

JOINT CONFERENCE UPDATE

Focus on partnering to sustain student achievement: models of courageous leadership

AS THE NEW SCHOOL YEAR GETS underway and school leaders confront the challenges posed by the new requirements for educator and administrator evaluations; collective bargaining implications; and growing concerns about implementation of the Common Core curriculum and the PARCC assessment, MASC and MASS are finalizing the upcoming Joint Conference program to help members address these issues. The four-day program will present more than 60 panel sessions, keynote programs, and several featured speakers.

This ambitious program, which begins on Wednesday, November 6 at noon, includes special strands focused on fiscal and cost-savings issues, as well as a look at how collaboratives can help your district remain cost-effective and competitive. Other highlights on the agenda are recent legislative and regulatory changes including the impact of the new educator evaluation and district determined measures on collective bargaining; reports from districts that have begun to implement the new Common Core curriculum and field-tested the upcoming PARCC assessments; as well as other sessions that will explore leadership strategies for student achievement.

In addition to the full lineup of panels (check your mailbox for the recently mailed conference flyer or view the complete schedule on the web at www.masc.org), the ever-

popular exhibit hall will open on Wednesday afternoon with a record number of vendors. In response to suggestions from last year's attendees, the format of the Wednesday evening keynote dinner has been adjusted. The featured speaker will be the 2012 **MA History Teacher of the Year, Kelley Brown** from Easthampton, who will share her experience teaching to the new Common Core standards.

Thursday morning will begin with a full slate of panels, including a Distinguished Educator lecture at which Dr. John D'Auria, President of Teachers21, will discuss the leadership skills that can help turn difficult conversations into productive engagements with positive outcomes. Panels will be followed by **General Session Speaker Michael Staver**, recently named one of the 40 most influential business speakers in America, who will share his insights on what it takes to lead courageously. New this year, will be the featured afternoon session with **Northeastern Sociology Professor Jack Levin**. The evening program will include the MASC Awards Banquet honoring members of the 2013 All-State School Committee and Lifetime Achievement Award recipients.

On Friday, panel sessions will continue followed by the second General Session at which **Keynote Speaker Michael McGough**, Associate Professor at York College, will discuss "Leadership under Fire: Lessons from the Battle of Gettysburg" (the 150th

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MASC Study Group Analyzing Charter School Issues

MASC's newly formed Charter School Study Group has spent the summer reviewing issues of concern to school committees and school districts around charter school recruitment strategies and the funding impact of these often unwanted "interlopers" on local communities.

Spearheaded by MASC Vice President Patrick Francomano (King Philip Reg.) and Division VII Chair Patrick Murphy (Barnstable), the group's efforts have focused on examining recruitment strategies particularly in districts where the charter school's population doesn't represent the community demographics—particularly in the enrollment of special education, ELL and economically disadvantaged students. Also under review are patterns around students who are

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IN MEMORIAM

HERBERT ABELOW

MASC was saddened to learn of the sudden passing on August 23rd of Herbert Abelow, a longtime member of the Southern Berkshire Regional School Committee who also served on the Association's Board of Directors as Chair of Division VI (Berkshires).

A Life Member of MASC who was instrumental in bringing together area districts to advocate for school issues, Herb was also generous in sharing his extensive financial and management expertise to help explain details around arcane budget and other funding issues.

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anniversary of which was celebrated earlier this year). Following lunch, a featured panel of four master social studies teachers will discuss McGough's comments on Lincoln and the Gettysburg address and how they teach this famous and lesson-filled speech to students aligning their classroom instruction to the critical thinking skills encouraged by the Common Core.

Celebrating the power of young people as a force for positive change in MA communities is the mission of Project 351. Friday lunch speaker **Carolyn Casey, Executive Director of Project 351**, will explain how it brings together 8th grade students from every city and town in the Commonwealth for an inspirational year of community service, leadership development, and enrichment.

