

**CITY OF SOMERVILLE, MASSACHUSETTS  
SCHOOL COMMITTEE**

**Monday, December 21, 2020 - Regular Meeting**

7:00 p.m. – GoToWebinar

**Members present:** Ms. Krepchin, Ms. Barish, Ms. Normand, Mr. Green, Ms. Pitone, Dr. Ackman, Dr. Phillips and President McLaughlin, Mayor Curtatone

**Members absent:**

**I. CALL TO ORDER**

Chair Normand called the meeting to order at 7:00 p.m. with a moment of silence and a salute to the flag of the United States of America. Tonight's moment of silence is dedicated to the family of Dominic Mazza, father of Assistant Superintendent Chad Mazza, and to all the members of our community that have been lost to COVID. Superintendent Skipper called the roll, results of which were as follows: PRESENT – 9 –Ms. Normand, Ms. Krepchin, Ms. Barish, Dr. Phillips, Ms. Pitone, President McLaughlin Dr. Ackman, Mr. Green, and Mayor Curtatone - ABSENT – 0

Chair Normand started the meeting stating that this is her last meeting as Chair and the incoming Chair is Mr. Green and Vice Chair is Ms. Krepchin.

**II. REPORT OF STUDENT REPRESENTATIVES**

Student representative Bryan Recinos presented the following:

1. Staff are still doing Holiday Shows for students, details to students tomorrow. We still do not know much about it but the staff are preparing something special, as they do every year.
2. On Friday there were 2 community conversations based on the Native American heritage month, one at 2:30-3:30 and the other one from 3:30-4:30. Even though Native American heritage month was in November, we still wanted to talk about this important topic. This community conversation, which was led by the Student Equity Club in which I am part of, was mainly based on recognizing the Native American people and acknowledging them. It was a time to reflect and recognize that we are on native land.

Mayor Curtatone gave the update on building improvements, building occupancy and community thresholds. He again went over filtration and ventilation thresholds and the disinfection and humidification thresholds.

Mayor Curtatone stated that he spoke with one of the authors of Schools on the Path to Zero, Joseph Allen, who was impressed with our plan and said that we're going above and beyond the minimum, which we should if we have the capability to do that.

Mayor Curtatone reported that the City has been aggressively working with contractors and suppliers and has reduced materials lead time from 8-12 weeks to 2-3 weeks. He thanked John Fish, the CEO of Suffolk Construction, and General Contractor at Somerville High School, who was able to work with his contacts to reduce the lead times. Mayor Curtatone stated that filters have already started arriving in Somerville and anticipate that most, if not all, will be here by the end of December. With that information, he turned the update over to Rich Reich.

Mr. Raiche went over the construction schedule risk factors; supply chain, labor force, schedule estimated, design omissions, unforeseen conditions and complexity/quantity of work. He stated that the City just paid a premium to get the Nurses' Suite filters lead time from 7 weeks to 5-10 days.

The contractors are developing detailed schedules, subject to change in short-term based on supply chain, labor availability and clarification of design. Initial schedule estimates informing work prioritization.

On the next slide, Mr. Reich had the preliminary construction schedule completion dates for the ventilation and filtration systems for each school with both optimistic and pessimistic dates. After these systems are completed, there is still a certain amount of work that Somerville Public Schools has to do to get the buildings ready to occupy and get students in the buildings.

The exception is to the section of the High School building is the Next Wave/Full Circle area that was not slated to be finished until next September (2021), they have accelerated that schedule and now plan on being able to turn that over to the School Department by January 25<sup>th</sup> or February 1<sup>st</sup>.

The Capuano School and the East Somerville were reprioritized as the first schools in Group One on the schedule; both schools have optimistic date of January 18. The High School Mods, the Argenziano and the West Somerville schools are optimistically dated for February 1, the Kennedy school is February 22, the Healey School is March 15, and the Winter Hill is April 5. Most of these schools have a 5 week later pessimistic dates.

Ms. Pitone asked Mr. Reich at what point does he think they will be confident in giving a completion date because it takes a good deal of planning for the District to contact families and staff and to bring students back in.

Mr. Reich stated that he will have a large degree of confidence within the last two weeks of completion.

Ms. Krepchin asked Mr. Reich if there is a way to figure out low occupancy in all of the buildings while trying to fix filtration for full occupancy.

Mr. Reich stated that we do have some portable filters and would be able to use open windows, particularly to get the high needs Special Ed and ELL kids in the buildings by January, for a Plan B.

Superintendent Skipper reported that the plan is to utilize school buildings as they become available and besides that High School, the District really wanted the Capuano to be a priority because of the population it serves. Also, the East Somerville School because it has such a large walk zone, is the largest K-8 school and the bilingual population it serves.

She stated that once the buildings are turned over for occupancy, the District will need to get into the buildings to post 'COVID World' Signage, markings, workflow and which programs would be on what floor. The district will be surveying the families of the high needs population to see who will be returning and who will stay remote so they can then coordinate transportation. Students will be added to baseline COVID testing. They will move to set up classrooms and continue to work with the unions to negotiate any changes in working conditions. In terms of the classrooms, they have to determine what furniture needs to be moved to which programs, especially for the Special Ed classrooms. And she stated that she does believe they will hold another Town Hall meeting toward the middle of January to update the public.

Chair Normand acknowledged that City Councilors Jessie Clingan and Mark Neidergang joined the meeting.

Mr. Green stated that he hopes the District doesn't make perfect the enemy of the good and that we are able to finally get out students into the buildings.

Superintendent Skipper responded that they are excited to be able to get several buildings prioritized and completed earlier than thought. They will be working with the SEU about the hybrid learning. With a smaller range of dates for opening they can work with the educators to come up with the best plan.

Ms. Barish asked Superintendent Skipper if there are any updates on the students being distributed throughout the district, how far people may have to travel and families with students in different grades being split into different schools.

Superintendent Skipper responded that they have not really gotten that far in planning for the general population. Right now, they are concentrating on the getting the high needs and EL students back into the buildings and utilizing the high school for many of those programs. Beyond that they will do their due diligence and have some additional information in early January.

Ms. Krepchin asked why they can't do Plan A and Plan B at the same time, utilize the entire high school because it's such a huge space, and then also utilize Kindergarten classes throughout the district while working on getting the buildings ready for full occupancy.

Superintendent Skipper stated that programmatically that would be able to be done but she would have to defer to Mr. Reich regarding the safety standpoint of the buildings.

Chair Normand asked if it will be better for students to attend their neighborhood school, it will be better to have them move to the high school so they can start in person instruction rather than staying remote.

Superintendent Skipper agreed and stated that there are a number of options they are exploring and will have more information in January.

Mayor Curtatone continued with his presentation regarding the decision to open and close the schools. He stated that Kristen Stelljes, Head of the Planning Division, will be presenting. He stated that the City's goal is to carve a path through the pandemic as things happen around the community and Commonwealth and open schools safely and are able to remain open.

Ms. Stelljes took over the presentation explaining that the approach the district is following is guided by public health experts that say schools should use metrics of community spread as general points of information and for in-school transmission, the goal should be zero or near zero transmission. This is the approach Somerville is taking through the contact tracing and testing program.

She explained that community prevalence gives limited information as to what is going on in the schools because staff live outside of the city so they are not captured in the data.

Based on the robustness of the screening protocol the District will be able to reduce the risk of unnecessary closures and decisions about adding additional phases will be primarily guided by the data coming from the SPS testing program.

The City has created a School Opening Advisory Group and they invited people from the parent community and experts on issues of infectious disease. They will be meeting weekly and making recommendations about opening the schools and closing individual schools or the full district to the Mayor and Superintendent. All of the data available to the Advisory Group will be publically available on the SPS dashboard. Their first meeting will be on January 4<sup>th</sup>.

The next slide listed the members on the Advisory Group.

Communications around positive cases and closures will be made on a classroom, cohort or school basis, depending on the data collected. Somerville Public Schools will be establishing a communications protocol to guide communications once we are back to in-person learning.

Baseline testing will play a key role and if someone is tested positive they will receive guidance on isolation protocols and contacted by the contact tracing team.

Ms. Stelljes reviewed the indicators for decision-making; ASHRAE risk score for school buildings, percent of staff available to support in-person learning, percent of test results returned within 24 hours, and percentage of classrooms returned to remote learning. They will also be looking at the compliance rate of schools regarding mask wearing, social distancing, hand hygiene and respiratory etiquette and cleaning and disinfection protocols. The other indicator they will monitor will be the contact tracing, percent of contacts reached within 48 hours, % of household and community contacts completing individualized testing, and the number of cases identified as coming from an SPS source.

In terms of measuring compliance, the city will work with teachers and administrators, DPW supervisors and the HHS contract tracing team.

The indicators will be used for decision making but will be heavily based on the SPS testing rather than community and state information. They believe that as long as they are able to effectively test, isolate and trace they will be able to keep schools open.

The next slide listed the dynamics that influence community indicators; are people getting tested because they are symptomatic vs. people that are getting tested because they want to travel; how many tests are being administered, the more tests administered will drive down a positivity rate; how mobile are the people in the community and what is the trend of the data, how quickly are the numbers going up or down.

Chair Normand extended gratitude to everyone who worked on the presentation and mentioned that it includes a significant amount of information and it is also a clear indication that the understanding of COVID has evolved over time. She also thanked Health and Human Services Director Doug Kress and SPS Chief of Staff Jeff Curly because the COVID testing started last week and it went remarkably smoothly. She also commented on the presentation given and stated that it demonstrated a very thorough understanding of the multitude of factors that need to be taken into consideration.

Dr. Ackman asked about the Advisory Group and their decision making power and how do they communicate that with the rest of the School Committee.

Ms. Stelljes answered that they will be making recommendations based on the information that will be found on the dashboard. They will make recommendations about opening the schools, once the schools are open, can they remain open and can we move to future phases. Those recommendations will be communicated to the Mayor and Superintendent who will have the final decision.

Mr. Green asked about the goal of zero or close to zero transmission in schools and how that gets operationalized.

Ms. Stelljes answered with all of the protocols the schools are following, limiting the number of people in schools, and if there is a positive individual test, they will know whom that person has interacted with. She also stated that the testing and contact tracing programs will be a big part of this as well.

Dr. Phillips stated that she thinks it's great that Somerville is following the guidelines from the Path to Zero Report that was written by top people of COVID 19 in schools. Her question was, how we can ensure that our stakeholders, our educators, and our families trust that the level of implementation of infection control is strict enough, and in school transmission is negligible enough to keep our schools open.

Ms. Stelljes answered by emphasizing that the Advisory Group would not be making the decisions to move a classroom to remote. That information will be coming real time through the testing if there is a potential transmission in a classroom.

Ms. Pitone asked if we have a plan, and staff, or partners for implementing the data tracking, data analysis, contact, and contact tracing necessary to make sure we're monitoring this situation?

Ms. Stelljes answered that they are in the process of setting everything up. Briana Noonan will be collecting all of the data. Data Coordinator Kenya Avant will be helping with the mitigation indicator points and collecting the data, which will be the only burden on the school system, and DPW will give the information about the cleaning. Amy Bantham team is going to be getting the testing and contact tracing data.

Superintendent Skipper stated that the District requested at the City Council hearing for funding for a testing coordinator for now through the end of the year. The District would see this person helping organize some of the operations pieces as the testing spreads out across sites, being a support on the contact tracing, and could also potentially audit.

Ms. Pitone asked how nursing will be staffed with COVID 19 testing added to responsibilities. Superintendent Skipper stated that those conversations will be with Mr. Kress who oversees the nurses.

Ms. Stelljes added Amy Bantham through her contact tracing operation, as hired multiple individuals who have multilingual capacity who are coming in to add capacity.

Mr. McLaughlin asked if any of the standards that are being discussed would be applied for re-opening and other sections, like city buildings, gymnasiums, and the hockey rink. Any sort of city property site data we're going to be holding these openings to the same standard or similar standard.

Mayor Curtatone answered that it will be depending on the building. It really depends on the air exchange levels of the building.

Chair Normand stated and asked that we are often compared to Cambridge and they are taking a three thresholds approach, so why isn't Somerville taking this approach?

Ms. Stelljes answered that she believes that Cambridge's thresholds are based on community prevalence and Somerville is setting up the baseline testing to know what is going on in the schools instead of the community as a whole.

Ms. Krepchin asked how the District is going to message the information from the 40-minute presentation of tonight for someone who does not have the time to watch a presentation of that length.

Chair Normand stated this was a great question and added also about getting the information translated into the target languages.

Superintendent Skipper answered that as with anything there is to message out, they have to work with the City about the buildings and metrics issues and the District works in partnership with the Communications Department to get the information out in the targeted languages.

Mr. Green asked about the metrics and protocols, what are good numbers for these things such as the percentage of students washing their hands.

Ms. Stelljes answered that science does not help in this instance, but one thing would be the evidence through contact tracing and positive testing if there needs to be a shutdown, which hopefully will not happen.

Mr. Green stated that having thresholds gives people a measuring post.

Omar Boukili responded to that stating that threshold triggers are problematic because the triggers do not represent anything concrete on the backend from an operational standpoint. What the City is offering now is a read on the system before the schools open and a read on the system once people are in the buildings. Doing it this way, the City has specific data as opposed to community numbers.

Ms. Stelljes added that the Contract Tracing team is having in-depth conversations with the individuals that are testing positive to see what their needs are and explaining the need to isolate for 10 days, and asking if they need food or cleaning supplies or any other essentials.

Mr. Green wanted more clarity as in a percentage number range for metrics such as percentage of students washing their hands, some number as a threshold would be helpful.

Mr. Boukili answered that hygiene and social distancing measures are a must. The wearing of PPE is a huge component and will allow to get rid of 80% of the risk of transmission. He stated that there isn't a magic number to any of this; it is the proper application of all the layers at the same time that allows getting to a point where transmission risk is reduced.

**MOTION:** A motion was made by Dr. Phillips, seconded by Ms. Krepchin that the School Committee work with the School Department to invite public health infectious disease experts to a January meeting to offer advice on the level of infection control compliance and in school transmission, that should be cause for concern regarding Somerville Public School's ability to safely provide in person learning, in a school or group of schools.

Ms. Pitone asked for clarity that the motion be about what is going on in the schools and not about community thresholds and transmission rates.

Dr. Phillips clarified and stated that CDC experts would be able to tell the School Committee the number of indicators about infection control compliance, masking, social distancing, number of air exchanges, etc.

Mr. Green asked for some clarity as to who they were thinking of in terms of experts.

Dr. Phillips responded that she's been told by some members of the environmental working group that they believe they could get Ashish Jha to come speak at one meeting, or to get any of the authors of the Path to Zero Report. She suggested that they invite in concert with the environmental working committee, all the authors of the Harvard Report, plus anyone suggested by the union to come to a meeting with the specific questions about what level of

compliance is concerning regarding the infection control compliance.

Ms. Pitone shared an idea that if they are going to bring in these high-powered experts, she would rather see them work with the administrators to provide advice on specific planning.

Superintendent Skipper stated that she didn't think having these experts work directly with them would be the best strategy but rather having them give a "10 best practices" would be easier to work with.

