



School Committee Meeting Materials

Regular School Committee Meeting

October 21, 2019

7:00pm

*Ms. Mary A. Manning
Mr. James M. Fleming
Ms. Kristine Wilson*



*Ms. Ana Nuncio
Mr. Manny Cruz
Ms. Amanda Campbell*

Mayor Kimberley Driscoll, Chair

“Know Your Rights Under the Open Meeting Law, M.G.L. c.30A § 18-25 and City Ordinance Sections 2-2028 through 2-2033”

October 17, 2019 (Date Posted)

REGULAR SCHOOL COMMITTEE MEETING ON OCTOBER 21, 2019

Notice is hereby given that the Salem School Committee will hold a Regular School Committee meeting on **Monday, October 21, 2019 at 7:00 p.m.** The meeting will be held in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

I. Call of Meeting to Order

II. Consent Agenda

- a. Minutes of the Regular School Committee meeting held October 7, 2019
- b. Approval of Warrants: 10/10/19 in the amount of \$183,716.17, 10/17/19 in the amount of \$296,769.63

III. Approval of the Agenda

IV. Public Comment #1: Questions and Comments from the Audience

V. Superintendent’s Report – Assistant Superintendent Kate Carbone

Recognition of Deborah Jeffers, Director of Food and Nutrition Services, and her staff

Other Presentations and Reports

Areas for Improvement and Next Steps – Follow up from the 10/7/19 MCAS Presentation, Assistant Superintendent Kate Carbone and Team

VI. Action Items: Old Business

- a. Update on the Superintendent Search Committee process

VII. Action Items: New Business

- a. Discussion Regarding the 90 Day Review of the Interim Superintendent of the Salem Public Schools
- b. Proposed Procedures for Following Open Meeting Law Complaints
- c. Discussion and Response Regarding an Open Meeting Law Complaint Submitted by Scott Andrade
- d. Deliberation and Vote on the Request by Councilor Thomas Furey to Waive Fees Associated with Use of the Salem High School Auditorium

VIII. Finance Report

- a. Year to Date Finance Report
- b. Budget Transfers

IX. Subcommittee Reports

X. School Committee Concerns and Resolutions

XI. Public Comments #2: Questions and Comments from the Audience

XII. Adjournment

Respectfully submitted by:

Angelica Alayon, Secretary to the
Salem School Committee

Salem School Committee
Meeting Minutes
Monday, October 7, 2019

A regular meeting of the Salem School Committee was held on Monday, October 7, 2019 at 7:03 p.m. in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

Members Present: Ms. Mary Manning, Mr. James Fleming, Ms. Kristine Wilson, Ms. Ana Nuncio, Mr. Manny Cruz, Ms. Amanda Campbell (via telephone speaker remote participation), and Mayor Kimberley Driscoll

Members Absent: None

Others Present: Kathleen Smith, Superintendent, Kate Carbone, Assistant Superintendent, Jill Conrad, Chief of Systems Strategy, and Kristin Shaver, Business Manager

Call of Meeting to Order

Mayor Driscoll called the regular meeting of the Salem School Committee to order at 7:03 p.m.

Consent Agenda

- a. Minutes of the Committee of the Whole retreat held September 14, 2019
- b. Minutes of the Regular School Committee meeting held September 16, 2019
- c. Minutes of the School Committee of the Whole meeting held September 18, 2019
- d. Deliberation and Vote on the field trip request from Salem High School Basketball Team to Orlando, FL, December 18-22, 2019
- e. Deliberation and Vote on the field trip request from Saltonstall K-8 School for 5th and 6th grade students to visit New York City on June 3-5, 2020
- f. Deliberation and Vote on the field trip request from the Salem High School Band to New Britain, CT on October 26, 2019, Salem, NH on March 7, 2020, New York, NY on April 1-3, 2020, and Canobie Lake Park, NH on June 12, 2020
- g. Approval of Warrants: 9/26/19 in the amount of \$386,706.05, 10/3/19 in the amount of \$206,529.78

Discussion

Ms. Wilson reported that a change of location was made, after posting, from the Salem High School Band field trip request. The city New Britain, in item f., has since changed to Stamford, CT.

Mr. Fleming motioned to approve the Consent agenda with the amendment to item f. that the New Britain city be updated to Stamford. Ms. Nuncio seconded the motion. The motion carried.

Approval of the Agenda

Mr. Fleming motioned to approve the agenda. Mr. Cruz seconded the motion. The motion carried.

Before the public comment, Mayor Driscoll informed everyone that School Committee member, Ms. Campbell, would be participating via telephone remote participation.

Public Comment #1: Questions and comments from the audience

Councilor Thomas Furey, 36 Dunlap Street, City Council Member At Large and former Salem School Committee member, informed the School Committee that he would be making a request for the use and fee waiver of building facilities at the next School Committee meeting. The request would be for Friday, December 6, 2019. It would be for Salem Music Department's band concert fundraiser for Carnegie Hall.

Diana Robinson, 79 Willson Street, talked about the need to create an opportunity to balance the ELL and high needs population in Salem Public Schools. Mrs. Robinson shared details of the differences of district's ELL percentage as recorded on the Massachusetts Department of Elementary and Secondary Education (DESE) website and the Salem schools. Mrs. Robinson reminded the School Committee of the

promise to her, students, families, teachers, and the community not to allow segregation to happen again and talked about the need for additional teachers to service the number of ELL students. Mrs. Robinson explained that she advocated for all Salem district students and asked the School Committee who follows up on the district's assignment policy, if there is a plan to address the inequalities, how are schools (that have no room to accommodate new students) being accounted for, and what is the plan to address the Bentley School's demographic imbalance?

Superintendent's Report – Kathleen Smith

Superintendent Smith talked about a forum she attended at Salem State University with the North Shore alliance for economic developments and provided an update on the ALICE drills and training for fall 2019. There will be training for community and parents at Salem High School on October 28, 2019 from 6-7:30pm. Principals are sending letters to parents to inform them of dates that drills will be conducted. The information can be found in the schools district's website. Superintendent Smith talked about the Salem schools used as polling places for the primary. Parents called and reached out to School Committee members with concerns about the school closing and security. Superintendent Smith said she would like to bring this to a future agenda to see if there are opportunities to address them, as there will be an election day in November and a primary election in March 2020.

Recognition of Judee Davis, Occupational Therapist at Carlton Innovation, Bates Elementary, and Saltonstall Schools

Superintendent Smith acknowledged and recognized Judee Davis's work on sensory processing. Deborah Connerty, Acting Pupil Personnel Services (PPS) Executive Director, recognized Judee Davis for her substantive contributions, great deeds, and making a difference in the lives of students. Ms. Davis shared a few words with everyone and gave a brief overview of a pilot study program (with 18 students) that she is working with at the Bates Elementary School to measure the success of internal regulation. Ms. Manning shared her interest to know of those results in the future.

Update on the Bates Afterschool Program Leadership Team

Superintendent Smith gave an update on the Bates Elementary School afterschool program and announced that the YMCA took over the afterschool program on October 1.

Update on the Bentley Academy Innovation School Prospectus

Superintendent Smith clarified that an update on the Bentley Academy Innovation School Prospectus was listed on the agenda for this evening but was not to be a presentation. The Innovation Screening Committee reviewed the prospectus from the applicant group during their meeting on Friday September 27th. The Innovation Screening Committee is comprised of the Superintendent, School Committee Chair, and Teachers Union president. A vote was taken with two members voting in favor and one voting against. As a result, the prospectus was advanced to the next level of the innovation school development process, which is to allow the applicant to form an Innovation Planning Committee where they would hash out the details of the innovation plan. Once they develop a more comprehensive plan, it would go to the teachers at the Bentley Academy Charter School for a vote and then if passed at that stage, it goes to the School Committee for final approval.

Dual Language Program Update – Rebecca Westlake

Rebecca Westlake, Director of English Language Learning and Bilingual Education, provided a brief update on the Dual Language program. Their partnership with Boston College is moving forward. Ms. Westlake talked about recruitment of Kindergarten families next year and discussed a community forum that will be held in late November (date not specified). A key focus of the task force is English and Spanish learners. Ms. Westlake continued to update on upcoming events and work of the Dual Language program.

2019 District Level Accountability and MCAS Results (with Jill Conrad)

Jill Conrad, Chief of Systems Strategy, presented data and analysis on the 2019 MCAS, District-Level Accountability, District-Level MCAS, School-Level Accountability, and MCAS results across schools. Dr. Conrad talked about the new accountability system that focuses on multiple measures

as well as the progress made on set targets by the district and schools. Salem Public Schools earned 63% on the 2019 accountability system, which represents the percentage of progress toward accountability targets. According to the DESE standards, districts that earn more than 50% progress toward accountability targets are making “substantial progress” on their targets. Ms. Carbone explained that improvement efforts focuses on ensuring accessibility for diverse learners, strengthening social, emotional and behavioral supports across Salem schools, bolstering the existing curriculum, continuing to focus on addressing incidents of chronic absenteeism, and moving forward with the High School redesign work. They would like to focus on these at the next School Committee meeting, on October 21, and go into depth on the programmatic initiatives work under way as well as new initiatives to address some of the current understandings of the data. Ms. Carbone commented on the possibility to host a school and School Committee member round tables at a school Committee of the Whole (COW) meeting on November 4 (from 5-6:30pm), before the scheduled regular School Committee meeting that evening. Members considered that it would be the day after elections and agreed to check their calendars for another potential date.

Action Items: Old Business – None

Action Items: New Business

Deliberation and Vote on the Carlton Innovation School PTO request to use the Carlton School parking lot on October 12-14, 19, 20, 26, 27 from 11am to 6pm and October 31st from 12pm to 10pm

Mr. Fleming motioned to approve the Carlton Innovation School PTO request to use the Carlton School parking lot on October 12-14, 19, 20, 26, and 27 from 11am to 6pm and October 31st from 12pm to 10pm. Ms. Wilson seconded the motion.

School Committee Secretary Roll Call Vote

| | |
|--------------------------|-----|
| Ms. Mary Manning | Yes |
| Mr. James Fleming | Yes |
| Ms. Kristine Wilson | Yes |
| Mr. Manny Cruz | Yes |
| Ms. Ana Nuncio | Yes |
| Ms. Amanda Campbell | Yes |
| Mayor Kimberley Driscoll | Yes |

Seven members voted by roll call with 7 members in the affirmative. The matter carried.

Deliberation and Vote on the request from North East Burn Basketball for the use and fee waiver to use the Bates Elementary gym for Salem kids on October 3, 10, 17, and 21, 2019

Discussion

Mr. Fleming expressed he is not familiar with North East Burn Basketball. Mayor Driscoll expressed that she would be willing to entertain approving the request subject to review by the Superintendent.

Mr. Fleming motioned to approve the request from North East Burn Basketball for the use and fee waiver to use the Bates Elementary gym for Salem kids on October 3, 10, 17, and 21, 2019 subject to final review by the Superintendent. Ms. Wilson seconded the motion.

School Committee Secretary Roll Call Vote

| | |
|--------------------------|-----|
| Ms. Mary Manning | Yes |
| Mr. James Fleming | Yes |
| Ms. Kristine Wilson | Yes |
| Mr. Manny Cruz | Yes |
| Ms. Ana Nuncio | Yes |
| Ms. Amanda Campbell | Yes |
| Mayor Kimberley Driscoll | Yes |

Seven members voted by roll call with 7 members in the affirmative. The matter carried.

Finance Report – There were no budget transfers

Subcommittee Reports - None

School Committee Concerns and Resolutions

Mr. Cruz asked the Superintendent who, in the district, is in charge of following up with Mrs. Robinson regarding some of the concerns she had raised earlier in the public comment. Mayor Driscoll responded by providing a brief update on the enrollment and equity subcommittee process to help meet, and address, the needs of the students. Superintendent Smith said she would work with Dr. Conrad and the Parent Information Center to seek the information requested. Ms. Manning commented on the plaque and renaming of the Salem High School's main office. The office will be designated as the Gail A. Kucker Welcome Center on October 21 at 5pm. Mr. Fleming expressed concern on the resignation of a school teacher and the School Committee secretary.

Public Comment #2: Questions and Comments from the Audience - None

Adjournment

There being no further business to come before the School Committee this evening. Mr. Fleming motioned to adjourn the regular School Committee meeting. Ms. Wilson seconded the motion. The meeting was adjourned at 9:06pm.

