

MINUTES – WAYLAND SCHOOL COMMITTEE
Special Meeting – October 22, 2015

A Special Meeting of the Wayland School Committee was held on Thursday, October 22, 2015, at 10:00 A.M. in the School Committee Room of the Wayland Town Building.

Present were:

Ellen Grieco, Chair
Barb Fletcher, Vice Chair
Donna Bouchard
Jeanne Downs
Kathie Steinberg

Also:

Paul Stein
Superintendent

Brad Crozier
Assistant Superintendent

Susan Bottan (arrived at 11:00 a.m.)
Business Administrator

Also:

George Harris

Chair Ellen Grieco convened the Special Session at 10:01 a.m. and noted that George Harris was invited to have a conversation with the School Committee regarding his Open Meeting Law complaints.

1. Discussion with Complainant regarding Pending Complaints Raised under the Open Meeting Law, including Complaints received on:

July 20, 2015 regarding failure to identify person who threatened litigation in executive session notice and motion at July 6, 2015 meeting:

Ellen summarized the complaint for the School Committee and noted that the response is clear in terms of the School Committee's position.

Mr. George Harris began by stating that the Attorney General exists to enforce the Open Meeting Law (OML). However, the real goal is to educate Boards, not to penalize, except when necessary. Mr. Harris explained the process that he follows when proceeding with Open Meeting Law complaints and noted that he would like to reach a local settlement with the School Committee. However, Mr. Harris commented, if and when an agreement is reached, he would like to know that the School Committee understands the larger issue.

A discussion ensued regarding the July 20, 2015 OML complaint, including why Mr. Harris filed the complaint. Ellen acknowledged the mistake in not identifying the party in the July 6, 2015 agenda. Mr. Harris stated that he will not pursue the intentional part of the posting in the OML complaint, but he will not accept the Guidelines mistake. The Committee discussed the entire Board's responsibility in terms of posting the agenda.

Mr. Harris stated that he will make a decision in terms of pursuing the complaints with the Attorney General. The Committee and Mr. Harris discussed the written response by the Committee; Ellen is willing to re-write the response, however, she would like to discuss this first with the Committee because her concern is about process and precedent in terms of rewriting statements that have been voted in order to resolve matters. If the response is rewritten, it would include an acknowledgement of the error made in posting the agenda. In the interest of working with Mr. Harris and the community to do what is right, Barb noted her wish that before an OML complaint filed, they all have a discussion first. Donna volunteered to rewrite the response and bring it to the Committee on November 2nd, including sending a copy to Mr. Harris. Mr. Harris stated that he has already filed with the Attorney General.

August 11, 2015 regarding failure to document meetings and discussions concerning the Jamieson lawsuit during 2010, 2011, and 2012:

Pertaining to the OML Complaint of August 11, 2015 in which Mr. Harris claims that there must have been secret meetings by the School Committee at that time, the Committee discussed and questioned the previous administration and the attorney's actions taken regarding the Jamieson lawsuit in terms of properly notifying the School Committee.

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Ellen read portions of the minutes pertaining to this matter and noted that there is no evidence regarding Mr. Harris's claim.

Mr. Harris noted what information he thought to be missing from the description of the timing of the process in the Committee's response to the Attorney General. Paul noted his concerns about the status of the complaint and what is being interpreted through these discussions. He believes that a lesson has been learned and going forward, the lesson is clear. Paul added that this situation was unusual because it was referred to the insurance company.

No decisions were made regarding this OML complaint.

August 5, 2015 regarding insufficiency of August 28, 2014 motion and notice, timing of response, compliance with Attorney General's decision and redactions in minutes:

Mr. Harris commented that whenever an OML complaint is filed with the School Committee, it must be within 30 days of the violation. However, if the 30th day falls on a weekend day, it must be filed the Friday of that week. The School Committee has 14 days in which to respond to an OML complaint. Mr. Harris will consult with the Attorney General to determine whether he can ask for extensions for filing complaints with the School Department when he and the Committee are trying to resolve the issue locally first.

Regarding this OML complaint, Mr. Harris believes that the attorney's advice was incorrect relative to the language in the August 28, 2014 minutes. Ellen commented that the Committee made a judgment call in terms of the redactions based on the attorney's advice.

Going forward, Mr. Harris agreed to notify the Chair about an error in the posting of an agenda. He added that, in some cases, he receives information from the public about potential violations.

Susan Bottan arrived at 11:00 a.m.

Donna commented that the meeting dialog was productive and positions are understood more clearly. She appreciates everyone's time in this regard. Donna left the meeting at 11:10 a.m.

September 2, 2015 regarding failure to sufficiently identify substance of attorney/client privileged communication when considering waiver thereof to allow full public access to decision:

Mr. Harris informed the Committee that he has not filed a complaint with the Attorney General yet in regard to the September 2, 2015 OML Complaint. A discussion ensued in terms of what is considered attorney/client privilege in the letter written by James Toomey regarding the revolving funds. Mr. Harris commented that factual information is not subject to attorney/client privilege, but recommendations can be, and, in his opinion, the School Committee looks at information in terms of how little can be released. Paul commented that there is a balance and a responsibility to protect a staff member or litigation, and he reflected on his experiences in this regard.

The Committee addressed all that has been done regarding OML complaints up to this point. Barb will provide Mr. Harris with a copy of the OML Status document.

Kathie commented on the challenge of balancing the competing needs of different populations – students, families, faculty/staff, and the right of the public to know. She added that the Committee always discusses how to get information out to the public; however, it must proceed cautiously.

Finally, Jeanne expressed her hope that these types of situations can be worked out in advance because it takes away from the time of the staff and School Committee.

2. Discussion with Complainant of Appropriate Steps to Facilitate Further Compliance with the Open Meeting Law:

Mr. Harris advised the School Committee that legal counsel review the notice and the agenda. However, the Committee expressed its concern about the cost of taking such action and invited Mr. Harris to provide pre-meeting advice. Ellen commented that legal counsel gives legal advice according to the law, and whether the School Committee follows counsel's advice could be a judgment call on its part. Mr. Harris advised that the Committee retain a lawyer that provides consistently good advice. He added that it should be the goal of the School Committee to make 98% of its decisions without the advice of counsel.

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3. **Educational Matters:**

- (a) Distribution of Ellen Grieco's Draft Article regarding Teacher Support/Instruction:
This agenda topic was passed over; Barb will distribute the article at Monday's meeting.

4. **Financial Matters:**

- (a) Review of Draft Template for Multi-Year Financial Model for the Schools:
This topic will be added to the October 26th agenda.
- (b) Review Draft Language for Response to Emails received regarding Health Insurance Changes:
This topic will be added to the October 26th agenda. A draft response was distributed to the School Committee members.

5. **Comments from the Public:**

There were no comments from the public.

6. **Adjournment:**

Upon a motion duly made by Ellen Grieco, seconded by Barb Fletcher, the School Committee voted unanimously (4-0) to adjourn the Special Session at 11:48 a.m.

Respectfully submitted,

Paul Stein, Clerk
Wayland School Committee

Observers:

Linda Segal, Wayland
Beth Butler, Wayland
Stephen Cass, Wayland

Corresponding Documentation:

1. Agenda
2. Draft Response to the OML Complaint dated July 20, 2015, including OML Complaint
3. Draft Response to the OML Complaint dated August 5, 2015, including OML Complaint
4. Draft Response to the OML Complaint dated August 11, 2015, including OML Complaint
5. Draft Communication regarding METCO by Kathie Steinberg