Mr. Green stated that he felt like going straight to the administrator without having a policy discussion would be skipping a step and that he is furious that the motion as written, assumes that they have already decided that everyone is ok with only looking at school metrics as the metric for closure.

Mr. McLaughlin stated that he supports the motion and that somebody asked his opinion on something.

Chair Normand stated that the way the motion is written she is in no way able to evaluate that sort of information and that she would agree with Superintendent Skipper that in terms of practical information it would be useful but in terms of a science base theorem she wouldn't be able to understand it.

Dr. Phillips stated that in the PowerPoint there are indicators about mitigation and some schools reporting high compliance and as Mr. Green had asked, how do we know when the compliance percentage is too low and problematic.

Ms. Barish commented that her understanding was that we would like the compliance measures as close to 100% as possible and if there was a transmission in a classroom, those compliance measures would help understand where the lapse was.

Ms. Stelljes confirmed that this was a correct interpretation and added that they would not wait for a transmission to happen and the reason they are looking at the data on a weekly basis is so they can proactively be looking at the compliance levels and see where adjustments need to be made.

Mr. McLaughlin stated that he didn't understand why this is so controversial because the request is to have scientists come to a meeting to talk about how to re-open the schools and he would like to have them come in and give their expert opinions.

Chair Normand asked what happens if they pass this motion and they are unable to get someone to come in.

Dr. Phillips stated that she is happy to do this many ways, by working with Dr. Curley, and if that doesn't work to report back in January on the barriers and to make a decision as to how to move forward.

Mr. Green stated that it has to be done during the special meeting the first week of January and if it can't be done at that meeting, it can't be done.

Ms. Krepchin asked if this should be a motion or if it should be a conversation and then talk about what next steps would be.

Mayor Curtatone stated that he agrees and appreciates the fact that she wants to hear from the experts and scientists. He would be happy to help but cannot guarantee that they can get someone. He believes there should be flexibility in scheduling an expert because they are in high demand.

Ms. Pitone commented that the motion as written was "inviting" an expert so it sounds like they can make best effort and that there is not necessarily any kind of result if it doesn't happen.

Motion was approved via a unanimous roll call vote.

Ms. Pitone stated that she would like to thank the Mayor for the presentation and that the Mayor's team has done a great job in making clear community metrics and the testing is a level other districts dream of having, but the bottom line is she wants to see our students have the opportunity to have in person learning as soon as it's feasible and the risks are mitigated.

Dr. Ackman asked if part of the testing protocols also included the Community School staff because they are working with the students.

Superintendent Skipper confirmed they are.

### **III. PUBLIC COMMENT**

Chair Normand read the Public Guidelines and invited those who signed up to comment to do so in the order called and allotted each person two minutes.

#### **Elizabeth Caffrey – 71 Alpine St.**

She started by saying that she is pleased that the Mayor is finally listening to Joseph Allen's work that was written in June, sent to the Mayor in August and it is now December. Building occupancy is only the first step. There are severe and unknown learning gaps that our children face from how this City has mishandled this. She believes that an update in mid-January is inexcusable and that the city created a crisis beyond the pandemic. She stated that she listens to her child being told to have a growth mindset every day and urges the District to invoke one as well. She ended with stating that it's time for Plan B, C and D to figure out quickly how to get the students to in person five days a week.

#### **Amy Marionville – 17 Carlton St.**

She has a three-year-old autistic son and says remote learning is useless for him and he has not had any social interaction or therapy in months. She believes that low occupancy programming for high needs students could have been running for months now and nothing can replace the time they have lost. She said that it's partially her fault for not pushing harder and treaties for high needs kids have been dismissed over and over. With this in mind, she asks that the School Committee push for a serrate plan to get high needs kids up and running, and these plans should have been in place ages ago. She had hoped to hear tonight that high needs kids would be returning in January but now hears that is Plan B. Instead, she heard more about unnecessary HVAC systems and half of our schools being declared unusable until spring or later. Saying there are variables dismiss the basic requirements of getting high needs kids back in school.

#### **Kinga Borondy - 14 Landers Street** (Submitted to be included in Meeting Minutes)

As we watch in horror our friends, neighbors, colleagues, thousands of Americans die daily, and in ever increasing numbers from the Covid 19 virus, I find it disingenuous that the School Committee and the City of Somerville is discussing the imminent opening of our schools to in-person learning, targeting mid-January as the perfect time to bring students and teachers back into our buildings for in-person instruction.

Mid-January. When there is no indication that post-Thanksgiving infection rates are abating anywhere in the country, not in Massachusetts.

When the predicted rise in holiday travel is likely to spike infection rates still further.

Mid-January, just two-1/2 weeks after the winter break.

Mid-January. And the numbers keep rising.

And here we are; pitted against each other, fighting over a proposed imminent return to in-person instruction rather than coming together to support each other and our greater communities.

Factions are cherry-picking the science that supports their stances: Those advocating a return to in-person learning cite the lack of data that reflects virus is transmitted in schools during in-person learning.

Other factions look for anecdotal evidence that in-person teaching foments transmission of the virus.

However, in Massachusetts, the state (DESE) does not have a mechanism for districts to report how many educators, support staff and students are infected on a regular basis: Cambridge had 22 staff infections pre-Thanksgiving. South Dartmouth reports that there have been viral infections stemming from in-person teaching.

We must recognize that we are the schools; there is no difference between the community overall and the Somerville School District community. Your staff, the staff that lives, works, shops in the city also work in the schools. And staff who live outside of Somerville will be bringing with them whatever is happening in their communities.

There are no closed borders, no passports, border checks. This is us.

Latest science: A South Korean study, reported in the LA Times and referenced in the Sunday Globe: a study based on relentless contact tracing, the gathering of extensive cell phone data, finds that transmission/contagion can be achieved in less than 5 minutes between people more than 20 feet apart in indoor dining situations. In-person teaching has students and staff, yes mostly masked and somewhat distant, together for more than 6 hours a day in a closed building.

<https://www.latimes.com/world-nation/story/2020-12-09/five-minutes-from-20-feet-away-south-korean-study-shows-perils-of-indoor-dining-for-covid-19>

**Julia Toof – 40 Pennsylvania Ave**

She is the mother of a three year old with autism who is on an IEP. Plan B needs to be Plan A. We need to open the schools for the highest needs students ASAP. If there are portable filters, use them. If opening the windows, putting in the filter, just do what you need to do and open the schools as quickly as possible. We need to provide children with disabilities with free and appropriate public education as required under federal law. Chelsea and Everett both have high needs in person learning. Boston, Medford and Cambridge have all gone back. Cambridge only recently has had to go remote for a week or two due to city levels. The largest public school system in America, New York City, has brought back full time in-person for K through 5 and high needs students for families who offered it. She stated that she does not understand what Somerville is doing, waiting for a lawsuit or an audit from DESE to determine if IEP's are being met. She states that they would have pursued private school that would be covered by insurance had they known Somerville would continue to delay in person learning. She believes SPS should at least allow high needs students to repeat the school year so they do not lose an entire year of learning.

**Neva Durand - 17 Kingston St** (Submitted to be included in Meeting Minutes)

Thank you for the opportunity to speak and as always for your hard work during the pandemic. Chair Normand, I didn't know this was your last meeting as chair, and I want to thank you for your leadership and for always putting the children first. I also want to say that I greatly appreciate how the entire school committee has been welcoming of public comments and responsive to feedback.

I am here today to urge the city to open the schools for 5 days a week in person learning for young children. We know now that there's no need to close the schools for deep cleaning every Wednesday. There is also lots of good evidence, from around the world and locally, that six-foot distancing is unnecessary when other mitigation measures are in place - measures such as Somerville's surveillance testing and comprehensive HVAC improvements.

My younger two children have been in preschool in person 5 days a week since September and they are thriving - with only measures such as masks and no class mixing. Moreover, for Thanksgiving and Christmas parents were required to adhere to strict guidelines regarding gatherings and travel. There have been no cases. I would venture that the entire community is safer because the families of children with in person learning are motivated to keep their children in school through very safe public health practices.

In contrast, after nearly a year of isolation, families of children on Zoom school are desperately seeking childcare and the in person social-emotional development that their children need, through in person sports and enrichment classes. This means mixing children from different ages and different towns, and is far less safe than in person school, with controlled classes, would be. In fact, the evidence shows that children who are remote learning are more likely to get infected with the virus. Hybrid is the worst of both worlds - parents must still find childcare for their children half of the time, bringing the virus in the schools from the surrounding community.

On a final note, I find it beyond frustrating - frankly appalling - that we are talking about prioritizing hockey - mixing teenagers, as susceptible to the virus as adults, from different cities, some of which have far higher rates of transmission than Somerville - BEFORE we open schools for educating our most vulnerable children.

I urge you to open the schools for 5 days a week in person learning for young children. It's the safest choice, and it goes without saying that it's the best choice for actual education for vulnerable populations and young children.

**Rhonda McLaughlin – 96 Rogers Ave.**

She stated that she would like to comment on behalf of the 140 Somerville parents whose letter was sent to the Superintendent, School Committee and Mayor yesterday with the belief that the Mayor had committed to opening



some classrooms to some high needs learners in January and to get PreK through 5 back to a full-time five day a week mode. Tonight we heard that Plan B is to use the portable units that every other district is already using. Parents are saying that it is time for Plan B. She stated they would refer the mayor to Doctor Allen's extensive materials for schools which NOAA support the time, our expense of the Mayor's HVAC proposal. As Doctor Allen said, himself in the Harvard Gazette in October, I've been really careful to not recommend things that are going to cost a million dollars and take months to install. The report also stated that six feet should be the default minimum for adults, but kids are different and the importance of schools is different, especially for the youngest learners, three feet should be the default distance for schools. Somerville has opportunity to be an example of database school re-opening if it combines is impressive testing plan. With a commitment, a strong data driven leadership, re-opening schools as both safe and necessary for the well-being of children.

**Chris Desjardin – 3002 Princeton St.**

His family is struggling with remote learning. His son is in Kindergarten at the Brown. He's too young to develop friendships digitally so he is desperately lonely, constantly frustrated, and so angry. Day by day he's losing the ability to emotionally self-regulate, completely breaking down over the most minor incidents such as the change in the order of this morning and work on Seesaw. Many benchmarks on the report card are marked "Not Introduced or Evaluated". He stated that his son has a right to social emotional development and the District is denying him this right. He would like to build on the suggestion made at the last meeting to extend the Afterschool Program to five days a week. He doesn't believe the programs are being run equitably throughout the city. He ended stating the City needs to give every student an equal education this year, not next.

**Kelly Glycan – 7 Berkeley St**

She stated that she appreciates the efforts of the School Committee but urges to make sure that perfect is not the enemy of the good. We need to prioritize particular populations and get them back into school. She echoes support for incorporating Plan B and five days in person learning and the five days Afterschool programming. She has a PreK student at home with care they had to hire and believes the in person socialization is what is needed.

**Ali Contini-Field – 215 Summer St**

She stated that for children that seem to be doing well on paper, such as her son who received a good report card, is decaying. He's in 1<sup>st</sup> Grade in Winter Hill. He can't really interact with people at the playground in a kind way. He's doing his work but he's suffering. She would like to see five days in-person learning as soon as possible. She stated that she would be happy to send him to any building that is available. She believes that we should do whatever is necessary to help with this surge, including closing indoor dining.

**IV. REPORT OF SUPERINTENDENT**

**A. District Report**

- 2021-2022 School Year Calendar (Mr. Mazza)

Mr. Mazza stated that the packets include the proposed Calendar for next year and would like to get feedback for the Committee and bring the next draft back in January.

He also gave an update on the Learning Labs. The Department of Education amended the student learning time. Each district was required to submit a survey to determine if they met the threshold and preliminary results show that Somerville is clear and they are hoping to get final results this week before going on break.

Athletics Director Stanley Vieira gave an update. He has had meetings with city mayors, superintendents, principals, athletic directors and athletic trainers. One thing they didn't want to get caught up in was a hard date. The goal was to work through the details of how this would look and focus on guidelines, protocols, sport modifications and the importance of getting students ready to play varsity sports. These kids have not played varsity sports for almost one calendar year which is a really long time from both a physical and mental standpoint. One option they've talked about was starting in March and putting in all three seasons. They would all run for six weeks on a very limited schedule of 8-10 games.

Chair Normand clarified that Mr. Vieira is looking for approval to allow the five Somerville girl hockey players to play with Cambridge Rindge and Latin team. Somerville and Cambridge have a joint girls hockey team.

Mayor Curtatone spoke to the fact that the five girls that play for Somerville do not have another opportunity to play if they don't play with Cambridge. He also addressed the pervious issues that happened with transmissions at hockey was happening before and after the games, people congregating in the lobbies and outside and Massachusetts has issued strict measures to curb that.

Mr. Vieira stated that this is their only opportunity to compete, there is only one league. They play at the Simoni Rink has had no COVID cases since the summer and they test all players once a week. Practices start this week so it is time sensitive.

Mayor Curtatone talked about what safe competition looks like, he doesn't feel that it should start in January, that's too soon. He feels that they would be able to have a safe plan in place for March. They have to think about getting kids who haven't been moving and training into a position where they can safely compete and avoid injury. This is also about their emotional and mental status.

Superintendent Skipper stated that hearing the compelling testimonies of the parents of younger students and what Community Schools has meant to their children to be able to socialize and interact with other kids has been a saving grace for many. She stated her support for bringing back the sports as a way for the kids to have a healthy outlet and a way to connect, especially because they will most likely be the last ones to return to in-person learning.

Chair Normand also stated her support for the return of sports.

**MOTION:** A motion was made by Dr. Ackman, seconded by Ms. Barish to allow the five girls to return to the Cambridge Hockey team.

Ms. Barish commented that she hopes that students in non-athletic clubs will be given the opportunities to spend some time pursuing their passions in community.

Dr. Phillips commented that she is disturbed that they are about to vote in allowing students to play interscholastic sports at a time where the District is unable to offer any student in person learning. She is inclined to support the motion because she believe that if she votes against it, she will be hurting the students but wanted to make that statement.

Mr. Green stated that he is mindful that they are talking about five students tonight and he was glad to hear the Mayor say that sports would not be an option until March. He was uncomfortable when January was presented at the last meeting as an option.

Ms. Pitone stated that she recognized that this is the only opportunity for these five students to play sports but want to be clear that if she votes yes to this, it does not necessarily mean that she will support Athletics starting in March. She also wanted to comment on piloting the Afterschool Programming moving indoors as soon as safely possible.

Chair Normand stated to Superintendent Skipper that she thinks it would be helpful at a later date to share with the Committee some of the program that is going on with the Robotics Team.

Mr. McLaughlin asked for clarification as to why approval is needed to allow five students to play for another district.

Superintendent Skipper answered that School Committees have been voting because they are technically not in session, so this way it is sanctioned through Somerville, also for insurance and transportation purposes.

Mr. Vieira added that DESE also requires approval when school is in remote learning.

Mr. McLaughlin added that if he supports five girls playing hockey now that does not mean he will support other sports in the future and that he would much rather be making decisions about the re-opening of the schools.

Dr. Ackman asked what the testing protocols are for these girls and for the league.

Mr. Vieira stated that he spoke to the Director in Cambridge and he said they plan on testing once a week.

Motion was approved via a unanimous roll call vote.

