

THOSE ELEVEN QUESTIONS AND THE SCHOOL ANSWERS

The Eleven Numbered Questions in italics were published in the Concord Journal.

The responses that follow them are taken from the School Administration's, School Committees', and Building Committee's "Responses" to those questions, the "final revision", authored by Fabian Fondriest, Marueen Spada, Diana Rigby, John Flaherty, Kelly CcCausland, Kathy Codianne, Stan Durlacher, Michelle Ernst, and Louis Salemy.

My Comments, in bold font, then follow the School District's written "responses" to the Eleven Concord Journal Questions:

1. It has become apparent that the school building sketch presented to voters at Special Town Meetings last year did not reflect the actual building plans – that the sketch included features that would have brought the price tag well above the \$92.5 million figure that was approved. How did that happen and why weren't voters told at the time?

In this project, as with all construction projects, changes occur as part of the design process. At Town Meeting, we voted on a Schematic Design (SD), the first phase of a project. Schematic Design is a high level version of the building. Project cost in SD is determined by square footage. In the Design Development (DD), the second phase, the building systems and materials are selected. The design is optimized, efficiencies are created, and project cost estimates are conducted based on the materials and systems. Working through this process is called Value Engineering (VE). A more thorough discussion of VE is on the Building Committee website: www.cchsbuilding.org in the "Project Info" section under "Project FAQs". Many specific elements in the building, including technology and building materials are also addressed in the Project FAQs.

The Town Meeting presentation contained slides with conceptual renderings of the building. These images were derived from the Schematic Drawings. Some of these concept slides did depict items that were contained on the Value Engineering list such as the three cupolas. The cupolas that held up skylights were eliminated in the Value Engineering phase, the skylights still exist, but are now roof-mounted. This serves the same purpose of bringing day lighting into the interior of the building in a more cost, and energy efficient, way.

In a letter dated October 25th, The Massachusetts School Building Authority (MSBA) and The Department of Elementary and Secondary Education's (DESE) acceptance of the Developed Design demonstrates that the current design is materially the same as originally proposed, and that the project is in compliance with the project scope, budget, and schedule as agreed to in the Project Funding Agreement (PFA) executed between The Regional School District and The MSBA on February 3rd 2012.

Instead of answering the question, the responders now claim that the many admitted differences don't matter, because the current design is "materially the same." That is, the design is "good enough". Richard Keleher, author of a quoted CJ letter originally cited in the response, has since admitted that the deception practiced by the design presenters in November went well beyond "normal process", and was "appalling".

2. *Was there a plan from the beginning to remove the bus depot from the high school site? If so, why was that not presented to voters at the Special Town Meetings?*

As part of the feasibility study that is part of the MSBA process, we studied 10 different options to remedy the CCHS facility. Out of the ten options studied initially, every option preserved the bus depot. These options ranged from a repair project, a combination of renovate/new, to new construction options, in single and multiple phases. The option that best met the educational needs of the students, minimized the disruption to the school during construction and was the lowest cost, was the single-phase new construction option behind the existing building. Originally, the location of this single-phase new construction option did not impact the bus depot. However, as we studied the site further and did a preliminary geotechnical analysis, it became apparent that this site would be too costly to develop. The geotechnical engineer's preliminary assessment determined that to put the new building onto the sloping site would require the addition of a large mass of fill to create a level subsurface for the foundation. The addition of this weight would consolidate the underlying clay layer. The mitigation plan to prevent differential settlement would be the addition of a large surcharge of material to "over-burden" the foundation location and force the consolidation of the clay layer for a substantial number of months, in advance of the future construction. The addition of a large quantity of purchased fill, the disposal of the excess fill when the surcharge loading was complete and the delay of many months in construction while the consolidation took place created a large cost increase in the estimates for that particular site.

The site that was ultimately selected, and voted on at Town Meeting, unfortunately required the bus depot to be removed. This is a \$92.5mm building that will serve many generations of students for 75 years. It is the largest project that either town will ever undertake. The site that was selected is the most cost effective and fully integrates all aspects of the campus.