Respectfully submitted by:

Angelica Alayon, Secretary to the
Salem School Committee

Meeting Materials and Reports

School Committee Consent agenda October 7, 2019
Minutes of the September 14, 2019 School Committee of the Whole retreat
Minutes of the September 16, 2019 Regular School Committee meeting
Minutes of the September 18, 2019 School Committee of the Whole meeting
Salem High School Basketball Team field trip request to Orlando, Florida
Saltonstall K-8 School field trip request to New York City
Salem High School Band field trip request to CT, NH, New York, NY, and Canobie Lake Park
Dual Language Update Presentation
2019 District-Level Accountability & MCAS Results
Salem Public Schools 2019 MCAS Results Presentation
Carlton Innovation School PTO request to use Carlton School parking lot in October 2019
North East Burn Basketball request for use and fee waiver to use Bates Elementary gym in October 2019

Open Meeting Law Complaint Process

1. Complaint is received by the Chair of the School Committee.
2. Complaint is date stamped by the Chair.
3. Chair sends the Complaint to the Superintendent or Designee and Administrative Assistant to the School Committee as soon as possible.
4. Superintendent/designee sends a copy of the complaint to the municipal clerk.
5. Administrative Assistant to the School Committee sends a copy of the Complaint to all members of the School Committee.
6. The Chair and Superintendent set an agenda to include the complaint on an upcoming school committee meeting. ***Must be within 14 calendar days of receiving complaint.***
7. The Committee must do the following regarding the Complaint at the School Committee meeting:
 - a. review the complainant's allegations; and
 - b. take remedial action if appropriate.
8. The Superintendent/Designee will work with the Chair to draft a response to the Complaint from the Committee that will include the following:
 - a. Response on whether the Committee did or did not violate the OML.
 - b. If there was a violation, any remedial action taken by the Committee.
9. The Superintendent/Designee will forward a copy of the complaint and its response, including a description of any remedial action taken, to the Attorney General's Office and send a copy of the response to the Complainant.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

*Sent to Mayor Driscoll
Beth Kennard
City Solicitor*

2019 OCT -3 PM 12: 42

2019 SEP 33 AM 9: 44

CITY CLERK SALEM, MASS.
MA 10-3-19

CITY CLERK SALEM, MASS.

Your Contact Information:

First Name: Scott Last Name: Andrade

Address: 12 Grant Road

City: Salem State: MA Zip Code: 01970

Phone Number: (978)210-1463 Ext. _____

Email: shrimpenstankisdead@yahoo.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee

Specific person(s), if any, you allege committed the violation: Kimberley Driscoll, School Committee Members, Kathleen Smith

Date of alleged violation: 09/03/2019

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

At the September 03, 2019 Salem School Committee Meeting, Mr. Fleming helped Chair Driscoll introduce a new "Public Records Policy."
This new policy was explained during a section on the Agenda titled "Statement regarding the School Committee's Response and Resolution to Open Meeting Law complaints filed by Mr. Kapantais on May 6, May 7, May 14 and June 24, 2019."
Chair Driscoll was outlining the City of Salem's response to several recently filed "Open Meeting Law complaints." Specific complaint dates were listed under the Action Items heading on the city's posted agenda.
During the discussion, it is revealed that there were several more Open Meeting Law complaints that were not being discussed.
As discussion continued, we learn of Chair Driscoll's admitted failure to provide Open Meeting Law complaints to the School Committee Members within the state mandated time period.
Although Chair Driscoll stated that "the new protocol and policy" was for the receipt of "Public Record Requests (PPR)," the policy announcement was clearly with regard the receipt and handling of "Open Meeting Law complaints (OML)." The two terms were interchanged freely and constantly throughout the entire discussion.
All "Public Record Requests" in the City of Salem, with regard to the School Department, are handled by the employee who occupies the position of Chief of Systems Strategy (CoSS).
The CoSS has answered every "Public Record Request" I have sent since April/May of this year. The CoSS is also the person who, after the announcement of this new policy, accepted my most recent "Public Record Request" (dated 09/16/2019) and stated that they would respond within 10 days, which they have not.
I can wait no longer to file this complaint as my 30 day time limit is due to expire.
The video record of the September 3, 2019 School Committee Meeting (54:37-1:06:46), broadcast and archived on Salem Access Television channel 15, clearly illustrates the context and intent of the stated policy change.
The Public School Superintendent of Salem was presented in a public forum as the School Committee's authorized city designate to receive all future OML complaints. Mr. Fleming added, "Under School Committee vote."
Salem's adopted OML complaint policy is to send/forward all future complaints to the Superintendent. This is in violation of Massachusetts State Law.
The current Superintendent indicated she had agreed to undertake this new responsibility.
The Superintendent has been designated a duty the School Committee is not allowed to grant to anyone but who the law allows.
The Salem School Committee's solution to shift the responsibility of receiving and handling OML complaints to someone other than the Chair of the School Committee illustrates a flagrant disregard for the Open Meeting Law.
The Chair is required by Law to disseminate OML complaints to all Committee Members. No exception.
Kimberley Driscoll has been the Chair of Salem's School Committee for more than 10 years. Chair Driscoll falsely claimed on September 3, 2019 that Massachusetts State Law allows someone other than the Chair of the School Committee to be designated recipient of an OML complaint. The Chair was aided in her policy description by Mr. Fleming. A majority of Committee Membership must have also agreed to violate State Law when the vote to adopt a new submission policy was taken.
Chair Driscoll forwarded all OML Complaints to the School Committee lawyer and not to the School Committee Membership as required by Massachusetts Open Meeting Law.
Chair Driscoll made a conscious choice to submit OML complaints to only one party.
Chair Driscoll's non-inclusive dissemination of the OML Complaints is another direct and intentional violation of the Open Meeting Law.
It should also be noted that the final adopted and published minutes make no mention of the City of Salem's new OML complaint submission policy being discussed.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Salem School Committee has violated State Law. Whether it be through ignorance or intent, public trust has been removed. The Chair is responsible for the conduct and integrity of their institution.

As such:

I would like the Chair of the School Committee, Kimberley Driscoll, to either step down or be removed from office by either the School Committee or the Division of Open Government.

I would like the School Committee to acknowledge it ignored black and white letter rules of law and complete a training session. This Open Meeting Law training session should be completed with someone other than the School Committee Council.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Scott Andrade

Date: _____

10/03/19

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.

Salem School Committee
Meeting Minutes
Tuesday, September 3, 2019

A regular meeting of the Salem School Committee was held on Tuesday, September 3, 2019 at 7:01 p.m. in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

Members Present: Ms. Mary Manning, Mr. James Fleming, Ms. Kristine Wilson, Ms. Ana Nuncio, Ms. Amanda Campbell, and Mayor Kimberley Driscoll

Members Absent: Manny Cruz

Others Present: Kathleen Smith, Superintendent, Kate Carbone, Assistant Superintendent, Jill Conrad, Chief of Systems Strategy, and Kristin Shaver, Business Manager

Call of Meeting to Order

Mayor Driscoll called the regular meeting of the Salem School Committee to order at 7:01 p.m.

Consent Agenda

- a. Minutes of the Regular School Committee meeting held August 19, 2019
- b. Approval of Warrant: 8/15/19 in the amount of \$1,306,545.20, 9/5/19 in the amount of \$522,030.87

Mr. Fleming motioned to approve the Consent agenda. Ms. Wilson seconded the motion. The motion carried.

Approval of the Agenda

Mr. Fleming motioned to approve the agenda with the addition that 'Other Subcommittee Reports' section should be listed under section VIII of the agenda. Ms. Manning seconded the motion. The motion carried.

Public Comment #1: Questions and Comments From the Audience

Erika Rowley, 11 Savoy Road, shared the need for improved communication at Salem schools and on behalf of Salem parents, students, and teachers thanked Dr. James Flynn for his years of service to the community, strong relationship he had with students and graduates, accessibility, responsiveness, enthusiasm, and collaborative problem-solving skills. Ms. Conklin also thanked Dr. Flynn for his knowledge and caring, staying late to attend sporting and music events, and being a dedicated member of the Salem School community.

Stephen C. Kapantais Jr., 23 Wisteria Street, talked of the Open Meeting Law rights, the need for more transparency, and availability to discuss open meeting complaints in an open session, and an open and transparent process to create a collaborative effort that includes students, teachers, parents, residents, school administrators, and the Salem School community. Mr. Kapantais suggested all matters concerning all reports be released in order to follow a more transparent process. Mr. Kapantais asked the School Committee to demonstrate their support in promoting an open and transparent process that includes the entire School Committee and vote against going into an executive session, make sure the public has all information on all complaints, and then bring it back to an open forum.

Mayor Driscoll clarified that this evening's agenda has a regular open session regarding the School Committee's response to open the meeting law complaints; there are two items on the agenda: 1 responds in open session and a request to go into Executive Session.

Superintendent's Report – Kathleen Smith

Superintendent Smith shared that she had the opportunity to meet Dr. James Flynn in an exit interview and was disappointed to lose someone that has been part of, and was educated in, the district. Superintendent Smith said she would work to ensure she honors the services, especially with members who have been with the district for so long, have been involved with parents, students, extracurricular activities – all the things that make up somebody that was so special to the district. Superintendent Smith talked about the Hooray for K! event she attended on August 24, 2019, held at the Salem Public Library with librarian Laura Brosnan, Head of Youth Services. Superintendent Smith thanked the community providers that were there to meet the families and talk about the services they provide to Kindergarteners. Superintendent Smith shared she was pleased to see the Mayor standing at the bus stop, waiting

to take a bus ride with parents. Superintendent Smith indicated that Kindergarten would start on September 9, 2019, for most of the schools, and a few others have already started. Superintendent Smith thanked the Salem Public Library. Superintendent Smith provided an update on available positions at Salem High School, shared a personal observation on a recent trip, and said she thought a large sign, similar to that of a campaign elections sign) in front of the School Administration building would be a great idea for a way to advertise and a way for people, from the community, to be informed.

Recognitions

Superintendent Smith presented, Kelly Cronin, Grade 4 Special Education Teacher at Witchcraft Heights Elementary School, with an award on behalf of the School Committee and Deborah Jeffers, Director of Food and Nutrition services program, from Project Bread. Ms. Cronin was given a Teacher Champion award for fighting hunger. Superintendent Smith talked about some of the work that Ms. Cronin has done. Superintendent Smith and Mayor Driscoll congratulated Ms. Cronin for all her efforts. Ms. Cronin shared a few words with everyone and briefly talked of the importance of good nutrition for all students.

Teaching and Learning – Convocation, Preparation of Buildings and Schools, Update on the Bates Elementary School Afterschool Program

Superintendent Smith talked about the convocation 2019 to welcome Salem Public School teachers last Tuesday, August 27, 2019, reported that tomorrow is the first day of school and announced that she would be riding a bus. Superintendent Smith said she was amazed at the cleanliness in the buildings and the ‘Welcome Back’ decorated walls the teachers made. Superintendent Smith asked Ryan Monks, Director of Buildings and Grounds, to share an update on the preparation of facilities or any possible upgrades for the start of the school year. Mr. Monks talked about the work that was done over the summer. Superintendent Smith thanked Mr. Monks and all of the custodians for their hours and preparation for the start of the school year. Mayor Driscoll echoed Superintendent Smith’s words and said they appreciate, and are grateful for, the work of the buildings and grounds custodial services. Mr. Fleming, Chair of Buildings and Grounds Subcommittee, said it is a pleasure to work with Mr. Monks for the last year and thanked him for a great first year.

Superintendent Smith provided an update on the Bates Elementary School’s Afterschool program. Superintendent Smith talked about a meeting she attended at the Bates School, last Wednesday evening, August 28, 2019 to address the 21st Century grant programming and Wraparound, who is overseen by For Kids Only (FKO). Superintendent Smith talked of the suggestions by families for family planning after care support services, what their interests are, invited Ms. Emily Ullman to share an update. Ms. Ullman confirmed that there will be an afterschool services program at the Bates Elementary School and shared further details.

Superintendent to speak at City Council meeting on October 10, 2019

Superintendent Smith reported that she would be attending a City Council meeting on October 10, 2019 to talk about some of the communications she would like to see this year. They will be working with all school departments to talk about successes and challenges, strategic plan, facility issues, instructional technology, and where they are with the 1-1 devices. Superintendent Smith invited the School Committee to join her on October 10, 2019.

Superintendent Smith reported that they are in the process of planning future School Committee meeting topics and will have a plan to report on the students who were reassigned from the Bowditch School. The information would be gathered together and provided soon. Ms. Campbell indicated that access to the 2019 Access data for English Language Learner would also be helpful.

Action Items: Old Business

Deliberation and Vote on the fee waiver requests by the League of Women Voters for the use of Salem Public School facilities to hold candidate forums for the upcoming biennial elections. Proposed dates, times and locations:

- 1) Ward 3 Monday, September 9, 2019, 7:00 – 8:30pm, Salem High School, Wednesday, September 11, 2019, 6:30 – 8:30pm, School Committee Chambers (co-sponsored by the Salem Education Foundation)
- 2) Ward 4 Thursday, October 17, 2019, 7:00 – 8:30pm, Witchcraft Heights Elementary School, and Wednesday, October 23, 2019, 6:30 – 8:30pm, School Committee Chambers (co-sponsored by the Salem Education Foundation)

Mr. Fleming motioned to approve the requests by the League of Women Voters for the use of Salem Public School facilities to hold candidate forums for the upcoming biennial elections on the proposed dates, times and locations with the addition of the Saltonstall School for a date to be determined and waive all fees relative to use. Ms. Campbell seconded the motion. The motion carried.

Action Items: New Business

Deliberation and Vote on the MOA between the Salem School Committee and the Salem Teachers Union – Teachers regarding a salary increase for the 2019-20 school year

Mr. Fleming motioned to approve the MOA between the Salem School Committee and the Salem Teachers Union – Teachers regarding a salary increase for the 2019-20 school year. Ms. Wilson seconded the motion. The motion carried.

Deliberation and Vote on the MOA between the Salem School Committee and the Salem Teachers Union – Paraprofessionals regarding a salary increase for the 2019-20 school year

Mr. Fleming motioned to approve the MOA between the Salem School Committee and the Salem Teachers Union – Paraprofessionals regarding a salary increase for the 2019-20 school year. Ms. Campbell seconded the motion. The motion carried.

