

MINUTES
WEST WARWICK SCHOOL COMMITTEE
JULY 23, 2013
WEST WARWICK PUBLIC SCHOOLS
ADMINISTRATION BUILDING
10 HARRIS AVENUE
1:00 P.M.

This meeting was called to order by Sean M. Murphy, Chairman.

Members Present:

Sean M. Murphy, Chairperson
Elizabeth B. Brunero, Vice-Chairperson
Christopher R. Messier, Clerk
Joseph Florio, Jr.
Stephen H. Lawton

Attorneys Present:

Andrew Henneous, Esquire
Jon Anderson, Esquire

Administrators Present:

Karen A. Tarasevich, Superintendent of Schools
Margaret Baker, Director of Financial Operations
James Monti, Director of Reform, Compliance, and
Technology
Paul Vigeant, Director of Special Education and Pupil/
Personnel Services

Recording Secretary:

Michelle M. Colozzo

1. Open Session

Open Session

Mr. Murphy opened the meeting at 1:00 P.M.

2. Roll Call

Roll Call

The following members were present:
Mr. Murphy, Mrs. Brunero, Mr. Messier, Mr. Florio,
and Mr. Lawton.

Special Meeting School Committee Minutes

July 23, 2013

Page 2 of 10

3. Motion to go into Executive Session

Motion to go into Executive Session according to RI General Laws 42-46-4 and 42-46-5, Subsection (a) Paragraph 2

MOTION

MOTION MADE BY STEPHEN H. LAWTON THAT THE SCHOOL COMMITTEE GO INTO EXECUTIVE SESSION ACCORDING TO RI GENERAL LAWS 42-46-4 AND 42-46-5, SUBSECTION (a), PARAGRAPH 2. Motion seconded by Elizabeth B. Brunero.

Mr. Florio asked can we discuss the agenda? He said the conflict of interest policy on the agenda should only be discussed at a regular meeting, not a special meeting. Mr. Henneous said Mr. Florio could raise this during that discussion once there is a motion and a second. Mr. Henneous said that would be the appropriate time to bring it up.

The following members voted in the affirmative: Joseph Florio, Jr., Stephen H. Lawton, Christopher R. Messier, Elizabeth B. Brunero, and Sean M. Murphy. Motion unanimously passed.

4. Executive Session

Executive Session

Personnel: Discussion: School Committee Liaison Status/Moving Forward

The School Committee met in Executive Session.

5. Return to Open Session

Return to Open Session

Mr. Murphy opened the public session at 1:30 P.M.

6. Roll Call

Roll Call

The following members were present: Mr. Murphy, Mrs. Brunero, Mr. Messier, Mr. Florio, and Mr. Lawton.

7. Motion to Close Executive Session Minutes

Motion to Close Executive Session Minutes

Special Meeting School Committee Minutes

July 23, 2013

Page 3 of 10

MOTION

MOTION MADE BY CHRISTOPHER R. MESSIER THAT THE SCHOOL COMMITTEE CLOSE THE EXECUTIVE SESSION MINUTES.

Motion seconded by Elizabeth B. Brunero. The following members voted in the affirmative: Stephen H. Lawton, Joseph Florio, Jr., Elizabeth B. Brunero, Christopher R. Messier, and Sean M. Murphy. Motion unanimously passed.

8. Approval: Bid Award

Approval: Bid Award

a) Mass Notification System

Mrs. Tarasevich recommended that the School Committee approve the bid award for the mass notification system to Bright Arrow Technologies in the amount of \$10,419.00 for a three-year period.

MOTION

MOTION MADE BY STEPHEN H. LAWTON THAT THE SCHOOL COMMITTEE APPROVE THE BID AWARD FOR THE MASS NOTIFICATION SYSTEM TO BRIGHT ARROW TECHNOLOGIES IN THE AMOUNT OF \$10,419.00 FOR A THREE-YEAR PERIOD.

Motion seconded by Elizabeth B. Brunero, for discussion.

Mr. Messier asked if this will fix the issue we had the last time. Mr. Monti said one of the things was the previous system we had was ADT, and there wasn't any kind of automated procedure that we could run to update student information data. We had to update it and it could take multiple days to process. He said because this new system will have data exported from the student information system that comes from the server, it will be updated at multiple points during the day. Mr. Monti said parents will be able to go into Aspen and will be able to verify contact information; and if they change that, it will go back to the secretary to verify the number. He said that should address mis-notification or just bad data in the system.

Special Meeting School Committee Minutes

July 23, 2013

Page 4 of 10

Mr. Messier said the concern he had was when someone pressed the wrong button, and some parents didn't get the alerts until a couple of hours later than other parents. Mr. Monti said this won't help with human error. He said this will be attached to a local number—they use a different technology than most of the systems do. Mr. Monti said the company is from Redwood, Washington. He said they got great reviews from current customers. Mr. Murphy asked what was it costing us before? Mr. Monti said everyone else was charging \$1.50-\$2.50, so we asked them how they can charge \$1, and they said they don't have a sales department, they don't have that kind of overhead; they have grown through applying for RFP's. Mr. Monti said the calls will be generated from a phone number here in the district. Mr. Messier asked will it be attached to the schools from a caller I.D. perspective, and Mr. Monti said yes.