## **VI. REPORT OF SUBCOMMITTEES**

**A. School Committee Meeting for Personnel:** November 3, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of November 3, 2020.

**B. School Committee Meeting for Personnel:** November 10, 2020 (Ms. Krepchin)

- MOTION:** To accept the report of the School Committee Meeting for Personnel of November 10, 2020.  
**C. School Committee Meeting for Personnel:** November 17, 2020 (Ms. Krepchin)
- MOTION:** To accept the report of the School Committee Meeting for Personnel of November 17, 2020.  
**D. School Committee Meeting for Finance and Facilities:** November 18, 2020 (Mr. Green)
- MOTION:** To accept the report of the School Committee Meeting for Finance and Facilities of November 18, 2020.  
**E. School Committee Meeting for Personnel:** November 30, 2020 (Ms. Krepchin)
- MOTION:** To accept the report of the School Committee Meeting for Personnel of November 30, 2020.  
**F. School Committee Meeting for Personnel:** December 2, 2020 (Ms. Krepchin)
- MOTION:** To accept the report of the School Committee Meeting for Personnel of December 2, 2020.  
**G. School Committee Meeting for Personnel:** December 3, 2020 (Ms. Krepchin)
- MOTION:** To accept the report of the School Committee Meeting for Personnel of December 3, 2020.  
**H. School Committee Meeting for Personnel:** December 16, 2020 (Ms. Krepchin)
- MOTION:** To accept the report of the School Committee Meeting for Personnel of December 16, 2020.  
**I. School Committee Meeting for Personnel:** December 17, 2020 (Ms. Krepchin)
- MOTION:** To accept the report of the School Committee Meeting for Personnel of December 17, 2020.  
**J. School Committee Meeting for Personnel:** December 18, 2020 (Ms. Krepchin)
- MOTION:** To accept the report of the School Committee Meeting for Personnel of December 18, 2020.

Chair Normand suggested that they suspend the Rules and submit the various Committee reports as written to the record. She asked if there were any objections. Hearing none, she stated that the multiple reports will be submitted. There were nine reports lead by Ms. Krepchin and assisted by Ms. Pitone and Ms. Barish in search for a new lawyer.

**MOTION:** There was a motion by Mr. Green, seconded by Dr. Ackman to approve the October and November Bill Roles.

Motion was approved via a unanimous roll call vote.

**VII. NEW BUSINESS**

**A. School Committee Spring Meeting Schedule**

Chair Normand stated that the schedule is in the packet. If there are any adjustments that need to be made to do so as soon as possible so that the schedule can be confirmed.

**B. Donations** (Recommended action: approval)

The Superintendent recommends the acceptance, with gratitude, of the following donations:

<b>Donation</b>	<b>Donor</b>	<b>City, State</b>	<b>Value</b>	<b>Programs Donated to</b>
Monetary	Education Foundation	Quincy, MA	\$80,000	In Support of Somerville Builds Teacher Leadership Model
5000 Cloth Masks	DESE	Malden, MA	TBD	Somerville Public Schools
51 Thanksgiving Baskets	Ryan Harrington Foundation	Somerville, MA	TBD	SPS Families

**MOTION:** There was a motion by Dr. Ackman, seconded by Ms. Barish to accept the donations with gratitude.

Motion was approved via a unanimous roll call vote.

Superintendent Skipper took a moment to thank Chair Normand publically for her work with the School Committee. She said that Chair Normand has taught her what a strong woman leader is. She has always kept the children at the center of decision making, not politics. She is tireless and extremely collaborative and she will be forever grateful for that model and stated that it has been an honor.

## **VII. ITEMS FROM BOARD MEMBERS**

Ms. Pitone made a request that the District Equity Plan be put on a future agenda for the Regular School Committee, specifically, what initiatives are in the work studies, or reviews, planned data, or even possibly inequity dashboard for the future.

## **VIII. CONDOLENCES**

The Somerville School Committee extends its deepest condolences to the family of ***Dorothy Bell-Heaton*** - Mother-in-Law to Alison Bell and Grandmother of Amanda Payette. ***Warren Bambury*** - Father of Alison Bell and Grandfather of Amanda Payette. ***Dominic Mazza*** - Father to Chad Mazza, Assistant Superintendent of Curriculum, Assessment and Instruction. ***Michael Foster*** - Father of Diana Young, Teacher at AFA and Megan Costa, Former School Committee Member - Husband of Maureen Foster, former SPS Paraprofessional and Father-in-Law of Matt Young, PE Teacher at the ESCS.

## **IX. ADJOURNMENT**

Meeting was adjourned at 10:29.

### **Related documents:**

December 21, 2020 Agenda  
Andy Waugh Mike Maccaro Felicia Vasudevan resumes  
List of School Committee Clients  
Additional Legal Questions  
Elizabeth Valerio and Nick Dominicello resumes

Submitted by: S. Duggan

**CITY OF SOMERVILLE, MASSACHUSETTS  
SCHOOL COMMITTEE GoToWebinar  
REGULAR MEETING – December 21, 2020 – 7:00 P.M.**

Pursuant to Governor Baker’s March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone’s Declaration of Emergency, dated March 15, 2020, this meeting of the Somerville School Committee will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website and local cable access government channels (SCAT).

**Copy & paste the following link into your internet browser to preregister or on the date and time of this meeting to view it live:**

<https://attendee.gotowebinar.com/register/8904288676603737870>

**Somerville Public Schools - School Committee Goals 2019 - 2022**

Through the following long-range goals, we commit to addressing deep-rooted systemic barriers that have prevented us from achieving our district vision of equity and excellence and ensuring that all students, regardless of race or ethnicity, have the supports and resources they need to achieve educational success in our district now and in the future. By 2022, we will ...:

...increase the percentage of support staff of color by 6 percentage points, teachers and counselors of color by 5 percentage points, and administrators of color by 4 percentage points through evaluating and strengthening all elements of our human capital system.

... 1) Conduct a district enrollment study to understand the prospective future population of the district and 2) craft a vision for school assignment and programming aligned with the district’s equity policy.

... Design, evaluate, and partially or fully implement student-based budgeting to ensure that every student has equitable access to rich learning opportunities that help them thrive.

... Design a robust system of aligned developmental academic and social-emotional benchmarks, which will be used to inform practices, policies, and resource allocation.

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

Call to order with a moment of silence and a salute to the flag of the United States of

America. **II. REPORT OF STUDENT REPRESENTATIVES**

**III. MAYOR CURTATONE’S UPDATE**

- A.** Building Update
- B.** Reopening Thresholds
- C.** COVID-19 Testing

**IV. PUBLIC COMMENT**

**V. REPORT OF SUPERINTENDENT**

**A. District Report**

- Athletics Update (Mr. Vieira)
- 2021-2022 School Year Calendar (Mr. Mazza)

**B. Personnel Report**

- December

**VI. REPORT OF SUBCOMMITTEES**

**A. School Committee Meeting for Personnel:** November 3, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of November 3, 2020.

**B. School Committee Meeting for Personnel:** November 10, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of November 10, 2020.

**C. School Committee Meeting for Personnel:** November 17, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of November 17, 2020.

**D. School Committee Meeting for Finance and Facilities:** November 18, 2020 (Mr. Green)

**MOTION:** To accept the report of the School Committee Meeting for Finance and Facilities of November 18, 2020.

**E. School Committee Meeting for Personnel:** November 30, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of November 30, 2020.

**F. School Committee Meeting for Personnel:** December 2, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of December 2, 2020.

**G. School Committee Meeting for Personnel:** December 3, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of December 3, 2020.

**H. School Committee Meeting for Personnel:** December 16, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of December 16, 2020.

**I. School Committee Meeting for Personnel:** December 17, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of December 17, 2020.

**J. School Committee Meeting for Personnel:** December 18, 2020 (Ms. Krepchin)

**MOTION:** To accept the report of the School Committee Meeting for Personnel of December 18, 2020.

**VII. NEW BUSINESS**

**A. School Committee Spring Meeting Schedule**

**B. Donations** (Recommended action: approval)

The Superintendent recommends the acceptance, with gratitude, of the following donations:

<b>Donation</b>	<b>Donor</b>	<b>City, State</b>	<b>Value</b>	<b>Programs Donated to</b>
Monetary	Education Foundation	Quincy, MA	\$80,000	In Support of Somerville Builds Teacher Leadership Model
5000 Cloth Masks	DESE	Malden, MA	TBD	Somerville Public Schools
51 Thanksgiving Baskets	Ryan Harrington Foundation	Somerville, MA	TBD	SPS Families

**VIII. ITEMS FROM BOARD MEMBERS**

**IX. CONDOLENCES**

**X. ADJOURNMENT**

Andrew J. Waugh – Mr. Waugh is a partner in the firm and is general counsel to a number of school committees and towns. Mr. Waugh's practice focuses on education and municipal law, with an emphasis on labor and employment matters. Mr. Waugh works with and advises employers on various employment matters including hiring, discipline and termination issues, drafting severance agreements, FMLA and ADA issues, and compliance with other state and federal discrimination and/or civil rights laws. Mr. Waugh has extensive experience negotiating and drafting collective bargaining agreements. He defends employers in grievance arbitrations and unfair labor practice charges on a regular basis. He has represented clients at the trial and appellate level in state court and before a broad range of administrative agencies. He also regularly conducts seminars and workshops for clients on a variety of legal topics.

Mr. Waugh began his career as a judicial law clerk to the Justices of the New Hampshire Superior Court. Mr. Waugh is a graduate of Middlebury College and Suffolk University Law School. He is a member of the Massachusetts and New Hampshire Bar Associations and is admitted to practice law in the state and federal courts in Massachusetts and New Hampshire. He is past president (2014) of the Massachusetts Council of School Attorneys.

Michael J. Maccaro - Mr. Maccaro is a partner at the firm and represents both private and public sector clients in a variety of labor and employment matters. He also serves as counsel to numerous school committees throughout the Commonwealth including regional school districts and vocational school districts. Mr. Maccaro's labor law practice includes representing employers in contract negotiation, collective bargaining matters, grievance administration and arbitration, and in proceedings before the Massachusetts Department of Labor Relations and the National Labor Relations Board. Mr. Maccaro's employment law practice includes defending employers in a wide range of workplace claims, including claims of employment discrimination, retaliation, and wrongful discharge before the Massachusetts Commission Against Discrimination, and other enforcement agencies. Mr. Maccaro has also successfully represented clients before the Division of Unemployment Assistance, the Civil Service Commission, the Massachusetts Superior Court, and the Massachusetts Appeals Court. Mr. Maccaro routinely conducts and counsel employers in workplace investigations.

Prior to joining MHTL, Mr. Maccaro served as an Associate General Counsel for a large public sector labor union, where he litigated over one hundred arbitration cases. Following law school, Mr. Maccaro served as a Law Clerk to the Justices of the Superior Court. Mr. Maccaro has served as an Adjunct Professor at Massachusetts School of Law where he taught legal writing and oral advocacy.

Mr. Maccaro regularly speaks to employers on matters such as collective bargaining obligations, employment practices, and drafting of workplace policies. Mr. Maccaro serves on the Executive Board of the Labor and Employment Relations Association (LERA). Mr. Maccaro was the 2019 recipient of the Cushing-Gavin Award for excellence in providing management labor relations legal counsel. Attorney Maccaro is also involved with training new lawyers on arbitration best practices.

Mr. Maccaro is a member of the bar of Massachusetts and is admitted before the federal District Court in Massachusetts. Mr. Maccaro graduated from Bates College with a Bachelor of Science degree in Biological Chemistry. He received his law degree from Northeastern University.

Felicia S. Vasudevan - Ms. Vasudevan is an attorney in the firm's Education Law and Special Education Law Groups, working in regular and special education issues. Ms. Vasudevan represents school districts in all aspects of special education litigation, from administrative hearings at the Massachusetts Bureau of Special Education Appeals (BSEA) through to all levels of judicial appeal. She represents school districts in matters of student discipline, civil rights issues, collective bargaining, public procurement, and employment issues. She presents workshops on issues such as conducting investigations, evaluations, special education, Section 504 of the Rehabilitation Act, state and federal student record regulations, bullying, and civil rights laws both to client groups and at state conferences including at the Massachusetts Continuing Legal Education (MCLE). Immediately prior to coming to Murphy, Hesse, Toomey & Lehane, she clerked for Justice Bassett of the New Hampshire Supreme Court.

Ms. Vasudevan received her Bachelor's Degree from Stanford University, with a major in Public Policy. She received her Juris Doctor degree from Harvard Law School and a Master of Public Policy from the Harvard Kennedy School of Government. While in law school, Ms. Vasudevan participated in the Tenant Advocacy Project, a negotiation clinic, and interned at Massachusetts Appleseed and at the U.S. Department of Education's Office for Civil Rights. Prior to law school, she taught high school mathematics for two years in San Jose, California, as part of Teach for America, and trained the incoming Teach for America Corps Members at Teach for America's Summer Institute.

During law school, she was awarded the Education Pioneers Fellowship and the Rappaport Fellowship.

**LIST OF SCHOOL COMMITTEE CLIENTS**

Acushnet	Plainville
Carlisle	Somerset
Chelmsford	Somerset Berkley
Dennis-Yarmouth	Uxbridge
Groton-Dunstable	Whitman-Hanson
Hingham	Wilmington
Holliston	Revere
King Philip	Belchertown
Lincoln	Seekonk
Mansfield	
Marshfield	Millbury
Medfield	Peabody
Millis	Dedham
Natick	Milford
Norfolk	Auburn

2

Blackstone Valley Vocational Technical High School CREST Collaborative

South Shore Educational Collaborative North River Collaborative

Methuen

Nashoba Regional School District

Hull

Greater Lowell Vocational Technical HS Tri County Vocational Technical School

Triton Regional School District

Pilgrim Area Collaborative

Longmeadow



## ADDITIONAL LEGAL QUESTIONS

Please explain your workflow: who handles what types of cases and what is your availability for handling calls on evenings or weekends?

- Please explain how you decide whether to take a lawsuit to court or to settle it with the insurance company?
- Tell us about a time when a client was adamant about not taking your legal advice. What was the situation, why did they not want to accept your advice and what was the outcome?
- The District has many stakeholders (i.e. School Committee, Board of Aldermen, Municipal Governance, Students, Parents and Guardians, labor unions, etc.) Describe some of the challenges you have had to overcome working with a key stakeholder to achieve District and School Committee goals.
- Tell us about a time when you successfully made an equity argument to support a district's negotiating position during union negotiations.
- You've sat at the table with many labor unions and negotiated many collective bargaining agreements and addressed many labor issues:

What would your current clients say are your strengths? What would they say are your weaknesses? What would the union representatives associated with these unions say are your strengths? What would they say are your weaknesses?

- Similar to the previous question, what would your clients say are your strengths and weaknesses when it comes to student services?
- Why do you want to serve as the general legal counsel of the Somerville School Committee?

CITY OF SOMERVILLE, MASSACHUSETTS  
SCHOOL COMMITTEE  
INTERVIEW QUESTIONS FOR LEGAL COUNSEL

Elizabeth Valerio  
Nicholas Dominello

NOVEMBER 2020

LABOR RELATIONS / NEGOTIATIONS:

- Briefly describe your labor negotiations approach. Provide examples of how you have used it to achieve the goals and objectives of the organization.