Deliberation and vote on the July 2019 agreement between the Salem School Committee and the AFSCME Union regarding the Accounts Payable/Accounting Coordinator position

Mr. Fleming motioned to approve the July 2019 agreement between the Salem School Committee and the AFSCME Union regarding the Accounts Payable/Accounting Coordinator position. Ms. Wilson seconded the motion. The motion carried.

Statement regarding the School Committee’s Response and Resolution to Open Meeting Law complaints filed by Mr. Kapantais on May 6, May 7, May 14, and June 24, 2019

Mayor Driscoll referred the School Committee to the summary of the various complaints and responses that were filed and walked everyone through the information.

Discussion

Mr. Fleming shared there was a change in the statute regarding the response timeframe to public records request. Mr. Fleming proposed to amend the School Committee’s response to Mr. Kapantais to reflect acknowledgement that the School Committee violated the public record law and regulations relative to timely response. Ms. Manning agreed.

Mr. Fleming motioned to approve the amended School Committee’s response and resolution to Open Meeting Law complaints filed by Mr. Kapantais. Ms. Manning seconded the motion. The motion carried.

Policy Subcommittee

Deliberation and Vote on the Third Reading of the recommendation of the Policy Subcommittee on the revisions to the following policies:

- 4116 Personnel Reports
- 5100 School Census (*recommended for deletion*)
- 5111 Student Withdrawal from Schools
- 5114 Participation in Activities during Suspension or Absence
- 5116 Dismissal of Students by School Personnel
- 5416 Use of Physical Restraint

Ms. Nuncio motioned to approve the Deliberation and Vote on the Third Reading of the recommendation of the policy subcommittee on the revisions to the policies as presented. Ms. Wilson seconded the motion. The motion carried.

Mr. Fleming reported that the Buildings and Grounds Subcommittee reviewed a report submitted by Mr. Monk and the request by the League of Women Voters on candidate forums to waive the fees for the use of the facilities.

Mayor Driscoll reported on the three topics talked about at the recent Committee of the Whole (COW) meeting held August 29, 2019. Mayor Driscoll elaborated on the process and search consultant for the Superintendent Search Committee and reported a family request for waiver to allow their child to continue to attend the Salem Public School.

Mr. Fleming asked Mayor Driscoll, in reference to the Search Committee, if the School Committee as a Whole would receive a copy of all applicants for the Superintendent position, once applications are received. Mayor Driscoll responded that they would.

Subcommittee Reports continued - Motions to School Committee of the Whole (COW) Recommendations

Ms. Manning motioned to accept the School Committee of the Whole's recommendation for the Superintendent Search Committee makeup. Ms. Wilson seconded the motion. The motion carried.

Ms. Manning motioned to accept the School Committee of the Whole's recommendation to hire UMASS Collins Center to assist with the Search Committee for the Superintendent search. Ms. Wilson seconded the motion. Mr. Fleming is recorded as opposed. The motion carried.

Ms. Manning motioned to accept the School Committee of the Whole's recommendation for a Director of Communications position to accurately reflect the work that needs to be undertaken within that role. Ms. Wilson seconded the motion. The motion carried.

Mr. Fleming motioned to approve the review and request for a waiver from the Wilson family for a student attending the Collins Middle School during their temporary relocation to attend to a family member. Ms. Campbell seconded the motion. The motion carried.

School Committee Concerns and Resolutions

Mr. Fleming reiterated his concern for a report on the progress of students that were transferred from the Nathaniel Bowditch School, as soon as possible. Mayor Driscoll mentioned an upcoming meeting update, as there is a grant for the additional work the Buildings and Grounds are going to do, and the School Committee has additional funding they are going to assist with. They may also have heard about the Federal grant request by then. This may hopefully be a topic that the Committee of the Whole (COW) may talk about at their next meeting as well as budget boot camp. Members agreed that the next School Committee of the Whole (COW) meeting would take place on September 18, at 6pm. Mayor Driscoll shared that budget boot camp serves to help them better understand how the School Committee can ensure that the budget is leveraging the priorities they set as a district. This would help set the stage for the upcoming budget process. Members also agreed with Superintendent Smith to also include a topic discussion on the November MASS/MASC conference, as MASS/MASC were wondering if any School Committee member would be interested to serve on that panel.

Public Comment #2: Questions and Comments from the Audience

Stephen C. Kapantais Jr., 23 Wisteria Street, asked the School Committee who would be handling complaints going forward and informed that state law indicates it has to be the City Clerk and the Chair. Mr. Kapantais Jr. referenced other prior complaints and asked where to forward them.

Alexa Ogno, 180A Federal Street, thanked the School Committee, on behalf of the Salem Education Foundation and the League of Women Voters, for approving their use of the space for the candidate forums and fee waiver. Ms. Ogno announced that the School candidate forums would be held on Wednesday, September 11, 2019 at 6:30pm here in the School Committee Chambers of the Collins Middle School and Wednesday, October 23, 2019.

Christine Ross, 33 Pleasant Street, thanked the School Committee, on behalf of the League of Women Voters, for approving use of the space in the School Committee Chambers of the Collins Middle School this fall and fee waiver. Ms. Ross extended an invitation to everyone to follow the League of Women Voters in Salem for information on the dates and location.

Executive Session and Adjournment

There being no further business to come before the School Committee this evening. Mr. Fleming motioned to adjourn the regular School Committee meeting and move to Executive Session under Exemption #7 to comply with MGL c30A, §§ 22(f), (g) to review Executive Session Minutes from May 14, 2019, June 3, 2019, and August 19, 2019, not to reconvene in open session. Ms. Campbell seconded the motion.

School Committee Secretary Roll Call

| | |
|--------------------------|-----|
| Ms. Mary Manning | Yes |
| Mr. James Fleming | Yes |
| Ms. Kristine Wilson | Yes |
| Ms. Ana Nuncio | Yes |
| Ms. Amanda Campbell | Yes |
| Mayor Kimberley Driscoll | Yes |

Of the 6 members voting, six voted in the affirmative. The matter carried. Members adjourned from the regular School Committee meeting at 8:26pm, not to reconvene in open session.

Respectfully submitted by:

Angelica Alayon, Secretary to the
Salem School Committee

Meeting Materials and Reports

School Committee Consent agenda September 3, 2019

Minutes of the August 19, 2019 School Committee meeting

Recognition letter and award

Recognition Award

Biennial Elections fee waiver/request for exemption request

Biennial Elections updated fee waiver/request for exemption request

Request for use of school facilities by Salem Education Foundation

Policies of League of Women voters of Salem in relation to candidate forums and debates for Salem municipal elections

2019 Candidate forums listing by League of Women Voters

Memorandum of Understanding (MOU) for teachers by Salem Teachers Union

Memorandum of Understanding (MOU) for paraprofessionals by Salem Teachers Union

Accounts Payable/Accounting Coordinator revised job description

Open Meeting Law complaint forms and responses

Open Meeting Law summary of outstanding OML complaints and public info requests

Policies



School Committee Meeting Materials

**Regular School
Committee Meeting**

September 3, 2019

7:00pm

*Ms. Mary A. Manning
Mr. James M. Fleming
Ms. Kristine Wilson*



*Ms. Ana Nuncio
Mr. Manny Cruz
Ms. Amanda Campbell*

Mayor Kimberley Driscoll, Chair

“Know Your Rights Under the Open Meeting Law, M.G.L. c.30A § 18-25 and City Ordinance Sections 2-2028 through 2-2033”

August 29, 2019

REGULAR SCHOOL COMMITTEE MEETING

Notice is hereby given that the Salem School Committee will hold a Regular School Committee meeting on Tuesday, September 3, 2019 at 7:00 p.m. The meeting will be held in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

I. Call of Meeting to Order

II. Consent Agenda

- a. Minutes of the Regular School Committee meeting held August 19, 2019
- b. Approval of Warrants: 8/15/19 in the amount of \$1,306,545.20, 9/5/19 in the amount of \$522,030.87

III. Approval of the Agenda

IV. Public Comment #1: Questions and Comments from the Audience

V. Presentations and Reports

Superintendent's Report – Kathleen Smith

- a. Recognitions
 - Recognition of Kelly Cronin, Teacher at Witchcraft Heights Elementary School for Receiving the Project Bread Award by the AFT, Massachusetts
- b. Teaching and Learning
 - Convocation
 - Preparation of Buildings and Schools
 - Update on the Bates Elementary School Afterschool Program
- c. Superintendent to speak at City Council meeting on October 10, 2019

VI. Action Items: Old Business

- a. Deliberation and Vote on the Fee Waiver Requests by the League of Women Voters for the use of Salem Public School facilities to hold candidate forums for the upcoming biennial elections. Proposed dates, times and locations include:
 - Ward 3 - Monday, September 9, 2019, 7:00 – 8:30pm, Salem High School
 - Wednesday, September 11, 2019, 6:30 – 8:30pm, School Committee Chambers (co-sponsored by the Salem Education Foundation)
 - Ward 4 - Thursday, October 17, 2019, 7:00 – 8:30 pm, Witchcraft Heights Elementary School

- Wednesday, October 23, 2019, 6:30 – 8:30pm, School Committee Chambers (co-sponsored by the Salem Education Foundation)

VII. Action Items: New Business

- a. Deliberation and Vote on the MOA between the Salem School Committee and the Salem Teachers Union – Teachers regarding a salary increase for the 2019-20 school year
- b. Deliberation and Vote on the MOA between the Salem School Committee and the Salem Teachers Union – Paraprofessionals regarding a salary increase for the 2019-20 school year
- c. Deliberation and Vote on the July 2019 Agreement between the Salem School Committee and the AFSCME Union regarding the Accounts Payable/Accounting Coordinator position
- d. Statement regarding the School Committee's Response and Resolution to Open Meeting Law Complaints filed by Mr. Kapantais on May 6, 2019, May 7, 2019, May 14, 2019, and June 24, 2019

VIII. Policy Subcommittee

- a. Deliberation and Vote on the Third Reading of the recommendation of the Policy Subcommittee on the revisions to the following policies:
 - 4116 Personnel Reports
 - 5110 School Census (*recommended for deletion*)
 - 5111 Student Withdrawal from Schools
 - 5114 Participation in Activities during Suspension or Absence
 - 5116 Dismissal of Students by School Personnel
 - 5416 Use of Physical Restraint

IX. School Committee Concerns and Resolutions

X. Public Comment #2: Questions and Comments from the Audience

- XI. Executive Session.** The School Committee will enter Executive Session under Exemption #7 to comply with MGL c30A, §§ 22(f), (g) to review Executive Session Minutes from May 14, 2019, June 3, 2019, and August 19, 2019.

XII. Adjournment

Respectfully submitted by:

Angelica Alayon, Secretary to the
Salem School Committee



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Kapantais

Address: 23 A Wisteria St

City: Salem State: MA Zip Code: 01970

Phone Number: 9788821188 Ext. _____

Email: kapantais@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee Salem, MA

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: May 6th 2019

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Open Meeting Law requires that a public body, or its chair or designee, review the minutes of its executive sessions at reasonable intervals to determine if the Open Meeting Law warrants continued non-disclosure. G.L. c. 30A, § 22(g)(1). Upon a request for executive session meeting minutes, it shall review those minutes and release " the non-exempt minutes, or any portion thereof, not later than the body ' s next meeting or 30 days, whichever first occurs. " G.L. c. 30A, § 22(f).

On April 24th, I requested a review and release of the non-exempt minutes from the School Committee Chair for the April 15th executive session. On May 6th, the School Committee met and did not report on a review the minutes. Furthermore, I have not received any communications from the School Committee that the minutes were reviewed.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

First, I would like the Committee to acknowledge that they have violated the Open Meeting Law. Second, Committee should review the meeting minutes and release the non-exempt minutes. Third, the School Committee needs to make periodic reviews of executive sessions part of their normal routine.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [Signature]

Date: 5/7/19





OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02114

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Agarwal

Address: 23 4 Winthrop St

City: Salem State: MA Zip Code: 01970

Phone Number: 978821108 Ext: _____

Email: agarwal@msa.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(Please check appropriate box)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee Salem, MA

Specific grounds, if any, you allege committed the violation: _____

Date of alleged violation: May 06, 2019

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Open Meeting Law requires that a public body, or its chair or designee, review the minutes of its executive sessions at reasonable intervals to determine if the Open Meeting Law warrants continued non-disclosure. G.L. c. 30A, § 22(g)(1). Upon a request for executive session meeting minutes, it shall review those minutes and release " the non-exempt minutes, or any portion thereof, not later than the body ' s next meeting or 30 days, whichever first occurs. " G.L. c. 30A, § 22(f).

On April 26th, I requested a review and release of the non-exempt minutes from the School Committee Chair for the April 25th executive session. On May 6th, the School Committee met and did not report on a review the minutes. Furthermore, I have not received any communications from the School Committee that the minutes were reviewed.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

First, I would like the Committee to acknowledge that they have violated the Open Meeting Law. Second, Committee should review the meeting minutes and release the non-exempt minutes. Third, the School Committee needs to make periodic reviews of executive sessions part of their normal routine.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [Handwritten Signature]

Date: 5/7/19

For Use by Public Body / Date Received by Public Body / For Use by AGO / Date Received by AGO



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Kapantais

Address: 23A Wisteria Street

City: Salem State: MA Zip Code: 01970

Phone Number: 9788821188 Ext. _____

Email: kapantais@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: May 14th, 2019

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see items 2,3, 5 and 6 in the attached response to your attorney for actions I want to be taken

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

| | |
|---|---|
| For Use By Public Body Date Received by Public Body: | For Use By AGO Date Received by AGO: |
|---|---|



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Kapantais

Address: 23A Wisteria Street

City: Salem State: MA Zip Code: 01970

Phone Number: 9788821188 Ext. _____

Email: kapantais@gmail.com

Organization or Media Affiliation (if any): Salem School Committee

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (Including city/town, county or region, if applicable): Salem School Committee

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 06/13/19

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On May 30th I filed a request for the May 14th executive session meeting minutes to be released specifically the non exempt minutes related to my requests and OML complaints that were discussed at that meeting in secret (no notificatoin of entering executive session posted) to be reviewed and released.

