

Franklin School Committee  
Executive Session Minutes  
11-19-13

The Franklin School Committee convened in executive session at 8:30 PM for the purpose of hearing and acting on a grievance brought forward by the FEA. The meeting was held in executive session because proceeding in open session could have a detrimental effect on the bargaining position of the Committee. The meeting was held in Council Chambers of the Franklin Municipal Building.

In attendance for the School Committee: Mrs. Mullen, Mrs. Rohrbach, Mrs. Douglas, Mr. Clement, Dr. Jewell, Mrs. Trahan and Dr. O'Malley

Also present: Mrs. Sabolinski, Mrs. Winslow, and Attorney Michelle Allaire McNulty, Counsel for the school district.

**1. Level 3 Grievance:**

Prior to hearing the grievance, Superintendent Sabolinski and Attorney McNulty gave the Committee the background of the grievance in the chambers conference room. The teacher had received a written reprimand by Principal Light in May 2013, following an investigation into conduct relative to the handling of a situation involving a student on her caseload. Principal Light also referenced this written reprimand on the teacher's summative evaluation and gave an unsatisfactory rating under professional responsibilities. The grievance was filed as a violation of Article VIII, Teacher Evaluation and Files, Section 8.4, "Just Cause" which states that "a member shall not be disciplined without due cause." The remedy sought by the grievance is removal of the letter of reprimand from the file and from the summative evaluation.

The teacher presented her grievance at Level 1 with Principal Light and at Level 2 with Superintendent Sabolinski, and was denied at both levels. Attorney McNulty has been involved in every step of the process beginning with the letter of reprimand. It appeared after the Level 2, that there was agreement to settle by some minor tweaking of language in both the letter of reprimand and the summative evaluation. An agreement was drawn up and agreed to verbally, but when it was presented to the teacher she did not want to settle and wished to move the grievance to Level 3.

Attorney McNulty explained to the Committee that under Ed. Reform, that School Committees do not have the authority to grant or deny the grievance related to discipline by the principal or the superintendent. However, under the collective bargaining agreement, the teacher does have the right to present her grievance to the School Committee at Level 3. Mr. Jewell and Mr. Clement expressed concerns about voting on a motion relative to the grievance as it is not within their responsibilities under The Education Reform Act of 1993. Attorney McNulty explained that the Committee can vote to deny the grievance as they do not have the authority to grant the relief requested. If the Committee denies the grievance, the next possible step is that they will take it to arbitration, but it is unclear whether the FEA will pursue this.

The Committee then returned to chambers to hear the grievance presented by Kim Hoffman, MTA Representative. After Ms. Hoffman completed her presentation, the

Chair advised her that the Committee would review the matter and get back to the Association at a later time.

After hearing the grievance, the Committee returned to the chambers conference room for discussion and to vote on an action regarding the grievance. In their discussion, School Committee members expressed consensus that the Principal had just cause to issue the letter of reprimand.

Following the discussion, a Motion was made by Mrs. Trahan to take the following action on the grievance:

Due to the provisions of the Education Reform Act, The School Committee is without authority to grant the relief requested.  
Therefore, the grievance is denied.

After giving due consideration to all of the information available to us, the School Committee has determined that the Principal had just cause to issue the letter of reprimand.

Motion was seconded by Dr. O'Malley.

Roll Call Vote:

Mrs. Douglas: Yes; Mr. Clement: No; Mrs. Rohrbach: Yes; Dr. O'Malley: Yes; Mrs. Mullen: Yes; Dr. Jewell: No; Mrs. Trahan: Yes.

Motion carries 5-2.

Motion to adjourn was made at 9:36 PM by Mrs. Trahan, seconded by Mrs. Douglas.

Roll Call Vote:

Mrs. Douglas—yes; Mr. Clement—yes; Mrs. Rohrbach—yes; Mrs. Mullen—yes; Dr. Jewell—yes; Mrs. Trahan—yes; Dr. O'Malley—yes.

Attachments: sanitized documents including copies of the grievance dated 6/26/13; letter of reprimand dated 6/11/13; teacher rebuttal dated 6/19/13; Summative Evaluation dated 6/19/13; Confidential Investigation Notes dated May 2013.