Elizabeth:

We start by working with customers before anything.

We get together talk about objectives. How impacts students. We'd look at impact on students not cost we prepare for bargaining we are negotiators at table we all talk at the table. We come prepared I do not like adversarial negotiations; these are your employees; you value your employees but we always need to work with limits of our budget.

Checklist we go through in case of litigation, work with superintendents and HR director. The CBA is the rulebook, they are the players will let you know what is working and where more flexibility is needed.

- What was your most successful collective bargaining negotiation? What was the most significant factor that got you to "YES"?

Trying to help districts return to school this year was definitely a challenge and a rewarding one too.

It ranged some district smooth and educators were very eager to come back at the time was green / red districts were challenging admin wanted educators to come into the classroom but educators were hesitant. We saw a lot of aspects others went to the extreme of having a strike.

We don't encourage a district to strike.

- What was your most challenging collective bargaining negotiation? What was the outcome? Is there anything you would have done differently?

I don't share what we do with district. Letting everyone go home at 1:00 in am and he next day there were some regrets. Nobody leaves until it's done because people's feelings change.

- The Somerville Public Schools currently has eight labor unions and there is always a negotiation in process. Depending on the issues, they may be described as collaborative or they may be described as tenacious. How do you address and what is your approach when things turn tenacious or less-than collaborative?

Respect is the underlying foundation. Sometimes some feel more respected than others. Treat everyone fairly, I feel it bridges the gap

When we are at the table, we hear out the union and they feel unheard. If they offer something crazy, we hear them out even if we cannot afford it we may be able to work something out.

It comes with unit leadership (tenacious to respectful). I have seen changes around the state since the mta changed leadership tone is different now.

Believes school committee should be part of negotiations. We work for the school committee and support supt.

ORGANIZATIONAL CULTURE / STAKEHOLDER MANAGEMENT:

- Every School District, Executive Board (School Committee), City has its own unique culture and dynamics. Briefly describe some of those you've worked with. (No names!)

Very different school committee we have small and large districts with different objectives.

We have some require 2 or 3 sessions and others that wanted 20 sessions. Supt want smooth and short as possible. I have an admin at the table at all times I think that is important because we need to be sure that they have a seat.

We help with policies and day to day issues. We work very closely with our clients. The cultures are different at different places. Every community wants what is best for each district. Goal is the same needs may be different.

Would I want my student/child in that environment and we work so things do not tarnish our district? Litigation is very expensive.

Cultures are different but goals are same

In terms of players, we have good relations with MTA and their representatives. In terms of your reps, we have long term relationships we are able to call them up so that we don't have to go to litigation

- What was the most difficult culture / dynamics you've worked with and how did you manage it to keep the organization focused on its goals and objectives?

We have had times where at times a supt is trying to move on, it's difficult when they leave you have someone who is here for 50 years. Supt who last 7 years is great. When it's time to move on I have helped districts do that so supt is not tarnished at the end of career. If you have an ugly separation, you'll have less of a pool to pick from. When it's time to change, I talk to my school committee to wait for transition. Those are difficult things and we want to be careful because we do not want to lose the people of under the supt.

- Have you ever disagreed with an executive board? How did you manage the disagreement and what was the outcome?

Sometimes may want say over a three period and you want to give teachers money and you know it is not sustainable.

444 to 111 and we can argue this is what we would like to give but this is what we can. People are working hard but don't have the funds. We need to realization to what we can objectively give.

If you do not have, money give us time. Each day is worth about 1/2 percentage. You will never have the money to buy it back if you give those days back. one client said I was a dog with a bone and did not want to give it back so I give them the examples so they know what the ramifications are today and in the future. Goals can't be one contract at a time but long term.

We need to talk about long term just as the union has (sick bank, etc.) You have think what you want to accomplish over a period of time. No substitute for the classroom teacher. How does it impact the student always? (biology example)

All decisions are school committees not ours.

- Tell us about a time when a client was adamant about not taking your legal advice. What was the situation and how did you resolve it?

Ultimately decisions, I make sure clients are fully informed. It's not a one and done I stop and come back so we don't take a step that we can't take back. I bring the full committee sometimes never in my career brought an agreement that was not fully ratified to a committee.

We work very hard to make sure they are aware of all the ramifications. We try to be part of your team.

*Reference to off the record proposal?*

It is not going to count if you say yes I will go back to school committee and see if they accept but you make sure union knows it is off the record but it helps explore other options.

- Describe an example of when you had to deliver counsel or advice to an executive board that it did not want to hear. How did you handle it and what was the result?

Boards engaged in something that does not meet ethics so when that happens we need to tell information that the board needs to hear. If there is a violation of laws, we tell them and we tell them to get in touch with insurance and then we talk about the plan. Sometimes its money and it's the least costly, we deal case by case. We deliver the news everyone needs to hear.

We do independent investigations too. If there is harassment and fraud, we can look into that. We might find something that nobody wants to find. Sometimes there is the smoking gun that exists and we bring it up to the comm

- Describe some of the challenges you have had to overcome working with key stakeholders and explain how you met these challenges and maintained positive working relationships.

Lots of stakeholders in school committee. We assist clients on how to communicate with stakeholders; provide information that the right actions are being taken by us. We make sure they have a plan and help implement plans. We had lots of issues that certain stakeholders have concerns and we do everything so that we communicate

Booster clubs are very important too, we work with them too to our clients to make sure funds are done correctly.

#### STUDENT SERVICES:

- Please provide an example of a complex matter involving student services that you were involved in and how you were able to navigate the issue and provide counsel to your client.

We have had a number of student issues that break our hearts when we find out what is going on. We make sure we follow the law. We are part of the team as soon as they call us. We look at procedures and protocols so that they are lawful.

When those issues pop up our counsel interviews individuals, it may involve more than one student. We help organize investigations. Everything is for the best of the student.

#### OTHER:

- What aspects of your knowledge, skills, abilities and professional experiences do you believe you will bring to this role and make you the best candidate for this position?

This is what we do, was a teacher at HS before being a lawyer. We work all across the state with school committee.

We wake up to do this. It may be a long day but we truly enjoy what we do. Our clients reach out to us every day. When you call, we get back to you. If I am not available, I forward to a colleague so our client gets an answer.

There are eight of us. We work as a team. We are experienced in labor law.

We do a lot of training to avoid litigation. It helps when we do a training on a number of things.

- Describe a situation when you had to resolve a conflict through the Mediation process. What was the outcome? Is there anything you would have done differently?

We have had success in mediation if no success we go to fact finding.

When we can't come to agreement, we have hired a mediator and have come to an agreement. It is all off the record but helped people explore other options.

Mediation shows that you've done everything you can to achieve goals. They are useful things. If there is a change, we have to change that union is saying no then we need to go to mediation. Its cost saving, it helps to bring an outsider in when necessary.

We have done a mediation board disputes. DLR offer mediation but there are others. If both parties want to make a deal, we've had success.

Sometimes when a party wants litigation, mediation will not work but most of the time it works. Litigation takes a very long time so sometimes it makes the most sense to make an agreement.

- Why do you want to serve as the general legal counsel of the Somerville School Committee?

This is what we do I talked to Ilana before speaking to you. Mom was an immigrant and was giving low expectations and I grew up that you set high expectations.

My dad was management when my grandfather was union. My dad would cross the picket line that my grandfather stood in. This was conversation at tables. At the end of conversations, they were still father and son. That's why we value our employees.

We all want to work with schools and we work as a team. You get a response immediately. We get call at all times of the days and we take the calls and work with our clients. We look for long term relationships. We work for your goals for what is good for our students.

Please forward your (firm's) resume including your professional background and areas of expertise including your current client references.

Equity is our foundation of our work going forward. We are confronting real challenges. What have you seen as equity in action in other districts? What challenges you see in the future in legal perspectives?

We want to make sure our policy reflect equity. What do you need to implement and achieve the statement in your policy.

You can put all your recruitment in SchoolSpring you can make sure our applicant pool reflects it. You're a great high school student. I hope you think about working with us. High school pipeline example.

From the top what are we encouraging our students to do or where they can be Teachers and counselors are big and they don't put them in boxes.

My nephew has phd in math when he was in elementary school.

Who would you think would be the primary contact when working with Somerville?

You could reach Liz or I but we have eight. Depends on who the expert that will work with you. For day to day, it is Liz and I. Helps you stack your units with negotiations. If you want all eight negotiations, you can do that but it's whatever you are most comfortable work with.

New STA is more interested in the space of public opinion. Love to hear examples or strategies where you were successful and less than successful

Strategy that is coming from MTA and it is across the state and just teachers union we have talked to school committee with reopening plans, which are beautiful but long, but what does a family need to know. Communication strategies up front making sure our budget and community knows what is going on - stop chasing the story and make the story.

School committee is used to reacting but should be saying this is what is going on. When community knows what our resources are and what you are willing to do. Mayor was making statement about communities and was different from others communities. He was being more cautious. And being proactive instead of reactive. Union embellishes, we are under paid. Very subjective statement. Put contracts out there so they can see salaries so community sees it but combats the statement of underpaid. Not safe. Talk about what we have done for safety.

Questions? When do CBAs expire all at one time?

## Subcommittee Reports

### **Personnel Committee November 3, 2020, Remote Meeting**

Members Present: Ilana Krepchin, Eleanor Barish, and Laura Pitone  
Also in attendance: Superintendent Mary Skipper and Director of Operations Joe Tringale

Chair Krepchin called the meeting to order at 7:30 a.m.  
Legal Counsel Search was the only item on the agenda.

This was the first meeting of the Personnel Committee since Attorney Mike Long announced his departure at the end of 2020. The committee discussed legal budget, areas of legal specialization (labor relations, special education, and employment), reporting structure, hiring an outside firm and/or in house representation, and generating list of firms to interview.

Superintendent Skipper urged the committee to consider past and the potential for greater future needs, due in part to school closures during the pandemic and increased negotiations, when considering different models of legal representation. Some benefits of an in house lawyer would be ease of access and increased staff training opportunities.

Director of Operations Tringale shared the history of legal representation. In 1972, Attorney Spencer Tobin was on retainer and spent significant amounts of time working for us. Next, was Attorney Mary Jo Hollander, detail-oriented and stayed until 2016. Her partner was with us for a brief time. Attorney Mike Long has been our legal counsel since with contract provisions that if the services of Mr. Long or Attorney Roseanne DePietro, a paralegal could be used at a lower rate. All contracts have been for three years.

The committee assembled a list of specific questions/concerns:

What type of legal work is needed?  
What type of work does each candidate specialize in?  
Retainer and Extras  
Response time  
Understanding of the changing dynamics of SPS and city  
Negotiation style  
Needs of an urban district  
Possibility of having both in-house lawyer and contracting out some of the work  
Need to memorialize institutional history  
Consider contracting with a firm for January 2021 and evolve the model over time  
How to structure the search process? Hire a search firm?  
Separate the duties? Contract lawyer handle school committee business and in-house handle all other issues?  
Scope of past work, both focus and cost?  
Review previous contracts  
In-house lawyer fall primarily within Human Resources  
Equity Hiring Policy applies to all hires

Director of Operations Tringale reflected on how each previous lawyer ramped up the amount of work to correspond with the increased needs of the district. Costs also increased. He said our legal fees bumped up during the Powderhouse Studio Innovation School application process and are expected to increase with more complex labor negotiations, and COVID-19.

With no further business, the meeting adjourned 8:30 a.m.

Documents used:

Minutes submitted by Ilana Krepchin  
**Personnel Committee  
November 10, 2020, Remote Meeting**

Members Present: Ilana Krepchin, Eleanor Barish and Laura Pitone  
Other School Committee members present: Carrie Normand  
Also in attendance: Director of Operations Joe Tringale, Director of Human Resources Mariana MacDonald, and Legal Counsel Mike Long

Chair Krepchin called the meeting to order at 7:30 a.m.  
Legal Counsel Search was the only item on the agenda.

Current Council, Mike Long, gave us three options, as he sees it:

Option 1 - outside law firm: we need to find out availability and cost. Questions we should be asking: who will be doing the work? Will it be the named partners or associates? We should talk to clients and ask about Quality of work, Billing and Availability. There are 15-20 firms that work in this area: all are competent. It comes down to who you are most comfortable with.

Option 2 -having only In-house legal staff, (Boston does this). This would a full-time employee of the district. Pros of this approach: it resolves availability challenges of option 1, there is cost containment and continuity. The City Solicitor's office is an example of this model

Option 3 - Blend of options 1 and 2. Many districts do this: Cambridge, Melrose, maybe Chelsea. In-house handles day-to-day legal issues of Open Meeting Law, public records, discipline, etc. In recent years, SPS has put lots of energy into labor relations. Internal person can help with labor negotiations and then have a firm handle more complicated HR, bigger negotiations, labor grievances, etc. SPS has had a high degree of contact and high expectations of our lawyers

Superintendent Skipper mentioned: we spend a lot of time on labor relations and have lots of contracts coming up for renegotiation. If we had someone in-house, they would have time to go through HR documents. Time is ticking on this process.

Mrs. Barish asked about instances in which we might rely on the City Solicitor's office. They were used in the past but availability was a challenge. There was an instance in which the SC used city lawyer for labor negotiations but that did not last. School Law is very specific and the lawyers in the city solicitor's office do not have that expertise.

Mrs. Pitone raised concerns about how much the blended option would cost: a full-time position salary would cost about what we pay Mike Long's firm currently. Assuming we would keep the special ed law firm on. PLUS an outside firm. We have to think about what staff are we not hiring elsewhere if we go with this model.

We discussed if it is feasible to have a firm on retainer with an attorney on the lower end for day-to-day issues. Mike Long answered: many firms use a retainer arrangement, but he has concerns. Nobody really knows what it does: Clients think they are buying access, Lawyers think it means a lower number ticket in the deli line. Would need to have a really clear understanding what a retainer buys: 40-50K per year without covering cost of work. For reference, Long and DiPietro is on the lower end of hourly rate

Our negotiations typically happen every three years for each unit; so the last 18 months is not a good yardstick for what we pay in legal costs.

What would an in-house salary be? About 125-130K; we could check with Chelsea, Cambridge, Melrose.

Reminder that nurses are coming on as the eighth unit.

There will be times when we want someone who can be an objective investigator

An in-house person could help with legal containment - minimize exposure, could help with need for ongoing training (PD)

Mrs. Normand highlighted the importance of weighing the financial cost with the human cost. There is comfort in knowing you have done everything you can to protect students, staff, etc.

In-House would provide an opportunity for diversity in hiring, that a firm does not.

If we hire a law firm first, they could help put together a detailed job description for the internal position and to look ahead at anticipated needs. We could do rigorous recruitment with help from firm and take time with hiring process.

We agreed to interview the four firms that came recommended to us by Glenn Koocher at the MASC.

With no further business, the meeting adjourned 8:30 a.m.

Documents used: A financial History of Law Firm payments

Minutes submitted by Ilana Krepchin

## **Personnel Subcommittee November 17, 2020, Remote**

Members Present: Ellenor Barish, Ilana Krepchin, and Laura Pitone

Also in attendance: Director of Human Resources Mariana MacDonald, Director of Operation Joe Tringale, Attorneys Elizabeth Valerio and Nicholas Dominello

Ms. Krepchin called the meeting to order at 7:30 a.m.