As of June 24th, 2019 the minutes have not been released nor have I received any notificaoin of why the minutes not have been released as required by law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Acknowledge that they have violated the OML by not resonding in the time frame required. Release the meeting minutes that were requested.

Review, sign, and submit your complaint

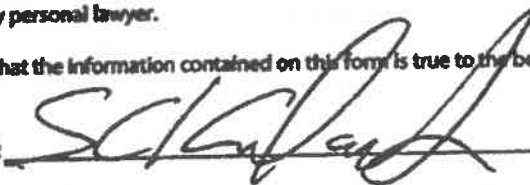
Read this important notice and sign your complaint.

Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

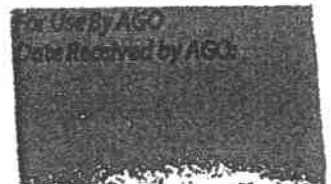
I certify that the information contained on this form is true to the best of my knowledge.

Signed:



Date:

6/24/2019



STONEMAN, CHANDLER & MILLER LLP

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ANDREA L. BELL
CRISTINE M. D. GOLDMAN
COLLEEN SHEA

MIRIAM K. FREEDMAN
OF COUNSEL

May 13, 2019

Via Electronic Mail and US Mail

Stephen Kapantais
23A Wisteria St.
Salem, MA 01970

RE: Open Meeting Law Complaint

Dear Mr. Kapantais

This letter is response to your recent open meeting law complaint. This response comes after the School Committee has met to consider your complaint and is copied to the Office of the Attorney General as required by law.

The School Committee understands that your complaint is twofold: (1) that the Salem School Committee ("Committee") held a meeting on a holiday (Patriot's Day), and (2) that the Committee violated the law by conducting a review of Superintendent Ruiz in Executive Session. Thus, the School Committee is responding to those issues.

Factual Background:

On April 10, 2019 at 9:57am, the School Committee posted a special school committee meeting for Monday, April 15, 2019 at 10:15am. The only agenda substantive agenda item was executive session based on Purpose #1 of MGL Chapter 30A, Section 21 (a), to discuss the character, reputation or complaint against a Salem Public Schools employee, in this case, the Superintendent, and possible disciplinary consequences. Per the law, the Superintendent was made aware of this meeting at least forty-eight (48) hours prior to the meeting, her right to have counsel present and her right to have the meeting in open session. The Superintendent ultimately declined to attend and declined to have the meeting held in open session.

On Monday, April 15, 2019, the Committee convened in public session and immediately went in to executive session, by roll call vote, under Purpose #1 under MGL Chapter 30A, Section 21 (a). The School Committee invited Paul Dakin, an outside consultant to the meeting who had been hired the district to report on the Superintendent's practices, particularly around communication. To be clear, Mr. Dakin was not hired to or asked to evaluate Superintendent Ruiz, but was asked to gather

information which would be reported back to the School Committee. While the School Committee anticipated that it would use Mr. Dakin's research to inform their joint goal setting process and ultimately evaluation of Superintendent Ruiz, there was no agreement or understanding to limit the use of Mr. Dakin's research to the Superintendent's goal setting and evaluation. The reason for Mr. Dakin's invitation at the executive session was to share some of the information that he had gathered to date, as the information was relevant to the purpose of the executive session.

1. Holding a meeting on a holiday.

The first allegation is that Salem School Committee should not have held a meeting on April 15, Patriots' Day in Massachusetts. In previous ruling by the Attorney General, public bodies have not been found to have violated the Open Meeting Law on a legal holiday. See Ashland Town Forest Committee, OML 2017-172 and Frequently Asked Questions, www.mass.gov/ago/openmeeting. As such, the Committee contends that there was no violation of the Open Meeting Law for holding an executive session on Patriots' Day.

2. The Committee violated the law by evaluating the Superintendent in executive session.

The Committee did not evaluate the Superintendent on April 15th. As described in the posting and agenda, the purpose of the meeting was to discuss her character, reputation and the complaints that the School Committee had received regarding the Superintendent, and decide whether to take disciplinary action. As such, Purpose #1 was the proper avenue for this discussion as it "is designed to protect the rights and reputation of individuals." To hold this meeting in open session would have violated the Superintendent's rights.

The fact that Mr. Dakin was invited to attend and provide information does not change this result. First, the Open Meeting Law does not prohibit a School Committee from inviting another party to attend executive session for the purpose of providing relevant information to the School Committee so that it may be fully informed as it conducts business. It is also not the case that an invitee's presence be noted on the agenda; however, it is assured that Mr. Dakin's presence was recorded in the executive session meeting minutes.

Second, Mr. Dakin's presence alone does not mean that the School Committee evaluated Superintendent Ruiz. As stated previously, Mr. Dakin was not hired to evaluate Superintendent Ruiz, but to do research. Sharing information relative to a complaint is not an "evaluation."¹

The School Committee notes that the evaluation of a Superintendent is a well-defined process pursuant to 603 CMR 35.00 et seq. The evaluation system used by schools must be reflective of the "Standards and Indicators for Effective Administrative Leadership Practice and the procedures in 603 CMR 35.04 through 35.10 as applicable to the role and contract of the administrator." 603 CMR 35.05. In the present case, there is no indication that the School Committee undertook a performance review which considered the Standards and Indicators for Effective Administrative Leadership Practice, nor any of the

¹ Even if the information shared by Mr. Dakin was an evaluation document, it would not be subject to disclosure under the open meeting law. According to the FAQ from the Attorney General, "evaluations conducted by individuals who are not members of public bodies are not public records." See, Frequently Asked Questions, <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law#frequently-asked-questions-about-evaluations->

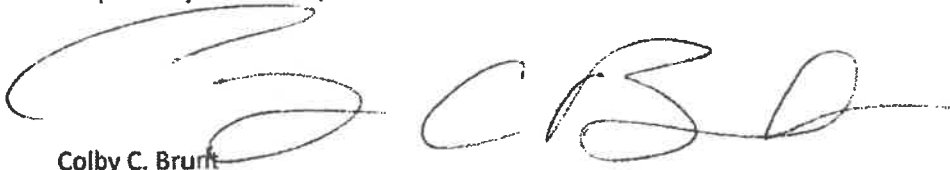
STONEMAN, CHANDLER & MILLER LLP

Superintendent's contractual provisions related to evaluation. In addition, 603 CMR 35.05 assures school committees that, "[n]othing in 603 CMR 35.00 shall abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law, including G.L. c. 71, §§ 41 and 42" meaning that a school committee is free to consider issues for discipline or dismissal independent of the evaluation process. Indeed, the School Committee completed the annual evaluation of Superintendent Ruiz in the fall of 2018 and did so in open session.

The Attorney General's guidance on this matter is also informative: "while conclusions drawn from deliberations about professional competency may be part of a deliberation for another executive session, the evaluation of professional competency itself, must occur during an open session." See Frequently Asked Questions, <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law>. This acknowledges that information regarding professional competency can both inform evaluations and executive sessions. To illustrate this point, the School Committee points to the guidance from the Attorney General's office which puts forth the following example: a School Committee considering the renegotiation of a Superintendent's contract may consider the Superintendent's evaluation during an executive session as a part of their deliberation process about strategy in negotiating with the Superintendent. *Id.*

In the present case, the School Committee contends that it considered information provided by Mr. Dakin when discussing the character, reputation of or complaints about the Superintendent. Even though information from Mr. Dakin could have been used for evaluation, in this case, the School Committee's focus was on how Mr. Dakin's information pertained to Superintendent Ruiz's character and reputation or the complaints received by the Committee. As such, the School Committee contends that it did not violate the open meeting law by entering in to executive session, as allowed under MGL Chapter 30A, Section 21 (a) Purpose #1, to discuss character, reputation and complaints made against the Superintendent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Colby C. Brunt". The signature is fluid and cursive, with a large initial "C" and "B".

Colby C. Brunt
Counsel for the Salem School Committee

cc: Attorney General's Office (Via US Mail Only)
Mayor Kimberly Driscoll, Chairperson, Salem School Committee (Via Electronic Mail Only)

STONEMAN, CHANDLER & MILLER LLP

99 HIGH STREET
BOSTON, MASSACHUSETTS 02110

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JOAN L. STEIN
JOHN M. SIMON
KATE CLARK
ANDREA L. BELL
CRISTINE M. D. GOLDMAN
COLLEEN SHEA

MIRIAM K. FREEDMAN
OF COUNSEL

May 28, 2019

Via Electronic Mail

Stephen Kapantais
23A Wisteria St.
Salem, MA 01970

RE: Open Meeting Law Complaint

Dear Mr. Kapantais

This letter is response to your recent open meeting law complaint. It is my understanding that you filed the complaint due to the fact that on April 24th, you requested copies of any non-exempt minutes from the April 15, 2019 executive session and that the Committee did not respond within 10 days to your request or review the minutes at the School Committee meeting on May 6, 2019.

As I had informed you in an email communication on May 13, 2019, the Committee acknowledged that their review of the minutes on May 13, 2019 and lack of response within 10 days was outside of timelines per the law. Of note, the Committee did review the minutes on May 13th and in their review determined that at that time the exemption/reasons for executive session still existed and that they could not release any of the minutes from that meeting at that time.

Please note that my client views this an unfortunate oversight and will ensure that moving forward the Committee is timely with the review of executive session minutes. I hope that this response fully satisfies your requested relief.

Respectfully submitted,


Colby C. Brunt
Counsel for the Salem School Committee

cc: Attorney General's Office (Via Electronic Mail Only)
Mayor Kimberly Driscoll, Chairperson, Salem School Committee (Via Electronic Mail Only)

Summary of Outstanding OML Complaints and Public Info Requests

Below is a summary of recent OML Complaints and Public Information Requests that require action by the School Committee, as outlined below.

| Date submitted | Complaint | District Response |
|----------------|---|--|
| 4/26/19 | A. KAPANTAIS - Complaint filed about scheduling the 4/15/19 Executive Session on a holiday (Patriots Day) | <p>5/6/19 SPS Attorney Colby Brunt, Esq. provides a response indicating that the meeting was held on a holiday during school vacation week because it was the only day that all members of the School Committee were available to attend. The meeting was in Executive Session and therefore members of the public would not be able to participate. Further, while holding a meeting on a holiday is not a best practice, it is not against the law. Given the importance of the issue, the School Committee felt it was more important to meet with everyone present as soon as possible, rather than delay matters till the following week.</p> <p>Mr. Kapantais has since included this response as "inadequate" in his recent filing with the Attorney General and would prefer that the School Committee initiate a rule that in the future, meetings will not be scheduled on a holiday.</p> <p>9/3/19 The School Committee acknowledges that scheduling a meeting on a holiday is unusual and in the future the Committee will strive to follow the Attorney General's best practices and avoid scheduling meetings on a holiday.</p> |
| | B. KAPANTAIS - Complaint about Paul Dakin presence and report being a performance review of Superintendent Ruiz | <p>5/6/19 SPS Attorney Colby Brunt, Esq. provides a response indicating that the School Committee did not evaluate the Superintendent in executive session at their meeting on April 15, 2019.</p> <p>Mr. Kapantais has since included this response as "inadequate" in his recent filing with the Attorney General.</p> <p>9/3/19 The School Committee re-affirms that there was no violation of the Open Meeting Law associated with Mr. Dakin's presence at the April 15th Executive Session.</p> |
| 5/7/19 | C. KAPANTAIS - OML Complaint filed pertaining to requests for the 4/15 and 4/25 Executive Session meeting minutes | <p>At that time of Mr. Kapantais' requests, neither of the minutes had been transcribed, reviewed or approved. Mayor Driscoll responded by email to Mr. Kapantais on April 26, 2019 informing him that his request had been received and was being worked on.</p> <p>An Executive Session was held on 5/14/19 to review the 4/15 and 4/25 Executive Session minutes. At that meeting, the School Committee reviewed the 4/25 Executive Session minutes, but did not vote on it that night as not all members were present.</p> <p>Another Executive Session was held on 6/3/19 to review the</p> |

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| | | 4/15 and 4/25 Executive Session minutes. At that meeting, the School Committee reviewed the minutes from both 4/15 and 4/25 Executive Sessions, subject to final review by School Committee Counsel, since they involved a personnel matter. |
| 5/30/19 | D. KAPANTAIS – Requests copy of 5/14 Executive Session meeting minutes | <p>At that time of Mr. Kapantais' requests, the minutes had been transcribed, reviewed or approved. On June 1, 2019, Mayor Driscoll sent a response via email to Mr. Kapantais informing him that the Executive Session Minutes could not be released because they had not been reviewed by the School Committee.</p> <p>On August 19, 2019, the School Committee reviewed and approved the Executive Session minutes and authorized release of same.</p> |
| 6/24/19 | E. KAPANTAIS - OML Complaint outlining 6 items regarding the 4/15 and 4/25 Executive Sessions. | <p>9/3/19 Pursuant to the Open Meeting Law (OML), upon a request for executive session meeting minutes, a public body shall review those minutes and release 'the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. While responses were provided to Mr. Kapantais, they did not meet the timeline of being provided to him 'not later than the body's next meeting or 30 days, whichever first occurs', as required by the OML.</p> <p>As such, the School Committee would like to acknowledge that we have committed procedural errors under the public records laws and regulations. Specifically, the Committee failed to respond to a request to review/release executive session minutes in accordance with the required timeline and failed to include specific notice that the committee was reviewing an open meeting law complaint in an executive session on May 14th.</p> <p>The Committee would also like to acknowledge that these lapses in response were not done intentionally or to purposefully prevent the distribution of information requested.</p> <p>We apologize for this and to that end, the Committee has established a new protocol and policy for the receipt of public records requests so that these matters are better tracked and we will be conducting a training by legal counsel for the committee of the whole on the Open Meeting Law.</p> |
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| | | |



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Scott Last Name: Andrade

Address: 12 Grant Road

City: Salem State: MA Zip Code: 01970

Phone Number: (978)210-1463 Ext.