Instead of answering this history question, the responders outline several options that were considered after the decision to remove it, and after breaking several public promises (made in September 2011, October 2011, and February 2012) to consider other options. A "timeline" detailing and documenting these revealing events is posted for the community at: <http://tinyurl.com/cenp487>

We know that John Flaherty received his consultant's report dated June 28, 2011, considering only outsourcing, and that Sheet C-100, the Site Demolition Plan filed with the MSBA on August 19, 2011, already shows the transportation buildings designated to be removed and destroyed. The site ultimately selected (on June 15, 2011) does not require the bus depot to be removed. Stan Durlacher admitted on July 2012, at the site, that OMR could easily have worked around it if they had been asked to do so. The plan published in the Concord Journal on August 23 illustrates one way they can still do so.

3. *A consultant was hired to study options for the transportation depot at the high school but initially, only outsourcing options were offered. Why?*

It is not correct that only outsourcing was (*sic*) options were presented in the February 1, 2012 report. That report included 5 options, outlined below, with a range of different

scenarios for *both* in-house and outsourced transportation operations. The consultant was retained in the late Summer of 2011 to assist in the development of bidding materials and the bidding process because the transportation depot was impacted by the new CCHS building location. At the February 2012 Transportation Forum, five options were presented.

- **Option 1** retained ownership of the bus fleet and bus operations and was based on the use of the Town facilities at Keyes Road.
- **Option 2** also retained ownership of the bus fleet and bus operations and was based on renting bus maintenance and bus operations facilities.
- **Option 3** retained ownership of the bus fleet and bus operations and was based on relocation of bus maintenance and bus operations.
- **Option 4** retained ownership of the fleet and bus operations, with bus maintenance being outsourced.
- **Option 5** retained ownership of the fleet, with bus maintenance and bus operations being outsourced. Outsourcing, as defined in Option 5, was recommended to the School Committees because it was the lowest cost option that was reasonably affordable within the budget and it allowed us to retain ownership of the fleet and matched existing service levels. Most importantly, based on information from neighboring districts including Carlisle, Lincoln, Bedford, Sudbury, Maynard and Lexington who outsource bus services, we were confident that (like them) we would maintain high safety standards.

Since the February report was issued, we have received feedback from the community regarding transportation options and have researched this issue in depth. We have worked hard over the past year to resolve issues related to transportation services. We have determined that the Town Landfill is a favorable site for a transportation depot and are proceeding with a feasibility study on that land.

Instead of answering the question and admitting that the consultant was initially asked only to consider outsourcing, as stated in his letter of June 28, this response cites “studies” that were conducted later. We know from the financial numbers provided by the Citizen’s Transportation Committee that every form of outsourcing will cost more than keeping transportation in house. The Transportation Advisory Committee’s numbers that attempt to show the opposite are badly flawed, and contain several logical errors that have been reported to Maureen Spada by Rick Anderson and Mark Hanson of the CTC. After two months of discussion Maureen has not yet accepted the corrected results.

4. *At the insistence of residents, some \$50,000 was set aside to study alternatives to outsourcing transportation, but the detailed plan presented by one resident, Bill Plummer, was never seriously considered, many people believe. Why?*

This statement is factually incorrect. Mr. Plummer's plan was studied in detail by KV Associates, our owners project manager (OPM), and Turner Construction, our construction manager, at a cost of nearly \$50,000 for all options considered. Our OPM consulted with Mr. Plummer to understand his plan and our Building Committee chair, Stan Durlacher, also recently met with Mr. Plummer and a landscape architect who advised him. While Mr. Plummer's cost estimate to preserve the bus depot was \$200,000, our OPM and construction manager, who are experts in construction and have decades of experience in the construction

industry, estimated the cost to start at around \$2.2M. While Mr. Plummer is to be commended for trying to find a creative solution to retaining the bus depot, his cost estimate did not include approximately \$1.6M of items such as the costs of delay, additional site utilities, earth handling and other details that were necessary to complete the cost estimate for that design.

