

Cape Cod Collaborative
418 Bumps River Road
Osterville, MA 02655



Cape Cod Collaborative

Board of Directors
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Board of Directors Meeting Minutes
418 Bumps River Road, Osterville, MA 02655
January 9, 2013 - 5:00PM

I. Call to Order

The January 9, 2013 meeting of the Cape Cod Collaborative Board of Directors was called to order by Dr. Robert Tankard at 5:04 PM. In attendance were:

Martha's Vineyard	Dr. Robert Tankard, Co-Chair
Falmouth	Terri Medeiros, Co-Chair
Cape Cod Technical HS	Dr. Joan Bentinck-Smith, Vice-Chair
Brewster	David Telman
Mashpee	Scott McGee (in at 6:00 PM)
Upper Cape Cod RTS	Robert Fichtenmayer
Wareham	Geoff Swett (out at 6:00 PM)
Secretary	Beth Deck

Administrative Representative:

Truro	Brian Davis, Superintendent
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Also in attendance were:

Barnstable School Committee Member	Patrick Murphy
Executive Director	Paul Hilton
Business Manager	Jim Brown
STAR Program Director	Anita Woods
AEP Director	Larry Carroll

II. Cracker Barrel Discussion

a. Collaborative Oversight & Accountability (state legislation)

Mr. Hilton reported that the Massachusetts Board of Elementary & Secondary Education (BESE) did *not* vote on the DRAFT proposed regulations regarding Collaboratives at their meetings in either November or December. The BESE is expected to vote on the regulations at their January 2013 meeting.

Mr. Hilton noted that the Department of Elementary & Secondary Education (DESE) released a DRAFT “Model Collaborative Agreement” on December 11, 2012. A copy of this document was been included with the January Board meeting materials. Mr. Hilton noted that the Governance SubCommittee met prior to the Board meeting this evening. Mr. Hilton noted the SubCommittee found specific issues may need to be addressed in a new agreement, including:

- Changes to what constitutes a quorum
- How assets are accumulated and held by the Collaborative

Mr. Hilton reminded the Board that the revisions to the enabling legislation associated with educational collaboratives (Chapter 40, Section 4e) require that the Collaborative submit a revised version of the Collaborative Articles of Agreement to the Department of Elementary & Secondary Education for review and/or approval by March 4, 2013. Mr. Hilton indicated that recommendations for changes to the Collaborative Articles of agreement will be brought to the Board at the February meeting. Mr. Hilton noted that there would be further discussion regarding this matter later in the meeting.

Mr. Hilton also noted that the Collaborative submitted copies of the Collaborative Audit and the Collaborative Annual Report for FY2012 to various parties as required on December 31, 2012 to ensure compliance with the new legislation.

Mr. Hilton noted that a review and a vote regarding acceptance of the Collaborative Annual Report are included in the agenda for this Board Meeting.

b. Court Improvement Program – Education Stability & Success Task Force

Mr. Hilton noted that the next meeting of this Task Force was scheduled for Monday, January 28, 2013. Mr. Hilton indicated that he has sought input from Board members and various stakeholder groups in advance of this meeting. Mr. Hilton noted that educational stability for students in foster care is of special concern to school districts, as these students tend to migrate from district to district and often have educational issues.

c. Local Issues

Board members were invited to share current concerns and challenges in local education budget development and/or programming.

Ms. Medeiros informed the Board that Falmouth is seeking a new Superintendent. She noted that the Falmouth School Committee has hired the Center for Executive Search, a service of the Cape Cod Collaborative.

Mr. Swett noted that Wareham is also seeking a Superintendent. He noted that the search committee will be making a decision regarding a search service during a meeting on the upcoming Saturday.

Mr. Murphy informed the Board that Barnstable is close to announcing a collective bargaining agreement. He indicated that issues regarding health insurance generated significant discussion.

Mr. Hilton mentioned the curious issue Barnstable is facing regarding physical education and asked Mr. Murphy to comment.

Mr. Murphy informed the Board that the comprehensive program review in Barnstable found the Physical Education is not a requirement for graduation in Barnstable; Barnstable was cited regarding this issue. He noted that there appears to be some regulatory disconnect regarding this issue. The current requirements and regulations have been in place since 2001 and that no previous review has picked up on this issue. It was also noted that Sturgis Charter School recently went through a comprehensive program review, and although Sturgis has no physical education requirement, the charter school was not cited on this issue.