Email: shrimpenstankisdead@yahoo.com

Organization or Media Affiliation (if any):

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

- Individual Organization Media

Public Body that is the subject of this complaint:

- City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee

Specific person(s), if any, you allege committed the violation: Kimberley Driscoll, School Committee Members, Kathleen Smith

Date of alleged violation: 09/03/2019

1

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

AMENDED 10/17/2019 ORIGINAL SUBMISSION 10/03/2019 ALLEGED VIOLATION 09/03/2019

Page 2 – NEW signature/date Pages 26 and 27 – NEW highlighted section/hand written notation Pages 28 thru 31 – All NEW

At the September 03, 2019 Salem School Committee Meeting, Mr. Fleming helped Chair Driscoll introduce a new "Public Records Policy."

This new policy was explained during a section on the Agenda titled "Statement regarding the School Committee's Response and Resolution to Open Meeting Law complaints filed by Mr. Kapantais on May 6, May 7, May 14 and June 24, 2019."

Chair Driscoll was outlining the City of Salem's response to several recently filed "Open Meeting Law complaints." Specific complaint dates were listed under the Action Items heading on the city's posted agenda.

During the discussion, it is revealed that there were several more Open Meeting Law complaints that were not being discussed.

As discussion continued, we learn of Chair Driscoll's admitted failure to provide Open Meeting Law complaints to the School Committee Members within the state mandated time period.

Although Chair Driscoll stated that "the new protocol and policy" was for the receipt of "Public Record Requests (PPR)," the policy announcement was clearly with regard to the receipt and handling of "Open Meeting Law complaints (OML)." The two terms were interchanged freely and constantly throughout the entire discussion.

All "Public Record Requests" in the City of Salem, with regard to the School Department, are handled by the employee who occupies the position of Chief of Systems Strategy (CoSS).

The CoSS has answered every "Public Record Request" I have sent since April/May of this year. The CoSS is also the person who, after the announcement of this new policy, accepted my most recent "Public Record Request" (dated 09/16/2019) and stated that they would respond within 10 days, which they have not.

I can wait no longer to file this complaint as my 30 day time limit is due to expire.

The video record of the September 3, 2019 School Committee Meeting (54:37-1:06:46), broadcast and archived on Salem Access Television channel 15, clearly illustrates the context and intent of the stated policy change.

The Public School Superintendent of Salem was presented in a public forum as the School Committee's authorized city designate to receive all future OML complaints. Mr. Fleming added, "Under School Committee vote."

Salem's adopted OML complaint policy is to send/forward all future complaints to the Superintendent. This is in violation of Massachusetts State Law.

The current Superintendent indicated she had agreed to undertake this new responsibility.

The Superintendent has been designated a duty the School Committee is not allowed to grant to anyone but who the law allows.

The Salem School Committee's solution to shift the responsibility of receiving and handling OML complaints to someone other than the Chair of the School Committee illustrates a flagrant disregard for the Open Meeting Law.

The Chair is required by Law to disseminate OML complaints to all Committee Members. No exception.

Kimberley Driscoll has been the Chair of Salem's School Committee for more than 10 years. Chair Driscoll falsely claimed on September 3, 2019 that Massachusetts State Law allows someone other than the Chair of the School Committee to be designated recipient of an OML complaint. The Chair was aided in her policy description by Mr.

Fleming. A majority of Committee Membership must have also agreed to violate State Law when the vote to adopt a new submission policy was taken.

Chair Driscoll forwarded all OML Complaints to the School Committee lawyer and not to the School Committee Membership as required by Massachusetts Open Meeting Law. Chair Driscoll made a conscious choice to submit OML complaints to only one party.

Chair Driscoll's non-inclusive dissemination of the OML Complaints is another direct and intentional violation of the Open Meeting Law.

It should also be noted that the final adopted and published minutes make no mention of the City of Salem's new OML complaint submission policy being discussed.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Salem School Committee has violated State Law. Whether it be through ignorance or intent, public trust has been removed. The Chair is responsible for the conduct and integrity of their institution.

As such:

I would like the Chair of the School Committee, Kimberley Driscoll, to either step down or be removed from office by either the School Committee or the Division of Open Government.

I would like the School Committee to acknowledge it ignored black and white letter rules of law and complete a training session. This Open Meeting Law training session should be completed with someone other than the School Committee Council.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

Scott Andrade

10/03/19

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:

Scott Andrade

10/17/19



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.

Salem School Committee
Meeting Minutes
Tuesday, September 3, 2019

A regular meeting of the Salem School Committee was held on Tuesday, September 3, 2019 at 7:01 p.m. in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

Members Present: Ms. Mary Manning, Mr. James Fleming, Ms. Kristine Wilson, Ms. Ana Nuncio, Ms. Amanda Campbell, and Mayor Kimberley Driscoll

Members Absent: Manny Cruz

Others Present: Kathleen Smith, Superintendent, Kate Carbone, Assistant Superintendent, Jill Conrad, Chief of Systems Strategy, and Kristin Shaver, Business Manager

Call of Meeting to Order

Mayor Driscoll called the regular meeting of the Salem School Committee to order at 7:01 p.m.

Consent Agenda

- a. Minutes of the Regular School Committee meeting held August 19, 2019
- b. Approval of Warrant: 8/15/19 in the amount of \$1,306,545.20, 9/5/19 in the amount of \$522,030.87

Mr. Fleming motioned to approve the Consent agenda. Ms. Wilson seconded the motion. The motion carried.

Approval of the Agenda

Mr. Fleming motioned to approve the agenda with the addition that 'Other Subcommittee Reports' section should be listed under section VIII of the agenda. Ms. Manning seconded the motion. The motion carried.

Public Comment #1: Questions and Comments From the Audience

Erika Rowley, 11 Savoy Road, shared the need for improved communication at Salem schools and on behalf of Salem parents, students, and teachers thanked Dr. James Flynn for his years of service to the community, strong relationship he had with students and graduates, accessibility, responsiveness, enthusiasm, and collaborative problem-solving skills. Ms. Conklin also thanked Dr. Flynn for his knowledge and caring, staying late to attend sporting and music events, and being a dedicated member of the Salem School community.

Stephen C. Kapantais Jr., 23 Wisteria Street, talked of the Open Meeting Law rights, the need for more transparency, and availability to discuss open meeting complaints in an open session, and an open and transparent process to create a collaborative effort that includes students, teachers, parents, residents, school administrators, and the Salem School community. Mr. Kapantais suggested all matters concerning all reports be released in order to follow a more transparent process. Mr. Kapantais asked the School Committee to demonstrate their support in promoting an open and transparent process that includes the entire School Committee and vote against going into an executive session, make sure the public has all information on all complaints, and then bring it back to an open forum.

Mayor Driscoll clarified that this evening's agenda has a regular open session regarding the School Committee's response to open the meeting law complaints; there are two items on the agenda: 1 responds in open session and a request to go into Executive Session.

Superintendent's Report – Kathleen Smith

Superintendent Smith shared that she had the opportunity to meet Dr. James Flynn in an exit interview and was disappointed to lose someone that has been part of, and was educated in, the district. Superintendent Smith said she would work to ensure she honors the services, especially with members who have been with the district for so long, have been involved with parents, students, extracurricular activities – all the things that make up somebody that was so special to the district. Superintendent Smith talked about the Hooray for K! event she attended on August 24, 2019, held at the Salem Public Library with librarian Laura Brosnan, Head of Youth Services. Superintendent Smith thanked the community providers that were there to meet the families and talk about the services they provide to Kindergarteners. Superintendent Smith shared she was pleased to see the Mayor standing at the bus stop, waiting

to take a bus ride with parents. Superintendent Smith indicated that Kindergarten would start on September 9, 2019, for most of the schools, and a few others have already started. Superintendent Smith thanked the Salem Public Library. Superintendent Smith provided an update on available positions at Salem High School, shared a personal observation on a recent trip, and said she thought a large sign, similar to that of a campaign elections sign) in front of the School Administration building would be a great idea for a way to advertise and a way for people, from the community, to be informed.

Recognitions

Superintendent Smith presented, Kelly Cronin, Grade 4 Special Education Teacher at Witchcraft Heights Elementary School, with an award on behalf of the School Committee and Deborah Jeffers, Director of Food and Nutrition services program, from Project Bread. Ms. Cronin was given a Teacher Champion award for fighting hunger. Superintendent Smith talked about some of the work that Ms. Cronin has done. Superintendent Smith and Mayor Driscoll congratulated Ms. Cronin for all her efforts. Ms. Cronin shared a few words with everyone and briefly talked of the importance of good nutrition for all students.

Teaching and Learning – Convocation, Preparation of Buildings and Schools, Update on the Bates Elementary School Afterschool Program

Superintendent Smith talked about the convocation 2019 to welcome Salem Public School teachers last Tuesday, August 27, 2019, reported that tomorrow is the first day of school and announced that she would be riding a bus. Superintendent Smith said she was amazed at the cleanliness in the buildings and the ‘Welcome Back’ decorated walls the teachers made. Superintendent Smith asked Ryan Monks, Director of Buildings and Grounds, to share an update on the preparation of facilities or any possible upgrades for the start of the school year. Mr. Monks talked about the work that was done over the summer. Superintendent Smith thanked Mr. Monks and all of the custodians for their hours and preparation for the start of the school year. Mayor Driscoll echoed Superintendent Smith’s words and said they appreciate, and are grateful for, the work of the buildings and grounds custodial services. Mr. Fleming, Chair of Buildings and Grounds Subcommittee, said it is a pleasure to work with Mr. Monks for the last year and thanked him for a great first year.

Superintendent Smith provided an update on the Bates Elementary School’s Afterschool program. Superintendent Smith talked about a meeting she attended at the Bates School, last Wednesday evening, August 28, 2019 to address the 21st Century grant programming and Wraparound, who is overseen by For Kids Only (FKO). Superintendent Smith talked of the suggestions by families for family planning after care support services, what their interests are, invited Ms. Emily Ullman to share an update. Ms. Ullman confirmed that there will be an afterschool services program at the Bates Elementary School and shared further details.

Superintendent to speak at City Council meeting on October 10, 2019

Superintendent Smith reported that she would be attending a City Council meeting on October 10, 2019 to talk about some of the communications she would like to see this year. They will be working with all school departments to talk about successes and challenges, strategic plan, facility issues, instructional technology, and where they are with the 1-1 devices. Superintendent Smith invited the School Committee to join her on October 10, 2019.

Superintendent Smith reported that they are in the process of planning future School Committee meeting topics and will have a plan to report on the students who were reassigned from the Bowditch School. The information would be gathered together and provided soon. Ms. Campbell indicated that access to the 2019 Access data for English Language Learner would also be helpful.

Action Items: Old Business

Deliberation and Vote on the fee waiver requests by the League of Women Voters for the use of Salem Public School facilities to hold candidate forums for the upcoming biennial elections. Proposed dates, times and locations:

- 1) Ward 3 Monday, September 9, 2019, 7:00 – 8:30pm, Salem High School, Wednesday, September 11, 2019, 6:30 – 8:30pm, School Committee Chambers (co-sponsored by the Salem Education Foundation)
- 2) Ward 4 Thursday, October 17, 2019, 7:00 – 8:30pm, Witchcraft Heights Elementary School, and Wednesday, October 23, 2019, 6:30 – 8:30pm, School Committee Chambers (co-sponsored by the Salem Education Foundation)

Mr. Fleming motioned to approve the requests by the League of Women Voters for the use of Salem Public School facilities to hold candidate forums for the upcoming biennial elections on the proposed dates, times and locations with the addition of the Saltonstall School for a date to be determined and waive all fees relative to use. Ms. Campbell seconded the motion. The motion carried.

Action Items: New Business

Deliberation and Vote on the MOA between the Salem School Committee and the Salem Teachers Union – Teachers regarding a salary increase for the 2019-20 school year

Mr. Fleming motioned to approve the MOA between the Salem School Committee and the Salem Teachers Union – Teachers regarding a salary increase for the 2019-20 school year. Ms. Wilson seconded the motion. The motion carried.

Deliberation and Vote on the MOA between the Salem School Committee and the Salem Teachers Union – Paraprofessionals regarding a salary increase for the 2019-20 school year

Mr. Fleming motioned to approve the MOA between the Salem School Committee and the Salem Teachers Union – Paraprofessionals regarding a salary increase for the 2019-20 school year. Ms. Campbell seconded the motion. The motion carried.

