



## **Haverhill School Committee – Regular Meeting of March 26, 2015**

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*Mayor James Fiorentini, Chairperson called the meeting to order at 7:00 p.m. Present were: Attorney Paul Magliocchetti; Mrs. Susan Danehy (arrived at 7:01 p.m.); Mr. Shaun Toohey; Mr. Joseph Bevilacqua; Mrs. Maura Ryan-Ciardiello, Vice President; Mr. Scott Wood, President; Mr. Johnathan Letcher, Director of School Improvement and Accountability; Mrs. Julie Kukenberger, Assistant Superintendent of Schools and Mr. James F. Scully, Superintendent of Schools.*

*The Pledge of Allegiance was recited.*

### **Public Participation.**

*Mayor Fiorentini acknowledged the presence of teachers in the audience. He commended the HEA for working collaboratively on health care issues last year; health costs would be rising by 7% this year. The Mayor stated that his son was a member of the Association and that he had a conflict and would have to leave the room during this portion of the meeting and Mr. Wood would chair the meeting.*

*Mr. Timothy Briggs, a member of the association, a citizen of Haverhill and a parent stated that contrary to recent communications via Alert Now system, the HEA leadership and the members were united. He further related that a petition would be presented and asked that it be recognized.*

*Mr. Briggs read the following: "We, the undersigned are members of three bargaining units (teachers, clerical and education support personnel) that make up the Haverhill Education Association. We all have been working without a contract since June 30, 2014. Settling a new contract before the end of this school year is important to all of us. Work with the HEA bargaining team and settle a fair contract now." He presented the petitions signed by over 500 members to the School Committee.*

*Mr. Wood asked if the HEA had finished speaking and was advised they had finished.*

*Pamela Conte, 72 Greenlawn Avenue, Haverhill MA began to speak to the Committee about Early College Program.*

*Mayor Fiorentini cautioned Mrs. Conte about a time limit for speaking – she indicated she would only speak for 5 minutes.*

*Mrs. Conte gave more detailed information on the Early College Program.*

*Attorney Magliocchetti noted he had received a ruling from the Ethics Commission and would have to recuse himself and could not act as an agent for anyone. He could remain in the room.*

*Mr. Toohey stated he had a conflict too.*

*Mayor Fiorentini asked if Mr. Wood had a legal opinion.*

*Mr. Wood stated that after the Early College issue was referred to the Policy Subcommittee; he sought an opinion for legal counsel on the role of the school committee. He noted that Attorney Cox had a conflict since he served on the Board at Northern Essex Community College. In addition, he called MASC (Massachusetts Association of School Committees) to seek their opinion. Mr. Wood noted that the matter was referred to another school department attorney who handles educational matters, Attorney Catherine Lyons.*



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*President Wood read her legal opinion into the record (see attached document).*

*He noted that her legal opinion was in line with what Glenn Koocher stated to him – implying that the school committee would be infringing on the running of the high school. Mr. Wood noted that this issue had divided the high school and that the issue could have been handled better. Mr. Wood related that it should not have been sent to the Policy Subcommittee.*

*Mayor Fiorentini stated that the school committee could not handle the matter and that the school committee could not vote on the issue. He stated that he would be observing an AP and Early College class tomorrow at HHS.*

*Attorney April Kaloostian spoke about the Early College/Class Rank issue. She stated the issues were the result of lack of transparency, communication and notice by the high school administration. In conclusion, she and her husband were displeased with Haverhill High School.*

*The administration had no comment on the issue.*

*Colin Norton, a parent of high school students attending the Classical Academy at Haverhill High School addressed the committee. He asked the superintendent to seriously and fairly evaluate the program and do the right thing by our students. Mr. Norton asked if the policy subcommittee had met since the parents were assured they would be invited to the meeting.*

*Mr. Wood responded that the matter does not fall within the purview of the school committee and that the parents may have been misled by the Mayor and other members at that time.*

