



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: 5083582379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Wayland School Committee

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 01/18/23 & later

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached statement (with exhibits) for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: /s/ George H. Harris

Date: 02/14/23

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OPEN MEETING LAW COMPLAINT

Wayland School Committee

This is a complaint that the Wayland School Committee (“Committee”) intentionally violated the Open Meeting Law, G.L. c. 30A, §§ 18-25, when it failed to give proper notice to the public and to the Wayland Superintendent of Schools in connection with executive sessions held on January 18, 25 and February 8, 2023.

Facts

1. The five-member Committee held an executive session on October 26, 2022:

To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual – complaint relative to administrator, pursuant to M.G.L. c.30A, § 21(1) [so-called executive session Purpose 1].

The subject administrator was School Superintendent Dr. Omar Easy. Dr. Easy was given proper notice, and he attended and spoke at the executive session. The Committee has not released the executive session minutes.

2. The Committee held a follow-up open session on November 10, 2022. The meeting notice described the topic in exactly the same terms as that given above. The video-recorded meeting can be viewed at <https://www.waycam.tv/government-on-demand>. The minutes¹ of the meeting state:

Chris [Ryan, chair,] gave a summary of where the Committee is at this point. He noted that on October 26, 2022 in Executive Session, a summary of the complaints concerning the Superintendent were presented. The School Committee voted to conduct an independent investigation. The Committee then had a lengthy discussion regarding putting the Superintendent on administrative leave and made a motion to continue that discussion on November 10, 2022.

¹ https://cdn5-ss2.sharpschool.com/UserFiles/Servers/Server_1036352/File/SchoolCommittee/Minutes/2022-2023/SC_Minutes_11_10_22%20Final.pdf

Dr Easy made a statement giving the timeline of his notification of the complaints and the October 26, 2022 meeting to discuss them. He also noted what was discussed in the October 13, 2022 Administrative Council meeting emphasizing the need to create a safe working environment where bullying is unacceptable. He asked that the Committee not put him on administrative leave. He asked that a full investigation be done.

...

Upon the motion made by Jeanne Downs, seconded by Ellen Grieco, the Committee voted (4-0-1) to as discussed, engage in the investigation² of the complaints made pursuant to the School Committee vote on October 26, 2022 with Dr Easy continuing his job as Superintendent, with the caveat that if during the investigation it is determined by the investigator that there is interference, the School Committee will take steps to address it.

3. The Committee held an executive session on January 18, 2023:

2.1 Pursuant to M.G.L. c. 30A § 21(a)(3) [so-called Purpose 3] to discuss strategy with respect to litigation where an open meeting may have a detrimental effect on the litigating position of the committee. (Arbitration involving Wayland School Committee).

See Exhibit 1 (meeting notice), attached hereto. Chair Ryan's announcement did not repeat the parenthetical information in the meeting notice. See recorded video at <https://www.waycam.tv/government-on-demand>. The Committee has not released the minutes. To the best of my knowledge, Dr. Easy was not invited to attend, nor did he attend, this executive session as is evident from the video.

4. The Committee held an executive session on January 25, 2023, upon the same terms³ as that stated for the executive session on January 18, 2023. See Exhibit 2 (meeting notice), attached hereto. To the best of my knowledge, Dr. Easy was not invited to attend, nor did he attend, this meeting as is evident from the video. See recorded video at <https://www.waycam.tv/government-on-demand>.

5. The Committee held an executive session on February 8, 2023, upon the same terms³ as that stated for the executive session on January 18, 2023. See Exhibit 3 (meeting notice), attached hereto. To the best of my knowledge, Dr. Easy was not

² Said investigation is presumably under the direction of the Committee's attorney, Kevin F. Bresnahan, Esq.

³ In making the announcement citing Purpose 3, Chair Ryan again omitted the parenthetical information in the meeting notice.

invited to attend, nor did he attend, this meeting as is evident from the video. See recorded video at <https://www.waycam.tv/government-on-demand>.

Violations of the Open Meeting Law

To convene in executive session, the public body must identify in its meeting notice the specific executive session purpose(s) it intends to invoke to justify the executive session, and provide as much detail as possible to inform the public of the nature of the executive session discussion without compromising the purpose of the executive session. See OML 2018-80; OML 2016-95. Before entering executive session, the chair must also publicly announce the purpose(s) for the executive session in the same level of detail. See G.L. c. 30A, § 21(b)(3); see also District Att’y for the N. Dist. v. School Comm. of Wayland, 455 Mass. 561, 567 (2009) (“[a] precise statement of the reason for convening in executive session is necessary . . . because that is the only notification given to the public that the [Wayland] school committee would conduct business in private, and the only way the public would know if the reason for doing so was proper or improper”) (emphasis added).