Deliberation and vote on the July 2019 agreement between the Salem School Committee and the AFSCME Union regarding the Accounts Payable/Accounting Coordinator position

Mr. Fleming motioned to approve the July 2019 agreement between the Salem School Committee and the AFSCME Union regarding the Accounts Payable/Accounting Coordinator position. Ms. Wilson seconded the motion. The motion carried.

Statement regarding the School Committee's Response and Resolution to Open Meeting Law complaints filed by Mr. Kapantais on May 6, May 7, May 14, and June 24, 2019

Mayor Driscoll referred the School Committee to the summary of the various complaints and responses that were filed and walked everyone through the information.

Discussion

Mr. Fleming shared there was a change in the statute regarding the response timeframe to public records request. Mr. Fleming proposed to amend the School Committee's response to Mr. Kapantais to reflect acknowledgement that the School Committee violated the public record law and regulations relative to timely response. Ms. Manning agreed.

Mr. Fleming motioned to approve the amended School Committee's response and resolution to Open Meeting Law complaints filed by Mr. Kapantais. Ms. Manning seconded the motion. The motion carried.

Policy Subcommittee

Deliberation and Vote on the Third Reading of the recommendation of the Policy Subcommittee on the revisions to the following policies:

- 4116 Personnel Reports
- 5100 School Census (*recommended for deletion*)
- 5111 Student Withdrawal from Schools
- 5114 Participation in Activities during Suspension or Absence
- 5116 Dismissal of Students by School Personnel
- 5416 Use of Physical Restraint

Ms. Nuncio motioned to approve the Deliberation and Vote on the Third Reading of the recommendation of the policy subcommittee on the revisions to the policies as presented. Ms. Wilson seconded the motion. The motion carried.

Mr. Fleming reported that the Buildings and Grounds Subcommittee reviewed a report submitted by Mr. Monk and the request by the League of Women Voters on candidate forums to waive the fees for the use of the facilities.

Mayor Driscoll reported on the three topics talked about at the recent Committee of the Whole (COW) meeting held August 29, 2019. Mayor Driscoll elaborated on the process and search consultant for the Superintendent Search Committee and reported a family request for waiver to allow their child to continue to attend the Salem Public School.

Mr. Fleming asked Mayor Driscoll, in reference to the Search Committee, if the School Committee as a Whole would receive a copy of all applicants for the Superintendent position, once applications are received. Mayor Driscoll responded that they would.

Subcommittee Reports continued - Motions to School Committee of the Whole (COW) Recommendations

Ms. Manning motioned to accept the School Committee of the Whole's recommendation for the Superintendent Search Committee makeup. Ms. Wilson seconded the motion. The motion carried.

Ms. Manning motioned to accept the School Committee of the Whole's recommendation to hire UMASS Collins Center to assist with the Search Committee for the Superintendent search. Ms. Wilson seconded the motion. Mr. Fleming is recorded as opposed. The motion carried.

Ms. Manning motioned to accept the School Committee of the Whole's recommendation for a Director of Communications position to accurately reflect the work that needs to be undertaken within that role. Ms. Wilson seconded the motion. The motion carried.

Mr. Fleming motioned to approve the review and request for a waiver from the Wilson family for a student attending the Collins Middle School during their temporary relocation to attend to a family member. Ms. Campbell seconded the motion. The motion carried.

School Committee Concerns and Resolutions

Mr. Fleming reiterated his concern for a report on the progress of students that were transferred from the Nathaniel Bowditch School, as soon as possible. Mayor Driscoll mentioned an upcoming meeting update, as there is a grant for the additional work the Buildings and Grounds are going to do, and the School Committee has additional funding they are going to assist with. They may also have heard about the Federal grant request by then. This may hopefully be a topic that the Committee of the Whole (COW) may talk about at their next meeting as well as budget boot camp. Members agreed that the next School Committee of the Whole (COW) meeting would take place on September 18, at 6pm. Mayor Driscoll shared that budget boot camp serves to help them better understand how the School Committee can ensure that the budget is leveraging the priorities they set as a district. This would help set the stage for the upcoming budget process. Members also agreed with Superintendent Smith to also include a topic discussion on the November MASS/MASC conference, as MASS/MASC were wondering if any School Committee member would be interested to serve on that panel.

Public Comment #2: Questions and Comments from the Audience

Stephen C. Kapantais Jr., 23 Wisteria Street, asked the School Committee who would be handling complaints going forward and informed that state law indicates it has to be the City Clerk and the Chair. Mr. Kapantais Jr. referenced other prior complaints and asked where to forward them.

Alexa Ogno, 180A Federal Street, thanked the School Committee, on behalf of the Salem Education Foundation and the League of Women Voters, for approving their use of the space for the candidate forums and fee waiver. Ms. Ogno announced that the School candidate forums would be held on Wednesday, September 11, 2019 at 6:30pm here in the School Committee Chambers of the Collins Middle School and Wednesday, October 23, 2019.

Christine Ross, 33 Pleasant Street, thanked the School Committee, on behalf of the League of Women Voters, for approving use of the space in the School Committee Chambers of the Collins Middle School this fall and fee waiver. Ms. Ross extended an invitation to everyone to follow the League of Women Voters in Salem for information on the dates and location.

Executive Session and Adjournment

There being no further business to come before the School Committee this evening. Mr. Fleming motioned to adjourn the regular School Committee meeting and move to Executive Session under Exemption #7 to comply with MGL c30A, §§ 22(f), (g) to review Executive Session Minutes from May 14, 2019, June 3, 2019, and August 19, 2019, not to reconvene in open session. Ms. Campbell seconded the motion.

School Committee Secretary Roll Call

| | |
|--------------------------|-----|
| Ms. Mary Manning | Yes |
| Mr. James Fleming | Yes |
| Ms. Kristine Wilson | Yes |
| Ms. Ana Nuncio | Yes |
| Ms. Amanda Campbell | Yes |
| Mayor Kimberley Driscoll | Yes |

Of the 6 members voting, six voted in the affirmative. The matter carried. Members adjourned from the regular School Committee meeting at 8:26pm, not to reconvene in open session.

Respectfully submitted by:

Angelica Alayon, Secretary to the
Salem School Committee

Meeting Materials and Reports

School Committee Consent agenda September 3, 2019

Minutes of the August 19, 2019 School Committee meeting

Recognition letter and award

Recognition Award

Biennial Elections fee waiver/request for exemption request

Biennial Elections updated fee waiver/request for exemption request

Request for use of school facilities by Salem Education Foundation

Policies of League of Women voters of Salem in relation to candidate forums and debates for Salem municipal elections

2019 Candidate forums listing by League of Women Voters

Memorandum of Understanding (MOU) for teachers by Salem Teachers Union

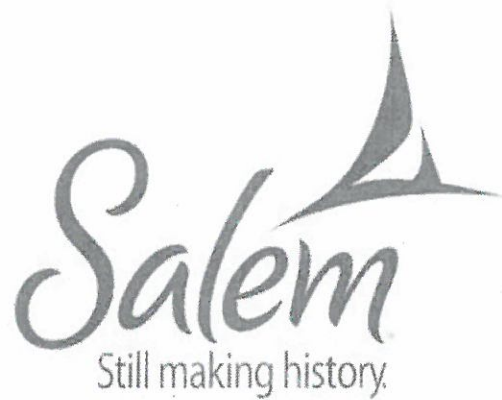
Memorandum of Understanding (MOU) for paraprofessionals by Salem Teachers Union

Accounts Payable/Accounting Coordinator revised job description

Open Meeting Law complaint forms and responses

Open Meeting Law summary of outstanding OML complaints and public info requests

Policies



School Committee Meeting Materials

Regular School Committee Meeting

September 3, 2019

7:00pm

Ms. Mary A. Manning
Mr. James M. Fleming
Ms. Kristine Wilson



Ms. Ana Nuncio
Mr. Manny Cruz
Ms. Amanda Campbell

Mayor Kimberley Driscoll, Chair

“Know Your Rights Under the Open Meeting Law, M.G.L. c.30A § 18-25 and City Ordinance Sections 2-2028 through 2-2033”

August 29, 2019

REGULAR SCHOOL COMMITTEE MEETING

Notice is hereby given that the Salem School Committee will hold a Regular School Committee meeting on Tuesday, September 3, 2019 at 7:00 p.m. The meeting will be held in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

- I. Call of Meeting to Order**
- II. Consent Agenda**
 - a. Minutes of the Regular School Committee meeting held August 19, 2019
 - b. Approval of Warrants: 8/15/19 in the amount of \$1,306,545.20, 9/5/19 in the amount of \$522,030.87
- III. Approval of the Agenda**
- IV. Public Comment #1: Questions and Comments from the Audience**
- V. Presentations and Reports**

Superintendent’s Report – Kathleen Smith

 - a. Recognitions
 - Recognition of Kelly Cronin, Teacher at Witchcraft Heights Elementary School for Receiving the Project Bread Award by the AFT, Massachusetts
 - b. Teaching and Learning
 - Convocation
 - Preparation of Buildings and Schools
 - Update on the Bates Elementary School Afterschool Program
 - c. Superintendent to speak at City Council meeting on October 10, 2019
- VI. Action Items: Old Business**
 - a. Deliberation and Vote on the Fee Waiver Requests by the League of Women Voters for the use of Salem Public School facilities to hold candidate forums for the upcoming biennial elections. Proposed dates, times and locations include:
 - Ward 3 - Monday, September 9, 2019, 7:00 – 8:30pm, Salem High School
 - Wednesday, September 11, 2019, 6:30 – 8:30pm, School Committee Chambers (co-sponsored by the Salem Education Foundation)
 - Ward 4 - Thursday, October 17, 2019, 7:00 – 8:30 pm, Witchcraft Heights Elementary School

- Wednesday, October 23, 2019, 6:30 – 8:30pm, School Committee Chambers (co-sponsored by the Salem Education Foundation)

VII. Action Items: New Business

- a. Deliberation and Vote on the MOA between the Salem School Committee and the Salem Teachers Union – Teachers regarding a salary increase for the 2019-20 school year
- b. Deliberation and Vote on the MOA between the Salem School Committee and the Salem Teachers Union – Paraprofessionals regarding a salary increase for the 2019-20 school year
- c. Deliberation and Vote on the July 2019 Agreement between the Salem School Committee and the AFSCME Union regarding the Accounts Payable/Accounting Coordinator position
- d. Statement regarding the School Committee's Response and Resolution to Open Meeting Law Complaints filed by Mr. Kapantais on May 6, 2019, May 7, 2019, May 14, 2019, and June 24, 2019

VIII. Policy Subcommittee

- a. Deliberation and Vote on the Third Reading of the recommendation of the Policy Subcommittee on the revisions to the following policies:
 - 4116 Personnel Reports
 - 5110 School Census (*recommended for deletion*)
 - 5111 Student Withdrawal from Schools
 - 5114 Participation in Activities during Suspension or Absence
 - 5116 Dismissal of Students by School Personnel
 - 5416 Use of Physical Restraint

IX. School Committee Concerns and Resolutions

X. Public Comment #2: Questions and Comments from the Audience

- XI. Executive Session.** The School Committee will enter Executive Session under Exemption #7 to comply with MGL c30A, §§ 22(f), (g) to review Executive Session Minutes from May 14, 2019, June 3, 2019, and August 19, 2019.

XII. Adjournment

Respectfully submitted by:

Angelica Alayon, Secretary to the
Salem School Committee



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Kapantais

Address: 23 A Wisteria St

City: Salem State: MA Zip Code: 01970

Phone Number: 9788821188 Ext. _____

Email: kapantais@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee Salem, MA

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: May 6th 2019

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Open Meeting Law requires that a public body, or its chair or designee, review the minutes of its executive sessions at reasonable intervals to determine if the Open Meeting Law warrants continued non-disclosure. G.L. c. 30A, § 22(g)(1). Upon a request for executive session meeting minutes, it shall review those minutes and release " the non-exempt minutes, or any portion thereof, not later than the body ' s next meeting or 30 days, whichever first occurs. " G.L. c. 30A, § 22(f).

On April 24th, I requested a review and release of the non-exempt minutes from the School Committee Chair for the April 15th executive session. On May 6th, the School Committee met and did not report on a review the minutes. Furthermore, I have not received any communications from the School Committee that the minutes were reviewed.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

First, I would like the Committee to acknowledge that they have violated the Open Meeting Law. Second, Committee should review the meeting minutes and release the non-exempt minutes. Third, the School Committee needs to make periodic reviews of executive sessions part of their normal routine.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [Signature]

Date: 5/7/19

For the Public Body: _____ Date Received by Public Body: _____
For the AGO: _____ Date Received by AGO: _____



OPEN MEETINGS LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted

Your Contact Information:

First Name: Stephen Last Name: Leighton

Address: 23 A Winthrop St

City: Salem State: MA Zip Code: 01970

Phone Number: 9782211888 Ext: _____

Email: leighton@psn.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For organizations and media only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee Salem, MA

Specific paragraph(s) of law you allege committed the violation: _____

Date of alleged violation: May 06, 2010

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Open Meeting Law requires that a public body, or its chair or designee, review the minutes of its executive sessions at reasonable intervals to determine if the Open Meeting Law warrants continued non-disclosure. G.L. c. 30A, § 22(g)(1). Upon a request for executive session meeting minutes, it shall review those minutes and release " the non-exempt minutes, or any portion thereof, not later than the body ' s next meeting or 30 days, whichever first occurs. " G.L. c. 30A, § 22(f).

