



LOWELL SCHOOL COMMITTEE

REGULAR MEETING MINUTES

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| Date: | December 07, 2022 |
| Time: | 6:30PM |
| Location: | City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA 01852 |

Members of the public may view the meeting via LTC and those wishing to speak regarding a specific agenda item shall register to speak in advance of the meeting by sending an email to the Superintendent indicating the agenda item, a phone number and email address so we can provide a zoom link to access the meeting. Email address is mpalazzo@lowell.k12.ma.us. If no access to email you may contact us at 978-674-4324. All requests must be submitted before 2:00 p.m. on the day of the meeting.

1. SALUTE TO FLAG

2. ROLL CALL

On a roll call at 6:38 p.m., members present were, namely: Ms. Delrossi, Ms. Doherty, Mr. Lay, Ms. Martin, Ms. Thompson and Mayor Chau. Ms. Chhoun was absent.

3. SPECIAL ORDER OF BUSINESS

3.1. An Executive Session May Be Called to Discuss Collective Bargaining, Strategies and/or Possible Litigation Under Open Meeting Law, Chapter 30A, Section 21 (A) (B), 2, 3 Of The Commonwealth of Massachusetts General Laws. Open Meeting Discussion May Have a Detrimental Effect on the Bargaining or Litigating Position of the Public Body.

Ms. Doherty asked the Mayor for a point of Personal Privilege. She asked that he following statement be added for the record: "Ms. Martin and herself co-sponsored a motion for tonight's agenda. Despite being timely submitted per school committee rules; the motion was not included in the Agenda when it was posted on Friday. On Monday morning, well within the 48-hour Open Meeting Law requirement, I issued a formal complaint in writing to the Mayor, the Superintendent as our appointed secretary, and the Acting City Solicitor protesting this unprecedented, totally unwarranted action. Still our joint motion was not put on the Agenda, depriving us of our right to bring matters for timely discussion before this board and the community we serve. According to Robert's Rules of Order:

- All members have equal rights, privileges and obligations
- Full and free discussion of every main motion is a basic right



As we know, many things can happen to a motion: it can die without a second (unless, of course, it is a joint motion as this was); it can pass by majority vote or fail, it can be amended, withdrawn, deemed out of order, sent to Executive Session etc. What cannot happen is what occurred: the removal of a motion without input from the committee! I would also like to bring to the board's attention to a disturbing pattern: that is, depriving us of important information we need to make decisions in the best interests of our students, families, and staff. I'm speaking about letters to the board that the Superintendent has failed to put on the Agenda under Communications as required. This occurred in September when the Lowell Board of Health sent us a letter regarding concerns around immunizations. That letter only ended up on the Agenda because a nurse reached out to me to inform me of it. I had to make multiple calls to get it included. As Glenn Koocher, Executive Director of the Massachusetts Association of School Committees, advised us last week: if a communication is sent to the School Committee, it needs to go on the agenda--with the only exception being for privacy reasons such as student names etc. We have received two (2) letters since our last meeting that are not on the Agenda tonight—one (1) from the former City Solicitor and one (1) a resignation from an esteemed, long-term employee. I do not believe there is any authority for the above actions and would like these comments to be included for the record."

Ms. Martin stated that she also shared the concerns that her colleague stated. She stated that as a member of this Committee one (1) of the things that the Committee can do is make a motion and have the body take action. She stated that she has seen inappropriate motions that have been on the agenda in the past and when that happened she voted no or the motion died by lack of a second, but it did appear on the agenda. She stated that professional courtesy wasn't given and that this will need to come back for a vote in a public meeting.

4. MINUTES

4.1. Approval of the Minutes of the Regularly Scheduled School Committee Meeting of Wednesday, November 16, 2022

Ms. Delrossi made a motion to accept and place on file the minutes of the Regularly Scheduled and Special School Committee Meetings that were held on Wednesday, November 16, 2022; Tuesday, November 22, 2022, and Wednesday, November 30, 2022; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

4.2. Approval of the Minutes of the Special Meeting of the Lowell School Committee Meeting of Tuesday, November 22, 2022

Ms. Delrossi made a motion to accept and place on file the minutes of the Regularly Scheduled and Special School Committee Meetings that were held on Wednesday, November 16, 2022; Tuesday, November 22, 2022, and Wednesday, November 30, 2022; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED



4.3. Approval of the Minutes of the Special Meeting of the Lowell School Committee Meeting of Wednesday, November 30, 2022

Ms. Delrossi made a motion to accept and place on file the minutes of the Regularly Scheduled and Special School Committee Meetings that were held on Wednesday, November 16, 2022; Tuesday, November 22, 2022, and Wednesday, November 30, 2022; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