Following lunch, members are invited to attend their Division meetings, which will be followed

by additional workshops and the Annual Delegate Assembly. At the Assembly, officers for the 2014 years will be elected and resolutions relative to funding for K-12 Transient Students; the Common Core assessment (PARCC); teacher evaluation; evaluation of the Commissioner of Education; and confirming the actions from 2012 will be considered by the delegates. (The full text of the resolutions is posted on the website at www.masc.org and are printed in the 2013 Delegate Manual which is being sent to all members.) Districts are urged to designate a representative to attend the Delegate Assembly.

Friday evening will once again celebrate the best in school leadership including the introduction of MASC's



Top row, left to right: Kelley Browne, Michael Staver, Jack Levin; Bottom row, left to right: Michael McGough, Mary Czajkowski, MASS President; Mary Jo Rossetti, MASC President

2014 Board of Directors and newly elected Life Members.

Obviously, something for everyone! If you haven't already registered, you can do so online or call (800)392-6023. And if you have registered—congratulations—and we look forward to seeing you in Hyannis.

Update on Use of Executive Session: Union and Non-Union Contracts

In response to some frequently asked questions, the following is a recent update from the Attorney General's Office on the use of executive session regarding contracts.

May a public body approve a non-union personnel contract in executive session?

The final vote to execute a non-union personnel agreement must occur in open session. A public body may enter executive session under Purpose 2 to "conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct . . . contract negotiations with nonunion personnel." G.L. c. 30A, § 21 (a) (2). This purpose allows a public body to meet in executive session to discuss its strategy with respect to negotiating a contract with non-union personnel, and to engage in direct negotiations with non-union personnel. However, the executive session purpose does not permit the public body to take a final vote to execute such a contract behind closed doors. While a public body may agree on terms with individual non-union personnel in executive

session, the final vote to execute such agreements must be taken by the public body in open session. See OML 2011-56; OML 2011-44; OML 2011-28.

May a public body approve a collective bargaining agreement (CBA) with a union in executive session?

A public body may approve final terms and execute a CBA with a union in executive session, but should promptly disclose the agreement in open session following its execution. A public body may enter executive session under Purpose 2 to "conduct collective bargaining sessions" and under Purpose 3 to "discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." G.L. c. 30A, §§ 21 (a) (2), (3). These purposes allow

a public body both to discuss collective bargaining strategy and to bargain directly with a union in executive session. *Id.*; see *Board of Selectmen of Marion v. Labor Relations Commission*, 7 Mass. App. Ct. 360 (1979). Unlike the language in Purpose 2, Purpose 3 does not limit strategy discussions to the preparatory stage, rather it broadly allows a body to go into executive session "to discuss strategy" with respect to collective bargaining or litigation any time an open meeting may have a detrimental effect on the body's bargaining or litigating position and the chair so declares. G.L. c. 30A, § 21 (a) (3). Because there are circumstances in which both the bargaining and litigating positions of a public body may be detrimentally affected by voting on a final CBA in the open, then, if the chair determines that such circumstances are present, contract approval may occur in executive session if the chair makes the appropriate declaration, and no open session ratification is needed.[1] See *Doherty v. School Committee of Boston*, 386 Mass. 643 (1982) (holding that closed door votes are permissible where a body meets in executive session to protect its litigating

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Revised language to Bullying Legislation

In an outside section of the FY2014 budget, the legislature amended language in MGL Chapter 71, Section 37O (the section on Bullying; Policy and Training Requirements) such that the law now defines bullying to include not only student on student harassment but also adult on student harassment. The revised definitions and requirements are printed below. **New language appears in boldface type.**

“Bullying”, the repeated use by one or more students **or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional** of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

“Perpetrator”, a student **or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.**

The first paragraph of Ch. 70, sec. 37O, subsection (d) has been replaced by the following: (d) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians.

The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

These amendments became effective on July 1, 2013.

Division VII to Host Legislative/Charter School Forum

Division VII (Cape and Islands) will be hosting a Legislative Forum on Tuesday, October 1 at Dennis-Yarmouth Regional High School. Guest legislators will discuss key issues on the agenda for the 2013-2014 year, and join the discussion following a report from the MASC Charter School Study Group on charter school applications/recruitment strategies and the implications for school districts. Attendees may also discuss whether we can urge the legislature to allow, as a criteria for approving a school, the Board of Elementary and Secondary Education to consider the impact the approval of a new charter school will have on the service area and community it will serve (currently, they can not consider anything other than worthiness based on its objectives, innovation, or consistency with guidelines.)