The meeting notices for executive sessions on January 18, 25 and February 8, 2023, and the respective announcements made by Chair Ryan upon entering those executive sessions, had important and deliberate omissions, in violation of the Open Meeting Law as summarized above. No mention was made that a primary purpose of the three executive sessions was “to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual” pursuant to G.L. c. 30A, § 21(a)(1) (i.e., Purpose 1). In effect, these three executive sessions were continuations of the Committee’s meetings held on October 26 and November 10, 2022, that dealt with charges brought against Dr. Easy and whether to place him on administrative leave while a formal investigation was underway.

Indeed, Purpose 1 was the central reason for the meetings, rather than to discuss arbitration. Furthermore, to the best of my knowledge, the individual to be discussed was not notified in writing at least 48 hours prior to the proposed executive sessions, as required under Purpose 1—indeed, that individual was not notified at all in advance of the two meetings.

The individual discussed at the three executive sessions, without his foreknowledge, was School Superintendent Dr. Omar Easy. This is evident from Chair Ryan’s letter to Dr. Easy, dated February 8, 2023:

This letter is to notify you that at its meeting on February 8, 2023, the Wayland School Committee voted to place you on paid administrative leave, effective immediately.

See Exhibit D of Dr. Easy's Charge of Discrimination, attached hereto.⁴ Dr. Easy was not invited to attend, nor did he attend, the Committee's February 8, 2023, meeting.

Discipline of an employee (here, school superintendent) can be discussed in executive session only upon publicly citing Purpose 1 and notifying the individual in writing at least 48 hours prior to the executive session. The Committee subjected Dr. Easy to discipline at its February 8, 2023, executive session, without prior notice, when it voted to place him on immediate involuntary administrative leave, in violation of the Open Meeting Law.

There is no question that the Committee knew prior to its January 18, 25 and February 8, 2023, executive sessions that it would discuss whether to place Dr. Easy on administrative leave, given the "lengthy" discussion that occurred in executive session on October 26, 2022, and the motion adopted at its open session on November 10, 2022.

The Committee's invocations of Purpose 3, while omitting Purpose 1, was a ruse seemingly intended to ensure that Dr. Easy would be unable to attend or to defend himself, and also intended to mislead the public as to the true purpose of the three executive sessions.⁵ This was a clear violation of G. L. c. 30A, § 21(b)(3) and School Comm. of Wayland, supra. The Committee has evidently not learned its lesson from the Supreme Judicial Court's ruling some 13 years ago.

The Committee was well aware of the need to cite Purpose 1 in its meeting notice and in its announcement at the commencement of the January 18, 25 and February 8 executive sessions when discussing the discipline of or charges against Dr. Easy inasmuch as it had previously cited Purpose 1 at its October 26, 2022, meeting. Failure to do the same for its January 18, 25 and February 8 executive sessions and to give timely advance notice thereof to the Superintendent were intentional violations of the Open Meeting Law because the Committee acted with specific intent to violate the law and because it had been previously informed by receipt of a decision from a court of competent jurisdiction. See 940 CMR 29.02.

Actions Requested of Division of Open Government

I respectfully request that the Division take the following actions:

⁴ Dr. Easy's Charge of Discrimination was posted online by Wayland Patch on Saturday, February 11, 2023 at 7:23 pm. It was also posted online by WCVB on February 12, 2023.

⁵ Even if the Committee actually intended to discuss arbitration, it could hardly do so without also discussing the charges brought against Dr. Easy.

1. Find that the violations were intentional.

2. Nullify the Committee's decision to place Dr. Easy on administrative leave, as that decision was taken during an improper executive session (February 8, 2023) held in violation of Purpose 1.

3. Order the Committee to release the executive session minutes and all related materials used in the preparation of such minutes and all materials used at the January 18, 25 and February 8, 2023, sessions because those sessions were not held in compliance with G.L. c. 30A, § 21(a)(1). See G.L. c. 30A, § 22(f).

Actions Requested of Committee

1. The Committee should acknowledge and admit the above alleged violations of the Open Meeting Law.

2. The Committee should explain to the public why it should be trusted to comply in the future with the Supreme Judicial Court's ruling cited above.

3. The Committee should apologize for its improper actions to both Dr. Easy and the public, and immediately take appropriate corrective actions, including withdrawing his administrative leave and returning him to his regular duties as School Superintendent.

Revised 02/14/2023

**TOWN OF WAYLAND - TOWN CLERK'S OFFICE
NOTICE OF MEETINGS OF TOWN
BOARDS/COMMITTEES/COMMISSIONS**

Exhibit 1

Posted in accordance with the provisions of the Open Meeting Law

www.mass.gov/ago/openmeeting

PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: School Committee
FILED BY: Diane Marobella
DATE OF MEETING: January 18, 2023
TIME OF MEETING: 4:00 pm
PLACE OF MEETING: Wayland High School
South Building Lecture Hall – 2nd Floor

Revises Agenda Posted at Noon on January 13, 2023

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person. In person attendance will be at the meeting location listed above and the public is welcome to attend. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

NOTE: Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time.