4.4. Approval of the Minutes of the Special Meeting of the Lowell School Committee Meeting of Wednesday, November 30, 2022

Ms. Delrossi made a motion to accept and place on file the minutes of the Regularly Scheduled and Special School Committee Meetings that were held on Wednesday, November 16, 2022; Tuesday, November 22, 2022, and Wednesday, November 30, 2022; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

5. PERMISSION TO ENTER

5.1. Permission to Enter: December 7, 2022

Ms. Doherty made a motion to approve the Permission to Enter: seconded by Ms. Thompson. 5 yeas, 2 absent (Ms. Martin, Ms. Chhoun) APPROVED

6. MEMORIALS

6.1. Retired Title One Administrative Assistant Mary F. Slattery

6.2. Michael Netishen, Father of Moody School Teacher Ellen Netishen

6.3. Michelle Kanan, Sister of Former School Committee Member Mr. Bob Hoey

7. MOTIONS

7.1. **[By Connie Martin]:** Requesting a meeting of the Personnel and Labor Relations Subcommittee for the purpose of finalizing the Superintendent's goals for the 22-23 school year.

Ms. Doherty made a motion to ask that all members be notified when the meeting is.

Ms. Martin made a motion to approve; seconded by Ms. Doherty. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

7.2. **[By Stacey Thompson]:** Request the Superintendent provide an update on efforts to support children and families affected by the water main break on Father Morissette Boulevard, including any relevant community service and volunteer opportunities for LPS students.

Ms. Thompson made a motion to approve; seconded by Ms. Doherty. 6 yeas, 1 absent (Ms. Chhoun) APPROVED



8. REPORTS OF THE SUPERINTENDENT

8.1. Budget Update & Status Report On Biweekly Payroll Conversion

Mr. Georges, registered and spoke on this agenda item. He shared his opposition with regards to starting this in January instead of June.

Ms. Turner, Chief Financial Officer provided a report to the Committee informing them that in April 2022, the City Council was provided with a management letter from the FY21 audit by Powers & Sullivan that stated there should be a review of the internal controls in place surrounding the current payroll process focusing in on the areas that needed to be strengthened. The City Council's Finance Subcommittee met to discuss the payroll issues including the need to convert to a bi-weekly payroll to allow for more audit time of the scheduled payrolls. The schools and the city have been collaborating to address any identified or anticipated transition issues. There is a commitment on both ends to continuously plan for an effective conversion. The following steps have been taken:

- Participated in meetings and discussions regarding the impact of this conversion.
- Emailed all staff on 10/22 sharing documents from the City on frequently asked question and calendar dates for implementation and impact.
- Had the technology department create an email address specifically for bi-weekly pay issues so that staff can get through directly with any issues faced.

Ms. Turner stated that the first bi-weekly pay check will be distributed on January 12, 2023.

Ms. Thompson stated that she understands it's easier for the city to do it in January, but what is the measure of caring for the community.

Superintendent stated that a letter can be sent on behalf of the Committee to get responses from the City for some of the concerns that have been brought to the attention of the Committee.

Ms. Thompson made a motion to have the city report back on the specifics on the raising of taxes, utilities, and food prices and how impactful it is to the employees and to ask the city to reconsider the start date given these considerations as well as the Committee supporting the delay; seconded by Ms. Martin. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

Mr. Lay made a motion to accept the following Reports of the Superintendent 8.1 through 8.3 as reports of progress; seconded by Ms. Delrossi. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

Ms. Martin made a motion to suspend the rules to take item 9.1 out of order; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

8.2. Response to Motion 04. CSO of 10/19/22 by Eileen DelRossi Regarding Fights Causing Physical Harm to Students at the Lowell High School.

Mr. Skinner, Chief Schools Officer provided a report to the Committee that informed them that there have been fifteen (15) fights at Lowell High School through the first fifty-three (53) days of school this



year as of 11/21/22 and three (3) of the reported fights were after school hours. All parents and guardians were notified when students were in a fight. The parents/guardians received a phone call and were asked to come in and meet with an administrator. All fights and physical altercations are documented in our Student Management System (Aspen). There are no records of injuries to students as a result of fighting this school year.

Ms. Delrossi stated that students were hurt and pictures were provided. She stated that students need to be tracked and monitored and mental health should be addressed.

Ms. Thompson stated that there is a question of safety (mental and emotional safety) and the reality is that the staff may not feel safe. She asked what is being done.