*Mr. Norton continued by talking about the courses.*

*Attorney Magliocchetti and Mr. Toohey left the podium due to a conflict.*

*Mr. Norton highlighted his son's class rank decrease last year and now he knew why that happened. He hoped that these class rank issues were not impacting admissions to colleges.*

*Mr. Scully stated he had checked with 25 colleges within the past week and class rank is not considered; it is usually the aptitude test and GPA.*

*Mr. Norton stated his son did not get into his first choice school Boston University; although he was accepted at all other schools where he applied. He further noted that he met with the Admissions Director at BU and that his class rank did impact his admission.*

*Mr. Scully stated that he had not heard that information; he cautioned that students' rights to privacy might have been violated. He noted that he would continue to look at the courses.*

*Attorney Magliocchetti related in response to a reporter's question that his conflict was the following: since his daughter was in a program that was in dispute and that there could be a personal, financial interest; that her courses will effect her class rank and ultimately, the colleges she would get into and scholarships she would receive.*

*Mr. Toohey reiterated that he had the same conflict – a daughter in the Classical Academy.*



Mayor Fiorentini noted that he did not have a conflict but did file a disclosure form with the school department because his son taught Classical Academy courses.

**Communication and Reports.**

Emma Kaloostian presented her Student Advisory Council Report that highlighted the following:

- First Annual Spring Spirit Week;
- Powder Puff football game between senior girls and junior girls coached by boys' football captains;
- Junior Parent Night this evening;
- Scholarship Portal Open;
- PARCC testing is ongoing along with MCAS for grade 10

Mr. Toohey asked about any technology issues with technology.

Mrs. Kukenberger stated that there were technology test runs prior to testing and that there were no issues. She noted that Consentino, Whittier, Nettle and High School were doing computer-based testing and Bradford, Tilton, Pentucket Lake, Golden Hill and Hunking were doing paper-based testing.

Superintendent Comments/Reports.

High School Updates – Final Version of Program of Studies (draft presented on 2.26.15)

The Superintendent noted that at the March 26<sup>th</sup> meeting, the committee had received the draft of the Program of Studies; the document had been cleaned up and he was requesting approval this evening.

Moved by Mr. Wood and seconded by Mr. Toohey to approve the High School Program of Studies.

Attorney Magliocchetti asked for Mrs. Kitsos to clarify the changes and the reasons for the changes in the document.

Mrs. Kitsos stated that grammatical changes had been made and that the Guidance Page was updated.

Attorney Magliocchetti announced that he would need to recuse himself for a portion of the Program of Studies pages 14 & 68 that involved weighting would need to be removed so that he can vote on the remainder.

Attorney Magliocchetti referenced the Early College section on page 13 of the draft version and the newer version page 14; he noted that there were substantial changes in this section. He continued by noting page 68 Dual Enrollment section also had changes.

Mrs. Kitsos stated that changes were made to be perfectly clear and to avoid confusion.

Attorney Magliocchetti suggested a table would be beneficial in the Program of Studies.

Mrs. Kitsos related that the high school was looking forward to implementing the Hingham Report relative to class rank and percentiles.

Attorney Magliocchetti thanked the superintendent for the information that was presented to the committee at the last meeting; he noted it was very beneficial.

Mrs. Kitsos stated that universities "rip apart" the transcript.



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*Superintendent Scully stated that it was a fluid document and a table could be included as an insert. He also noted that colleges weigh things differently.*

*Mr. Bevilacqua was pleased with the clarification in the Program of Studies.*

*Mrs. Danehy stated that the Program of Studies was a monumental task. She suggested pathways be included in the document that would help students identify courses that needed to be completed for particular college courses of study i.e. engineer, physicist etc.*

*Mr. Scully commented that this was a work in progress.*

*Mr. Wood thanked Mrs. Kitsos for her hard work and dedication to the Program of Studies.*