III. Minutes

a. December 12, 2012

VOTE

Mr. Fichtenmayer made the motion that the Board vote to approve the minutes of December 12, 2012. Dr. Bentinck-Smith seconded the motion. Motion passed:

Yea – 5

Nea – 0

Abstain – 2 (Medeiros, Telman)

IV. Old Business

a. Transportation

- Invoicing

Mr. Brown informed the Board that invoicing for November has been sent to districts and invoicing for December will be going out tomorrow (January 10, 2013).

- Special Education

Mr. Hilton noted that the Collaborative continues to assess the districts' needs for Special Education Transportation services for FY14. He noted that the member districts continue to assess their needs for the coming school year (2013-2014). Mr. Hilton stressed that it is imperative for planning purposes that the Collaborative be involved in discussions regarding any changes that are being considered.

Mr. Hilton reminded the Board that the Collaborative will be seeking to purchase five (5) vehicles in the near future. Further information will be provided to the Board at the February meeting.

- General Education

Mr. Hilton noted that the Collaborative continues to assess the districts' needs for General Education Transportation services for FY14. He indicated that the member districts are currently assessing their needs for the coming school year (2013-2014). Mr. Hilton stated that it is imperative for planning purposes that the Collaborative be involved in discussions regarding any changes that are being considered.

Mr. Hilton reminded the Board that the Collaborative has continued to work with the dealer (O'Connor of Maine) manufacturer (BlueBird) of the large school buses in resolving ongoing issues.

V. New Business

a. Warrants

Mr. Swett asked for clarification regarding bus leases. Mr. Brown explained that there are 10 different leases for buses, and that payments associated with these leases are reflected in the warrants.

• #6 – FY13 VOTE

Mr. Swett made the motion that the Board vote to approve Warrant #6.
Mr. Telman seconded the motion.

SO VOTED - UNANIMOUS

#7 – FY 13 VOTE

Mr. Swett made the motion that the Board vote to approve Warrant #6.
Mr. Telman seconded the motion.

SO VOTED - UNANIMOUS

#8 – FY13 VOTE

Mr. Swett made the motion that the Board vote to approve Warrant #6.
Dr. Bentinck-Smith seconded the motion.

SO VOTED - UNANIMOUS

#9 – FY13 VOTE

Mr. Swett made the motion that the Board vote to approve Warrant #6.
Mr. Telman seconded the motion.

SO VOTED - UNANIMOUS

#10 – FY13 VOTE

Mr. Swett made the motion that the Board vote to approve Warrant #6.
Dr. Bentinck-Smith seconded the motion.

SO VOTED - UNANIMOUS

b. FY12 Annual Report VOTE

Mr. Hilton reviewed and discussed the FY12 Annual Report with the Board of Directors (a copy of the report was included with Board materials). Mr. Hilton noted that the Annual Report is a requirement of the new legislation; no format for the report was indicated. In the report, Mr. Hilton summarized the activities of the Collaborative for FY2012. The report was submitted to the state as required by the legislation. Copies of the Annual Report (including Audit/Financial Statements) were also sent to the Chairs of the Member School Committees as required, and a copy has been posted on the Cape Cod Collaborative website (www.capecodcollaborative.org).

Additional paper copies of the Annual Report were available to Board members at the meeting.

Mr. Hilton recommended that the Board accept the FY2012 Annual Report.

Mr. Telman made the motion that the board vote to accept the FY12 Annual Report for the Cape Cod Collaborative. This motion was seconded by Mr. Fichtenmayer.

SO VOTED – UNANIMOUS

c. Cape Cod Collaborative Articles of Agreement

Mr. Hilton reviewed the current Articles of Agreement, noting that there had been recommended changes to the Articles of Agreement produced as a result of Strategic Planning (2010 – on hold due to Collaborative legislative changes). Mr. Hilton discussed the need for further review and revision due to the legislative and (anticipated) regulatory changes of 2012/2013.

Mr. Hilton noted that copies of the Pre-2010 and the Strategic Planning suggested changes were enclosed with November Board materials and that copies of the new legislation and pending (DRAFT) regulations were also included with November Board materials. Mr. Hilton distributed additional copies to those needing them at the meeting.

Mr. Hilton noted that it is necessary to review and revise the Articles of Agreement to ensure compliance with the Legislation and Regulations. Mr. Hilton indicated that a DRAFT of the proposed changes, consistent with the legislation, regulations and “model agreement” must be submitted to the Department of Elementary & Secondary Education for March 4, 2013. Mr. Hilton noted that this is a tight timeline, but does not require that all of the Member District School Committees approve the agreement before that date, and also allows for further revisions after that date.