Interview with Valerio, Dominello & Hillman, LLC

The Interview Committee used an agreed upon set of questions.

## **LABOR RELATIONS / NEGOTIATIONS:**

**Briefly describe your labor negotiations approach. Provide examples of how you have used it to achieve the goals and objectives of the organization.**

Attorney Valerio: We work with clients to prepare. We 50 years of institutional history. How will it impact the students? What is the impact on cost? We come prepared. I do not like adversarial relationships. Think of the relationship as a marriage from which there is no divorce. You value your employees but also have to work within the limits of the budget. We help prepare proposals and provide rationale.

**What was your most successful collective bargaining negotiation? What was the most significant factor that got you to "YES"?**

Attorney Dominello: Recent return to work was very interesting. Helping all parties get to the realization that we had to get back to work. We are operating under a new set of rules. Cost is always the driver.

**What was your most challenging collective bargaining negotiation? What was the outcome? Is there anything you would have done differently?**

Attorney Valerio: Letting everyone go home at 1 am without having a deal written down on paper. Morning after there were some challenges. Never let everyone leave until the job is done - even if it is 2 am. If I think the Union understands language to mean one thing and other party thinks otherwise, I include examples to make sure it is clear.

**The Somerville Public Schools currently has eight labor unions and there is always a negotiation in process. Depending on the issues, they may be described as collaborative or they may be described as tenacious. How do you address and what is your approach when things turn tenacious or less-than collaborative?**

Attorney Dominello: Respect. These are your employees. Sometimes one unit feels more respected than another. Sometimes due to the order of contracts. If everyone is treated fairly and with respect, that can be a bridge. When we are at the table, explaining everything and hearing out the union.

## **ORGANIZATIONAL CULTURE / STAKEHOLDER MANAGEMENT:**

**Every School District, Executive Board (School Committee), City has its own unique culture and dynamics. Briefly describe some of those you have worked with.**

Attorney Valerio: Some very small, some very large. They operate differently and have different objectives. Some did not require an agreement at all, some took two or three sessions, some wanted 20 sessions. Superintendents generally want it to happen in as few sessions as possible. Helpful to have the superintendent and HR at the table to help make sure. Many districts want to make sure equity is part of the picture. The cultures may be different in different places but every community wants what is best for students. What they believe is best might be different and what they need might be different. We help when things do not go well to avoid litigation. Look at what is best for kids in every case.

**What was the most difficult culture / dynamics you have worked with and how did you manage it to keep the organization focused on its goals and objectives?**

Attorney Valerio: We have seen situations when it is time for the superintendent to move on. Seven years in a district is really great. To see more than 7-10 is unusual. When there is an ugly separation, it means there will be a less robust pool of candidates. Important to be cognizant of the big picture and long term goals. You also want to make sure that you do not lose the people under the Sup either. In one case when when the Superintendent was being pursued by another district, we explained that the district was better off paying more rather than find a new superintendent.

**Have you ever disagreed with an executive board? How did you manage the disagreement and what was the outcome?**

Attorney Dominello: Sometimes a committee or exec board wants to increase compensation. We have a discussion of what is available based on financials. If you give the teachers 3/3/3 for example, it would be a domino for every other contract. There is a need for a conversation between us, business manager, and board to discuss what is viable.

Attorney Valerio: Unions frequently say if you don't have money, give us back time. Each day is worth half a percentage point. I would push back - you will never have the money to buy it back. I would remind you that the salary schedule has already been paid for. You need to fully understand what the consequences of this step are - long term and short term. Your goal can't be one contract at a time. You must think about how it impacts the education of the students in the district. If we can keep impact on kids at the forefront it helps us make good decisions. I am also aware that it is ultimately it's decision of the SC, not ours.

**Tell us about a time when a client was adamant about not taking your legal advice. What was the situation and how did you resolve it?**

Attorney Valerio: Unless it's something illegal or unethical...I work to make sure the client is fully informed. I would ask to reconsider and take some time. Make sure to only have a subcommittee in collective bargaining. I have never in my career brought an agreement to committee and not had it ratified.

**Describe some of the challenges you have had to overcome working with key stakeholders and explain how you met these challenges and maintained positive working relationships.**

Attorney Valerio: There are times when boards or administrators may have engaged in something that doesn't meet the standards in the state ethics law. When that happens, someone has to take action. There are times when we need to provide



information about violations or possible violations. If you have insurance, we need to have the district notify the insurer and talk about what the plan is to address it.

Attorney Dominello: In addition to day-to-day counseling and negotiations we also do independent investigations. During the course of the investigation, we sometimes find what nobody wants to find. These issues have to be dealt with. We work with the committee to help implement plans for things our stakeholders want to address. ELL parent groups, SEPAC groups. Communication is very important.

#### **STUDENT SERVICES:**

**Please provide an example of a complex matter involving student services that you were involved in and how you were able to navigate the issue and provide counsel to your client.**

Attorney Valerio: it's sometimes heartbreaking when we realize what's going on. We make sure we follow the law regarding bullying and student assault. We help clients follow all regulations. 51As that need to be filed for the victim but also potentially for the perpetrator. We look to make sure victims are protected from discrimination, harassment, bullying. We want clients to call us as soon as something happens so steps aren't missed. We look at the policies and procedures, make sure everything happens consistent with the law and with handbooks.

#### **OTHER:**

**What aspects of your knowledge, skills, abilities and professional experiences do you believe you will bring to this role and make you the best candidate for this position?**

Attorney Valerio: This is what we do. I served 6 years on my SC and more than 15 for MASC training on Collective Bargaining. I was a teacher in a high school while going to law school. Our team includes people who have been teachers. We work with SCs across the state doing this work. We don't do wills or real estate, only school law.

Attorney Dominello: I truly believe that everyone at the firm enjoys what we do. It's not just a saying to say "we are part of your team". If I am not available and I get a text, I forward it to a colleague. There are 8 of us, and we will find someone who can work with you. We work as a team.

Attorney Valerio: We try to avoid litigation through lots of training for SC and administrators. Need to do things right to avoid larger issues.

**Describe a situation when you had to resolve a conflict through the Mediation process. What was the outcome? Is there anything you would have done differently?**

Attorney Valerio: we've had success in mediation; if you don't get a success you go to fact finding which usually comes to agreement before the report. Mediation is a great thing because it is all off the record. It allows people to explore and find a pathway to an agreement. Sometimes a proposal is not easy to sell to the membership and it helps the leadership to go to mediation as a necessary step. If we are going to end up there anyway, we like to go to mediation sooner rather than later.

Attorney Dominello: We have also gone to mediation for disputes and discharges. If both parties enter the room wanting that deal, we usually end up finding success. Sometimes that isn't possible. Uncertainty of litigation sometimes helps move things along.

**Why do you want to serve as the general legal counsel of the Somerville School Committee?**

Attorney Valerio: This is what we do for a living. This is what we do day to day and evenings and weekends. We are best suited to do this because we care and want to do this work. Contact any of our clients. I know how it feels to call counsel. I know you need a response immediately even if all of the information isn't available. We take calls early in the morning and on weekends. We look for long term relationships. Help achieve goals and to design goals.

**Can you give an example of Equity in Action in other districts. What challenges do you see in a district committed to equity.**

Attorney Valerio: make sure policies support equity but also have to look at the procedures. You can put all of your recruiting on School Spring but that doesn't mean you will achieve your hiring goals. You have to advertise in the right places including pre-recruiting current HS students. You can't offer preference based on race. You can't discriminate based on race.

**You are named partners in the firm. Who would you think would be our primary contact and in what situations are you able to leverage associates?**

Attorney Dominello - You could reach Liz or I at any point. Everyone on the team has experience in these areas. An FMLA question might go to a different attorney. Or litigation. DTD or Collective bargaining would be me or Liz. Other areas of expertise. or if you want to have a different attorney work on each contract. Whatever you are comfortable with.

**Bringing issues to "the court of public opinion" seems to be an increasingly common strategy in negotiations. Please share some examples that you participated in that were successful with in this arena, as well as ones that were less than successful.**

Attorney Valerio – Communication is important: what does a family need to know if they have time for just the first two paragraphs. Important to talk about budgets with the public and making sure the community knows what is going on. SCs need to stop chasing the story and make the story. SCs have always reacted to what's out there. Important to being proactive with communication strategies.

Attorney Dominello - For many years everything was done in Exec and in Negotiations. We have found success with putting public information in the forefront. If we talk about what we have done to make people safe, that allows public to see what is being done.

With no further business, the meeting adjourned at 9 am.

Documents used:

School Committee Interview Questions for Legal Counsel, November 2020

Minutes submitted by Ilana Krepchin

**Personnel Subcommittee  
November 30, 2020, Remote**

Members Present: Ellenor Barish, Ilana Krepchin, and Laura Pitone

Other School Committee members present: Carrie Normand

Also in attendance: Director of Human Resources Mariana MacDonald, Director of Operations Joe Tringale, Attorneys Michael J. Maccaro, Felicia S. Vasudevan, and Andrew Waugh

Ms. Krepchin called the meeting to order at 7:30 am

Interview with Murphy, Hesse, Toomey, & Lehane, LLP

The Interview Committee used an agreed upon set of questions.

**RE: LABOR RELATIONS / NEGOTIATIONS:**

**Briefly describe your approach to labor negotiations. Provide examples of how you have used it to achieve the goals and objectives of the organization.**

Attorney Waugh – We take the lead from the client. We do traditional (positional) and interest-based bargaining and everything in between, based on the relationship with the union. Sometimes there is a desire for a change in the relationship, which can drive the approach.

Attorney Maccaro – I likes to meet with the subcommittee, superintendent, HR, and other members of the team to learn about the history and goals, well in advance of negotiations. We need to be on the same page and determine what is realistic.

**Thinking back to your most successful collective bargaining negotiation what was the most significant factor that got you to "YES"?**

Attorney Waugh – Important to have trust on both sides of the table. This begins before you get to the table.

Felicia Vasudevan - Ask questions and listen to the responses to find out what the motivation is behind the ask to arrive at a compromise that both are comfortable with.

**Thinking back to your most challenging collective bargaining negotiation is there anything you would have done differently?**

Attorney Maccaro – Remember that is a process. You will get through it. All settlements end. Biggest challenge is when a client gets anxious. This summer was the best example. A ton of negotiations. Clients that had to rush were back to the table during the school year. Let the process run it's course.

**The Somerville Public Schools currently has eight labor unions and there is always some sort of negotiation in process. Depending on the issues, they may be described as collaborative or they may be described as less-than collaborative. What is your approach when things are less-than collaborative?**

Attorney Waugh: When unions come in with an attitude and an agenda - ask questions, try to understand the thinking behind the process. Listening to the other side. Not rushing to the end game. Responding to the concerns of the other side. Try to be creative. Listening signals that we value your input.

**RE ORGANIZATIONAL CULTURE / STAKEHOLDER MANAGEMENT:**

**Every School District and its Executive Board (School Committee) has its own unique culture and dynamics. What was the most difficult culture or set of dynamics you've worked with and how did you manage it to keep the organization focused on its goals and objectives?**

Attorney Maccaro - A lack of trust between SC and administration. Counsel caught in the middle. Be forthcoming and honest – we are all on the same team. Give everyone on the team the same information. Sometimes you have to be a bit of a therapist to bring the client through a difficult time.

**Thinking back to a time when you may have disagreed with an executive board or a time when a client was adamant about not taking your advice, how did you manage the situation and what was the outcome?**

Attorney Vasudevan - Our job is to give the best advice we can. Our job is to support them even if they don't want to follow the advice given. We serve as an advisor and support the decision makers in whatever they are doing.

**What do you see as some of the biggest challenges facing the key stakeholders of school districts (i.e. school committees, school administration, municipal leadership).**

Attorney Waugh: Pandemic is issue number one. Financial situation leads to staffing issues. Health and safety issues.

**Bringing issues to "the court of public opinion" seems to be an increasingly common strategy in negotiations. Please share some examples that you participated in that were successful with in this arena, as well as ones that were less than successful.**

Attorney Maccaro - One thing we have done recently was using a PR person. Unions use the media to their advantage. Ability to get your version out there can be very helpful. Ground rules are important - addressing when statements will be made and what the forum will be. Plan ahead. Public messaging sometimes not as successful - when individuals try to use their own personal social media to express their "personal" stance. Important to work as a team and speak in a unified voice, other you end up playing a lot of cleanup.

Attorney Vasudevan - working together on the message rather than someone making a one-off statement without running it by the rest of the team.

Attorney Waugh - Most challenging when dealing with personnel issues. Prohibited by law from revealing personnel info when the other side can. Unable to respond. Sometimes a PR person can be helpful but not always.

**Follow-up: Have you seen a situation where the other side didn't want ground rules?**

Attorney Maccaro - Open negotiations that proposed no ground rules. Neither side has to agree. Try to get something agreed on - at least

### **STUDENT SERVICES:**

**Please provide an example of a complex matter involving student services that you were involved in and how you were able to navigate the issue and provide counsel to your client.**

Attorney Vasudevan - When an issue impacts special ed and a labor concern, working with all of the players. What is permissible? What is the law. Convene a team to navigate the process and make sure appropriate channels are being followed.

### **OTHER:**

**Describe a situation when you had to resolve a conflict through the Mediation process (individual staff or CBA). What was the outcome? Is there anything you would have done differently?**

Attorney Waugh - I have seen more mediation in the context of labor relations. Petition for mediation and fact finding when hitting a wall can be very helpful. Unions don't necessarily want to say yes to management but sometimes more amenable to making a deal with the third party. Sometimes this is better optics for the union.

Attorney Maccaro - Usually in negotiating contracts. Understand who is on the other side and who the mediator is.

**Equity is the foundation of our work at SPS and SC for the last couple of years. Can you share an example of equity in action as legal council? What challenges to do you see in the future for a School Committee and district sincerely committed to equity from a legal perspective?**

Attorney Maccaro - One district reached a one-year bridge MOA to pause a lengthier bargaining process. Had to ask for a freeze on some raises that had been agreed to. Union was able to see where we were coming from. We were able to bring the money back very recently.

Attorney Vasudevan - Comes from the top. How do we create policies that will create equity for students. Lots of different groups - ELL, SPED, immigrants, SE disadvantaged, minority students. Create committees to track data to see how resources are being spent. Who has access to AP classes for example?

**Follow-up: Our equity policy is focused on all of those populations, particularly students and staff of color. Where do you see legal issues or challenges to hold districts accountable to their commitment to equity?**

Attorney Vasudevan - One concern is on the employee side - affirmative action. If you want to use affirmative action you have to walk a very fine line. You have to be very careful about how to create those plans.

**What aspects of your knowledge, skills, abilities and professional experiences do you believe you will bring to this role and make you the best candidate for this position?**

Attorney Waugh - We bring a broad practice. Urban, suburban, regional, collaboratives. You have not seen it all. There is always something new. While there are new things, we have seen a lot. We bring a lot of experience. This is not a small portion of our practice. It is what we have chosen to do.

