

MINUTES OF THE SPECIAL SESSION  
OF THE MALDEN SCHOOL COMMITTEE  
Monday, March 15, 2021  
Online Meeting

Mayor Christenson called the meeting to order at 6:00 p.m.

Mayor Christenson read the protocols in accordance with the format used for the meeting as follows: “In accordance Governor Baker’s March 12<sup>th</sup>, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c. 30A, § 18, as well as the Governor’s August 23<sup>rd</sup> and December 8<sup>th</sup>, 2020 revised order prohibiting assemblage of more than 25 people, this meeting will be conducted via remote participation. In-person attendance by members of the public is prohibited, but all effort will be made to permit public attendance of this meeting via remote access by internet, telephone and public broadcast by Urban Media Arts (UMA) /MATV on public access television channels. Public access will also be provided by posting draft minutes and/or transcript recording or record of the meeting on the City of Malden website at cityofmalden.org as soon as practicable after the meeting.”

Mayor Christenson led the committee in the Pledge of Allegiance followed by a moment of silence for those who have served our country and for those who continue to do so.

**Roll Call**

The following attendance was taken:

Mayor Christenson	Present
Mr. Drummey	Present
Mr. Froio	Present
Mr. Gray	Present
Mr. Iovino	Present
Ms. Luong	Present
Mr. McCarthy	Present
Ms. Spadafora	Present
Mr. Weldai	Present
Clerk	Present

Mayor Christenson introduced Mr. Danyal Najmi of Rossetta Languages to explain the translations services available and how to access them. There were 7 languages available and each translator gave a brief introduction in their language. The languages available were Arabic, Spanish, Portuguese, Haitian Creole, Vietnamese, Mandarin and Cantonese.

**Department of Elementary and Secondary Education (DESE) Waiver to Return to School Discussion**

Mayor Christenson said that Superintendent Oteri and Attorney Greenspan were tasked with reviewing DESE’s call to have grades K-5 to return to full in-person learning beginning on April 5<sup>th</sup>. Attorney Greenspan said he had sent a memorandum to the School Committee earlier in the day regarding the regulations that were recommended by the Commissioner of Education and adopted by the Board of Education on March 5<sup>th</sup>, 2021. Attorney Greenspan added that these regulations are passed on an emergency basis which means they are effective now. Usually regulations promulgated by administrative agencies in the Commonwealth are subject to public comment and review but because of the emergency authorization, these amendments are effective immediately. Attorney Greenspan explained

that these amendments require school districts, in order to comply with time on learning requirements that are part of the regulations of DESE, to go to full-time in-person learning for K-5 schools effective April 5, 2021 and for middle schools effective April 28, 2021.

As a general rule, DESE has the authority under the statutes passed by the legislature to promulgate rules and regulations which have the effect of law. DESE has several regulations that bind school districts to act within those regulations such as the amount of school days in a year, time on learning and licensure requirements. Attorney Greenspan continued that the Board did allow a waiver process for school districts on the April 5 and 28, 2021 requirements but the Board and the Commissioner have stated that school districts have to show a compelling reason to request a waiver such as maintenance or facilities that may or may not be in compliance with the safety regulations adopted by the Board and various state as well as federal agencies.

The waiver is only for a limited amount of time and not for the rest of the school year. Elementary school waivers need to be submitted by March 22<sup>nd</sup> and middle school waivers need to be submitted by April 12<sup>th</sup>. Districts are allowed to submit both waivers together by March 22<sup>nd</sup>. DESE will accept waivers on a rolling basis and districts will be notified of a decision within 5 business days of submission.

Attorney Greenspan added that DESE relied on various scientific data to issue the distancing guideline of 3 feet from desk-to-desk. DESE has not promulgated a rule for high school at this point in time. Attorney Greenspan said that if a school district does not comply with the time on learning requirements, the district would have to provide a mechanism at some point in time to ensure that students are receiving the hours either through a compensatory way in the summer or fall. Attorney Greenspan said that DESE has enforcement powers and there is potential for the Chapter 70 aid which is tied to DESE rules and regulations to be affected.

Superintendent Oteri said that the school administration reviewed this matter and could not see a path leading to a successful waiver. As of today, grades 3 and 4 students started hybrid learning. At the moment, PreK-4 are hybrid and in two weeks, grades 5 and 8 students will begin hybrid classes. Superintendent Oteri added that if a school system was fully remote, DESE might grant a waiver but would send support so that students can come back to school in a short turnaround time.

Superintendent Oteri said that about 67% of students in grades K-4 are learning in a hybrid mode. Since Malden Public Schools (MPS) has had students in hybrid mode already, the number of students will increase when the fully in-person option is provided. Currently, many families are not able to participate in the hybrid mode because of their work schedules.

Neighboring communities who have been remote the entire year such as Chelsea, Revere and Everett are skipping the hybrid stage. Superintendent Oteri said that Chelsea will be applying for a 5<sup>th</sup> grade waiver and will most likely receive approval so that they can start with the 6-8 grades because of the configuration of their students since they have K-4 schools and a 5-8 school.