On April 26th, I requested a review and release of the non-exempt minutes from the School Committee Chair for the April 25th executive session. On May 6th, the School Committee met and did not report on a review the minutes. Furthermore, I have not received any communications from the School Committee that the minutes were reviewed.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

First, I would like the Committee to acknowledge that they have violated the Open Meeting Law. Second, Committee should review the meeting minutes and release the non-exempt minutes. Third, the School Committee needs to make periodic reviews of executive sessions part of their normal routine.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [Signature]

Date: 5/7/19

For Use By Public Body Date Received by Public Body For Use By AGO Date Received by AGO

15



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Kapantais

Address: 23A Wisteria Street

City: Salem State: MA Zip Code: 01970

Phone Number: 9788821188 Ext. _____

Email: kapantais@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (Including city/town, county or region, if applicable): Salem School Committee

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: May14th, 2019

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

[Empty text box for description of alleged violation]

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see items 2,3, 5 and 6 in the attached response to your attorney for actions I want to be taken

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

For Use by Public Body Date Received by Public Body For Use By AGO Date Received by AGO



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Stephen Last Name: Kapantais

Address: 23A Wisteria Street

City: Salem State: MA Zip Code: 01970

Phone Number: 9788821188 Ext. _____

Email: kapantais@gmail.com

Organization or Media Affiliation (if any): Salem School Committee

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 06/13/19

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On May 30th I filed a request for the May 14th executive session meeting minutes to be reviewed specifically the non exempt minutes related to my requests and OML complaints that were discussed at that meeting in secret (no notificatoin of entering executive session posted) to be reviewed and released.
As of June 24th, 2019 the minutes have not been released nor have I received any notificaoin of why the minutes not have been released as required by law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Acknowledge that they have violated the OML by not resonding in the time frame required. Release the meeting minutes that were requested.

Review, sign, and submit your complaint

Read this important notice and sign your complaint.

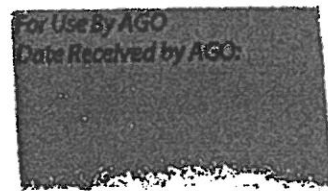
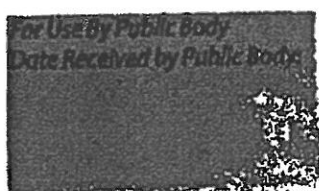
Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

I certify that the information contained on this form is true to the best of my knowledge.

Signed: [Handwritten Signature]

Date: 6/24/2019



STONEMAN, CHANDLER & MILLER LLP

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KATE CLARK
ANDREA L. BELL
CRISTINE M. D. GOLDMAN
COLLEEN SHEA

MIRIAM K. FREEDMAN
OF COUNSEL

May 13, 2019

Via Electronic Mail and US Mail

Stephen Kapantais
23A Wisteria St.
Salem, MA 01970

RE: Open Meeting Law Complaint

Dear Mr. Kapantais

This letter is response to your recent open meeting law complaint. This response comes after the School Committee has met to consider your complaint and is copied to the Office of the Attorney General as required by law.

The School Committee understands that your complaint is twofold: (1) that the Salem School Committee ("Committee") held a meeting on a holiday (Patriot's Day), and (2) that the Committee violated the law by conducting a review of Superintendent Ruiz in Executive Session. Thus, the School Committee is responding to those issues.

Factual Background:

On April 10, 2019 at 9:57am, the School Committee posted a special school committee meeting for Monday, April 15, 2019 at 10:15am. The only agenda substantive agenda item was executive session based on Purpose #1 of MGL Chapter 30A, Section 21 (a), to discuss the character, reputation or complaint against a Salem Public Schools employee, in this case, the Superintendent, and possible disciplinary consequences. Per the law, the Superintendent was made aware of this meeting at least forty-eight (48) hours prior to the meeting, her right to have counsel present and her right to have the meeting in open session. The Superintendent ultimately declined to attend and declined to have the meeting held in open session.

On Monday, April 15, 2019, the Committee convened in public session and immediately went in to executive session, by roll call vote, under Purpose #1 under MGL Chapter 30A, Section 21 (a). The School Committee invited Paul Dakin, an outside consultant to the meeting who had been hired the district to report on the Superintendent's practices, particularly around communication. To be clear, Mr. Dakin was not hired to or asked to evaluate Superintendent Ruiz, but was asked to gather

information which would be reported back to the School Committee. While the School Committee anticipated that it would use Mr. Dakin's research to inform their joint goal setting process and ultimately evaluation of Superintendent Ruiz, there was no agreement or understanding to limit the use of Mr. Dakin's research to the Superintendent's goal setting and evaluation. The reason for Mr. Dakin's invitation at the executive session was to share some of the information that he had gathered to date, as the information was relevant to the purpose of the executive session.

1. Holding a meeting on a holiday.

The first allegation is that Salem School Committee should not have held a meeting on April 15, Patriots' Day in Massachusetts. In previous ruling by the Attorney General, public bodies have not been found to have violated the Open Meeting Law on a legal holiday. See Ashland Town Forest Committee, OML 2017-172 and Frequently Asked Questions, www.mass.gov/ago/openmeeting. As such, the Committee contends that there was no violation of the Open Meeting Law for holding an executive session on Patriots' Day.

2. The Committee violated the law by evaluating the Superintendent in executive session.

The Committee did not evaluate the Superintendent on April 15th. As described in the posting and agenda, the purpose of the meeting was to discuss her character, reputation and the complaints that the School Committee had received regarding the Superintendent, and decide whether to take disciplinary action. As such, Purpose #1 was the proper avenue for this discussion as it "is designed to protect the rights and reputation of individuals." To hold this meeting in open session would have violated the Superintendent's rights.

The fact that Mr. Dakin was invited to attend and provide information does not change this result. First, the Open Meeting Law does not prohibit a School Committee from inviting another party to attend executive session for the purpose of providing relevant information to the School Committee so that it may be fully informed as it conducts business. It is also not the case that an invitee's presence be noted on the agenda; however, it is assured that Mr. Dakin's presence was recorded in the executive session meeting minutes.

Second, Mr. Dakin's presence alone does not mean that the School Committee evaluated Superintendent Ruiz. As stated previously, Mr. Dakin was not hired to evaluate Superintendent Ruiz, but to do research. Sharing information relative to a complaint is not an "evaluation."¹

The School Committee notes that the evaluation of a Superintendent is a well-defined process pursuant to 603 CMR 35.00 et seq. The evaluation system used by schools must be reflective of the "Standards and Indicators for Effective Administrative Leadership Practice and the procedures in 603 CMR 35.04 through 35.10 as applicable to the role and contract of the administrator." 603 CMR 35.05. In the present case, there is no indication that the School Committee undertook a performance review which considered the Standards and Indicators for Effective Administrative Leadership Practice, nor any of the

¹ Even if the information shared by Mr. Dakin was an evaluation document, it would not be subject to disclosure under the open meeting law. According to the FAQ from the Attorney General, "evaluations conducted by individuals who are not members of public bodies are not public records." See, Frequently Asked Questions, <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law#frequently-asked-questions-about-evaluations->

Superintendent's contractual provisions related to evaluation. In addition, 603 CMR 35.05 assures school committees that, "[n]othing in 603 CMR 35.00 shall abridge the authority of a school or district to dismiss or non-renew an educator consistent with applicable law, including G.L. c. 71, §§ 41 and 42" meaning that a school committee it is free to consider issues for discipline or dismissal independent of the evaluation process. Indeed, the School Committee completed the annual evaluation of Superintendent Ruiz in the fall of 2018 and did so in open session.

The Attorney General's guidance on this matter is also informative: "while conclusions drawn from deliberations about professional competency may be part of a deliberation for another executive session, the evaluation of professional competency itself, must occur during an open session." See Frequently Asked Questions, <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law>. This acknowledges that information regarding professional competency can both inform evaluations and executive sessions. To illustrate this point, the School Committee points to the guidance from the Attorney General's office which puts forth the following example: a School Committee considering the renegotiation of a Superintendent's contract may consider the Superintendent's evaluation during an executive session as a part of their deliberation process about strategy in negotiating with the Superintendent. Id.

In the present case, the School Committee contends that it considered information provided by Mr. Dakin when discussing the character, reputation of or complaints about the Superintendent. Even though information from Mr. Dakin could have been used for evaluation, in this case, the School Committee's focus was on how Mr. Dakin's information pertained to Superintendent Ruiz's character and reputation or the complaints received by the Committee. As such, the School Committee contends that it did not violate the open meeting law by entering in to executive session, as allowed under MGL Chapter 30A, Section 21 (a) Purpose #1, to discuss character, reputation and complaints made against the Superintendent.

Respectfully submitted,



Colby C. Brunft
Counsel for the Salem School Committee

cc: Attorney General's Office (Via US Mail Only)
Mayor Kimberly Driscoll, Chairperson, Salem School Committee (Via Electronic Mail Only)

STONEMAN, CHANDLER & MILLER LLP

99 HIGH STREET
BOSTON, MASSACHUSETTS 02110

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NANCY N. NEVILS

JOAN L. STEIN
JOHN M. SIMON
KATE CLARK
ANDREA L. BELL
CRISTINE M. D. GOLDMAN
COLLEEN SHEA

MIRIAM K. FREEDMAN
OF COUNSEL

May 28, 2019

Via Electronic Mail

Stephen Kapantais
23A Wisteria St.
Salem, MA 01970

RE: Open Meeting Law Complaint

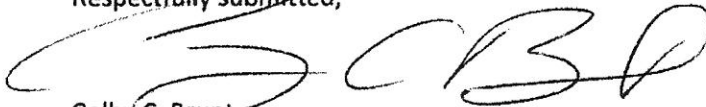
Dear Mr. Kapantais

This letter is response to your recent open meeting law complaint. It is my understanding that you filed the complaint due to the fact that on April 24th, you requested copies of any non-exempt minutes from the April 15, 2019 executive session and that the Committee did not respond within 10 days to your request or review the minutes at the School Committee meeting on May 6, 2019.

As I had informed you in an email communication on May 13, 2019, the Committee acknowledged that their review of the minutes on May 13, 2019 and lack of response within 10 days was outside of timelines per the law. Of note, the Committee did review the minutes on May 13th and in their review determined that at that time the exemption/reasons for executive session still existed and that they could not release any of the minutes from that meeting at that time.

Please note that my client views this an unfortunate oversight and will ensure that moving forward the Committee is timely with the review of executive session minutes. I hope that this response fully satisfies your requested relief.

Respectfully submitted,



Colby C. Brunt
Counsel for the Salem School Committee

cc: Attorney General's Office (Via Electronic Mail Only)
Mayor Kimberly Driscoll, Chairperson, Salem School Committee (Via Electronic Mail Only)

Summary of Outstanding OML Complaints and Public Info Requests

Below is a summary of recent OML Complaints and Public Information Requests that require action by the School Committee, as outlined below.

| Date submitted | Complaint | District Response |
|----------------|---|--|
| 4/26/19 | A. KAPANTAIS - Complaint filed about scheduling the 4/15/19 Executive Session on a holiday (Patriots Day) | <p>5/6/19 SPS Attorney Colby Brunt, Esq. provides a response indicating that the meeting was held on a holiday during school vacation week because it was the only day that all members of the School Committee were available to attend. The meeting was in Executive Session and therefore members of the public would not be able to participate. Further, while holding a meeting on a holiday is not a best practice, it is not against the law. Given the importance of the issue, the School Committee felt it was more important to meet with everyone present as soon as possible, rather than delay matters till the following week.</p> <p>Mr. Kapantais has since included this response as "inadequate" in his recent filing with the Attorney General and would prefer that the School Committee initiate a rule that in the future, meetings will not be scheduled on a holiday.</p> <p>9/3/19 The School Committee acknowledges that scheduling a meeting on a holiday is unusual and in the future the Committee will strive to follow the Attorney General's best practices and avoid scheduling meetings on a holiday.</p> |
| | B. KAPANTAIS - Complaint about Paul Dakin presence and report being a performance review of Superintendent Ruiz | <p>5/6/19 SPS Attorney Colby Brunt, Esq. provides a response indicating that the School Committee did not evaluate the Superintendent in executive session at their meeting on April 15, 2019.</p> <p>Mr. Kapantais has since included this response as "inadequate" in his recent filing with the Attorney General.</p> <p>9/3/19 The School Committee re-affirms that there was no violation of the Open Meeting Law associated with Mr. Dakin's presence at the April 15th Executive Session.</p> |
| 5/7/19 | C. KAPANTAIS - OML Complaint filed pertaining to requests for the 4/15 and 4/25 Executive Session meeting minutes | <p>At that time of Mr. Kapantais' requests, neither of the minutes had been transcribed, reviewed or approved. Mayor Driscoll responded by email to Mr. Kapantais on April 26, 2019 informing him that his request had been received and was being worked on.</p> <p>An Executive Session was held on 5/14/19 to review the 4/15 and 4/25 Executive Session minutes. At that meeting, the School Committee reviewed the 4/25 Executive Session minutes, but did not vote on it that night as not all members were present.</p> <p>Another Executive Session was held on 6/3/19 to review the</p> |