The following members voted in the affirmative:
Christopher R. Messier, Joseph Florio, Jr.,
Elizabeth B. Brunero, Stephen H. Lawton, and Sean M. Murphy. Motion unanimously passed.

b) Antivirus and Malware Software

Mrs. Tarasevich recommended that the School Committee table the bid award for the antivirus and malware software as only one bid was submitted and it was a high bid.

MOTION MADE BY CHRISTOPHER R. MESSIER THAT THE SCHOOL COMMITTEE TABLE THE BID AWARD FOR THE ANTIVIRUS AND MALWARE SOFTWARE.

MOTION

Motion seconded by Stephen H. Lawton. The following members voted in the affirmative:
Elizabeth B. Brunero, Joseph Florio, Jr., Stephen H. Lawton, Christopher R. Messier, and Sean M. Murphy. Motion to table unanimously passed.

Special Meeting School Committee Minutes

July 23, 2013

Page 5 of 10

9. Presentation re: Special Education Attorney Presentation re: Special Education Attorney

Mr. Murphy said at the last School Committee meeting, we received some numbers and didn't really have time to analyze them regarding going with one legal firm. He said Mr. Vigeant put something together for the School Committee, and Mr. Vigeant noted that the School Committee members had received the information in their packets.

Mr. Vigeant said the reason why he is here today really follows up on the conversation and the presentation he made in 2007. He said at the time, the school department had 82 students in out-of-district placement, and the thinking at the time was if we could get that under control, it would be solving all of our financial problems for the West Warwick school district. He said that's not the case, but through a lot of hard work by the School Committee, his office, and Mr. Anderson's office, we have worked to develop the program.

Mr. Vigeant said previous to 2006, we did not have the resources in the district; the administrators and teachers would just refer out on an as need basis. In 2007, the School Committee approved his plan to continue services to students. However, after that we still had 82 students in out of district placement which included a fair amount of litigation from three particular agencies, and they were pretty significant legal cases—we were fighting to protect the interests of the School Committee, and we prevailed on every one.

Mr. Vigeant said at this point in time, we have moved from 82 students to 8 students out of district and 16 in our Quinn Briggs and Alternative Placement programs. He said he is here today to talk about not only his own loyalty to that particular mission but Mr. Anderson's as well.

Special Meeting School Committee Minutes

July 23, 2013

Page 6 of 10

Mr. Vigeant said at that time, the School Committee made a decision that it made sense to have an attorney that represented labor and an attorney to represent Special Education. He said that model has worked well. Mr. Vigeant said that he had a great deal of respect for Mr. Lussier and now Mr. Henneous. He said he thinks all three attorneys have worked collaboratively. In terms of Special Education, he thinks it works well when we are the people making decisions. Mr. Vigeant said we had a lot of interference from private firms bullying staff, bullying administrators. He said Mrs. Tarasevich can attest to that. Mr. Vigeant said through Mr. Anderson's work and his own work, the wolves are not at the door anymore. He said we are continuing to work with DCF, with the court system, and with the juvenile system to make sure the courts are doing what they need to do to support education.

Mr. Vigeant said as you think about the decision you are going to make, he asks you to give some consideration to keeping the same legal structure we have in place now. He said he thinks it has worked well since 2007, and Mr. Anderson has provided legal services at a reasonable cost.

Mr. Vigeant said he knows Mrs. Baker was talking about the fee structure of both firms. Mr. Vigeant passed out information to the School Committee for their review.

Mr. Murphy said this is not a decision that the School Committee is going to make today—it is only a discussion. He said Mr. Henneous was able to speak at our last meeting, and before we made a decision, the School Committee wanted to meet Mr. Anderson.

Mr. Vigeant said there was a time when he would speak to Mr. Anderson on a daily basis, now they speak three or four times a week, and he doesn't charge a retainer; he thinks what he charges us, the fees are actually competitive and in line with what we can afford. He said there are some months as you can

Special Meeting School Committee Minutes

July 23, 2013

Page 7 of 10

see that are more than others, but the only time Mr. Anderson charges a fee is when he actually comes out of his office. He does a lot of work in his office which is included as part of the fee. Mr. Vigeant said he appreciates Mr. Murphy allowing him to come and speak about the work that he has performed since 2007, and he thinks the district would not be at the place we are without Mr. Anderson. Mr. Vigeant said when you make the decision, he asks you to take into consideration maintaining the current legal structure.

Mr. Murphy reiterated that there is no action on this item today—just a presentation from Mr. Vigeant.

