observed that remote online learning from home is working for some students but that after an hour or so, it doesn’t work. She explained that the School Committee and School Department is doing the best they can under these circumstances. Mr. Nelson recognized school committee secretary Mrs. Gilbert for minutes produced and for keeping the School Committee on schedule and on task.

Moved by Mr. Murphy and seconded by Mr. Nelson at 9:40 p.m. to adjourn the meeting. Mr. Nelson, aye; Mr. Murphy, aye; Mrs. Russo, aye; Ms. Simon, aye; Mrs. Monaco, aye. Motion carried 5-0-0.

Respectfully submitted,

Sharon Gilbert
Recording Secretary

Date submitted: 5/26/20
Date approved: 5/26/20

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2 I/A Memorandum of Agreement
3 Clerical Memorandum of Agreement