Summary of Outstanding OML Complaints and Public Info Requests

Below is a summary of recent OML Complaints and Public Information Requests that require action by the School Committee, as outlined below.

| Date submitted | Complaint | District Response |
|----------------|---|--|
| 4/26/19 | A. KAPANTAIS - Complaint filed about scheduling the 4/15/19 Executive Session on a holiday (Patriots Day) | <p>5/6/19 SPS Attorney Colby Brunt, Esq. provides a response indicating that the meeting was held on a holiday during school vacation week because it was the only day that all members of the School Committee were available to attend. The meeting was in Executive Session and therefore members of the public would not be able to participate. Further, while holding a meeting on a holiday is not a best practice, it is not against the law. Given the importance of the issue, the School Committee felt it was more important to meet with everyone present as soon as possible, rather than delay matters till the following week.</p> <p>Mr. Kapantais has since included this response as "inadequate" in his recent filing with the Attorney General and would prefer that the School Committee initiate a rule that in the future, meetings will not be scheduled on a holiday.</p> <p>9/3/19 The School Committee acknowledges that scheduling a meeting on a holiday is unusual and in the future the Committee will strive to follow the Attorney General's best practices and avoid scheduling meetings on a holiday.</p> |
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| | | |
|---------|--|---|
| | | 4/15 and 4/25 Executive Session minutes. At that meeting, the School Committee reviewed the minutes from both 4/15 and 4/25 Executive Sessions, subject to final review by School Committee Counsel, since they involved a personnel matter. |
| 5/30/19 | D. KAPANTAIS – Requests copy of 5/14 Executive Session meeting minutes | At that time of Mr. Kapantais’ requests, the minutes had been transcribed, reviewed or approved. On June 1, 2019, Mayor Driscoll sent a response via email to Mr. Kapantais informing him that the Executive Session Minutes could not be released because they had not been reviewed by the School Committee. On August 19, 2019, the School Committee reviewed and approved the Executive Session minutes and authorized release of same. |
| 6/24/19 | E. KAPANTAIS - OML Complaint outlining 6 items regarding the 4/15 and 4/25 Executive Sessions. | 9/3/19 Pursuant to the Open Meeting Law (OML), upon a request for executive session meeting minutes, a public body shall review those minutes and release ‘the non-exempt minutes, or any portion thereof, not later than the body’s next meeting or 30 days, whichever first occurs. While responses were provided to Mr. Kapantais, they did not meet the timeline of being provided to him ‘not later than the body’s next meeting or 30 days, whichever first occurs’, as required by the OML. As such, the School Committee would like to acknowledge that we have committed procedural errors under the public records laws and regulations . Specifically, the Committee failed to respond to a request to review/release executive session minutes in accordance with the required timeline and failed to include specific notice that the committee was reviewing an open meeting law complaint in an executive session on May 14th. The Committee would also like to acknowledge that these lapses in response were not done intentionally or to purposefully prevent the distribution of information requested. We apologize for this and to that end, the Committee has established a new protocol and policy for the receipt of public records requests so that these matters are better tracked and we will be conducting a training by legal counsel for the committee of the whole on the Open Meeting Law. |
| | | |

AMENDED: 10/17/2019

Amended at meeting

| | | |
|---------|--|--|
| | | 4/15 and 4/25 Executive Session minutes. At that meeting, the School Committee reviewed the minutes from both 4/15 and 4/25 Executive Sessions, subject to final review by School Committee Counsel, since they involved a personnel matter. |
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AMENDED: 10/17/2019

amended at meeting

ADDED 10/17/2019

APPENDIX 1:

page 29 – original OML complaint submission “timestamp” from Town Clerk

page 30 - information request 09/16/2019

page 31 – Salem School Department response to 09/16/2019 information request

ADDED 10/17/2019



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

OCT 3
2019 SEP 33 AM 9:44

My handwritten notation on my copy

Please note that all fields are required unless otherwise noted. CITY CLERK SALEM, MASS.

Your Contact Information:

First Name: Scott Last Name: Andrade

Address: 12 Grant Road

City: Salem State: MA Zip Code: 01970

Phone Number: (978)210-1463 Ext. _____

Email: shrimpenstankisdead@yahoo.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Salem School Committee

Specific person(s), if any, you allege committed the violation: Kimberley Driscoll, School Committee Members, Kathleen Smith

Date of alleged violation: 09/03/2019

ADDED 10/17/2019



October 7, 2019

Scott Andrade -- Sent via Email: shrimpenstankisdead@yahoo.com

Dear Mr. Andrade,

The below information was prepared in response to your public records request dated 9/16/19. The information you requested included the following and is attached:

- At the Sept 03 2019 school committee meeting the Committee stated that there was a Committee change in policy as to who would handle open meeting law complaints.
- I am requesting copies of all communication with the School Committee attorney (Colby) regarding this matter as well as the final published document stating Salem's new policy with regard to the Superintendent's responsibility to receive and answer these OML complaints.

Response:

29 Highland Avenue, Salem, Massachusetts 01970 Tel: (978) 740-1211 Fax: (978) 740-3083
Email: jillconrad@salemk12.org

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ADDED 10/17/2019



The School Committee participated in a training on public information requests and procedures for responding to open meeting law complaints on Saturday, September 14, 2019. The minutes from this meeting have not yet been reviewed or approved by the School Committee, however, they are expected to be finalized during the 10/7/19 meeting. To date, discussion regarding this matter has primarily involved determination of the best way to organize responses to such requests internally and in coordination with administrative staff. **There have not been any new policies developed or revised related to this matter.**

As for the School Committee's communications with its attorney, Ms. Colby Brunt; it was determined that there were no communications between Attorney Brunt and the Committee on this matter.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Conrad". The signature is fluid and cursive.

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City of Salem, Massachusetts

Office of the City Council
City Hall

COUNCILLORS-AT-LARGE

2019
DOMINGO J. DOMINGUEZ
THOMAS H. FUREY
ELAINE F. MILO
ARTHUR C. SARGENT, III

STEPHEN G. DIBBLE
PRESIDENT

ILENE SIMONS
CITY CLERK

WARD COUNCILLORS

2019
ROBERT K. MCCARTHY
CHRISTINE W. MADORE
LISA JB PETERSON
TIMOTHY G. FLYNN
JOSH H. TURIEL
BETH GERARD
STEPHEN G. DIBBLE

RECEIVED

OCT 17 2019

S.P.S.
Supt.'s Office

Oct. 13, 2019

Dear Dr. Smith,

I am inviting your support of a fundraiser for the Carnegie Concert trip by SHS Band on Friday, Dec. 6. S.H.S. has seen three principals + turnovers of vice principals. This April 2020 concert is a lifemoment I went to their last Carnegie Concert five years ago. It was very moving + inspirational!!!

I was on the school committee when Cindy was elected to teach in Salem. The program was small + limited on the football field + SHS concert hall - yet a much higher student body, she became our Music Lady! The band became the pride of the Northshore - all year round in a host of community events + celebrations.

This summer the band worked in an Adam Sandler movie + raised \$5000. The Carnegie Trip will cost for buses, hotel stayover + a Broadway Play etc. Wow - Carnegie Hall - Practice, Practice. So I invited Councillors Gerard + Peterson + School Committee woman Kristine Wilson to have a collaborative retirement celebration with a fundraiser to help raise the \$2,000+ to make it a reality. Fifty years of elective office to celebrate the sound of music I would love to see the auditorium packed to support the Carnegie Hall Concert - so I need your help to spread the word as superintendent who loves your new job. It would be great way to

help the climate at SHS. As you know in
your experience in Brockton - programs like
music, science, arts, sports, clubs & RVC
are the human glue to keep students in school
& learn, invaluable life experiences. One of 5
adopted songs was in the all city concert at SHS
that filled the gym & stands with music. So I
hope you will spread the word for attendance to
fans + supporters of a life moment of the SHS
Band & even the City of Salem to celebrate.
We need to connect the entire school system
from that all city concert in June over the
years to hallmark of Carnegie Hall.
I will be at Oct 21 meeting to gain a waiver
fee - the beginning step to Dec 6 Fundraiser.
Keep up the great work!!!

Thank you!

Sincerely,

Tom Tully

FY20 YTD Updated Budget Report, July to September, 2019

| FY20 Budget Location | FY20 Original Appropriation | Transfers | Adjusted Budget | Expended | Account Balance | % Available | Comments |
|-----------------------------|-----------------------------|-----------|-------------------|------------------|-------------------|--------------|---|
| District Wide | | | | | | | |
| Parent Information Center | 170,401 | - | 170,401 | 40,493 | 129,908 | 76.2% | |
| Health Services | 463,690 | - | 463,690 | 64,993 | 398,697 | 86.0% | |
| District Wide Instruction | 3,122,092 | - | 3,122,092 | 441,835 | 2,680,257 | 85.8% | |
| Special Education | 7,109,527 | - | 7,109,527 | 1,449,823 | 5,659,704 | 79.6% | |
| English Language Learning | 545,316 | - | 545,316 | 62,028 | 483,288 | 88.6% | |
| Buildings & Grounds | 4,150,837 | - | 4,150,837 | 744,932 | 3,405,905 | 82.1% | |
| Transportation | 2,019,476 | - | 2,019,476 | 113,515 | 1,905,961 | 94.4% | |
| Crossing Guards | 120,858 | - | 120,858 | 9,583 | 111,275 | 92.1% | |
| <i>District Wide Total:</i> | <i>17,702,197</i> | <i>-</i> | <i>17,702,197</i> | <i>2,927,202</i> | <i>14,774,995</i> | <i>83.5%</i> | |
| District Administration | 2,643,497 | - | 2,643,497 | 1,172,515 | 1,470,982 | 55.6% | Liability insurance has been paid and represents 24% of the District Administration budget. |
| Early Childhood Center | 1,562,775 | - | 1,562,775 | 143,030 | 1,419,745 | 90.8% | |
| Bates | 3,264,237 | - | 3,264,237 | 269,322 | 2,994,915 | 91.7% | |
| Carlton | 2,783,157 | - | 2,783,157 | 243,622 | 2,539,535 | 91.2% | |
| Horace Mann | 2,635,007 | - | 2,635,007 | 199,421 | 2,435,586 | 92.4% | |
| Witchcraft | 5,192,645 | - | 5,192,645 | 417,542 | 4,775,103 | 92.0% | |
| Saltonstall | 3,874,641 | - | 3,874,641 | 331,981 | 3,542,660 | 91.4% | |
| Collins | 6,862,527 | - | 6,862,527 | 514,146 | 6,348,381 | 92.5% | |
| High School | 11,345,923 | - | 11,345,923 | 1,096,106 | 10,249,817 | 90.3% | |
| Salem Prep | 783,797 | - | 783,797 | 59,088 | 724,709 | 92.5% | |
| New Liberty | 1,183,144 | - | 1,183,144 | 122,440 | 1,060,704 | 89.7% | |
| Total: | 59,833,547 | - | 59,833,547 | 7,496,414 | 52,337,133 | 87.5% | |

| | Current Projection | Budget | Circuit Breaker | Gap |
|---------------------------------|--------------------|------------------|------------------|----------------|
| Out of District Tuition: | 5,754,745 | 3,830,624 | 2,354,821 | 430,700 |
| Out of District Transportation: | 891,700 | 808,500 | | (83,200) |
| Homeless Transportation: | 441,552 | 315,000 | | (126,552) |
| Total: | 7,087,997 | 4,954,124 | 2,354,821 | 220,948 |

Memo:

To: Salem School Committee

From: Kristin Shaver

Date: October 21, 2019

Re: FY20 Budget Transfer Request 1

The Business Office requests the following transfer to align the budget with the appropriate expense account. During the FY20 budget process, it was determined that Behavior Specialists should be allocated to a separate account.

| Account Description/Use | Account Number | Amount From | Amount To |
|--------------------------------|-----------------------|--------------------|------------------|
| Paraprofessionals | 13641120-5163 | \$29,530 | |
| Behavior Specialists | 13641120-5121 | | \$29,530 |
| Paraprofessionals | 13640220-5163 | 79,871 | |
| Behavior Specialists | 13640220-5121 | | 79,871 |
| Paraprofessionals | 13640420-5163 | 42,082 | |
| Behavior Specialists | 13640420-5121 | | 42,082 |
| Paraprofessionals | 13641020-5163 | 44,167 | |
| Behavior Specialists | 13641020-5121 | | 44,167 |
| Paraprofessionals | 13641320-5163 | 47,022 | |
| Behavior Specialists | 13641320-5121 | | 47,022 |
| Paraprofessionals | 13640620-5163 | 35,912 | |
| Behavior Specialists | 13640620-5121 | | 35,912 |
| Paraprofessionals | 13640920-5163 | 38,939 | |
| Behavior Specialists | 13640920-5121 | | 38,939 |

I recommend approval of the transfer.



Memo:

To: Salem School Committee

From: Kristin Shaver

Date: October 21, 2019

Re: FY20 Budget Transfer Request 2

The Business Office requests the following transfer to align the budget with the appropriate expense account. During the FY20 budget process, funds were allocated from the Dominion Fund to pay for 1:1 Devices at the High School, allowing the funds to be transferred to cover communications support and the Superintendent Search.

| Account Description/Use | Account Number | Amount From | Amount To |
|---|-----------------------|--------------------|------------------|
| SHS – Equipment | 13571021-5860 | \$75,000 | |
| Superintendent’s Office – Contract Services | 13032041-5320 | | \$75,000 |

I recommend approval of the transfer.