The BC response is “factually incorrect”. KVA, OMR, and Turner all failed to consider the “Plummer” proposal, and did not even discuss it with him during the weeks when they were cooking up five different designs of their own. This failure is fully detailed in the document sent to the MSBA and to Stan Durlacher on September 15 and also posted for the community at: <http://tinyurl.com/bmyosgn>

Stan Durlacher later met with Plummer and with landscape architect Josh Burgel on November 5 and tried to justify the \$2.1 million cost of OMR’s “Option 5”, the one that came closest to Plummer’s proposal. The price quickly dropped to \$1.6 million when a completely unnecessary parking lot and retaining wall were removed.

Further consideration shows that \$207,900 can be removed for an unnecessary ambulance access road, \$82,000 for unnecessary “additional earthwork and paving”, and \$14,495 for “contingency” based on these removals. That leaves \$1.3 million of apparent cost, already about the same as John Flaherty is requesting from Concord and Carlisle taxpayers to build a replacement facility. But this equivalent number still contains a bogus \$472,500 for the cost of a three month delay of the WHOLE PROJECT, absurdly included for this simple change in the ring road, and not necessary at all with the current delay of at least six months in the project, caused by KVA and OMR and the resulting freeze in MSBA funds.

The corrected cost of the Plummer proposal would be closer to \$830,000, at most, still containing several generously inflated components. The realistic cost would be \$600,000 or less, quite a bit more than the originally suggested \$200,000, but less than half of John Flaherty’s request for a replacement facility and less than a third of OMR’s cost for their cheapest made-up option. The Building Committee has not considered this proposal in good faith.

We will need a temporary transportation facility at the Town Landfill for the duration of construction, because building it will be far cheaper than parking the buses in Acton for three years. But a quick calculation shows that the extra cost for driving all the buses two extra round trips each day between the school property and the Town Landfill after that will quickly pay for putting a new bus depot back on the CCHS land when construction is complete. The most reasonable plan will be to leave the existing transportation buildings in place for later use after construction, and to park most of the buses over the old landfill (east of the present HS) when it is remediated to DEP standards.

Of the \$50,000 approved for the failed KVA and OMR study, just under \$30,000 was billed and paid. There will be no MSBA reimbursement for this expense.

5. *Why wasn't a model school considered from the beginning?*

To be cost-effective, a model school requires a flat piece of land. A flat piece of land can be native to a particular site, or it can be created with relatively large site work costs from a less than flat site. From the very beginning of the building project, our OPM and architect knew that there was not a flat piece of land available that would accommodate a model school in a cost effective manner. For example, Hudson, Whitman Hanson, Natick, Duxbury, and Ashland model schools were all constructed on sites that were formerly their athletic fields or were sites with a native flat grade. That is certainly not the topographical characteristics for the large parcels of available land on our High School site, absent the athletic fields.

While the Building Committee can be criticized for not documenting this better, the fact remains that the only existing flat piece of land available is where our current football field and lower athletic fields are located. Stan Durlacher, the Building Committee Chair, researched and produced his own analysis for the cost of placing a model school on the athletic fields, and found that it would result in a \$15M premium on top of the current project cost of \$92.5M. He produced this analysis solely to satisfy himself that the cost and time savings being openly discussed in public were either achievable, or not. This analysis can be found on the CCHS Building Committee website (www.cchsbuilding.org) under the "Other Documents" section of the "Documents" tab. His analysis consisted of looking at two potential sites on the CCHS campus. His conclusions about the additional cost premiums associated with each studied site validate the original Building Committee direction not to pursue a model school design.

Instead of answering this history question, the response suggests that there might have been good reasons not to build a model school. But actually the model school option was never considered by the Building Committee, unless they considered it privately in violation of the Open Meeting Law. A model school does not require a flat site, and the MSBA has never said so. The Building Committee's own site consultant, Nobis, detailed how a tilted site, such as Site 12 on the CCRHS property, can be prepared for construction. When the Building Committee chose the especially hilly and cramped Site 14C on June 15, 2011, they may have done so to avoid any discussion of a model school option. Their choice has had that expensive effect.

Why did the Building Committee choose Site 14C over Site 12? Their published minutes for that meeting list these six excuses:

- Shorter construction period**
- Less financial risk**
- More logical layout**
- Better site security for the school**
- Less interruption to the academic year**
- Better resulting site plan at the end**

By September 12, 2012, even OMR recognized that the six original excuses were weak and had replaced them with two new ones for the community:

- Significant structural fill required -- too costly and not recommended by the geotechnical and structural engineers.**

Difficult service access to building.