Attorney Maccaro - I'm a former Union attorney but I've been with the this firm 10 years. I have sat on both sides of the table. Our firm meets every couple of weeks to review issues and share. Client alerts sent out to clients on a regular basis. Offer training services.

Attorney Vasudevan - I work with SPED services in Somerville already, so we are ready to jump right in. Always someone available who can answer a question or concern. Things are changing rapidly and need quick answers

**Follow-up: What about Somerville makes you a good fit specifically for our city?**

Attorney Maccaro - Our experience in a broad range of communities. Allows us to understand that there is not one type of community that is a perfect fit. Experience living in the community. Something to be said for the fact that Felicia is already working with the district.

**You are (a) named partner(s) in your firm. Who do you propose will be working with Somerville? In what situations would we be working with other associates or team members?**

Attorney Waugh - We have a team approach. We would be the team assigned to Somerville. One of us is always available. We communicate amongst ourselves. We see each other in the office and on Zoom calls. Keep the rest of the team up to speed.

**Follow-up: Practically speaking - would the team sit down with us for strategy sessions and for executive session?**

Attorney Waugh - For labor, one person would be assigned with a back-up for emergencies.

Attorney Maccaro - It might not be the same person who sits at the table for all of the different unions. simplifies things from a scheduling standpoint.

With no further business, the meeting adjourned at 8:45 am.

Documents used:

School Committee Interview Questions for Legal Counsel, November 2020

Minutes submitted by Ilana Krepchin

### **Personnel Subcommittee December 2, 2020, Remote**

Members Present: Ellenor Barish, Ilana Krepchin, and Laura Pitone

Also in attendance: Director of Human Resources Mariana MacDonald, Director of Operations Joe Tringale, Attorneys Michelle A. McNulty and Paige Tobin

Ms. Krepchin called the meeting to order at 7:30 a.m.

Interview with Murphy, Lamere & Murphy, P.C.

The Interview Committee used an agreed upon set of questions.

#### **RE: LABOR RELATIONS / NEGOTIATIONS:**

#### **Briefly describe your approach to labor negotiations. Provide examples of how you have used it to achieve the goals and objectives of the organization.**

Attorney McNulty - I am the Labor person. My approach is tied to the fact that I view it as an ongoing relationship between the employer and the organization that has to be based on trust in order to accomplish goals and objectives. Every situation is different depending on the history of the relationship. In one district there was a dysfunctional relationship. Only two people allowed to speak in the bargaining room. They Invested in Interest Based Bargaining (IBB) - collaborative approach including training to look at how they could conduct negotiations differently. It was very successful. Went on to use IBB for many years. Many folks want traditional bargaining because of a lack of trust. In those situations, I draw from IBB principles because if all you do is say no or put another counter forward you are talking at each other not to each other. I use a hybrid IBB approach. I ask why. What is the problem you are trying to fix? When we start to look at the underlying concerns, we start the dialog and have success on operational issues. On the money side it is transparency. It's the only way to get unions to understand why there isn't enough for what they want. Sometimes we can find ways to move money around in the contract.

#### **Follow up: Can you speak about the training? What do you mean by hybrid IBB?**

Attorney McNulty - I have found that for IBB to be successful, you need an outside person. You split the cost with the union. Some local facilitators are very good. Training is about 8 hours. They walk you through it so you appreciate the different styles of bargaining. Helps people to look at the relationship differently and it's helpful. After the training parties decide if they want to use the IBB. Schedules, prep time, common planning time using IBB... But when we get to the money... We might use a facilitator as a mediator so you have that third party. They know your relationship, they know where the trust issues are.

#### **Thinking back to your most successful collective bargaining negotiation what was the most significant factor that got you to "YES"?**

Attorney McNulty - Money. It always comes down to money and time. When we don't have the money, we try to address if we can help with the stress and anxiety relative to all of the demands that are on the teachers. You have to put students first, but when we can manage some time... Maybe there are four days per week that teachers are supposed to have meetings; if one meeting is teacher led vs admin led. If they are looking for MORE time, they are going to look for compensation. But if you don't have money for a raise, if you can give back or accommodate on time, that can help.

#### **Thinking back to your most challenging collective bargaining negotiation is there anything you would have done differently?**

Attorney McNulty - Most challenging is usually when the sides don't connect - when we can't get the teachers to understand that just because you don't have money doesn't mean you don't respect them. Sometimes you have a relationship with the Union rep. Sometimes the union goes rogue. I wonder how that can be avoided but I don't think it can. There are times you have to deal with it.

#### **Follow up: What about when representation changes within the Union? Or how do you move forward positively when trust has been lost.**

Attorney McNulty - With New leadership - What helps is your reputation. I made a mistake when I was younger. I had a new union rep come in. I had a good relationship with their supervisor and went to them when I had an issue. Not the way to proceed because you break trust. Deal with the person in front of you. Let them know that your word is good. Not going to make promises that you can't deliver on.

#### **Follow up: What do you do when there is less understanding and relationship building coming back from the other side?**

Attorney McNulty - When you are mired in traditional bargaining...each side continues to present counters. Try to deal with low hanging fruit and when down in the nitty gritty I will do off the record bargaining. I will package things. I reserve something in

case we get to mediation. I have not had a teacher contract go to fact finding but I have had police and fire contracts go to fact finding. Mediation can usually get there.

**The Somerville Public Schools currently has eight labor unions and there is always some sort of negotiation in process. Depending on the issues, they may be described as collaborative or they may be described as less-than collaborative. What is your approach when things are less-than collaborative?**

Attorney McNulty - (Addressed above.) Try techniques that will work. You have principles and core needs. You can't roll over. You have to stand up for your needs as well.

#### **REL ORGANIZATIONAL CULTURE / STAKEHOLDER MANAGEMENT:**

**Every School District and its Executive Board (School Committee) has its own unique culture and dynamics. What was the most difficult culture or set of dynamics you've worked with and how did you manage it to keep the organization focused on its goals and objectives?**

Attorney McNulty - There are some SCs that don't like each other. Every point is argued. Their own dysfunction is going to get in the way. We represent the SC as a whole so what we do is approach it as - you represent the district. Looking at what is best for the district as a whole rather than the politics of the individual members. Our role is to navigate. We pull in MASC for trainings and remind SC members of their roles. Try to give that assistance but we don't take sides.

Attorney Tobin - In Student Services - I try to do a lot of training of the SC. SC members didn't like the Title IX changes and resisted changing the policy as needed. That is an issue of education to talk about what would happen if the policy wasn't changed. What do the cases show? Provide trainings on how to address being approached personally in public about SC issues, remind members that they are always representing the body.

**Thinking back to a time when you may have disagreed with an executive board or a time when a client was adamant about not taking your advice, how did you manage the situation and what was the outcome?**

Attorney Tobin - A parent wanted the district to pay for two handlers for a service animal for their child. Law is clear that they can bring an animal, but they have to pay for their own handler. SC was adamant that they would not pay. There was also a question about whether the animal was really a service animal as opposed to a pet. SC members received hate mail from dog lovers around the country. The parent went on a talk show. SC members decided they would pay after all of the publicity. SC is the client. We talked about the benefits and the publicity. Worked out a situation to pay for the handler but not quite the way the mother had originally wanted. Were able to make a public statement and worked it out in a way that was okay for everyone.

Attorney McNulty - We work for the SC. But we need to make sure the SC is aware of the ramifications of their decisions. Importance of language, for example, and what the future impact might be. (Example of excluding some items from evaluations resulting in great reduction in what can be included in teacher evaluations.) Can have broad impact. Make sure client is making decisions with full knowledge of the ramifications.

Attorney Tobin - Important to understand the pressure SC members might feel politically in order to retain the respect of the community.

**Follow-up: What council did you give to the SC on how to address the public appearance (dog situation).**

Attorney McNulty - I feel like I am doing a lot of PR behind the scenes. Lots of work with social justice and racial bias. You need the community to feel they are heard. When a parent goes to the media... ten years ago the line was "We can't talk about it." The expectation is more transparency now. You need to get a statement out there - not necessarily about the specific incident, but about the general position and how you are responding to the issue.

**Can you think of an example of when you had to deliver legal counsel or advice to an executive board that you knew would not want to hear. How did you handle it and what was the result?**

Attorney McNulty - A suggestion was made about how to proceed on a particular issue. I spoke up. I observe the standard decorum of Executive Session but if the body will be at risk legally, politically or optically, I speak up. Even in Executive Session. If the body goes beyond the scope of Exec, I speak up. That's why you hire us. To make sure you stay on the right side of the law.

Attorney Tobin - I have been in a situation where a superintendent has wanted to take action that isn't appropriate or legal. Remember that the SC is the client, not the superintendent. I have gone to the SC and brought forward concerns about what the superintendent wants to do and have suggested a group conversation.

**What do you see as some of the biggest challenges facing the key stakeholders of school districts (i.e. school committees, school administration, municipal leadership).**

Attorney Tobin - For urban districts (I do lots of work with the Urban Collaborative) - serving ELL students. Make sure we have the resources to provide the services needed Addressing discipline and disparity. I have a meeting weekly with Russell Johnson and one big topic is how to address compensatory services when [COVID] is all over. How to address students who have not been able to access education.

Attorney McNulty - COVID - and everything it involves. Students, staffing, how we will recover. The core is sufficient funding. I don't think there has ever been a year when I have heard that districts are getting the support they need from federal or state or local level.

**Bringing issues to "the court of public opinion" seems to be an increasingly common strategy in negotiations. Please share some examples that you participated in that were successful with in this arena, as well as ones that were less than successful.**

Attorney McNulty - Ground Rules that go beyond the old ground rules. In the past, the ground rule was "no unilateral press release" until agreement and then there was a 24- or 48-hour waiting period. We are beyond the world of press releases. I am exploring expanding that to social media posts. If you want to build trust, we need to know we won't see what we just talked about on your FB page tomorrow. Some feel that's the only way they can put pressure on the SC and won't agree to that. In some places we are just getting into the hybrid model and it has been very contentious bargaining. The FB posts have been problematic. If there is no Ground Rule about social media posts, we can put out our statements as well. In one place, the Mayor is the president of the SC and has their own PR person who manages the PR via Twitter, FB, etc. You have to be on the same page. Either everyone respects confidentiality, or you are going to use the same tools.

### **STUDENT SERVICES:**

**Please provide an example of a complex matter involving student services that you were involved in and how you were able to navigate the issue and provide counsel to your client.**

Attorney Tobin - Dealing a lot with issues of student's rights to free speech vs the right to attend school in an environment that is not hostile. Particularly with remote learning. Given political climate there have been instances where students have posted racist things on social media on their own time. Parents then asked that students be expelled because they are racist. Doing trainings on that because it involves very specific analysis around rights when not in school. I put together a color-coded chart to help the principal work through the process. Civil rights with race and gender discrimination/harassment. So much conduct happens online and outside of school. We have to respond to issues outside of school but can't necessarily discipline when it happens outside of school time.

### **OTHER:**

**Describe a situation when you had to resolve a conflict through the Mediation process (individual staff or CBA). What was the outcome? Is there anything you would have done differently?**

Attorney McNulty - We mediate in collective bargaining and in employment matters. Usually it is through MCAD or a hired mediator for employment issues. Persuade the mediator to lean your way and see how successful they will be with the other side.

**Follow up: At what point do you play the mediation card?**

Attorney McNulty - If we are at the table and we are just not making progress. If we come in with some amount of money and the union says no. We were in year one of a three-year contract. We knew already we were looking at a budget cut. COVID hit. Still want to resolve the contract. Propose a 1-year contract. Union says no. All off the record. We try a couple of other things. If each time we do it and the answer is no and the counter hasn't moved or moves in such small increments that it looks like an impasse. When I propose mediation, often times the union says we are not at impasse. We bring in a mediator when our realities are different.

**Equity is the foundation of our work at SPS and SC for the last couple of years. Can you share an example of equity in action as legal council? What challenges do you see in the future for a School Committee and district sincerely committed to equity from a legal perspective?**

Attorney Tobin - From a Student Services perspective, it is for students and it's about working with your district leadership to get people in leadership positions that look more like students. In one of my big urban districts, they have no diversity in leadership roles. They are trying. I know it's a problem nationally. I have gone to Washington to meet with leaders. Particularly a problem in MA. Grants available for students of color to become teachers. I have been trying to get involved policy wise with the state. Dress code has been an issue. Ten years ago very gender specific items that girls could not wear and nothing to do with boys. Work with districts to make rules gender neutral. In one district, a week before school started, policy voted in to say "no hoodies". This policy has a disparate impact on students of color. Students came forward saying they had already bought school clothes. The SC stance was that "Hoodies are not respectful." What is the purpose of the policy? Is there another way to address the issue? It appeared that students were putting hoods up before fights then couldn't be identified on security video. So the policy was revised to say no hoods on in school. Policy is very important. There are a lot of policies that need to be revised to reflect a more diverse and inclusive environment.

**What aspects of your knowledge, skills, abilities and professional experiences do you believe you will bring to this role and make you the best candidate for this position?**

Attorney McNulty - I have been doing this for 32 years. It's the only firm I have ever worked at. This is the only area of the law I have worked in - Public Sector Collective Bargaining. Trained by experts at the forefront of the field. I bring the ability to problem solve and the ability to advance objectives and foster relationships with union and avoid litigation. We try to advise so that ramifications are clear. That's what we do differently. It's not a marriage with employees. You can't just divorce. The relationship is important.

Attorney Tobin - Intellectual curiosity. I have a passion for this subject. I have a client that the DOJ is investigating - how they are providing services to ELL students. One issue has been SEI instruction. Whether it is being implemented faithfully. I took a training [geared toward educators] on SEI so I could fully understand the situation. I participate in state and national things because it's a passion and I can do a better job.

Attorney McNulty - We are a team. I head up the labor side. Paige heads up student services. We have a team of colleagues behind us. They are all experienced in their respective fields. There are other people who help with collective bargaining and craft policy for example.

**You are (a) named partner(s) in your firm. Who do you propose will be working with Somerville? In what situations would we be working with other associates or team members?**

Attorney Tobin - I work with the Urban Collaborative. We work with similar districts though I know all districts are different. We have a lot of experience with urban districts - Worcester, Everett, Brockton. I really try to understand and respect families in urban districts and the challenges they are facing, so families can feel heard and respected. Different from a suburban district when a parent walks in with a private attorney. Often in urban districts, families have pro bono attorneys. I have good relationships with the pro bono attorneys. Sometimes the legal answer and the practical answer are not the same. Understanding the person is very important.

Attorney McNulty - It would be my hope that on labor matters and negotiations you would be working with me. In the past sometimes larger districts I might do the teachers and one of my colleagues might do some of the other groups. Usually, we work things so that depending on the issue - workplace accommodation - might have another attorney depending on their area of expertise.

Attorney Tobin - I like to spend a lot of time getting to know a new client. It's not just the law. It's the culture and the climate. I want to understand that so when we give advice it is what makes sense for the district. Not cookie cutter. Associates might do research or write discovery. I would focus mostly on you until I really understand your situation.