A meeting registration notice is being mailed to members. The program will begin at 6:00pm and a light dinner will be available.

School Boards Beware

Influential National Network Calls for Elimination of School Boards

An organization with nationwide influence is working hard to negate the decision-making and leadership authority of school boards in many states across the country.

According to the nonpartisan Report Card on American Education, the education agenda of the American Legislative Exchange Council (ALEC) calls for:

- **REDUCING** the influence of, or elimination of, local school districts and school boards.
- **PRIVATIZING** education through vouchers, charters and tax incentives.
- **INCREASING** student testing and reporting.
- **INTRODUCING** market factors into schools, particularly the teaching profession.

In short, ALEC seeks to undue much of the work and power of school boards.

According to Julie Underwood, former General Counsel at the National School Boards Association and currently a professor and dean of the School of Education at the University of Wisconsin-Madison, ALEC is a national network based in Washington DC, which has had strong, and as of recently, growing, impact on legislation in a number of states. The organization describes itself as a membership organization for those who share a common belief in “limited government, free markets, federalism, and individual liberties.” Its goal is to create and enact model legislation, which they develop. Although identified as nonpartisan, ALEC’s members skew to the conservative end of the political spectrum and include corporations, foundations and “think tanks.” The corporation (profit and non-profit) pay large annual fees and pay the additional costs of sponsoring meetings. Corporate members pay to

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serve on ALEC taskforces, and provide funds for state legislators to attend ALEC meetings. In return, proposed model legislation developed by the various task forces cannot move out of the taskforce (chaired by a corporate and legislative member) without the approval of the corporate interests.

The ALEC agenda in education is ambitious. Model bills that have are making inroads in several states seek to influence teacher certification, teacher evaluation, collective bargaining, curriculum, funding, special education and student assessment. One of the key goals of ALEC is to privatize education through vouchers. Also common throughout the bills are proposals to decrease local control of schools by local school boards while increasing control, influence and prof-

its of participating companies in the education sector.

While ALEC does not have a strong presence in MA at this time, its message and influence are developing deep roots and several states are currently facing ballot initiatives to eliminate their school boards entirely. In 1996, then Governor Bill Weld supported a similar restructuring initiative in MA. MASC responded with a strong counter-effort and was one of the key players in the legislation's defeat.

NSBA and several of the states most challenged by ALEC initiatives remind all school boards of the urgent need to raise awareness in their local districts of the role school board members play and how they represent community interests in determining education policy and goals for the district.

Division V: Elections and Upcoming Education Issues

Division 5 members are invited to attend a meeting on Wednesday, September 18, 2013 at 6:00 PM at Putnam Vocational Technical Academy in Springfield. The topic will be a panel discussion about education trends in MA featuring Paul Toner, Massachusetts Teachers Association President; State Representative Aaron Vega; School Committee Member-Atty. Michael Moriarty (Holyoke); and MASC Secretary-Treasurer Jacob Oliveira (Ludlow). Also on the agenda will be election of officers for the upcoming year. Light refreshments will be served. Check your mailbox or online for registration information.

Executive Session

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position). Once a CBA has been executed, the public body should publicly announce the CBA in open session and describe the terms reached. Ideally, this should occur either during the same meeting or at the public body's next scheduled meeting.

[1] Note, however, that the Open Meeting Law does not require that any topic be discussed in executive session. We do not address whether any other law may require a closed-door discussion in this instance.

Charter School Study

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suspended, expelled or counseled out of their charter schools and returned to the sending district school. Input into the study has also been provided by other MASC/MASS representatives from Barnstable, Dennis-Yarmouth and Fitchburg.

MASC has also learned that in a separate, similar review being conducted by DESE, initial findings are matching those of the MASC Study Group. MASC anticipates reporting its findings at the upcoming Joint Conference in Hyannis.

MASC

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