Governance SubCommittee

Mr. Hilton indicated that the Governance SubCommittee convened immediately prior to the Board meeting. Members of this subcommittee (Dr. Bentinck-Smith, Ms. DiPaola, Mr. Fichtenmayer, and Superintendent Davis) reviewed the DESE’s Model Collaborative Agreement and the Collaborative’s Articles of Agreement. Recognizing the effort made during Strategic Planning in 2010, the SubCommittee recommended that changes suggested during the Strategic Planning process be adopted. In addition, the SubCommittee made additional recommendations in two specific areas: what constitutes a quorum and allocation of Collaborative assets.

- Quorum – Although it was recognized that a majority quorum might be preferable to the DESE, due to particular regional issues and in the spirit of maintaining the collaborative and collegial functioning of the Board, the Governance SubCommittee recommended maintaining the quorum as it is currently indicated in the current Articles of Agreement:

4.10 At any meeting of the Board of Directors, a quorum shall be defined as follows:

- A. A majority of four (4) of the Executive Committee, seven (7) in attendance; or,*
- B. Attendance of six (6) members of the Board of Directors, including at least two (2) members of the Executive Committee.*

- Collaborative Assets – The Governance SubCommittee recognized that there were/are significant investments made by the Collaborative on behalf of districts in the provision of services. It was also recognized

that the districts participating in different services may require different investment in assets. The Governance Subcommittee directed Mr. Hilton to draft language within proposed revisions to the Articles of Agreement that would recognize these differences in “investment” in different Collaborative programs. This “recognition” would ideally note and address the difference in assets (and liabilities) for programs and transportation services.

Mr. Hilton reviewed and discussed these recommendations with the Board. He will provide Board members with a version of the Articles of Agreement containing these recommendations for review. Mr. Hilton directed the Board’s attention to the DESE Model Agreement.

Mr. Hilton reminded the Board that the amended agreement must be submitted to the MA Department of Elementary and Secondary Education and to Member School Committees for review and approval by March 4, 2013. He asked that Board members come to the February meeting prepared to discuss changes to the quorum and requirements for membership participation.

d. Establishment of Other Post-Employment Benefit (OPEB) Trust

Mr. Brown and Mr. Hilton reviewed and discussed the process necessary for the establishment of an irrevocable trust for the Collaborative OPEB liabilities. Mr. Brown had discussed the establishment of this “irrevocable trust” with the Collaborative Counsel (Attorney Brian Fox of Murphy, Hesse, Toomey & Lehane) over the past several months. Mr. Brown noted that the proposed text/ language for the establishment of this trust had been included with Board materials for this meeting. Mr. Brown distributed copies of these materials as necessary.

Mr. Hilton reminded the Board that the Collaborative is seeking to establish an OPEB trust with independent oversight. The Board, as trustees for the OPEB trust, would be acting as a Board for a separate non-profit trust. Mr. Hilton indicated that the Collaborative administration and the Finance Committee has recommended consideration of a practice authorizing funding within each fiscal year budget, then holding funds allocated from that fiscal year for a full year prior to transfer to the trust (example – allocate funds within FY12 for OPEB liability and accrue, hold these FY12 funds that had been “set-aside”/reserved through FY13 and deposit as appropriate at the start of FY14). This practice has been recommended as the OPEB trust is an “irrevocable trust” and that funds deposited to the trust should remain in the trust. The “staggered” deposit allows for flexibility in the allocation of funds to the OPEB trust.

Mr. Swett asked about the management of the proposed trust.

Mr. Brown indicated that, although the Board may appoint other trustees, typically the current members of the Board of Directors become the trustees. As trustees, Board members may appoint a custodian to manage the trust’s portfolio.

Mr. Swett pointed out that the trust will contain significant assets; the appointment of a custodian to manage the funds will require much consideration.

Dr. Tankard and Ms. Medeiros recommended that the Finance SubCommittee (Mr. Swett, Mr. Fichtenmayer, Mr. Davol and Mr. Henderson) convene to discuss this process further and recommend funding processes and procedures for the full Board to consider.

e. FY13 Spending Plan – Discussion

• **Enrollment Projection**

Mr. Hilton noted that enrollment has been trending upward; more referrals have come in than anticipated. Districts, focusing on the safety of their schools and students, appear to have less tolerance for behavioral issues.

• **Adjustments to FY13 Spending Plan**

No significant adjustments were recommended at this meeting.

f. FY13 Spending Plan – Personnel Changes

• **Reductions**

VOTE

- N. Andrew Cunningham, Driver

Ms. Medeiros made the motion that the Board vote to approve the reduction. This motion was seconded by Dr. Bentinck-Smith.