10. Discussion: West Warwick School Committee Conflict of Interest Policy

Discussion: West Warwick School Committee Conflict of Interest Policy

Mr. Messier recused himself from the following discussion and completed and signed a recusal form.

Mr. Murphy said at the last School Committee meeting, we were discussing the conflict of interest section we have in the current policy. Mr. Murphy said as you know, our policy manual is literally this thick whereas other communities are this thick. He has asked Mr. Henneous to do some research specifically about the ethics of hiring family members—what's current possibly compared to the Rhode Island state ethics law. Also, Mr. Murphy said one thing we usually do is add a section for public comment; it's not required by law, but we do it so we get to discuss with the public—so we have dialogue at our meetings. Usually at special meetings, there is nothing on the agenda; it was not to push something forward or to get something not in the public eye.

Mr. Murphy said in order to change a policy, we have to have an introduction, a first passage, and a second passage—that's why we have Mr. Henneous here. He said he has asked Mr. Henneous—one of our School Committee by-laws is to allow people to ask any questions; but it doesn't say anything about special meetings. He said he never sees a problem to have someone speak on an issue, and when he asked

Special Meeting School Committee Minutes

July 23, 2013

Page 8 of 10

Mr. Henneous, he gave me this answer.

Mr. Henneous said his legal understanding under the Open Meetings Law is you have to advertise when you are going to be allowing the public to participate. He said he double-checked the statute, and you are required to advertise it on the agenda. Mr. Henneous said because it is not on the agenda, his advice would be not to entertain public comment. He said he understands it was an error, and he understands it will be corrected moving forward. The public needs to be notified and because they weren't notified, he doesn't think you should have it.

Mr. Murphy asked for the record, state law supersedes our policy, and Mr. Henneous said yes.

Mr. Murphy asked what does the current policy say about hiring family members? Mr. Florio said this should be done at a regular meeting. Mr. Murphy said there is no business being conducted—it's a discussion.

Mr. Henneous said he thinks as long as it was properly advertised, and it's for discussion purposes, he really doesn't see a problem with having it here.

Mr. Murphy said we did say moving forward, we would have public discussion.

Mr. Henneous said as he reads this policy, it was adopted in 1981; and it doesn't appear to have been amended or modified. He thinks it falls under the Rhode Island Education and School Committee ethics policy 16-2-9.1 but he thinks it's just an older policy.

Mr. Florio said we are at a special meeting and he feels if we are going to be discussing by-laws, it should be at a regular meeting.

Mr. Henneous said he doesn't see anything prohibiting it—typically a special public meeting can be called for every purpose. Mr. Florio said at a special meeting, there is only a small amount of people.

Special Meeting School Committee Minutes

July 23, 2013

Page 9 of 10

Mr. Henneous said no business should be transacted except that for which the meeting is called so technically for an action item, you would be allowed to do it under that policy. He said there's a code of ethics that School Committee members are bound by, Title 16.

With respect to the conflict of interest, the clients that he represents do not have a similar policy—just about everyone follows the School Committee Code of Ethics and then you have the Code of Ethics which says that you can't vote on any matter that you may receive financial gain from.

Mr. Henneous said your policy as written is much more prohibitive than that. He said from doing research, there was actually a School Committee policy that prohibited any family members; and someone raised the issue of constitutionality with the ACLU, and it went nowhere. Mr. Henneous said he doesn't have any clients with this type of prohibitive policy—they do what the general laws require.

Mr. Murphy asked what would happen if someone was here before someone in their family got elected? Mr. Florio said whatever position that person has, the status would stay the same.

Mr. Murphy said but they can't advance to a position – what happens if members recused themselves from voting? If we are talking about hiring someone, it can't be done until the policy is changed, but what would happen if there was a recusal and the vote was 2 to 2? Mr. Henneous said then it would fail.

Mr. Lawton said if he had a daughter in the Honors Program, straight A's, volunteered, and everyone would call his daughter a role model, she couldn't be hired as a teacher in West Warwick? Mrs. Tarasevich said to Mr. Lawton's point about the most qualified people and what is in the best interest of students, we want the best qualified people for those positions.

Special Meeting School Committee Minutes

July 23, 2013

Page 10 of 10

11. Adjournment

Adjournment

MOTION

MOTION MADE BY JOSEPH FLORIO, JR. THAT THE SCHOOL COMMITTEE ADJOURN THE MEETING. Motion seconded by Elizabeth B. Brunero. The following members voted in the affirmative: Stephen H. Lawton, Christopher R. Messier, Elizabeth B. Brunero, Joseph Florio, Jr., and Sean M. Murphy. Motion unanimously passed.

Meeting adjourned at: 2:02 P.M.

Respectfully submitted,

Elizabeth B. Brunero, Vice-Chairperson

Michelle M. Colozzo, Recorder