

MINUTES- WAYLAND SCHOOL COMMITTEE
Executive Session- August 28, 2014

Executive Session of the Wayland School Committee was held on Thursday, August 28, 2014, at 9:49P.M., in the School Committee Room of the Wayland Town Building.

Present were:

Ellen Grieco, Chair
Barb Fletcher, Vice Chair
Malcolm Astley
Jeanne Downs

Absent:

Donna Bouchard

Also:

Paul Stein
Superintendent

Brad Crozier

Assistant Superintendent

Marlene Dodyk

Director of Student Services

Diane Marobella

Recording Secretary

1. Executive Session:

Subsequent to a roll call vote in Regular Session on a motion brought by Ellen Grieco, seconded by Barb Fletcher, the School Committee voted unanimously (4-0) to enter Executive Session at 9:49 p.m. for the purposes of discussing strategy with respect to litigation from the Attorney General's decision regarding Open Meeting Law complaints filed by George Harris on June 27, 2013 and Donna Bouchard on July 1, 2013 regarding the June 3, 2013 Executive Session, pursuant to M.G.L. Chapter 30A §21(a)(3) and to discuss strategy with respect to pending litigation between John S. Ames IV and the Wayland Public School System, pursuant to M.G.L. Chapter 30A §21(a)(3), as such discussion in open meeting may have a detrimental effect on the litigation position of the School Committee and an Executive Session is necessary to protect the litigation position of the School Committee. The School Committee will also discuss the investigation of charges of criminal misconduct, pursuant to M.G.L. Chapter 30A §21(a)(5), to discuss a request for information from the Attorney General regarding the Open Meeting Law Complaint filed by George Harris on July 7, 2014 related to the June 3, 2013 Executive Session Minutes, pursuant to M.G.L. Chapter 30A §21(a)(1), to discuss a Public Records Request submitted by George Harris on August 4, 2014 related to the January 21, 2014 #2 and January 27, 2014 Executive Session minutes, pursuant to M.G.L. Chapter 30A §22, to discuss a Public Records Request submitted by George Harris on August 8, 2014, related to the Corresponding Documents for the Executive Session minutes released at the School Committee's July 30, 2014 meeting, pursuant to M.G.L. Chapter 30A §22, and to comply with the provisions of a General Law of the Commonwealth, pursuant to M.G.L. Chapter 30A §21(a)(7). In addition, the School Committee will approve minutes from prior executive sessions, as permitted by M.G.L. Chapter 30A §22 for the June 23, 2014, June 30, 2014, and the April 22, 2013 Executive Session minutes. The School Committee will reconvene in open session to conduct regular matters as noted on the meeting notice. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	No
Ellen Grieco, Chair	X	
Barb Fletcher, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard (absent)		
Jeanne Downs	X	

The School Committee will be joined by Paul Stein, Superintendent of Schools, Brad Crozier, Assistant Superintendent, Marlene Dodyk, Director of Student Services, and Diane Marobella.

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Ellen noted that Donna Bouchard sent an email that she will participate remotely due to geographic reasons. Ellen will also ask Donna to state that no one is present at her location and cannot hear the conversation.

2. Discuss the Investigation of Charges of Criminal Misconduct Pursuant to M.G.L. Chapter 30A §21(a)(5);
The School Committee discussed its response to the Town Crier regarding the request for Executive Session minutes. [REDACTED]. It was noted that the Town Crier has the response from the Supervisor of Public Records, but they chose not to report on it. Also, minutes have not been released. Paul will ask Mark Lanza if the letter from the Supervisor of Public Records can be released. The School Committee will discuss this matter again on September 8th.
3. Discuss Strategy with respect to Litigation from the Attorney General's Decision regarding Open Meeting Law Complaints Filed by George Harris on June 27, 2013 and Donna Bouchard on July, 2013 regarding the June 3, 2013 Executive Session, pursuant to M.G.L. 30A §21(a)(3);
The School Committee reviewed the draft settlement agreement. In terms of payment of the fine, the School Committee will have a discussion regarding a final vote at a future meeting.

Upon a motion duly made by Barb Fletcher, seconded by Jeanne Downs, the School Committee voted unanimously (4-0) to authorize Mark Lanza to negotiate the agreement with the Attorney General's office with the changes made tonight. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Ellen Grieco, Chair	X	
Barb Fletcher, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard (absent)		
Jeanne Downs	X	

Ellen commented that Tom Greenaway of the FinCom is supportive of the School Committee's position and agrees that the individual Board members should not pay the fine from their own funds. Once the School Committee has settled, he will consult the FinCom to ask for a transfer from the cash reserve to pay the fine. Once a settlement agreement is reached, the School Committee has 30 days to pay the fine.

4. Discuss Strategy with Respect to Open Meeting Law Complaint Filed by George Harris on July 7, 2014 regarding the June 3, 2013 Executive Session Minutes, pursuant to M.G.L. 30A §21(a)(1)
Barb reviewed the requests for information from the Attorney General and distributed copies of the packet that she will send to the Attorney General, all of which will be kept confidential. Barb also drafted a response, and the School Committee reviewed it for language and content. Ellen will sign the response, and it will be included in the packet of information.

Ellen suggested that the Attorney General's office be contacted regarding the matrix and an explanation should be given as to why the School Committee is not releasing it. A discussion followed about the contents of the matrix. The School Committee will vote in open session to send the documents to the Attorney General.