Superintendent Oteri continued that the district cannot use 6 feet distancing to request a waiver since DESE had issued guidelines for a 3 feet distancing. Both DESE and the Superintendents Association are eager to bring students back into the building full-time. Attorney Greenspan added that a family can opt to remain remote for the rest of the year.

In response to Mr. Gray, Mayor Christenson and Attorney Greenspan clarifies that if a waiver is granted, it will provide relief from the time on learning requirements for whatever period the waiver is given. However, if the school district does not obtain a waiver and adhere to the in-person learning requirements, there will be major repercussions.

Ms. Luong confirmed that remote families will not have to make up time. Ms. Luong asked how many staff members had already been vaccinated. Superintendent Oteri said that he did not have the number but that the Malden Education Association (MEA) is surveying staff to find out. Superintendent Oteri added that earlier in the day, 150 staff members were vaccinated. In response to another question, Superintendent Oteri said that there is no guarantee that all staff can be vaccinated before all students return to the buildings. Superintendent Oteri said that he is working very closely with Malden Department of Health Director, Mr. Chris Webb to secure more vaccination opportunities for staff.

In response to Ms. Luong, Superintendent Oteri said that at the K-8 schools, the classrooms can accommodate all students with 3 feet distancing because none of the classrooms have more than 27 desks. Superintendent Oteri continued that families will be re-surveyed with a binding choice in light of the mandate. In the high school, classrooms can be moved and rearranged.

Mr. Weldai said that Ms. Gesualdo, President of the MEA provided some information about the survey. Out of the 950 people who received the survey, 591 people responded. 239 of staff members have had at least one dose of the vaccination, 134 have been fully vaccinated, 88 have an appointment and 113 have not been able to get an appointment yet. Mr. Weldai felt that DESE has overexerted their authority after months of absent leadership. Mr. Weldai said the district should apply for a waiver.

Ms. Spadafora asked how changing classrooms will be handled at the middle school level during the pandemic since their classes are not contained in one classroom. Superintendent Oteri responded that as Ms. Spadafora said, teachers will probably be moving from classroom to classroom instead of students to minimize movement and contact. Superintendent Oteri confirmed that the distancing guideline is 3 feet from edge of seat to edge of seat.

In response to Ms. Spadafora, Superintendent Oteri said that the district is working on a plan in terms of logistics for bathroom usage and cleaning of bathrooms. Ms. Spadafora said that the few weeks reprieve a waiver can afford the district might be important to give more time for teachers to get vaccinated.

In light of the distancing requirements, Mr. Drummey asked whether there will be enough desks for Kindergarteners because they typically use tables. Superintendent Oteri said that desks are available for them. In response to Mr. Weldai, Superintendent Oteri said the 3 feet distancing is from side of chair to side of chair, not front and back. Superintendent Oteri said that he will get clarification from DESE's hotline for vertical spacing. Superintendent Oteri also said that applying for a waiver on the basis of giving staff more time to get vaccinated might not be seen as a compelling reason.

Ms. Luong agreed with Mr. Weldai and Ms. Spadafora that the situation is unsafe. Ms. Luong said that the district should apply for a waiver. Mayor Christenson said that teacher-student assignments would change when the fully in-person teaching directive is implemented. Mayor Christenson also highlighted that the vote of the Board of Education was not unanimous but rather 6-3. Mayor Christenson agreed with the suggestion of parents to petition for a waiver so that grades K-5 can come back fully in-person

after April vacation. When questioned by Mayor Christenson, Attorney Greenspan said that in his opinion, if a waiver was granted but the situation had improved, the district would most likely not need to go by the waiver and could follow the initial directive from DESE.

In response to Ms. Spadafora, Superintendent Oteri said that morning and afternoon dismissal procedures in relation to social distancing would need to be analyzed based on the numbers of students who return. Superintendent Oteri said that if a waiver is submitted based on social distancing, DESE would dispatch a team to review the matter. Attorney Greenspan said the district could still highlight this concern as one of the reasons along with operational constraints such as staff not returning when applying for a waiver.

Mr. Weldai said that that he supports applying for the waiver. Mayor Christenson said after-school programming had not even been addressed yet and this is one of the concerns some parents have. In response to Ms. Luong, Superintendent Oteri said the remote students would still have same teachers.

Ms. Spadafora made a motion to apply for the waiver with a return of grades K-5 to fully in-person learning on April 26<sup>th</sup>, grades 6-8 on May 3<sup>rd</sup> and then subsequently the high school. Ms. Luong seconded. A roll call vote was taken.

Mr. Drummey YES

Mr. Froio voted YES

Mr. Gray voted YES

Mr. Iovino voted YES

Ms. Luong voted YES

Mr. McCarthy voted YES

Ms. Spadafora voted YES

Mr. Weldai voted YES

Mayor Christenson voted YES

Motion passed unanimously.