In an apparent attempt to recover from his poor site choice Stan Durlacher has presented a deeply flawed analysis of using a model school on the CCRHS property. Stan's principle errors are these:

Understatement of the CCRHS project budget in the comparisons

Less than optimal choice of locations for sample Model Schools

Overstatement of "geotechnical" costs for the locations chosen

Inclusion of athletic facility replacement costs only in the Model School budgets.

Possible overstatement of the 3% annual "escalation" rate

His errors have been fully detailed in a document sent to the MSBA and to Stan on November 25, and also posted for the community at: <http://tinyurl.com/cjvpa2q>

Stan's analysis therefore does not "validate the original Building Committee direction not to pursue a model school design." "Direction"? Is this an admission that a Committee decision that has cost us more than \$20 million was made entirely in private? A model school option was never mentioned in their recorded minutes.

6. *The MSBA has said the currently approved plan for the new high school will meet the educational needs of students, but some residents are upset over design changes such as a smaller auditorium, elimination of an outdoor amphitheater, a second gym that is not regulation size, elimination of tennis courts, a reduced number of lockers and a smaller building footprint. What do you say to them? Are they getting the same school they voted for?*

Residents are getting the building that they voted for, and in many respects, the building design has been improved through the Design Development (DD) phase. Of all the changes noted in the question above, the only change that actually occurred is that the seating for outdoor amphitheater has been eliminated due to cost (the infrastructure for it remains). Should the budget ultimately allow, or money be raised privately, the amphitheater can be built. The number of lockers, seating capacity of the auditorium, and the second gym practice court did not change from the Schematic Design (SD) presented at Town Meeting. Each of these items was designed giving careful consideration to the teachers' and administrators' specifications. It was known that the tennis courts would be eliminated before Town Meeting and it is our understanding that private fundraising is underway to replace the courts.

During the feasibility study and Schematic Design (SD) process, the Building Committee worked hard to meet the educational and project goals while keeping the project affordable. This, in part, meant making trade-offs and/or deferrals. The Building Committee emphasized putting project dollars into the building over items that could be added after-the-fact (like JV fields and tennis courts.) Examples of this approach are the many sustainable elements designed into the building DD set of documents. While the minimum number of points to qualify for a MA Collaborative for High Performing Schools (CHPS) building is 50, we are projected to receive MA CHPS points of 60. Not only will this result in material savings in our operating costs, it is reflective of the green values both towns have adopted. The Building Committee remains confident that there will be a solution to replacing the tennis courts and JV field, independent of the building project.

Stan Durlacher admitted to the MSBA at their FAS hearing on August 29, 2012, that the design that Concord and Carlisle voted for at their Special Town Meetings in November 2011 could not and cannot be built for the budget that was approved. The other design truncations have been admitted. Instead of answering the CJ question, the response seems to be that some features, such as the number of lockers, were not actually revealed at the November meeting, and that many of the other features can be restored if we raise more money to pay for them.

We are not aware of any current “private fundraising” effort now underway, although several citizens have asked for information about that. On November 5, 2012, Stan Durlacher promised to provide cost figures for replacing the tennis courts and JV athletic field that will be destroyed by his current project, but we have not yet received this information.

7. *Many have also complained of a lack of transparency by school officials about decisions that are made. What would you say to them?*

The School Committee, and the Building Committee abide by Open Meeting Law and make decisions in public meetings by majority vote. Minutes are taken at each meeting and are made available to citizens. CCTV films School Committee meetings and the meetings are shown regularly on the local TV channels (<http://www.concordtv.orgf>). This year, the School Committee has created updates that provide more detail on discussions and decisions made at each meeting. The updates are available on the District Website under the School Committee tab <http://www.concordpublicschools.net/school-committee-updates> and they are sent to each of the schools for posting by the PTGs. We have been meeting with union leadership on a regular basis. We meet with The Board of Selectmen and the Finance Committees, and attend the Town Chairs' meetings to update other town committees. Each of us takes phone calls from private citizens and we engage in one on one conversations with them. We listen carefully to citizen concerns, we welcome citizen comments, and at many meetings, have set aside time for citizens to ask questions of The Committee.