*President Wood related that it was stated earlier this evening and I don't know remember who stated it, that the Classical Academy was the pride of Haverhill High School. To me, every student is the pride of Haverhill High School. Those in the ROTC program that are going to go serve our country, they are the pride of Haverhill High School. Those in the alternative program, the mothers who had a child in their teens that are fighting to graduate, that's the pride of Haverhill High School. The kids that are fighting and helping support their mothers and fathers, that's the pride of Haverhill High School. That is what this program of study encompasses, a pathway for all of our students because that's what we're here for – every single student in the district, not just one segment of the school population, every single student. So I want to thank you Mrs. Kitsos for your commitment to every student at Haverhill High School and the hard work you've done to support every student, not just some students.*

*Moved by Mr. Wood and seconded by Mrs. Danehy to approve the Program of Studies with the removal of pages 14 & 68 from the Program of Studies.*

*Mayor Fiorentini noted that the transition of the Early College Program was a complex one.*

*Attorney Magliocchetti and Mr. Toohey recused themselves at this time.*

*Mr. Scully stated that these programs have evolved in many urban centers that has beneficial including financial effects for students as they transition to college.*

*Mrs. Kitsos stated that Early College and AP Courses are both rigorous; she noted that in the Early College a test is given and AP courses are offered to anyone who wants to challenge. She indicated her pride in all of the students.*

*Mayor Fiorentini stated it would be hard for him to support the abolishment of class rank.*

*Mrs. Kitsos responded that a report was being prepared for the Superintendent in reference to this topic.*

*Mr. Scully commented that the college acceptance process was complex and involved many factors.*

*Mrs. Danehy referenced a Time Magazine March 30, 2015 article regarding this topic and noted that parents are being myopic regarding college selection based on prestige.*



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*A roll call vote was held on the Program of Studies and the results were the following:*

<i>Mrs. Danehy</i>	<i>Yes</i>	<i>Mr. Bevilacqua</i>	<i>Yes</i>
<i>Mrs. Ryan-Ciardiello</i>	<i>Yes</i>	<i>Mr. Wood</i>	<i>Yes</i>
<i>Mayor Fiorentini</i>	<i>No</i>		

*Motion passes 4-1*

*Attorney Magliocchetti and Mr. Toohey returned to the meeting.*

*Mr. Scully stated his job was to look out for **all** students in the school system.*

### ***Financial Update.***

*Mr. Scully presented a document that was a First Look At the FY16 Budget. He noted that Mr. John Sullivan was working with the superintendent on the budget; additionally, Julie Kukenberger is working with the professional staff and Johnathan Letcher is working on the soft numbers. The Superintendent highlighted the following figures:*

*\$72,052,687 level funded with step increases*

*\$3,000,000 minus school choice and circuit offsets*

*\$69,052,687*

*\$63,560,687 less non-NSS eligible expenses such as transportation, crossing guards, community services, equipment*

*\$23,238,338 add city costs*

*\$86,799,025 total NSS budget*

*\$1,338,102 increase in school committee budget FY15 to FY16*

*\$1,561,282 increase in NSS*

*\$1,257,205 increase in Chapter 70*

*Mr. Scully noted that this budget would be level funded accommodating only step increases, no new teachers and no additional programs. He further related that FY15 was still running a \$1,440,885 in cost overruns due to the special education issues. The superintendent stated that the budget was not a “rosy picture”.*

*Mayor Fiorentini commented that the Mayors’ Association had met with Speaker DeLeo and expressed their concern regarding the upcoming budget sessions, especially special education costs. He further stated it would be very difficult to balance budgets this year.*

*Mr. Wood stated that the Finance Subcommittee would be reviewing the budget in more detail and noted it would be a couple of difficult budget years and spending will have to be closely monitored.*

*Mr. Scully commended the staff for their diligence in controlling spending this year.*

*Mr. Bevilacqua stated that the cuts were of concern to local communities and that the Governor, Lt. Governor and Chairman Dempsey had heard our apprehension of this budget year.*