SO VOTED - UNANIMOUS

g. Program / Services

• **Alternative Education Program – Otis**

Mr. Carroll discussed the current enrollment and programming at the Alternative Educational Program.

- Enrollment

Mr. Carroll informed the Board that enrollment continues to trend upward. He indicated that the program recently admitted 3 students to the program and had 4 interviews scheduled. He noted that school districts appear to be more reluctant to take back students with behavioral and other issues, possibly due to safety concerns.

Dr. Tankard wondered if students prefer to stay in the AEP, since for many, the feeling of safety within the program is of great importance.

Mr. Swett observed that weaning students back to district at the appropriate time is a goal of the program.

Mr. Carroll noted that parents and districts participate in the placement decision, always keeping in mind what is best for the student. He observed that the acuity of student needs has increased.

Mr. Hilton informed the Board that districts are doing a good job dealing locally with students who at one time would have been referred to a program like the AEP. Students who once would have been considered for residential placement, who have more mental health issues and more concentrated issues, are more typically those referred today.

Mr. Murphy wondered if discussion of the 2014 changes in the educational regulations (recent legislation) regarding suspended and expelled students having an impact within districts, as these changes pose interesting challenges.

Mr. Hilton responded that the Collaborative is in the process of facilitating discussion with district administrators regarding these needs. A suggestion has been made to have districts cooperatively contract a social worker and/or education professional to begin tracking the needs and to make recommendations to develop appropriate programming for the students, especially as the legislation takes effect in July 2014. Mr. Hilton observed that the regulations make this a circuit-breaker reimbursable expense.

- Programming

- Barnstable Food Service

- Mr. Carroll and Mr. Hilton spoke about the transition to Barnstable Food Service. He noted that fewer behavioral incidents have been noted after lunch (students are enjoying better quality food).

- Facilities

- Upper Cape Cod Tech - Horticultural Project Development

- Mr. Carroll stated that he is looking forward to having Upper Cape Cod Tech come back when the weather breaks to continue plantings. He noted that they have done a great job. Mr. Hilton indicated that photos of the project were shared at a recent Facility Directors meeting and that the Upper Cape Cod Tech Facilities Director took copies of the pictures to bring back to the school.

- **STAR - Osterville**

- Ms. Woods provided an overview of the current and projected enrollment for the STAR Program.

- Enrollment

- Ms. Woods informed the Board that her phone has been ringing “off the hook” since the last meeting. She has received 12 inquiries, 9 of which are K-3 students with emotional/behavioral issues. She indicated that the youngest student is 4 years of age.

- US DOE – OCR Update

- Mr. Hilton and Ms. Woods provided an update regarding the US DOE-OCR Monitoring Plan. Ms. Woods told the Board that she has continued to update monitoring at TEAM meetings and has created a brochure detailing inclusion opportunities.

- Programming

- Ms. Woods informed the Board that the STAR Program has received full program approval from the DESE.

She indicated that staff illnesses have had a big impact on the program during the past week as the flu has impacted staff throughout the program.

Ms. Woods expressed particular appreciation for Beth Kerr for her grant seeking and program development efforts. Ms. Woods explained that, through Ms. Kerr's efforts, the program has received a Cape Cod 5 grant in the amount of \$500 for the garden.

Ms. Woods also noted that the program received the donation of a greenhouse through Mr. Ing and Ms. Lipkind of the Cape Cod Challenger Club, but there have been some delays in the installation/construction.

Ms. Woods also shared that Sue Blaha, the program nurse, recently participated in a Department of Public Health training, which will allow the program to begin to offer a fluoride rinse program.

Ms. Woods also noted that she received one staff resignation last evening from a staff member currently on maternity leave who will not be able to return.

- **Transportation**

Mr. Hilton reviewed the current status of Collaborative transportation initiatives and services.

- Support / Consultation

- Dennis-Yarmouth Public Schools

Mr. Hilton indicated that James Flahive continues to assist the Dennis-Yarmouth Regional School District in developing bid specifications for large bus transportation as well as a review of their current transportation programming.

Mr. Hilton informed the Board that D-Y currently uses the Collaborative for out-of-district transportation. The district has been considering use of the older buses to serve the routes that the Collaborative currently services. Mr. Hilton noted that D-Y has encountered several issues which have made this option less feasible at the current time. (Mr. Hilton noted that The Collaborative was able to assist D-Y by managing the maintenance on the buses, reducing the cost per vehicle significantly from \$8,000 to under \$1,000.)

- Staffing / Routing

Mr. Hilton updated the Board regarding ongoing changes to staffing and routing associated with Collaborative transportation services.