The School Committee and the Building Committee have repeatedly violated sections of the Open Meeting Law, and formal complaints have been filed with the Attorney General. Perhaps the most important and expensive example was the Building Committee’s questioned decision to evade the use of an MSBA Model School, in favor of a custom OMR design that will cost us more but will result in an inferior building.

The School Committee and the Building Committee have posted a lot of information on their web sites, but much of it is intended to obscure issues or “spin” the facts. A special example is the “Project FAQs” cited in their response to the CJ question 1. Errors in this document have been pointed out to them, but we have not seen corrections. Similarly we have not seen corrections for the flaws in Mr. Durlacher’s “Analysis” of using a model school.

8. *Were mistakes made in the high school plan process? If so, what were they? Is there anything you would do differently from the start?*

The Building Committee has been upfront in admitting that it lacked oversight during the initial phase of Design Development. The result was a draft set of plans that were over budget and over scope. The Building Committee and project team worked diligently to ensure that both the budget and the design that was approved by The Committee and then sent to the MSBA was on scope and on budget with the Project Funding Agreement (PFA). Another mistake, also attributed to a lack of oversight, was that the completed Schematic Design (SD) set of drawings did not reflect the Value-Engineering (VE) list that accompanied those drawings.

The proposed new school building is in alignment with project scope and budget that was presented at Town Meeting. It is a well designed building that the towns of Concord and Carlisle will be proud of. The new CCHS will provide an exceptional learning environment to future generations of students.

The Building Committee has admitted some but not all of their process mistakes, including misrepresenting the budget that could pay for the building design presented in November 2011, failure to provide honest answers to public questions about bus outsourcing, and most importantly, failure to consider a Model School Design at the beginning. Some Building Committee members were fully aware of the MSBA Model School Program because they had also evaded it in the prior construction of the expensive Willard School.

Characteristically, the response does not even mention anything they would “do differently from the start”, included in the CJ question.

9. *Based on letters to the editor we’ve received, some people feel as though the money being spent on consultants at the Thoreau School could have been saved if the superintendent had gone to the school, spoken to staff and dealt with their concerns directly. What is your reaction?*

I have worked with Thoreau staff members for 10 years, listened to their concerns and together we have resolved many school issues. Some of these issues are long standing and involve complex organizational change. After consulting with my administrative team, the School Committee, and other educational experts, I decided it would be helpful to engage an external educational leader with expertise in promoting positive adult interactions and school culture in a school community. The school system has relied on external educational consultants in the past, and this is a common practice that many school districts employ. I am optimistic that the process we have implemented for evaluating the culture at Thoreau will result in a more positive and productive environment for our staff. There is much work to be done, but the principal, teachers, and staff are committed to that work. I strongly believe that positive outcomes can be achieved through this process.

This is an evasive response. The issue isn’t just the cost of the consultants. The path chosen by the Superintendent and the School Committee is rather a way to delay correcting the basic problem: management style issues from the top down. When problems like those at Thoreau occur in a corporation or in the military, corrective

action is taken quickly by removing the individuals who cannot properly manage an organization.

The present corrective effort is not working well because involved parents and teachers do not have sufficient opportunity to communicate privately and anonymously with the “consultants” who are supposed to be solving the problems. For years the School Committee has ignored messages from parents and others who know the problems at Thoreau. In a recent response to a Thoreau parent who asked about how the consultants were going to straighten out the principal’s problems, the Superintendent suggested that the problem may really lie with the teachers and the parents! I suspect that Diana’s solution will ultimately be to try to replace all the parents who have been complaining.

10. Concord is known for its great educational programs but the TELL survey revealed many teachers do not feel comfortable going to their principals or to the administration with concerns about school issues or atmospheres. What’s your reaction to the results?

I am concerned and surprised.