*Mayor Fiorentini stated that early retirement would not be a local option.*



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*Mr. Wood asked about enrollment increases, specifically areas of growth.*

*Mr. Scully stated that the Washington Street, Bradford and Whittier areas had shown increased student enrollment throughout the year.*

*Mr. Wood asked about enrollment capacity in areas.*

*Mr. Scully responded that Hunking, Bradford, Tilton, Consentino and Whittier were at capacity. He noted that at the last meeting, Mrs. Kukenberger had a plan for bringing students back to the neighborhoods.*

*Mrs. Ryan-Ciardello asked what is the next step since people want to come to Haverhill for the great schools.*

*Mr. Scully noted that the opening of the new Hunking School would provide relief for the whole district and that he had held discussions with Mayor regarding how to address increased enrollments in future years.*

### **Proposed School Calendar for 2015-2016.**

*Mr. Scully asked for approval of the calendar at tonight's meeting in order to inform families who are planning their schedules for next year. He related that the Presidential Primary Day on March 1, 2016 was a school day and other changes had been made to allow for more school days in session.*

*Mr. Wood asked for discussion on the calendar to allow for more accommodation for snow days.*

*Mr. Scully noted the closing date would be June 14 (without snow) and June 21 with five (5) snow days.*

*Moved by Mr. Bevilacqua and seconded by Attorney Magliocchetti to approve the school calendar for 2015-2016 as presented.*

*A roll call vote was held and the results were the following:*

<i>Attorney Magliocchetti</i>	<i>Yes</i>	<i>Mrs. Danehy</i>	<i>Yes</i>
<i>Mr. Toohey</i>	<i>Yes</i>	<i>Mr. Bevilacqua</i>	<i>Yes</i>
<i>Mrs. Ryan-Ciardello</i>	<i>Yes</i>	<i>Mr. Wood</i>	<i>Yes</i>
<i>Mayor Fiorentini</i>	<i>Yes</i>		

*Motion passes; 7-0*

### **General Updates.**

*Mr. Scully reported that Mr. Wood had provided a middle school speaker on substance abuse through corporate donations.*



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Mr. Wood announced the following dates for the Rich Barnes' event:

Thursday April 16<sup>th</sup>  
 10:00 am – AB Consentino School  
 1:00 pm – CD Hunking Middle School  
 Friday April 17<sup>th</sup>  
 10:00 am – JG Whittier Middle School  
 1:00 pm – Nettle Middle School

Mr. Scully reported that Haverhill had received recognition for technology advancements as a District of Distinction in District Administration Magazine.

### School Committee Communications.

There were no Subcommittee Reports.

### New Business.

The Superintendent recommends approval of Warrant Number EV20150327 totaling \$1,341,674.72; Warrant Number JV20150327 totaling \$58,963.11 and Warrant Number JV20150327A totaling \$12,353.90 as indicated in the agenda material.

Moved by Mr. Wood and seconded by Mrs. Ryan-Ciardiello to approve the Warrants as presented.

Attorney Magliocchetti asked for clarification on the conflict of interest on warrants.

A roll call vote was held and the results were the following:

Attorney Magliocchetti	Abstain	Mrs. Danehy	Yes
Mr. Toohey	Abstain	Mr. Bevilacqua	Abstain
Mrs. Ryan-Ciardiello	Yes	Mr. Wood	Yes
Mayor Fiorentini	Yes		

Motion passes; 4 – yes; 3 - abstain

### Items by Consensus.

The Superintendent recommends approval of the minutes of the regular meeting of March 12, 2015; the use of facilities and the conference request(s) as indicated in the agenda material:

- Requested by Anne Magnus of the Pregnancy Care Center for the use of the HHS Fields on Saturday, June 13 from 7 a.m. to 11:00 a.m.
 