- Special Education Transportation

- Equipment Review / Needs

Mr. Hilton and Mr. Brown, working with Ms. Pawloski, the Transportation Manager, have continued the review of the need for the Collaborative to replace vehicles within the

(short) bus fleet. These buses will be procured in the coming six months and will require Board votes for the procurement and the financing. Mr. Hilton told the Board that Mr. Brown and Ms. Pawloski believe 3 short buses and 2 vans will be needed.

- Large Buses

Mr. Brown and Mr. Hilton reviewed the Collaborative operations associated with large buses in the region. Mr. Brown and Mr. Hilton discussed the long-term planning associated with the vehicles (assets) and associated costs.

- **Therapies**

Mr. Hilton updated the Board regarding the provision of services within the Collaborative and to districts.

- FY13 Service Commitments

- Physical Therapy

- i. One (Collaborative) Physical Therapist is on leave from their position and will return at the start of March.
- ii. The Collaborative has secured “leave replacement” coverage for the leave of absence by using current staff.

- Assistive Technology / Augmentative Technology

- i. The Collaborative continues to explore the development of a consultation program with Keith Woodbury, a specialist in this area that is also a certified Speech & Language Pathologist.

- **Southeastern Massachusetts Collaborative Regional Organization (S-CRO)**

Mr. Hilton informed the Board that this group recently received notification that grand funding has been received to integrate the professional development opportunities through all of the collaboratives, and the entire Southeastern Massachusetts region. (A copy of the notification was provided to Board members.) This grant submission was based upon the successful submission of the Cape Cod Collaborative (SmartPD) and will allow sharing of professional development offerings across the region.

- **Special Projects**

- Professional Development

Mr. Hilton updated the Board regarding Professional Development activities.

- Observing & Analyzing Teaching (OAT)
- Data Coaching

- Center for Executive Search

Mr. Hilton reminded the Board that the Center for Executive Search is

assisting the Falmouth School Committee with their search for the next Falmouth Superintendent.

Dr. Tankard suggested that Board members consider using the services of the CES when districts need to fill administrative positions. He stressed the importance of matching applicants to the particular “culture” of the district.

(Mr. Swett left the meeting at 6:00 PM; Mr. McGee entered the meeting at 6:00 PM.)

Mr. Murphy asked about the capacity of the CES to do searches and whether multiple searches could be handled at once. As a member of the Board at MASC, he observed that MASC and CES compete for searches in the southeastern region and suggested a working partnership would be beneficial.

Mr. Hilton responded that the CES ability to perform searches is potentially infinite; he explained that both Dr. Gilbert and Mr. Cannone are available for more searches and that other search CES consultants are anxious to be involved. Noting that a strength of the CES is its ability to perform personalized searches, Mr. Hilton observed that MASC and the CES have a good relationship. He would be very open to having a conversation regarding a working partnership.

- Early Childhood Network Development

Mr. Hilton explained that the providers of Early Childhood Services (including school districts) continue to meet with the facilitation of Dr. Gilbert. These providers developed and submitted a collaborative grant proposal in December with the Barnstable Public Schools as the fiscal agent. He noted that this grant will assist in the development of strategic planning and the exploration of sharing professional development opportunities.

- ASLP

Mr. Hilton updated the Board with information associated with the ASLP Program planning for Summer 2013.

VI. Other

There were no other items for discussion at this meeting.

VII. Executive Session

It was deemed necessary to enter into Executive Session to discuss the following matters:

a. Contract Negotiations

There are two items regarding contract negotiations with non-union employees that will be discussed in Executive Session.

b. Personnel Matters – Litigation Strategy

An update will be provided regarding personnel matters that are currently being litigated.

Ms. Medeiros made the motion that the Board vote to enter into Executive Session, exiting the session only to adjourn. This motion was seconded by Mr. Fichtenmayer. A roll call vote was taken:

Ms. Medeiros – yea, Dr. Tankard – yea, Dr. Bentinck-Smith – yea, Mr. Telman – yea, Mr. McGee – yea, Mr. Fichtenmayer – yea

The Board entered Executive Session at 6:05 PM.

Ms. Medeiros made the motion to exit from Executive Session. The motion was seconded by Mr. Telman. A roll call vote was taken:

Ms. Medeiros – yea, Dr. Tankard – yea, Dr. Bentinck-Smith – yea, Mr. Telman – yea, Mr. McGee – yea, Mr. Fichtenmayer – yea

The Board exited Executive Session at 6:09 PM.

VIII. Adjournment

The meeting was adjourned at 6:09 PM.