I have successfully worked in the Concord schools for 10 years, and it has not been my experience that any teacher or staff member has been reluctant to tell me or their principal what is not working or what concerns them. Administrators are very interested in teacher/staff/student/parent community feedback, and I am in schools, classrooms, playing fields, parent and community meetings daily. I am asking about student learning, what is working/not working, soliciting input and listening to all stakeholders. I meet biweekly with the administrative team to discuss issues/concerns and monthly with union leadership to discuss concerns.

This is a time of significant change in public education across the country and I understand that change is difficult. Federal and state mandates have created new ways of teacher accountability and how we teach in classrooms. Despite these changes, our teachers, students, and schools continue to be high achievers and top performers.

I am committed to being solution oriented for students, employees, and community members. The administrative team and I are committed to finding ways to improve the teaching and learning conditions that led to the 2012 TELL Mass Survey results. At each school site principals are working with their faculties to discuss the TELL Mass Survey results, identify the school conditions related to the responses, and implement site actions to improve teacher and school leadership conditions. Additionally, members of the School Committee, School Administration, and the Concord Teacher's Association (CTA) are meeting monthly to discuss the survey results and implement district actions to improve teacher leadership conditions. Our goal for evaluating the outcomes of these actions will be the results of the 2013 TELL Mass Survey in the spring, and I am confident that by working together, we will see improvements in the survey results.

This is an evasive response. The TELL results, especially at Thoreau but also at the other schools, are abysmal by any objective measure. When these results were finally discussed by the School Committee, a few months after they became public,

we heard a variety of amazing excuses, such as “the results would have been better if *all* the teachers had answered the survey questions.” Not merely half of them? Wishing will not correct the underlying problems. These school management failures may persist for years.

11. *Some have also criticized Superintendent Rigby for what they describe as a non-collaborative, top-down management style. How would you respond and how would YOU characterize your style?*

I have been an educational leader for the past thirty years and my style has always been described as collaborative and distributive. I frequently ask for student, parent, staff, teacher, administrative, and community input, and my decisions are made in collaboration with the administrative team. We hire and retain the very best administrators who set high expectations for leading their respective schools and departments. We strive to reflect the district's core values of academic excellence, of a respectful and empathic community, educational equity, professional collaboration, and continuous improvement. The administrators are accountable for student progress, teacher performance, and the district goals. I provide support, coaching, and supervision to assist them in their success. Leadership is also distributed among teachers who serve as curriculum specialists, technology leaders, department chairs, members of school leadership teams, and in a variety of committees at each school site. This collaborative and distributive approach is effective in retaining the highest quality administrators and teachers according to educational research. In Concord, the retention rates for both administrators and teachers are very high, 99% Concord-Carlisle, and 96% for CPS.

This past year has been challenging with difficult issues associated with the CCHS building project, relocation of the transportation issues, and the disappointing TELL Mass survey results. I know that we all can make improvements, and as part of my 2012-13 goals, I am committed to implementing effective communication strategies to respond to disagreement and dissent, constructively resolve conflict, and to build consensus throughout the school community.

This response is essentially a direct denial that Superintendent Rigby has a non-collaborative, top-down management style. That assertion is plainly contradicted by the TELL results, and will be further contradicted if the “consultants” conduct a targeted anonymous survey of their own among the teachers, principals, and staff. Unfortunately, the School Committees do not seem to object to that style in reviewing the quality of the Superintendent’s work, nor understand why it has been detrimental to proper functioning of the schools.

Two weeks ago someone posted this telling remark in response to the Concord Journal’s on-line copy of the Eleven Questions story,

“As a member of the district's public school staff, I can tell you that the prevalent feeling among the staff is that the central administration (read Rigby and Flaherty) cannot be trusted. While Rigby claims transparency and collaboration, the process she uses is heavy, top-down, do-as-I-say, and somewhat threatening. There is no transparency and there is no collaboration. I truly appreciate the Journal's efforts to research and report their findings -

but as the MASSTell data shows, there are a lot of problems that need to be addressed. I hope this is just the beginning of a deeper investigation by the Journal of the problems is the school system.”

Numerous other documents have been posted on-line to detail and fully document improper actions by the Superintendent, the Deputy Superintendent, the School Committees, and the Building Committee during the past year and a half:

<http://tinyurl.com/8v3cryn>

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