

**Amherst School Committee Meeting
Wednesday, February 15, 2017
Library, Amherst Regional High School**

IN ATTENDANCE

Katherine Appy, Chair
Phoebe Hazzard
Anastasia Ordonez
Eric Nakajima
Vira Douangmany-Cage

Mike Morris, Interim Superintendent
Faye Brady, Student Services Director
Sean Mangano, Finance Director
Press
Debbie Westmoreland, Recorder

1. Call to Order

6:01 p.m.

Ms. Appy called the meeting to order at 6:01 p.m.

2. Announcements and Public Comment

6:02 p.m.

There were no announcements or public comments.

3. OML Complaint Response

6:02 p.m.

DOCUMENT: Response Letter from Counsel (draft) dated February 2017

Ms. Appy read aloud a draft letter prepared by district counsel in response to an Open Meeting Law complaint filed against the Amherst School Committee by Larry Kelly. After the reading, Ms. Appy opened the floor for comments. Ms. Douangmany Cage asked that the response include minutes of the meetings in 2017 at which the School Committee took a vote on the project, including the minutes from the meeting of February 6, 2017 at which the committee voted on whether to withdraw from the process. She also noted that the School Committee members who were part of the complaint should include the original, unredacted emails from their private accounts. Ms. Ordonez stated that she does not agree that members should have to give up their personal email correspondence from times in which they were acting on their own personal business. Mr. Nakajima stated that if Ms. Douangmany Cage does not agree with the premise of the counsel's response, it would be a more fruitful conversation if that were stated. Ms. Douangmany Cage noted that there were comments made in the emails about her position about the project that she believes constituted an open meeting violation. Ms. Appy stated that she does not agree and noted that any discussions/statements were made in the role of Town Meeting members rather than School Committee members. Discussion followed during which Ms. Douangmany Cage stated that she may file her own Open Meeting violation complaint if the emails are not included in the response. Ms. Douangmany Cage stated that it alarms her that there may have been prior communication between some members that the other School Committee members were not aware of. Larry Kelly, complainant, stated that he did not redact the document that was included in his complaint but rather received it in that condition from an anonymous source sent from a Jones Library computer. Ms. Ordonez suggested edits to four sentences of the letter. Mr. Nakajima noted that he did some research about Town Meeting and Open Meeting Law. He said he is supportive of the statement presented tonight. Mr. Nakajima stated that from what he observed there was a great deal of politics happening on both sides of the building project issue. He said that he does not see a clear argument that what was done is illegal.

Ms. Ordonez then read the following statement:

In the weeks leading up to the Special Town Meeting on January 30 to consider the question of funding the town's portion of the proposed new school buildings project, I participated in conversations with many people around town to identify the kind of factual information Town Meeting members needed about the project, and how to get that information before them.

I am deeply sorry if my enthusiastic and vocal support for this project has offended some in this community. Please know that prior to expressing my support for the project last year, I was careful to learn the boundaries of my elected role and how my public responsibilities would impact this work. I don't believe I have violated any law, nor have I used my elected position to improperly influence anyone in favor of this, or any other, project.

But though I do not wish to offend anyone in our community, I have to say that I am deeply concerned by the types of accusations that have been launched against me and my colleagues for supporting this project. We may not agree on the topic, but it is within our rights to take positions on issues that we're not deliberating upon as a Committee. And it is highly inappropriate to imply that members of this committee have committed illegal acts or have acted unethically because they dared to express their position on a matter that is not actively before the Committee.

In my ten months on this committee, I have noticed that some committee members are repeatedly ridiculed and shamed, accused of wrong-doing without proof, and portrayed in Machiavellian terms. I will not speak for my colleagues, but I can assure you that my only interest in supporting this effort is to ensure that our students and our community have access to great schools now and in the future.

As required by Open Meeting Law and as you have heard here tonight, the Amherst School Committee will respond to this complaint, and the Attorney General's office will determine if my actions violate Open Meeting Law. I will cooperate with the Attorney General's response, and look forward to their determination. I truly hope that we can get past the divisive accusations that have shadowed this project for too long.

Ms. Appy read the following statement:

Our attorney's statement makes patently clear that there has been no violation of OML. Town Meetings are exempt from OML. Here the issue was a financial article before Town meeting and not a matter before school committee or within school committee jurisdiction. Therefore, I believe this OML charge merely serves as a distraction from an important question before our community—whether or not we will provide our students and teachers with the new schools they so desperately need. I don't know if this action is a purposeful distraction, however I do know this: in my six years of serving on school committee the complainant and others have opposed and attacked hard working people on the committee more times than I care to count. This complaint seems just the latest in a long line of attacks on the character and motivation of people based on their public service. This kind of public discourse is a terrible model for our community and most especially for our children.

Ms. Hazzard read the following statement:

According to the Attorney General's Open Meeting law guide, "With certain exceptions, all meetings of a public body must be open to the public. A meeting is generally defined as 'a deliberation by a public body with respect to any matter within the body's jurisdiction.'"

There was no communication in the referenced emails about business that was within the school committee's jurisdiction. The content of the cited emails involved an article coming before town meeting regarding appropriation of funds for the school building project. The school committee's jurisdiction in regards to the elementary building project involved voting on the configuration of the schools as part of the educational plan, and this vote occurred in January, 2016. The school committee never had or will have jurisdiction over the appropriation of funding.