5. Discuss Public Records Request Submitted by George Harris on August 4, 2014, related to January 21, 2014 #2 and January 27, 2014 Executive Session Minutes, pursuant to M.G.L. Chapter 30A §22;
[REDACTED]

6. Discuss Public Records Request Submitted by George Harris on August 8, 2014, related to the Corresponding Documents for the Executive Session Minutes released at the School Committee's July 30, 2014 Meeting, pursuant to M.G.L. Chapter 30A §22;
Barb commented that she sent all the minutes to George Harris that he requested, and he came back with a request for all of the corresponding documents related to those minutes. Certain documents were not included in the packet for consideration because it was determined that they should not be released, such as the detailed peer analysis,

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proposals given to various unions, the longevity analysis, the negotiations matrix, and documents regarding the METCO matter. In addition, Executive Session minutes listed as Corresponding Documents were not included in the packet because they were not requested by George Harris.

The School Committee will vote in Open Session to release certain documents related to the minutes.

Ellen proceeded to call Donna at 10:40 p.m., but was unsuccessful in reaching her. Ellen did leave a message.

7. Comply with the Provisions of a General Law of the Commonwealth, pursuant to M.G.L. Chapter 30A §21(a)(7) and Public Records Law, M.G.L. Chapter 4, §7 Clause 26(c):

The School Committee discussed an email communication from [REDACTED] regarding her concerns about her child's experience of sexual harassment related to school policies and the implementation of those policies. Ellen stated her concern of both parties in terms of the privacy issue and the minutes being discoverable. Paul commented that he sees this issue partly as a matter of policy concerns, partly a matter of planning a child's return to school, and partly responding to past grievances.

Although it was recommended that Malcolm work with Paul on this matter, Paul will ask Gini Tate's advice regarding approaching this issue and if Malcolm should be involved due to privacy reasons. Ellen will inform Donna of this conversation.

8. Discuss Strategy with Respect to Pending Litigation between John S. Ames IV and the Wayland Public School System, pursuant to M.G.L Chapter 30A §21(a)(3):

REDACTED

9. Matter Not Reasonably Anticipated by the Chair:

In an effort to delegate work related to Open Meeting Law complaints, Ellen informed the School Committee that another Open Meeting Law complaint was filed by George Harris on August 27, 2014. The Committee discussed a shared responsibility on a rotation basis of Committee members regarding Open Meeting Law complaints and public records requests. Jeanne will work on the most recent complaint Ellen recommended that Mark Lanza could be helpful in certain situations.

Barb explained the latest Open Meeting Law complaint filed by George Harris and the action taken to date. The Committee discussed options to consider when responding. Ellen volunteered to call George Harris to have a conversation about the number of complaints to date, or she could invite him to meet with the School Committee.

Paul recommended an attorney at Murphy, Hesse, Toomey & Lehane as a good resource.

10. Approval of Minutes, pursuant to M.G.L. 30A §22:

Upon a motion duly made by Barb Fletcher, seconded by Malcolm Astley, the School Committee voted (4-0) unanimously to approve the Executive Session minutes of June 23, 2014, June 30, 2014, and April 22, 2014, all as amended. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Ellen Grieco, Chair	X	
Barb Fletcher, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard (absent)		
Jeanne Downs	X	

11. Adjournment:

Upon a motion duly made by Barb Fletcher, seconded by Malcolm Astley, the School Committee voted unanimously

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4-0) to adjourn the Executive Session at 11:40 P.M and to reconvene in open session. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Ellen Grieco, Chair	X	
Barb Fletcher, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard (absent)		
Jeanne Downs	X	

The School Committee reconvened in Open Session at 11:41 p.m.

Respectfully submitted,



Paul Stein, Clerk
 Wayland School Committee

Corresponding Documentation:

1. Executive Session Motion
2. Draft Settlement Agreement with Attorney General
3. Draft Response to Attorney re: George Harris's OML Complaint of July 7, 2014 and following documents:
 - Copy of the notice for the Committee meeting held on June 3, 2013
 - Copy of the open and executive session minutes of the Committee meeting held on June 3, 2013
 - Recording of the Committee meeting on June 3, 2013
 - Copy of the "Negotiations Matrix" DO NOT RELEASE
4. Draft Response to George Harris re: OML Complaint of August 4, 2014
5. Amended April 25, 2011 Executive Session Minutes
6. Amended May 12, 2012 Executive Session Minutes
7. Declassified Executive Session Minutes and corresponding documents:

July 27,2005	November 19,2012
August 29, 2005 - #2	December 3, 2012
September 19,2005	December 17,2012
October 17,2005	January 7, 2013
November 21, 2005	January 10,2013
December 5, 2005	January 14, 2013
June 18,2007- #1	January 17, 2013
July 30,2007	January 22, 2013
August 20, 2007	February 4, 2013
December 17, 2007	February 25, 2013- #1
March 2, 2009	March 11,2013
March 12, 2009	March 18, 2013
March 23, 2009	May 20, 2013- #1
April 6, 2009	May 30, 2013
November 30, 2009	June 13, 2013
February 8, 2010 Amendment	June 17,2013- #2
March 1, 2010 Amendment	June 24,2013- #2
October 12, 2010	July 15, 2013- #2
January 31,2011	July 22,2013
February 17, 2011	July 25, 2013
April 25, 2011	August 1, 2013- #1
July 9, 2012	September 9, 2013- #1
July 30, 2012	December 2, 2013
September 24, 2012	January 6, 2014- #2
October 9, 2012	January 13, 2014- #2

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October 15, 2012
October 22, 2012
November 5, 2012

February 3, 2014- #1
March 10, 2014
May 12, 2014

8. Executive Session Minutes of April 22, 2013
9. Executive Session Minutes of June 23, 2013
10. Executive Session Minutes of June 30, 2013
11. Email from [REDACTED] to Dr. Stein and School Committee dated August 18, 2014