Ms. Doherty stated that she spoke with a teacher and saw pictures and asked about the accuracy of the report and the process for determining the consequence. She stated that it is concerning.

Mr. Skinner stated that he has discussed at it length what constitutes an injury. He stated they received their information around the injuries from the school nurses and so he believes it is an accurate answer. He stated that it also doesn't mean that a parent may not have taken their child to the doctor.

Ms. Doherty stated that she wasn't happy with the answer and asked what determines the consequence.

Mr. Skinner stated that both students are suspended and that administrators have to use good judgement.

Ms. Doherty asked if the Head of School meets with staff members who knows the students involved.

Mr. Skinner responded yes and that parents are called in.

Ms. Thompson stated that reporting is an issue. She asked if the students involved are being kept apart and if the teachers are part of the process.

Mr. Skinner stated that staff has to use good judgement. He stated that the administration has been through Threat Assessment training which includes various measures to address this. He stated that issues don't always require a formal safety plan.

Ms. Martin stated that she appreciated the additional information. She also added that the opportunity and the ability to share good/positive information can be done through the subcommittees as well.

Mr. Lay made a motion to accept the following Reports of the Superintendent 8.1 through 8.3 as reports of progress; seconded by Ms. Delrossi. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

8.3. Response to Motion 09. CFO of 11/02/22 by Connie Martin Regarding Overtime Payments

Ms. Turner, Chief Financial Officer provide a report to the Committee of all stipends, overtime, holiday additional pay, temporary assignment and any additional stipend that may have been paid to a Principal for the summer program.



Ms. Martin asked what the difference was between services and OT.

Ms. Turner stated that OT is due to absences and services are for additional services and she will get more descriptive with another report for the Committee. She will also remove summer school and after school from the report. She will provide this follow up at the next School Committee meeting.

Ms. Doherty stated that OT have been more than it's been in the past and asked for comparative data.

Mr. Lay made a motion to accept the following Reports of the Superintendent 8.1 through 8.3 as reports of progress; seconded by Ms. Delrossi. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

8.4. Home Education

Superintendent Boyd recommended that the following parents/guardians be allowed to home educate their child:

Josiella Graciano

Ms. Doherty made a motion to approve; seconded by Ms. Thompson 6 yeas, 1 absent (Ms. Chhoun) APPROVED

9. NEW BUSINESS

9.1. Facilities Report & Approval of Next Steps

Dr. Hall, Chief Schools Officer informed the Committee that the district could attempt to renovate the STEM Academy to fit the needs of the school: however, such would be disruptive and would not be able to be accomplished just during the summer months. Alternatively, the cost of "stick construction" could be analyzed, but the permitting, bidding, and planning for such a project for eight (8) classrooms likely would take longer than the modular project to complete and most likely would be costlier. An architect could be retained in order to study these alternatives, if the Committee decided to allocate the \$400,000 for the architectural support services. The report stated that the Committee could look at lessening enrollment at the STEM Academy and/or splitting the school into an elementary and middle school as part of the reconfiguration. Such alternatives would be highly disruptive for students and families and potentially would include students not having the option to finish their schooling at the STEM Academy as initially planned. If the number of Kindergarten slots were reduced, it would not have great immediate impacts, but may take years to lessen the stress on the school. Additionally, there would be several impacts on staffing which would need to be analyzed and considered. Dr. Hall also spoke about the modulars at Cawley stadium and separating the projects due to the fact that it is slowing down the projects.

Ms. Doherty stated that it's an equity issue. She stated that she's not against separating the two (2) and asked why we were going out two (2) years and that there are priority needs at the STEM. She asked what happens with the funding if it goes out two (2) years.

Superintendent Boyd stated that once they're separated, it will allow Mr. Underwood to look differently at the Cawley project.



Ms. Doherty stated she was concerned about the ability to use the funds.

Ms. Turner stated that facility projects can be extended as long as they are in the works and we acquire a letter from the state.

Mr. Lay believes the schools shouldn't be paying for this.

Ms. Martin stated that the bigger conversation is around zoning and issues around transportation. She asked where is our district going to best serve the students and families.

Ms. Thompson stated that we need strategic and long range planning around this.

Ms. Doherty stated that we need to be working with the city and that we want to work in collaboration with our city partners.

Superintendent Boyd stated that the master plan is in need of being done and that a bid is out for that.