**Follow up: We try to set up an attrition schedule. Our counsel is generally involved in the teachers union and two related unions. The others we can generally handle with assistance with interactions with counsel. On the Student Services side, day-to-day operations, we will ask for review of letters, SPED issues, etc. Is it reasonable to expect the two of you to be directly involved?**

Attorney McNulty – Yes. With disciplinary cases, I would use Josh Coleman. Comes down to time involved. First call is to me. If it turns into an investigation, I would have Josh (15 years experience) step in. He works with clients through the investigation and the termination process.

Attorney Tobin - I would be the point person but I might have an associate do research. You can reach out to our clients. I get calls all hours. And I respond to them constantly.

**Follow-Up: ON the letter writing. Do you have a paralegal section? With an eye to cost.**

Attorney McNulty - By our view, you are retaining our lawyers to provide those services.

Tobin - I have packages that contain all of the standard letters and I will train various people on how to use and implement those letters. I try to provide everything in a way that will allow districts to do some of the work themselves.

With no further business, the meeting adjourned at 9 am.

Documents used:

School Committee Interview Questions for Legal Counsel, November 2020

Minutes submitted by Ilana Krepchin

## **Personnel Subcommittee December 3, 2020, Remote**

Members Present: Ellenor Barish, Ilana Krepchin, and Laura Pitone

Also in attendance: Director of Human Services Mariana MacDonald, Director of Operations Joe Tringale, and Attorney James Pender

Ms. Krepchin called the meeting to order at 7:30 a.m.

Interview with Morgan, Brown & Joy, LLP

The Interview Committee used an agreed upon set of questions.

### **RE: LABOR RELATIONS / NEGOTIATIONS:**

**Briefly describe your approach to labor negotiations. Provide examples of how you have used it to achieve the goals and objectives of the organization.**

I work with the client. Sometimes I am the spokesperson at the table. In other situations, I am more behind the scenes and they consult with me between bargaining sessions. I'll review proposals. Sometimes I am at the table but not the spokesperson.

I have a lot of respect for the union and want to understand their goals, but at the end of the day, I represent the SC.

**Thinking back to your most successful collective bargaining negotiation what was the most significant factor that got you to "YES"?**

We all know negotiations can be protracted. Over the course of that time - you spend a lot of time with the other people at the table. You have to be able to respect and trust each other. We have a common goal of finalizing the contract. They have to trust that you are being honest, you aren't hiding things and you would hope for that from the other side. That working relationship is really helpful when both parties are making moves toward the resolution.

**Thinking back to your most challenging collective bargaining negotiation is there anything you would have done differently?**

With the Belmont School committee, the union was very aggressive in the last round of negotiations. They wanted to bring as many members/observers as they wanted. Wanted the general public to attend. We said no. We thought that was not bargaining in good faith - when you have a partisan audience in support of the union team. We need to be working just with the folks at the table. We took the right stance even in hindsight. We said we wouldn't bargain with that many people in the room. We had to

make some hard decisions. We were almost ambushed when we came in for the negotiation. We said we wouldn't bargain in these conditions. We said we will caucus in the next room. Let us know if you are ready to have them leave. They did. Then we sat down and had a good productive session without the initial gamesmanship. What happened was that they filed a complaint saying we weren't bargaining in good faith. The charges were dismissed but recognized that either party can bring a certain number of silent representatives. What's still fuzzy is the number of observers that can attend. I think we made the right decision and that getting through that allowed for a good negotiation.

**The Somerville Public Schools currently has eight labor unions and there is always some sort of negotiation in process. Depending on the issues, they may be described as collaborative or they may be described as less-than collaborative. What is your approach when things are less-than collaborative?**

Depends on the situation. What is the source of the issue/the problems? Sometimes you will have an adversarial relationship. The hope is that over the course of that the union will understand that the SC team is trying to reach a contract, not to be confrontational or argumentative. That there are values we have and will maintain our position and expect the union to as well. Mediation can be a helpful tool and is provided for in the collective bargaining law.

**REL ORGANIZATIONAL CULTURE / STAKEHOLDER MANAGEMENT:**

**Every School District and its Executive Board (School Committee) has its own unique culture and dynamics. What was the most difficult culture or set of dynamics you've worked with and how did you manage it to keep the organization focused on its goals and objectives?**

Sometimes on SC, not all the members have the same position. That can manifest in negotiations. You would hope that the SC members on the negotiation team can work well together and with the other team members. At the end of the day, you want to have similar goals. When the parties are at the table, I always advise clients that even if we don't agree, let's not voice that when the union is in the room. Let's wait until the caucus. We need to be unified.

**Thinking back to a time when you may have disagreed with an executive board or a time when a client was adamant about not taking your advice, how did you manage the situation and what was the outcome?**

As attorney for the SC, I don't set the agenda. If the SC team says this is what we want to do, I will offer an alternative, but at the end of the day it's the SC team. I will try to advance that goal even if I don't think it's the best option and I will do it in the best way I can. I will try to make sure the language is such that the downside is dampened.

**Can you think of an example of when you had to deliver legal counsel or advice to an executive board that you knew would not want to hear. How did you handle it and what was the result?**

Important reminder: don't shoot the messenger. I am there to provide the best advice I can. Someone on the team is very adamant about implementing something or wants to give the union a hard date. I will let them know what I think and what I predict will happen.

**Follow up: Can you think of an example of delivering news they don't want outside of negotiation context?**

In executive session, involving termination of a teacher. The district had good cause. Teacher filed a grievance. I have defended these cases and I believe the dismissal was appropriate. That said, the SC should consider whether we should settle with dollars so the teacher can move on so we can resolve in arbitration. Teacher had been there over 20 years with no discipline and good evaluations. Arbitrators are loath to sustain a dismissal of a teacher with no prior issues. In this case the teacher engaged in improper conduct but it was a tough case. The way the system is, it can be hard to dismiss especially if it's a long-term teacher. Happy to try the case but an arbitrator might view it through a different lens. Another issue is that we would have to call students as witnesses. Parents will be concerned. Teacher will be in the room during testimony. Students will be potentially retraumatized. We have to think about that as well. SC didn't want to hear this, didn't want to pay the teacher a dime, but I recommended settling.

**What do you see as some of the biggest challenges facing the key stakeholders of school districts (i.e. school committees, school administration, municipal leadership).**

With COVID every municipality is having fiscal concerns and that can drain the relationship between the SC and City Hall. There is always that tension with budgetary issues. Some have a better working relationship than others. We all know the mayor may have a very different opinion about what should be allocated to schools versus other priorities. Important to have regular communications. With regard to administration - you would hope there is a strong relationship with SC. Hope for candid discussion about any disagreements. Superintendent is there to implement SC policies. Monetary issues can affect the relationship between SC and superintendent.

**Bringing issues to "the court of public opinion" seems to be an increasingly common strategy in negotiations. Please share some examples that you participated in that were successful with in this arena, as well as ones that were less than successful.**

In recent years the MTA and local unions have been very savvy with going directly to the public to support their goals and wants. Growth of social media is a factor. Sometimes school districts don't have a strong presence or are reluctant to post on social media for various reasons. I tell the SC that if the district leaves that unchallenged, the public will believe what they read. If you don't have a strong social media presence, that might be something you want to rethink. Want to make sure posts are thoughtfully worded, but if the union is making things public and public isn't hearing anything to the contrary, they will believe what the union says. Not to say there are no restrictions on doing that. Ideally, we like to have ground rules that parties don't talk publicly about what's happening at the bargaining table.



## **STUDENT SERVICES:**

**Please provide an example of a complex matter involving student services that you were involved in and how you were able to navigate the issue and provide counsel to your client.**

When you talk about Student Services do you mean Special Ed? That is not something I do. Not something my firm does. That requires its own specialty within education law. I have been involved with terminations but not with 504s or IEPs. We do labor and employment. We do bus contracts, transportation, leasing of school buildings...

**Follow up: This could delve into things like bullying, sexual harassment, etc.**

We do absolutely help with that. With revisions to Title IX, we make sure policies are revised and make sure policies are compliant with the law. Also help make sure schools follow those procedures. One client - the HS principal has me on speed dial. He often calls me for my take. Regularly provide advice on that.

**Follow-up: How about student suspension hearings or OCR compliance issues?**

Yes, there have been changes to the law and I make sure the district is compliant with that. I deal with the OCR in resolving complaints. Definitely represent the district in responding to allegations. Those are difficult. Unlike DESE, when the OCR gets involved, they have a lot of resources and will almost parachute people in to investigate. Always try to give advice to help avoid OCR charges. Make sure the district has appropriate representation.

## **OTHER:**

**Describe a situation when you had to resolve a conflict through the Mediation process (individual staff or CBA). What was the outcome? Is there anything you would have done differently?**

Sometimes a teacher has a complaint. Sometimes it's a baseless claim or doesn't warrant the level of energy. Delicate matters. We always want to work with the principal or director of HR. Sometimes working with the union rep to resolve. Try to talk with those who are involved. Sometimes there is a situation where the teacher has to be disciplined. You want to make sure that happens appropriately. Important to make sure the union rep is there if you can and that all due process is accorded. Try to guide the principal to make sure the process is lawful. Make sure discipline is appropriate.

**Follow-up: Have you ever gone to mediation with personnel issues?**

I have not called in a third party mediator in that situation. I will try to have a side conversation with the union rep to try to resolve it. Sometimes they aren't resolvable. I want to make sure any discipline is appropriate. Always be prepared for the possibility that a grievance is filed and you might go to arbitration.

**Equity is the foundation of our work at SPS and SC for the last couple of years. Can you share an example of equity in action as legal council? What challenges do you see in the future for a School Committee and district sincerely committed to equity from a legal perspective?**

That is an appropriate focus. I provide advice as appropriate. I am supportive of those measures. We had a Director of Diversity and Inclusion who asked me to review policy from a legal position. I might offer revisions. If there is an internal complaint based on race or any other protected category I will support the district. There was a district that wanted two tracks with regard to hiring. "We want x percentage of teachers of color." That's fine as a goal but the structuring was very rigid. The way it was structured was legally problematic because there could be a reverse claim from a white applicant saying it was a rigid quota. I suggested changes to support the goal but keep it legal.

**What aspects of your knowledge, skills, abilities and professional experiences do you believe you will bring to this role and make you the best candidate for this position? Specifically in Somerville.**

I have a great deal of experience. I have worked with a number of different school clients. I work well and constructively as part of a team. I recognize the challenges of collective bargaining and the new tactics we are seeing with more frequency. I provided a list of references and welcome you to contact them. I don't pretend to know every answer. Sometimes I have to do some research. I think the districts I work with would see me as helpful and responsive, supportive of their goals. Try to be proactive. With regards to Somerville. I know the community somewhat. Both my sister and brother went to Tufts. I have friends who live there. I admire the community. It's vibrant and progressive and offers a lot. I recognize it is not a small suburban school district and has its own unique identity. I know the issues Somerville has will be different from those of other districts I represent.

**You are (a) named partner(s) in your firm. Who do you propose will be working with Somerville? In what situations would we be working with other associates or team members?**

I would be the point person answering calls and attending meetings. We have a deep bench here. On the first page of the packet I sent are clients I work with directly. Colleagues are helpful and collegial. I can always bounce a question off someone. If I have a conflict there is always someone who can fill in. I will make sure they are well prepared. Other attorneys and resources are helpful.

**Follow-up: In normal times we have executive session once per month in the evening but now they are at 7:30 in the morning and more frequent. Our HR department will need a review of a letter. There could be a grievance hearing, etc. What should we expect?**

I pride myself on being responsive and available. I have no problem with early morning meetings or late evening meetings. I make sure that if something is on the calendar, I will be there. In August a lot of districts were entering into MOAs. I was involved in some real marathon sessions. I do what is required. Certainly not a 9-5 person. Even weekends.

With no further business, the meeting adjourned at 9 am.

Documents used:  
School Committee Interview Questions for Legal Counsel

Minutes submitted by Ilana Krepchin

**Personnel Subcommittee  
December 16, 2020, Remote**

Members Present: Ellenor Barish, Ilana Krepchin, Laura Pitone, Carrie Normand, Andre Green and Emily Ackman  
Also in attendance: Director of Human Resources Mariana MacDonald, Director of Operation Joe Tringale, Superintendent Mary Skipper, Assistant Superintendent Chad Mazza and Attorneys Michael J. Maccaro, Felicia S. Vasudevan, and Andrew Waugh

Ms. Krepchin called the meeting to order at 7:30 a.m.  
Interview with Murphy, Hesse, Toomey, & Lehane, LLP  
The Interview Committee used an agreed upon set of questions.

**Please explain your work-flow: who handles what types of cases and what is your availability for handling calls on evenings or weekends?**

Attorney Waugh: we have a point of contact at firm, but we work as a team. We have specialists on discrimination so we may bring one of our members to work on that. As an initial matter we usually have one contact person and then work will be filtered out.

Attorney Vasudevan: we are always available on nights and weeknights – available to speak at any time.

**Please explain how you decide whether to take a lawsuit to court or to settle it with the insurance company?**

Attorney Maccaro: we take our queues from you; we let you know what the risks are; that could be a number of things, we describe all to you.

**Tell us about a time when a client was adamant about not taking your legal advice. What was the situation, why did they not want to accept your advice and what was the outcome?**

Attorney Vasudevan: we've given advise to not go to litigation and we have those discussions. Once they make decision it's all steam ahead and do our best to represent you. We're going to defend your decision

Attorney Waugh: we've had situations where the issue got challenging where the client was feeling that the employee should be terminated and we advised pros and cons; at the end of the day the client makes decision and we go full steam ahead. Our job is to give you our best, the best sense of the case and carry out the wishes of the client.

**The District has many stakeholders (i.e. School Committee, Board of Aldermen, Municipal Governance, Students, Parents and Guardians, labor unions, etc.) Describe some of the challenges you have had to overcome working with a key stakeholder to achieve District and School Committee goals.**

Attorney Waugh: one example I can think of is brand new; structured learning time that the state just rolled out and about 1/3 of districts may not be compliant and it requires that they come into compliance by 1/19/20. All reopening agreements have to be re-negotiated. If you have a relationship with the union, you can talk to the union and work towards a goal and at the same time we need to make sure there is more learning time. This is an example of juggling more stakeholders.

**Tell us about a time when you successfully made an equity argument to support a district's negotiating position during union negotiations.**

Attorney Waugh: one of the things we do when we are in Collective Bargaining is we get feedback from clients. I've had situations where clients have said we don't have sufficient prep time and it's impacting teachers' ability to prep for classes and impacting education for children.

**Our Equity policy in Somerville has declared we focus on racial equity those have a tendency of getting sued have you had experience defending racial justice?**

Attorney Vasudevan: best defense is to prevent it from going to court, so create a policy that is equitable.

Attorney Waugh: there are no guaranties about getting sued. It's best to spend time so that policies are up to date. If we can draft a policy to comply it's going to put you in the best place.

**You've sat at the table with many labor unions and negotiated many collective bargaining agreements and addressed many labor issues: What would your current clients say are your strengths? What would they say are your weaknesses? What would the union representatives associated with these unions say are your strengths? What would they say are your weaknesses?**

Attorney Maccaro: everyone has their own style in bargaining so it's what works for you and your client. I keep a calm demeanor; my tone does not get above what I'm doing now.