Process Fee:	\$ 10.00
Custodial Fee	\$ 45.00 per hour weekend
Rental Fee:	\$ 50.00 per hour
- Requested by Kim Ocasio of the Ocasio's True Martial Arts for the use of the HHS Gym on Saturday, June 6, 2015 from 4:00 p.m. to 8:30 p.m.
 

Process Fee:	\$ 10.00
Utility Fee:	\$ 20.00 per hour
Custodial Fee	\$ 45.00 per hour weekend
Rental Fee:	\$50.00 per hour
- Requested by Amanda Ellis of the Central New England Pony Club for the use of the HHS on March 28, 2015 from 7:00 a.m. to 4:00 p.m.
 

Process Fee:	\$ 10.00
Utility Fee:	\$ 20.00 per hour
Custodial Fee	\$ 45.00 per hour weekend
Classroom Fee	\$ 30.00 per hour
Cafeteria Fee	\$ 25.00 per hour



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*Conference requests: Juliana Potts (Bartlett); Mandy Breton (Bradford Elementary); Rebecca Ewell (Golden Hill); Michelle Riegert (HHS); Karen Schaefer (HHS); Jennifer Donais (Nettle); Kelsey Eaddy (Tilton); Chantal Alder (Tilton) and Patricia Juranovits (K-12) to attend the NCTM Conference on April 16-17, 2015 in Boston MA at a cost of \$382 (Title IIA grant).*

*Moved by Mr. Wood and seconded by Mrs. Danehy to approve items 5 A-C as indicated in the agenda material.*

*A roll call vote was held and the results were the following:*

<i>Attorney Magliocchetti</i>	<i>Yes</i>	<i>Mrs. Danehy</i>	<i>Yes</i>
<i>Mr. Toohey</i>	<i>Yes</i>	<i>Mr. Bevilacqua</i>	<i>Yes</i>
<i>Mrs. Ryan-Ciardello</i>	<i>Yes</i>	<i>Mr. Wood</i>	<i>Yes</i>
<i>Mayor Fiorentini</i>	<i>Yes</i>		

*Motion passes; 7-0*

*Moved by Mr. Wood and seconded by Mr. Bevilacqua to go into Executive Session to discuss strategy with respect to collective bargaining and to reconvene in Open Session.*

*A roll call vote was held and the results were the following:*

<i>Attorney Magliocchetti</i>	<i>Yes</i>	<i>Mrs. Danehy</i>	<i>Yes</i>
<i>Mr. Toohey</i>	<i>Yes</i>	<i>Mr. Bevilacqua</i>	<i>Yes</i>
<i>Mrs. Ryan-Ciardello</i>	<i>Yes</i>	<i>Mr. Wood</i>	<i>Yes</i>
<i>Mayor Fiorentini</i>	<i>Yes</i>		

*Motion passes; 7-0*

*Meeting adjourned at 8:40 p.m.*

# LYONS & ROGERS LLC

ATTORNEYS AT LAW

Catherine L. Lyons  
Amy M. Rogers  
Kristin J. Wesolaski  
Melissa A. Curran

March 23, 2015

Mr. Scott Wood, President  
93 Lawrence Street  
Haverhill, Massachusetts 01830

**Re: Legal Opinion – Authority of School Committee to Assign Course Weights**

Dear President Wood,

Attorney William Cox has referred your question to our office regarding whether the School Committee may determine the “weight” of particular courses. Specifically, the questions concerns whether the School Committee has the authority to determine that Advanced Placement (AP) courses may be “weighted” higher than Early College (EC/dual placement) courses.

In accordance with the Educational Reform Act of 1993, the responsibility of the day-to-day operations of public schools is outside the scope of School Committee authority. The role and function of school committees are statutorily limited to specific duties and responsibilities which would not encompass the management of academic courses in the sense of determining the amount of weight certain courses are assigned. Such determinations are legally and customarily within the purview of school administrators, namely the Superintendent and Principals.