As a school committee member, I am very cognizant of open meeting laws and extremely careful about ensuring that my communications are never in violation. In the referenced email thread, I was participating as a community member on my private email. I am a parent of young children in the schools and I am a taxpayer in this town. I have friends who teach at and friends whose kids attend these educationally problematic school buildings everyday. I have friends who have children with special needs who are bused out of their district. They are all desperate about the results of the votes. As a community member who wants the best for our town and the children in our schools, with the knowledge of the negative ramifications of this town meeting article not passing, I felt it was my ethical obligation as well as my right to support its passage.

For people to attempt to suppress me from doing so via scare tactics and political maneuvering is shameful. I reject such operating and I will not allow it to guide my actions.

Ms. Douangmany Cage suggested that the statements made by Ms. Ordonez, Ms. Appy and Ms. Hazzard should be included in the response to the Attorney General to inform him about their thinking regarding their actions. She noted that her statements in the minutes of tonight's meeting will reflect her opinion on this matter. Ms. Appy asked for a motion on the response. Ms. Ordonez moved to accept the response, with edits, to the open meeting law complaint. Ms. Hazzard seconded and the motion passed with four in favor and Ms. Douangmany Cage abstaining.

3. Discussion about Amherst School Committee Requesting Additional Funds from BCG 6:39 p.m.
For Equity Considerations

Dr. Morris noted that there was some discussion at the February 6 meeting about whether to approach BCG to request a change in the Charter funding to support additional preschool, the Newcomer Center, and to eliminate busing of special needs students since the schools proposed budget has an increase of only 1.7% due to Charter funding instead of the 2.5% guidance provided by the Town. He noted that there would not be sufficient funding to support all three initiatives so it would be beneficial to have guidance from the School Committee about which is preferable to pursue. Ms. Appy expressed support for having the Building Blocks Program in all three schools to eliminate having to bus students for the program. She noted that having the special educators in all three buildings would also be beneficial to general education in the buildings. Ms. Douangmany Cage asked how many students are in the Building Blocks program. Dr. Brady said the projected number for next year is 20. Dr. Morris noted that the program would be more flexible if it were in more than one building. At Ms. Hazzard's request, Dr. Brady explained what the Building Blocks students' experience is like, noting that students tend to get more extensive services when they are younger so they develop skills that help them be more and more included as they move through the grade levels. At Ms. Ordonez's request, Dr. Morris described the other two possible equity considerations for funding. He noted that with a Newcomer Center, ELL staffing would be increased at each building in order to enable the teachers to better meet the needs of ELL students at both ends of the spectrum. The preschool option would be to add an additional preschool section at Crocker Farm. Ms. Ordonez noted that it would be beneficial to have information in advance of the meeting in order to have an informed discussion about these options. Mr. Nakajima noted that if we are going to request that the Town deviate from the allocated funding for the elementary schools, the case made will need to be very complete. He said that while the authority lies with the School Committee, there are constituents who would have significant interest in the possible requests. Within the context of the many other things the School Committees are dealing with this year, he is not sure a one-time request for funds above the guidance will be well received. Ms. Appy noted that if a compelling argument can be made, which she believes it can, it is incumbent upon the School Committee to advocate for the needs of the students and families in the district. She noted that it is a short timeline, but she would rather make the request, than not, in order to start providing the things we know students need. Ms. Hazzard stated that these three considerations have been in the forefront of community conversations throughout the building project process. She noted that while the committee may not have all the information they might like, the only other option to asking for the funds is to not ask, and therefore

definitely not get the funds. Dr. Brady and Dr. Morris noted that a group could be convened to pull together a report on any of the three options. Ms. Douangmany Cage noted that she would need to be provided with information that shows that the Building Blocks Program is a stellar program. She suggested that there are other things already being done in the district that could be strengthened by additional funding. At Ms. Appy's request, Mr. Mangano explained how the Charter Funds impact the increase the schools are allocated. Ms. Ordonez noted that she does not feel that the School Committee has enough information to proceed and encouraged Dr. Morris to have his team pull together more information to allow the committee to advocate. Dr. Morris noted that he is happy to do so unless the committee is disinterested in moving forward. Ms. Appy asked if the committee is supportive of asking Dr. Morris to move forward with developing additional information and, after further discussion, there was consensus that this should be tabled. Ms. Douangmany Cage thanked the Chair for bringing these three most vulnerable populations to the School Committee's attention.

4. Vote on Immigration Resolution

7:47 p.m.

DOCUMENT: Amherst Public Schools Resolution--Rights of Undocumented Students and Protocols for ICE Access to Students

Mr. Nakajima moved to approve the Amherst Public Schools Resolution--Rights of Undocumented Students and Protocols for ICE Access to Students and Ms. Hazzard seconded. Mr. Nakajima spoke about the importance of the School Committee making a strong statement about how we value all of our neighbors and about the importance of the guidance this resolution provides regarding the districts' response if there is an ICE incident in the schools. Ms. Douangmany Cage asked if the district could be an "ICE free" zone, meaning that ICE would not be admitted even with a signed warrant. Dr. Morris noted that it would be breaking the law to refuse a signed warrant. Discussion followed, with Dr. Morris noting that parents would be notified any time ICE came to the school in accordance with district policy. Ms. Douangmany Cage noted that the district should think about protocols around school field trips and buses. After discussion, the motion was unanimously approved.

6. Adjourn

7:54 p.m.

Mr. Nakajima moved to adjourn at 7:54 p.m. Ms. Ordonez seconded and the motion was unanimously approved.

Respectfully Submitted,
Debbie Westmoreland