Attorney Waugh: you have to reflect your own personality, I've had to bang a table at times but I try to keep an even keel and try to keep client calm. That helps with unions as well, you need to signify approachability and seriousness. Because we have been doing this for so long that we know who's on the other side and we have mutual respect and working relationship with most of them. If we need to have an offline conversation, we can do that.

**Similar to the previous question, what would your clients say are your strengths and weaknesses when it comes to student services?**

Attorney Vasudevan: we have a very good understanding of the law and know how to apply it to each scenario. We work well using the knowledge to a solution that the school feels comfortable with when there's that school gray area we want to do well with the student and yet defend the school district.

**What advice would you give to a district seeking to push the envelope on policies regarding hiring in the interest of hiring staff that reflect the diversity of their student population and limiting the impact of unconscious bias?**

Attorney Waugh: policy needs to be up to date and assuming you did that you should be able to defend a hiring. Unconscious bias requires training for staff.

**Why do you want to serve as the general legal counsel of the Somerville School Committee?**

Attorney Vasudevan: I love Somerville; enjoy working with Christine and been impressed with commitment to equity and your diverse population. It's an innovative district that is willing to break barriers. This makes it an exciting district to work with.

With no further business, the meeting adjourned at 8:15 am.

Documents used:  
Additional Legal Questions

Minutes submitted by Ilana Krepchin

**Personnel Subcommittee  
December 17, 2020, Remote**

Members Present: Ellenor Barish, Ilana Krepchin, Laura Pitone, Carrie Normand, Andre Green and Sarah Phillips  
Also in attendance: Director of Human Resources Mariana MacDonald, Director of Operation Joe Tringale, Superintendent Mary Skipper, Assistant Superintendent Chad Mazza and Attorneys Elizabeth Valerio and Nicholas Dominello

Ms. Krepchin called the meeting to order at 7:30 a.m.  
Interview with Valerio, Dominello & Hillman, LLC  
The Interview Committee used an agreed upon set of questions.

**Please explain your work-flow: who handles what types of cases and what is your availability for handling calls on evenings or weekends?**

Attorney Valerio: We don't leave you hanging, we take call on Sunday, 11 at night, in the morning 5:30 calls, we take them when you need us not a 9-5 office. We are responsive to your needs.  
Attorney Dominello: If I can't get to you, we get someone else to help you as quickly as possible.

**Please explain how you decide whether to take a lawsuit to court or to settle it with the insurance company?**

Attorney Dominello: when something comes in re labor relations; we could go to arbitration. If it's an EEOC, we would direct you to notify insurance company but we would work with you and insurance company. Sometimes you need to go to litigation when the opportunity to settle does not come up, but if it can be settled we go that route, but ultimately it's your decision.  
Attorney Valerio: it's your decision ultimately. Sometimes it's a business decision because of the cost of litigation. We let you make an informed, business decision. Some things you can't settle but other things you can, but those are your policy decisions.

**Tell us about a time when a client was adamant about not taking your legal advice. What was the situation, why did they not want to accept your advice and what was the outcome?**

Attorney Dominello: there is a financial cost of doing litigation but also has a personnel cost because you need your people to be there too. Through a mediation, if possible settlement could come up that would be less costly. Committee may not want to settle because of policy and we would say that it would be costly. After giving all this information, we would do what the client says

**The District has many stakeholders (i.e. School Committee, Board of Aldermen, Municipal Governance, Students, Parents and Guardians, labor unions, etc.) Describe some of the challenges you have had to overcome working with a key stakeholder to achieve District and School Committee goals.**

Attorney Valerio: we work for the school committee and work closely with the administrative team. We try to remind everyone of the consequences; union responses to actions are because of the choices school committee decides. I always ask whose change it is and how it impacts the students not just the cost. There are lots of ways we look at things: policy development, how it impacts students, parents and educators. Ultimately, it's up to School Committee: how you spend money, implement and determine what kind of district you have.

**As a School Committee, we've made the conscious decision to focus on addressing racial inequity in education. To that end, we may be passing policies that explicitly discuss race and racial injustices. We can expect those policies will be challenged in court, given the current environment. Do you have experience defending racial justice efforts or how would you tackle that work?**

Attorney Valerio: we will start on how to develop your policies, to make them court proof. It matters how you implement them. We work with districts to achieve goals.

Attorney Dominello: we would not implement a policy that would be flipped in court. Court proceedings are long / 5-8 years. We would want to make sure that it's the best that it could be.

**Can you discuss an innovative policy that you helped a district to craft?**

Attorney Valerio: one of our districts wanted to create a program for SPED students who are aging out; wonderful idea to provide a store in their own community that they could work in and manage; it was brand new and we helped then develop this idea; it's been operating for one year.

**What advice would you give to a district seeking to push the envelope on policies regarding hiring in the interest of hiring staff that reflect the diversity of their student population and limiting the impact of unconscious bias?**

Attorney Valerio: goes back to a policy and training and implementation to achieve goals. Recruit in areas like current high school students (creating a pipeline); do recruiting other than just posting on schoolspring. Policies without implementation gets you nowhere.

**You've sat at the table with many labor unions and negotiated many collective bargaining agreements and addressed many labor issues: What would your current clients say are your strengths? What would they say are your weaknesses? What would the union representatives associated with these unions say are your strengths? What would they say are your weaknesses?**

Attorney Dominello: we are always fully prepared and work with you ahead of time. Establish goals, go through funds and explain that to union. We need to explain the 1% increase, simply saying no doesn't work. Explain the money so that they understand; we explain the why.

Attorney Valerio: we are careful to draft the language so we don't create misunderstandings, I include examples. I don't want them to think that the district put one over us. We make sure the language says what it means. We always do make sure they understand our reality on financial standing. We explain what the issue is and explain the data. I look at data, there is no substitute for teacher being present, we use data to respond to requests on how it impacts the students.

Attorney Dominello: We pride ourselves on open communications, there is a built up trust with unions, we can call and talk to them and bridge a gap when there is a gap. This is a relationship that comes with years of communication.

Attorney Valerio: there are some things you don't bargain, we are very clear on bargaining impact and some decisions rely solely on your management rights.

**Similar to the previous question, what would your clients say are your strengths and weaknesses when it comes to student services?**

Attorney Valerio: our strength is that we are responsive and we give good advice and options. We help our clients draft notices, suspensions, find alternative programs for students. Sometimes we work with other districts, we don't give up on our students, we help our administrators to make sure they do it correctly so they come up with outcomes that work for students.

Attorney Dominello: what is in the best interest of the student is where we begin. How do we advance and protect the student. We are very cautious and protective of your students.

**Why do you want to serve as the general legal counsel of the Somerville School Committee?**

Attorney Valerio: Every child can succeed, Somerville has minority majority and that is very exciting. Something I've never seen is a student that can't succeed. Every child can succeed and we should never look at a student and say that this is their limitation. I would be very comfortable working here.

**Follow up: how would you paraphrase the differences between your urban districts vs suburban. We are a little unique as we have a broad demographic, theirs is no one demographic that explains our city.**

Attorney Dominello: every district has its own challenges. We see a lot of different challenges, but on the surface like in the pandemic, we all have the same struggles ie: to have students have technology, etc. Variety of challenges in different groups.

**Follow up: we try to be as proactive as we can, we are in unchartered territory with pandemic what are a couple of things a couple areas that you need to be sure to be prepared**

Attorney Valerio: regular work needs to continue it's never a one and done. Those things have to be brought up because some of the things were put aside because of the pandemic. It's been a year of challenges.

With no further business, the meeting adjourned at 8:30 am.

Documents used:  
Additional Legal Questions

Minutes submitted by Ilana Krepchin

**Personnel Subcommittee  
December 18th, 2020, Remote**

Members Present: Ellenor Barish, Ilana Krepchin, Laura Pitone, Carrie Normand, Andre Green and Sarah Phillips

Also in attendance: Director of Human Resources Mariana MacDonald, Director of Operation Joe Tringale, Superintendent Mary Skipper, Assistant Superintendent Chad Mazza and Attorneys Michelle McNulty and Paige Tobin.

Ms. Krepchin called the meeting to order at 7:30 a.m.  
Interview with Muprhy, Lamere and Murphy  
The Interview Committee used an agreed upon set of questions.

**Please explain your work-flow: who handles what types of cases and what is your availability for handling calls on evenings or weekends?**

Attorney McNulty: I am lead counsel for labor and employment and am the contact person but I will utilize others based on their expertise. We are extremely responsive and recognize that it is a 24/7 world.

Attorney Tobin: I would be lead for student services and have 3 associates in this area who provide support. It is our practice that all of our clients have our cell phones.

**Please explain how you decide whether to take a lawsuit to court or to settle it with the insurance company?**

Attorney McNulty: In all matters, we counsel from very beginning about pros and cons of litigation, nothing is a sure thing. When we are at litigation, we work with insurance defense if insurance comes in, but will continue to advise client.

Attorney Tobin: in terms of SPED I think it is important that education is a relationship and almost akin to divorce, there is a big custody battle that ruins the family. If you go to hearing, you still need to work and have relationship with that family until the child graduates so keeping relationships is important. I believe that it can take a long time to make sure teachers are comfortable in the process because they develop a deep relationship with their students. Money is always a part of it. In terms of civil rights, defending students and school districts is very important.

**Tell us about a time when a client was adamant about not taking your legal advice. What was the situation, why did they not want to accept your advice and what was the outcome?**

Attorney Tobin: I have had clients not like my advice. If a situation does not go well my job is to help fix it. You have to support your client and work with them to make their decision okay (even if their decision goes against my advice)

**The District has many stakeholders (i.e. School Committee, Board of Aldermen, Municipal Governance, Students, Parents and Guardians, labor unions, etc.) Describe some of the challenges you have had to overcome working with a key stakeholder to achieve District and School Committee goals.**

Attorney McNulty: there are times where SC and Superintendent may not be on the same page for all matters. Sometimes SC is at odds with municipal government. We try to build bridges. We try to assist client to work out these issues and help figure out who has the authority under the law.

**Tell us about a time when you successfully made an equity argument to support a district's negotiating position during union negotiations.**

Attorney McNulty: we talk about equity in negotiations all the time to be fair to all our players across the board. We look at equity on delivery of ed services to students.

**As a School Committee, we've made the conscious decision to focus on addressing racial inequity in education. To that end, we may be passing policies that explicitly discuss race and racial injustices. We can expect those policies will be challenged in court, given the current environment. Do you have experience defending racial justice efforts or how would you tackle that work?**

Attorney Tobin: look at our policies because racism comes from policy so go back with a focus on equity and social justice. I've been looking at policies with our clients. Another important piece is training. Make sure that people understand how to apply and implement your policies. I've been accessible because these things happen quickly and administrators are tasked with so many things at once. Little things build up and clients can call or text me and I can provide on the spot advise and to make sure everyone is consistently trained and not just at the beginning of the year. Systemic review is something I help with as well.

**Can you discuss an innovative policy that you helped a district to craft?**

Attorney Tobin: Dress Code policy being general neutral. Now it's more common. I worked on it 6-8 years ago. I am working now on policy having to do with discipline and trying to focus on what the reasons are for the disparities in discipline rates in urban districts.

**What advice would you give to a district seeking to push the envelope on policies regarding hiring in the interest of hiring staff that reflect the diversity of their student population and limiting the impact of unconscious bias?**

Attorney Tobin: one of the challenges is finding a diverse pool of candidates. One of the issues is to have as much as possible a blind hiring policy so you can bring a broad spectrum of candidates and bring an open mindedness

Attorney McNulty: the bulk of what I do is negotiation and I advise clients but main table negotiations take most of my time. I can engage in traditional negotiations; we always get a contract but the last few years there's another way of doing it: your union needs the same relationships, you have to have respect but it does not mean you have to give up management rights. Interest based bargaining works because it builds respect: we can often settle in 5 sessions; we ask questions like why you want change and what's broken with what we have now?

**Follow-up: is there a role for students in interest-based bargaining.**

Attorney McNulty: Students are the foundations of all bargaining. All proposals come down to students as we are there to serve the needs of our students and that is at the core of every proposals.

**You've sat at the table with many labor unions and negotiated many collective bargaining agreements and addressed many labor issues: What would your current clients say are your strengths? What would they say are your weaknesses? What would the union representatives associated with these unions say are your strengths? What would they say are your weaknesses?**

Attorney McNulty: I'm direct and respectful. My integrity indicates that I will not give up on their management rights. My weakness is that after they have made no movement after a few meetings, I'm quick to say let's get a mediator because sometimes it's valuable to get a neutral person that can assist the process.

**Similar to the previous question, what would your clients say are your strengths and weaknesses when it comes to student services?**

Attorney Tobin: the strength is my passion for the work, I love what I do, I give and take classes that relate to school law. I have curiosity and participate in national policy discussions. I bring a perspective that is local so I understand the culture when I make decisions. I see my role as a counselor and not just someone who gives legal advice.

**Why do you want to serve as the general legal counsel of the Somerville School Committee?**

Attorney McNulty: we love what we do. We've been doing this for years. I believe it's a privilege to represent school districts, to be able to assist a district is what is important to me and it is my passion. We looked at your community we saw it as something that would work.

Attorney Tobin: I echo that. I have a passion to work with urban districts and again educational equity is something that should be at the forefront.

**Follow up: What specifically about Somerville appealed to?**

Attorney McNulty: we represent other urban districts; the size of your district did not seem daunting so it would fit in my caseload as being lead negotiator. Paige also looked at size and make up of your district. What I mean is number of schools, etc.

We are not in the habit of over-extending ourselves, we look at to see if we can handle and do well without diminishing our work with our existing base. We don't enter lightly into application to new counsel.

With no further business, the meeting adjourned at 8:20 am.

Documents used:  
Additional Legal Questions

Minutes submitted by Ilana Krepchin

## **Finance and Facilities 11/18**

Meeting called to order at 6:00pm In attendance were A. Green, I. Krepchin, E. Barish. Also in attendance were Asst. Superintendent Mazza, Director Gorski, and Director Parabello

The first item on the agenda was reviewing the status of so called "Revolving Funds." CS is normally fee based and self sustaining. In the absence of access to the buildings their revenue is down. The change in programming has kept some revenue coming in, and they have a reserve from prior years. That coupled with conservative spending (no field trip buses, holding off on specialized clubs, etc) may avoid a year end deficit if either by expanding/continuing service during the winter, either by continuing outside services, or ideally, by returning to the buildings.

Similarly Food Services is seeing a crash in revenues since we've been out of the buildings. As we continue to provide food to families, we are still receiving some federal reimbursement but far less than normal. Additionally the City of Somerville and Somerville Public Schools have jointly agreed to make every effort to not lay people off during this crisis. To that end, depending on when we return to in person learning, we may face a budget shortfall for food services of as much as \$600,000 which the City has pledged to cover, but obviously has ramifications for seeking additional funding for other priorities.

We then moved onto the expense report. Special ed and transportation spending is down due to remote learning, but we have every reason to believe that they will return to normal once in person learning commences. During the COVID spending update Director Gorski updated us on efforts to shift COVID Grant spending to free up a grant which we have till 2022 to spend as opposed to CARES, which must be spent by the end of the year.

After review, Ms. Barish moved to approve the October Bill Roles. The motion was seconded by Ms. Krepchin and passed unanimously. We adjourned the meeting at 7:04pm