Mr. Lay made a motion that the School Committee move forward with the course of action of allocating \$5.3 million for modulars at the STEM Academy and authorizing up to \$400,000 of that balance for architectural support services to provide recommendations on what the School Committee could obtain for modulars if \$5.3 million total was appropriated. Once the architectural advice is received, the School Committee could then process on whether to proceed or not to proceed. Also, that the School Committee requests that the City look at separating these projects and proceed immediately with the acquisition of modulars for this additional indoor space. The Facilities Department believes modulars could then be installed within 4-5 months; seconded by Ms. Martin. 6 years, 1 absent (Ms. Chhoun) APPROVED

9.2. Budget Transfer

Ms. Martin made a motion to approve the budget transfer of \$20,000; seconded by Mr. Lay. 6 years, 1 absent (Ms. Chhoun) APPROVED

10. CONVENTION/CONFERENCE REQUESTS

10.1. International and Overnight Travel Request: LHS Students & Chaperones to Travel to Athens and the Islands

Ms. Martin stated that it's great to see these trips again and reminded the public about the Martha McQuade Adventure Fund that is available for students.

Ms. Thompson made a motion to bundle and approve the convention/conference requests; seconded by Mr. Lay. 6 years, 1 absent (Ms. Chhoun) APPROVED

10.2. International and Overnight Travel Request: LHS Students & Chaperones to Travel to Hawaii

Ms. Thompson made a motion to bundle and approve the convention/conference requests; seconded by Mr. Lay. 6 years, 1 absent (Ms. Chhoun) APPROVED



11. PROFESSIONAL PERSONNEL

11.1. The Members of the United Teachers of Lowell Hereby Donate Thirty [30] Sick Leave Days to Gerson Colon, Lowell High School Teacher

Ms. Doherty made a motion to bundle and approve the professional personnel; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

11.2. The Members of the United Teachers of Lowell Hereby Donate Twenty-Two [22] Sick Leave Days to Myrna Carrasco, McAuliffe School Paraprofessional

Ms. Doherty made a motion to bundle and approve the professional personnel; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

12. EXECUTIVE SESSION

12.1. Item: Update and Discussion Related to Possible Litigation and Legal Complaints Concerning Lowell Public Schools.

Ms. Doherty asked Attorney McKenna about removing the joint motion (from her and Ms. Martin) and the former City Solicitor's letter from the agenda. She also asked if that was the reason the Committee was going into Executive Session.

Attorney McKenna stated that the motion refers to the letter from the former City Solicitor and the letter is under client/attorney privilege and it's around personnel issues and potential claims and should not be discussed in a public forum.

Ms. Doherty asked him to clarify because she stated that she does not believe the joint motion or specific nature of the cases in the letter were explained in the motion or the letter.

Attorney McKenna stated the motion references the letter from the former City Solicitor which is an opinion from her and is client/attorney privilege and for that reason it should be discussed in Executive Session.

Ms. Doherty stated she believes the motion requested an action and doesn't believe it falls under client/attorney privilege and asked if imminent litigation is implied in the joint motion or letter.

Attorney McKenna stated that he's not saying anything is implied in the motion, but it's a motion that discusses a letter from the former City Solicitor

Ms. Doherty stated that she can't find it anywhere that you (Attorney McKenna), the Superintendent or the Mayor have the authority to remove a motion.

Attorney McKenna stated that the Mayor is the moderator of the meeting and his advice is that it should be discussed in Executive Session. He concluded by saying that this is his opinion and he is standing by it.



Ms. Doherty thanked him and stated that she respectfully disagreed and doesn't believe anyone had the authority to remove it.

Ms. Doherty made a motion to recess at 8:41 p.m. and to enter into Executive Session for the purpose of discussing collective bargaining, strategies and/or possible litigation under open meeting law, Chapter 30A, Section 21 (A) (B), 2, 3 of the Commonwealth of Massachusetts General Laws related to update and discussion related to possible litigation and legal complaints concerning Lowell Public Schools, which open meeting discussion may have a detrimental effect on the bargaining or litigating position of the public body, and to return to Open Session; seconded by Ms. Martin. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

On a roll call at 9:53 p.m., members present were, namely: Ms. Delrossi, Ms. Doherty, Mr. Lay, Ms. Martin, Ms. Thompson and Mayor Chau. Ms. Chhoun was absent.

Ms. Martin made a motion to hold a Special Meeting and Executive Session for December 14, 2022 for a status update from the Solicitor's office. The meeting will be held via zoom; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

13. ADJOURNMENT

Mr. Lay made a motion to adjourn at 9:56 p.m.; seconded by Ms. Thompson. 6 yeas, 1 absent (Ms. Chhoun) APPROVED

Respectfully submitted,

**Joel D. Boyd, Ed.D., Superintendent and
Secretary to the Lowell School Committee**

JDB/mes