

REVISED
11/3/14

MINUTES – WAYLAND SCHOOL COMMITTEE
Executive Session – September 8, 2014

An Executive Session of the Wayland School Committee was held on Monday, September 8, 2014, at 9:48 P.M. in the School Committee Room of the Wayland Town Building.

Present were:
Ellen Grieco, Chair
Barb Fletcher, Vice Chair
Malcolm Astley
Donna Bouchard
Jeanne Downs

Also:
Paul Stein
Superintendent

Brad Crozier
Assistant Superintendent

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 (4-1) to enter Executive Session at 9:48 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. c. 30A §21(a)(3) and to receive an update and discuss strategy with respect to pending litigation between John S. Ames IV and the Wayland Public School System, as permitted by M.G.L. c. 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, as permitted by M.G.L. c. 30A §21(a)(5), to discuss strategy with respect to an Open meeting Law Complaint filed by George Harris on August 27, 2014 related to certain Executive Session meetings, as permitted by M.G.L. c. 30A, §21(a)(1), will review minutes from the December 2, 2013 executive session for declassification related to a Public Records Request submitted by George Harris on August 27, 2014, as permitted by M.G.L. c. 30A, §22. In addition, the School Committee will review minutes from prior executive sessions for declassification, as permitted by M.G.L. c. 30A, §22, for the Executive Session meetings noted on the meeting notice and will approve minutes from prior executive sessions, as permitted by M.G.L. c. 30A, §22 for the July 10, 2014 and July 17, 2014 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>	<u>No</u>
Ellen Grieco, Chair	X	
Barb Fletcher, Vice Chair	X	
Malcolm Astley	X	
Donna Bouchard		X
Jeanne Downs	X	

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

Donna voted "no" because of agenda item 8(a), which she read, and stated that the public has not been adequately informed of the subject matter.

2. Discuss Strategy regarding the Investigation of Charges of Criminal Misconduct Pursuant to M.G.L. Chapter 30A §21(a)(5):

Ellen informed the School Committee that, although she had written the agenda topic, Mark Lanza advised against it and provided the wording for the agenda topic. Because this criminal investigation is ongoing with three separate

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agencies, Mark advised that both the suggestion of criminal charges and the underlying subject matter are suggestions of disclosure. The School Committee discussed options in posting the agenda in terms of the Committee's strategic response regarding a criminal investigation. It was also noted that the language used for this agenda has been used several times in the past. The School Committee will revisit its position on this matter at a future meeting.

Another discussion ensued regarding the redaction of several sets of minutes from a public records request related to the METCO matter. At the advice of town counsel, the School Committee has a legal right to keep this investigation confidential, and the Committee can exercise its judgment as a policy matter and in the best interest of the Wayland Public Schools. The Committee questioned its understanding and comfort level with this advice and explanation, but noting that the first amendment is relevant.

Barb suggested that Mark Lanza attend a meeting to understand what our options are and what are the associated risks related to this matter. The Committee will ask Mark Lanza to follow up with the state agencies regarding the status of the investigations and ask him to update the School Committee on September 22nd.

The Committee also discussed how and if they should address moving forward with the investigation of the credit card statements.

Ellen distributed minutes related to discussions regarding the METCO matter. They were marked for redaction and the Committee will review them at its next meeting on September 22nd.

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

Paul and Brad left the meeting at 10:40 p.m.

4. Discuss Strategy with respect to Litigation from the Attorney General's Decision re: 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. c. 30A, §21(a)(3):

Barb commented that Mark Lanza plans to contact the Attorney General's office tomorrow (9/9) regarding the settlement agreement.

5. Discuss Strategy related to George Harris's Open Meeting Law Complaint filed on August 27, 2014 related to Certain Executive Session Meetings, pursuant to M.G.L. c. 30A, §21(a)(1):

Jeanne distributed copies of minutes that she reviewed. The School Committee reviewed the draft response to George Harris, and changes were made. The School Committee discussed if they should add more detail to the minutes and how to approach this task. Each member will check his/her notes for detail related to the following minutes:

- Donna – 3/10/13, 2/3/13, 1/13/13, 1/6/13, 12/2/13, 9/9/13, 7/22/13
- Ellen – 6/17/13, 6/13/13, 5/30/13, 3/11/13, 2/15/13, 2/4/13, 1/22/13
- Malcolm – 1/17/13, 1/14/13, 1/10/13, 1/7/13, 12/17/12, 12/3/12, 11/19/12
- Barb – 11/5/12 and back

The response regarding this OML complaint is due before the September 22nd meeting, but an extension will be requested. The members will send the additional detail to be added to the relevant minutes to Diane by September 18th.

6. Review of December 2, 2013 Executive Session Minutes Requested by George Harris on August 27, 2014 to Declassify, pursuant to M.G.L. c. 30A, §22:

The School Committee reviewed the December 2, 2013 Executive Session minutes for detail, as well as the redactions made prior to this request. The School Committee will vote in open session to un-redact paragraph 3 and to re-release.

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Two corresponding documents were added – the Memorandum of Understanding and the WTA Q & A. The School Committee also discussed releasing an email from Gini Tate as a corresponding document.

The Committee discussed what constitutes and what should be considered a corresponding document.

7. Review of the Following Executive Session Minutes for Declassification, pursuant to M.G.L. c. 30A, §22 (see attached list):

Barb noted that the corresponding documents should be reviewed at the same time the Executive Session minutes are reviewed for possible declassification. These Executive Session minutes will be discussed again for declassification on September 22nd once the School Committee has reviewed the corresponding documents that are associated with these minutes.

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

Upon a motion duly made by Barb Fletcher, seconded by Donna Bouchard, the School Committee voted unanimously (5-0) to approve the Executive Session minutes of July 10, 2014, as written, and July 17, 2014, as amended with the correct name of the document that Donna will provide. 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	X	
Jeanne Downs	X	

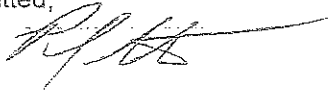
9. Adjournment:

Upon a motion duly made by Barb Fletcher, seconded by Donna Bouchard, the School Committee voted unanimously (5-0) to adjourn the Executive Session at 11:22 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	X	
Jeanne Downs	X	

The School Committee reconvened in Open Session at 11:23 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 George Harris re: OML Complaint of August 27, 2014
4. Executive Session Minutes of July 10, 2014
5. Executive Session Minutes of July 17, 2014
6. Executive Session Minutes of December 2, 2013
7. Executive Session Minutes (marked for redaction) re: METCO Matter:
 - * January 6, 2014
 - * January 9, 2014
 - * January 13, 2014

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- January 16, 2014
- January 21, 2014
- January 27, 2014
- February 3, 2014
- February 6, 2014
- February 10, 2014
- February 24, 2014

8. Executive Session Minutes re: OML Complaint of August 27, 2014

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

9. Executive Session Minutes for Possible Declassification

- November 8, 2010
- November 22, 2010

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- April 29, 2013
- May 6, 2013
- June 17, 2013
- June 24, 2013
- July 15, 2013 - #1
- August 26, 2013
- September 3, 2013
- September 9, 2013 - #2
- September 16, 2013
- September 23, 2013
- October 1, 2013
- October 7, 2013 - #1
- October 7, 2013 - #2
- October 21, 2013
- October 28, 2013
- November 4, 2013
- November 18, 2013
- December 2, 2013
- December 16, 2013
- February 6, 2014
- February 10, 2014
- February 24, 2014
- April 28, 2014