### **Superintendent Search Process**

Ms. Spadafora and Mr. Weldai thanked the three finalists, Dr. Margaret (Margo) Ferrick, Ms. Lori Gallivan, Ms. Ligia Noriega-Murphy as well as the Superintendent Search Committee, Dr. Ray Shurtleff and Ms. Anne Wilson from the Edward J. Collins, Jr. Center for Public Management, UMass Boston (Collins Center).

In response to Mr. Gray, Mayor Christenson stated that five affirmative votes are needed to elect the next Superintendent.

Mr. Iovino nominated Dr. Margaret Ferrick as Superintendent of the Malden Public Schools and it was seconded by Mr. Drummey. Ms. Spadafora nominated Ms. Ligia Noriega-Murphy as Superintendent of the Malden Public Schools and it was seconded by Ms. Luong.

Mayor Christenson opened the matter for discussion.

Mr. Iovino said he forwarded Dr. Ferrick's name for consideration because she has experience working in small school districts and the Lowell Public Schools with a demonstrated knowledge of the budget process. Mr. Iovino added that Dr. Ferrick's answers were authentic, focused, well directed and on-

point. Mr. Iovino continued to highlight more of Dr. Ferrick's responses to various questions during the interview process.

Mr. Gray said that all three candidates are well-qualified and will vote for any of them following consensus.

Ms. Spadafora said that this district needs someone to be here for the long-run. Ms. Spadafora said that Ms. Ligia Noriega-Murphy has been in Boston Public Schools for 26 years which signifies dedication. Ms. Spadafora also said that Ms. Noriega-Murphy only applied to Malden Public Schools. Ms. Spadafora highlighted that just like Malden, Boston Public Schools is an urban school district full of diversity. Ms. Spadafora added that Ms. Noriega-Murphy is very focused on communication and most parents have indicated that communication is very important.

Ms. Luong added that Ms. Noriega-Murphy has innovative ideas such as translation certifications for some of the students. Ms. Luong also liked Ms. Noriega-Murphy's communication style and the fact that she doesn't have a desk.

Mr. Weldai expressed that both Dr. Ferrick and Ms. Noriega-Murphy would be phenomenal superintendents. Based on the feedback received from various stakeholders, Mr. Weldai said it was evident that there was a special connection between Ms. Noriega-Murphy and the community. Mr. Weldai added that there will be some areas of growth as with all superintendents, Ms. Noriega-Murphy would need support and would need to build relationships with the administrative team.

Mr. Iovino said that the breakdown of the feedback from the school administrative staff was very complimentary to Dr. Ferrick. Mr. Iovino said that the other two candidates did not get the same feedback from this group. Mr. Iovino continued that he would give a little more weight to what the administrative staff have indicated because these are the people who run the school system.

The School Committee proceeded to discuss if the Dr. Ferrick and Ms. Noriega-Murphy should be invited for a second round of interviews. There was consensus among members to proceed with the selection of the Superintendent instead of having another round of interviews.

Mayor Christenson thanked Mr. Weldai and Ms. Spadafora for leading the Superintendent Search. Mayor Christenson said that based on all the feedback from different stakeholders, the need to have a qualified Superintendent as well as the advancement of equity and inclusion is paramount. Mayor Christenson said that the candidate he favors is Ms. Noriega-Murphy.

A roll call vote was taken by the School Committee to appoint the next Superintendent:

Mr. Drummey voted for Dr. Ferrick  
Mr. Froio voted for Dr. Ferrick  
Mr. Gray voted for Ms. Noriega-Murphy  
Mr. Iovino voted for Dr. Ferrick  
Ms. Luong voted for Ms. Noriega-Murphy  
Mr. McCarthy voted for Dr. Ferrick  
Ms. Spadafora voted for Ms. Noriega-Murphy  
Mr. Weldai voted for Ms. Noriega-Murphy  
Mayor Christenson voted for Ms. Noriega-Murphy

There were 5 votes in favor for Ms. Ligia Noriega-Murphy and 4 votes in favor for Dr. Margaret Ferrick.

**Executive Session**

Mr. McCarthy made a motion to enter into Executive Session at 7:38 p.m. Mr. Drummey seconded. A roll call vote was taken.

Mr. Drummey YES

Mr. Froio voted YES

Mr. Gray voted YES

Mr. Iovino voted YES

Ms. Luong voted YES

Mr. McCarthy voted YES

Ms. Spadafora voted YES

Mr. Weldai voted YES

Mayor Christenson voted YES

Motion passed unanimously.

The committee reconvened to the Regular Session at 8:06 p.m.

**Adjournment**

Ms. Spadafora made a motion to adjourn the meeting at 8:08 p.m. Mr. Iovino seconded and it was so VOTED. Motion passed unanimously.

I certify that a notice of this meeting was filed with the Clerk of the City of Maiden in the manner provided under Chapter 39, Section 23A of the General Laws.



---

Shirley Dorai, Clerk