AGENDA

- | | |
|----------------|--|
| 4:00 pm | 1. Call to Order |
| | 2. Executive Session:
2.1 Pursuant to M.G.L. c. 30A § 21(a)(3) to discuss strategy with respect to litigation where an open meeting may have a detrimental effect on the litigating position of the committee. (Arbitration involving Wayland School Committee). |
| 6:05 pm | 3. Public Comment |
| 6:20 pm | 4. Superintendent Update
4.1 Presentation by Caroline Han, Director of Diversity, Equity and Belonging |
| 7:00 pm | 5. Financial Matters
5.1 Discussion regarding FY24 Budget, including The Children's Way Tuition, Athletics, Wayland High School, and Wayland Middle School |
| 8:00 pm | 6. Administrative Matters
6.1 Continued Discussion of re-visiting a Schedule of Administrator-Teacher-Facilitator Meetings |
| 8:10 pm | 7. Consent Agenda |

- 7.1 Acceptance of Gifts
 - Donation to the Lerner Travelship (\$300)
 - Donation to the Lerner Travelship (\$900)
- 7.2 Accounts Payables Warrant
- 7.2 Approval of Minutes: January 4, 2023

8:15 pm

8. Matters Not Reasonably Anticipated by the Chair

8:20 pm

9. Executive Session:

- 9.1 Discussion regarding Strategy with Respect to Collective Bargaining with Wayland Teachers Association (WTA), pursuant to M.G.L. c.30A, §21(a)(3)
- 9.2 Approval of Executive Session Minutes, pursuant to M.G.L. c.30A, §22: January 4, 2023

9:00 pm

10. Adjournment

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.”

TOWN OF WAYLAND - TOWN CLERK'S OFFICE
NOTICE OF MEETINGS OF TOWN
BOARDS/COMMITTEES/COMMISSIONS

Exhibit 2

Posted in accordance with the provisions of the Open Meeting Law

www.mass.gov/ago/openmeeting

PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: School Committee
FILED BY: Diane Marobella
DATE OF MEETING: January 25, 2023
TIME OF MEETING: 4:00 pm
PLACE OF MEETING: Wayland High School
South Building Lecture Hall – 2nd Floor

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person. In person attendance will be at the meeting location listed above and the public is welcome to attend. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

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AGENDA

- | | |
|----------------|--|
| 4:00 pm | 1. Call to Order |
| | 2. Executive Session |
| | 2.1 Pursuant to M.G.L. c. 30A § 21(a)(3) to discuss strategy with respect to litigation where an open meeting may have a detrimental effect on the litigating position of the committee. (Arbitration involving Wayland School Committee). |
| 6:05 pm | 3. Public Comment |
| 6:20 pm | 4. Special Matter: |
| | 4.1 Discussion with Brian Keveny, Director of Finance for the Town of Wayland |
| 6:45 pm | 5. Superintendent Update |
| | 5.1 Presentation by Caroline Han, Director of Diversity, Equity, and Inclusion |
| 7:15 pm | 6. Financial Matters |
| | 6.1 Discussion and Possible Vote to Approve of Elementary School Student Activity Funds |
| | 6.2 Discussion and Possible Vote to Approve Fees |
| | 6.3 Discussion and Possible Vote to Approve the Superintendent's FY24 Recommended Budget |

- 7:45 pm** **7. Administrative Matters**
7.1 The Education Collaborative (TEC) Update
- 7:55 pm** **8. Consent Agenda**
8.1 Approval of Minutes: January 4, 2023 and January 9, 2023
- 8:00 pm** **9. Matters Not Reasonably Anticipated by the Chair**
- 8:05 pm** **10. Executive Session:**
10.1 Discussion regarding Strategy with Respect to Collective Bargaining with
Wayland Teachers Association (WTA), pursuant to M.G.L. c.30A, §21(a)(3)
10.2 Approval of Executive Session Minutes, pursuant to M.G.L. c.30A, §22:
January 4, 2023 and January 9, 2023
- 9:00 pm** **11. Adjournment**

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.”

**TOWN OF WAYLAND - TOWN CLERK'S OFFICE
NOTICE OF MEETINGS OF TOWN
BOARDS/COMMITTEES/COMMISSIONS**

Exhibit 3

Posted in accordance with the provisions of the Open Meeting Law

www.mass.gov/ago/openmeeting

PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: School Committee
FILED BY: Diane Marobella
DATE OF MEETING: February 8, 2023
TIME OF MEETING: 4:00 pm
PLACE OF MEETING: Wayland High School
South Building Lecture Hall – 2nd Floor

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person. In person attendance will be at the meeting location listed above and the public is welcome to attend. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

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AGENDA

- 4:00 pm** **1. Call to Order**
- 4:00 pm** **2. Executive Session**
2.1 Pursuant to M.G.L. c. 30A § 21(a)(3) to discuss strategy with respect to litigation where an open meeting may have a detrimental effect on the litigating position of the committee. (Arbitration involving Wayland School Committee).

2.2 Approval of Executive Session Minutes, pursuant to M.G.L. c.30A, §22: January 4, 2023 and January 9, 2023
- 7:00 pm** **3. Adjournment**

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.”