The Haverhill Public Schools offer Advance Placement (AP) courses, in accordance with a program created by the College Board, which provides curriculum and examinations at a college-level to high school students. Haverhill also offers Early College/Dual Enrollment courses (EC) which are also designed to prepare students for college. Students enrolled in both AP and EC courses earn the same amount of credit if they achieve a C or better in said courses. The Haverhill Public School administration gives EC courses the same weight as AP courses in accordance with the guidelines established by the Massachusetts Board of Higher Education and the recommendations of the Massachusetts Department of Elementary and Secondary Education. Said determination is appropriately within the purview of the school administration. The basis for my opinion is as follows:

The Education Reform Act, which was initially enacted by the Massachusetts General Assembly in 1993, called for comprehensive reform of public education within the state. Among the many changes, this legislation significantly altered the management and accountability structures of public schools to “ensure that all of our children will be prepared to compete in the global economy.” Education Reform Act of 1993, Conference

Committee Report (May 24, 1993); See G.L. c. 71 §59B. In accordance with this Act, the function of school committees was refocused away from the day-to-day operations of public schools to more specific duties. Prescribed by the legislature, the authority of school committees in Massachusetts are limited to: (1) establishing educational goals and policies for the school district; (2) hiring evaluating, and terminating the superintendent of schools; (3) hiring legal counsel for collective bargaining and general purposes; (4) making appointments for certain other positions in the district; (5) reviewing and approving the school budget; and (6) accepting gifts and grants for educational purposes. See G.L. c. 71, §§ 37, 37A, 37E, 37F, 41, 53, 59, 59A, 59C; G.L. c. 71B, § 3; G.L. c. 76, § 19.

Superintendents and Principals are left with broad managerial authority over routine procedures and making the necessary operational decisions for public schools.<sup>1</sup> This restructuring and delineation of authority under the law was primarily in the interest of efficiency. For instance, prior to the passage of the Reform Act, responsibility for hiring and firing teachers resided with the local school committees. The conference committee's report of 1993 described this process as imposing "bureaucratic and political barriers to reform," and hence Principals assumed primary responsibility under the law for hiring, disciplining, and terminating teachers subject to the approval of their Superintendents. See G.L. c. 71 §59B; School Committee of Pittsfield vs. United Educators of Pittsfield 438 Mass. 753 (2003). This is one of the many areas of school governance which has been reserved for the school administration via statute.

In elaborating upon the division of authority between the school administration and the school committee, the Massachusetts Department of Elementary and Secondary Education (DESE) issued an advisory on school governance, wherein it states:

"We view the school committee as the publicly elected or appointed equivalent of a board of directors of a corporation, which in this case is a school system. The school committee has oversight of and responsibility for the school system, sets the direction in which the system must go, and establishes criteria to determine if its goals and policies are being met. The superintendent serves as the school committee's chief executive officer and educational advisor. The superintendent is the educational leader for the school system, and provides administrative leadership for all school staff in operational matters and in proposing and implementing policy changes. Day-to-day operation of the school system is the responsibility of the superintendent, together with school principals and other administrative staff members." *Advisory on School Governance, Massachusetts Department of Elementary and Secondary Education (November 1995).*

The educational goals and policies established by school committees are typically conceptual in nature. As described in the 1995 advisory, the school committee and the school administration are unified for the purpose of collaboration, yet the law fashions an

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<sup>1</sup> For example, according to Haverhill School Committee policy, communication with staff is to occur through the Superintendent, and the Superintendent is to be informed of Committee members' visits to schools/classrooms. Any such visits by Committee members shall be arranged through the Principals. See *HPSC Policies, section B-BHC.*

ultimate division of authority and responsibility between the two entities. Where the school committee sets out broad objectives for school administrators and staff as it relates to the various facets of public education, superintendents and school principals are to decide upon the methodology in achieving these objectives. In an effort to clarify this distinction the advisory provides examples, stating that "broad, system-wide curriculum or school restructuring issues, such as whether the district should establish a French immersion program for grades K-6, or whether to switch from a junior high to a middle school structure" are illustrations of educational goals and policies within the authority of the school committee. *Id.* However "school committees should not decide at what grade level teachers are to start teaching students cursive writing. As an operational issue, that decision should be left to the professional educators." *Id.* When asked whether the school committee or school administration would be responsible for designing the format of student report cards, the Department responded that the "school committee establishes the educational standards for students in the district (e.g., the local standards for high school graduation, and for promotion of students from grade to grade). It is then up to the administration -- the superintendent and principals, perhaps with advice from school councils -- to design the report card format in a way that informs students and families about individual progress, and enables the school committee to determine whether its educational goals and standards for student performance are being met." *Id.*

Additionally, it is significant to note that the Haverhill Public Schools' policy manual states, "since the school committee is the governing body of the school system, its basic function is policy-making and not administrative in nature." *HPSC Policies, section B-BB.* Haverhill's School Committee policies are general in nature, and utilize broad language related to educational objectives which are not specific to the regulation of academic courses. Haverhill's School Committee acknowledges the administration's authority when it explicitly defers to the Superintendent on matters concerning course studies and curriculum changes, stating "the Haverhill School Committee will rely on the Superintendent and the professional staff to design and implement Instructional programs and courses of studies that will advance the academic goals of the District." *Id. at section I-IG.* The School Committee is to "determine policies regarding age of school entrance, promotion of pupils from grade to grade, and requirements for graduation from various units of the system." *Id. at section B-BBA.* With regard to course credits, the school committee policies merely state that "in order to graduate from the High School, a student must have completed successfully a course of study with the number of credits and distribution of units prescribed by the Commonwealth of Massachusetts and the Massachusetts Department of Education." *Id. at section I-IKF.* Thus, where the School Committee is authorized to issue directives requiring students to earn the number of credits required under the law for graduation, the Committee does not dictate how the credits should be earned or how course weight should be distributed for particular courses. Accordingly, these determinations are deemed to be within the operational control of the school administration.

It should be noted that although the law provides the school administration with an extensive amount of control in the regulation of public schools, it appears that there may be instances when the school committee may be legally permitted to encroach upon the administration's operational authority when its directives run counter to the

committee's educational objectives. Hence, if it is found that the school administration's method of weighing academic courses is not designed to "best serve the educational interests of each student and to promote challenging academic experience" while meeting the academic, social, and personal needs of all students, then conceivably the school committee would have the authority to circumvent or remedy this managerial decision. However, such is not the case in this instance because the administration's method of weighing EC and AP courses was neither arbitrary nor counterintuitive to the educational interests of the Haverhill student body as a whole. In fact, the school administration's decision to assign EC and AP courses the same weight was made in accordance with the admission standards set out by the Massachusetts Department of Higher Education. *Admission Standards, page 9 (August 2013)*. Such standards are to be utilized as a guide for public schools throughout the state and are designed to attract high school students to a more sophisticated level of academic instruction.

In following these suggested guidelines, it is evident that the administration was striving to meet the School Committee's overall objective of promoting a challenging educational experience for the student body in its entirety. Their method in achieving this goal was to create an incentive for students to prepare for a college education after high school graduation, and not merely those students enrolled in AP courses.<sup>2</sup> In this case the actions of the school administration was in furtherance of the Committee's policy goals. Moreover, given the overall purpose of the Education Reform Act and DESE's guidance, it is clear that weighing academic courses is an operational task within the legal authority of the school administration and not within the purview of the School Committee.

Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Sincerely,

  
Catherine L. Lyons

Cc: Superintendent James F. Scully  
William Cox, Esq.

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<sup>2</sup> School officials, including School Committee members, should avoid disclosing any information regarding students' academic standing or achievement that is directly or indirectly linked or linkable to the students' identity. Such disclosure would violate the students' right to privacy and confidentiality under federal and state student records law. See 20 U.S.C. § 1232g, 603 CMR 23.00, et seq.