

20 Covey Hill Rd.
Reading, MA 01867
May 21, 2003

Loretta Lillios – OML Captain
Assistant District Attorney
40 Thorndike St.
Cambridge, MA 02141

Re: *OML Violations – Reading School Superintendent Search Committee*
Access obstacles for setting up cable equipment in public meeting room

Dear Attorney Lillios,

I would like to file a complaint regarding the closed door proceedings and Open Meeting Law violations during Reading's School Superintendent Search process, including failure to post, hold public meetings, keep accurate minutes, and provide them to the public in a timely manner. As a volunteer public access producer, I have videotaped many meetings, including principal, superintendent and assistant superintendent search processes, many of which involved consultants and were accomplished primarily *in the open*. I personally served on a search committee and at that time, our consultant was very specific and clear regarding the Open Meeting Law and balancing the public's right to know with the candidates' privacy rights.

I have spoken with you on three occasions with concerns about the process currently underway in Reading.

The first time, over a month ago, you stated that you would contact School Committee Chairman Harvey "Pete" Dahl when I described that this Superintendent Search Committee, a subcommittee of the School Committee, had evidently been meeting and tending to organizational tasks without posting their meetings. Several articles in the Reading Advocate in April and May reference the subcommittee's search process as ongoing but behind closed doors. School Committee Chairman Dahl is referenced as saying that the Superintendent Search Subcommittee did not have to post their meetings but the meetings would be open to the public (Advocate 4/17/03). With Chairman Dahl's philosophy on postings and open meetings, no one "out of the loop" would know when and where the meetings were held. As a consequence, I was obstructed from videotaping what should have been public meetings and putting them on RCTV for the public to see and hear.

The second time, May 9, 2003: I contacted you because finally the first public meeting of the Superintendent Search committee was posted at Town Hall to be held May 15, 2003. Unfortunately, the purpose of that meeting was not to discuss approaches, possible advertisements, venues, timetable, application deadlines, process, qualifications and personal attributes the search committee would be seeking in a new superintendent. The May 15, 2003 meeting was to review incoming applications! The entire organizational process has apparently occurred in secret, unposted meetings. Based upon past

experience in covering these kinds of search processes, I would expect the subcommittee to have met at least 2-3 times before reaching the candidate applications review stage. Neither the public nor I with the RCTV camera were given access to see and hear the work of the search subcommittee prior to May 15. As you suggested in our second conversation, I requested minutes for that period from the alleged Search Committee Chairman Carol Grimm on May 9, 2003.

The third time, May 13, 2003: Aware that the process was moving quickly and without public oversight, I contacted you again with my concerns May 13th. You indicated to me that I had not waited long enough for a response from Ms. Grimm. Just before the May 15th meeting began, I asked Ms. Grimm about the minutes and she told me that the committee did not keep any. (This conflicts with the Langsam opinion.) Ms. Grimm mentioned that she had a legal opinion that supported the subcommittee right to conduct secret meetings. I verbally requested a copy of that legal opinion. On May 16, 2003, Town Counsel Langsam would not provide or discuss her legal opinion with me, referring me to the Town Manager and School Superintendent. I requested a copy of Langsam's opinion from the Town Manager's office but the Langsam opinion came in the mail the next day from Ms. Grimm. This public document merry-go-round is typical of obstacles one encounters when one attempts to access school related public documents in Reading.

On May 15, 2003, I videotaped the open meeting segment of the first posted Superintendent Search Subcommittee: the nomination and vote of Carol Grimm as Chairman (even though she apparently had been acting as chairman for over a month) and the roll call vote to move into executive session to examine the applications. This action lasted approximately 3 minutes. There was no discussion and no explanation of subcommittee activities since departing School Committee Chairman William Griset, exercising questionable authority, apparently "appointed" subcommittee members on Election Day, April 8, 2003. (A variety of School Committee subcommittee selection "policies" and contradictory memos have surfaced during the past month regarding the legality of this Superintendent Search Committee's appointment process.)

On May 17, 2003 I received a letter from Chairman Grimm and a May 14, 2003 legal opinion written by Town Counsel Joan Langsam to Superintendent Harutunian. In the second paragraph of Langsam's legal opinion, it is clear that she believes the subcommittee violated the Open Meeting Law on April 14, 2003, even based upon the limited information the Superintendent provided her. I do not feel that the May 15th vote making Ms. Grimm Subcommittee Chairman adequately addresses the problem of having conducted Superintendent Search Committee business and discussions illegally behind closed doors April 14th. Also, I am concerned that additional subcommittee meetings have occurred without being posted.

In my May 9th minutes request to Ms. Grimm, I specifically requested minutes "thus far." Chairman Grimm's letter and much of Langsam's opinion do not apply to that request for minutes. I did not ask for names of the applicants or minutes from any initial candidate screening. The public has been kept totally in the dark, not been privy to the policies,

process or timetable to be followed by this search subcommittee. Every step by this committee up to May 15 has been conducted in secret.

1. As I explained in my May 9 request to Ms. Grimm, I would like detailed minutes of the Superintendent Search Committee meetings “thus far” (prior to May 15).
2. I believe that the subcommittee may be conducting three interview sessions illegally. (Postings for May 19, 21, 22) I understand that this can be an OML “gray area” but I believe that the public’s right to know at this point in Reading’s process may very well outweigh candidates’ right to privacy. Since the entire subcommittee process has been conducted in secret, the public does not know if the consultant, Lyle Kirtman of Future Management Systems, actually did an initial screening of applications. If he did, the subcommittee meeting on May 15 could represent a second screening and the closed door interviews a third screening, a level at which semi-finalist candidates could become public.
3. I believe my rights as a citizen and volunteer public access producer have been violated. Without posting their “public” meetings, the search committee ensured that no one could attend and certainly no one could record the process for public viewing. Failure to post ensured the proceedings were conducted in secret.
4. I have also experienced bullying by the School Superintendent in my attempts to cover the public segments of these meetings. After I entered the public meeting room (Superintendent Conference Room where School Committee regularly meets) to set up equipment on May 19, 2003, Superintendent Harutunian loudly insisted that I am to get permission from him to enter this public meeting room prior to the meeting. He insisted that he only allows me 15 minutes (his arbitrary timeframe) to set up and test equipment. He told me to leave the room and come back at 3:45 PM for what he insisted was a 4:00 PM meeting. When I protested that the meeting was in 10 minutes (posted for 3:30 PM), he begrudgingly allowed me to stay.
5. Superintendent Harutunian and I have clashed in the past over access to public meeting rooms before the meetings. Two years ago when I began covering School Building Committee meetings involving multimillion dollar projects (\$54 million high school project and roughly \$16 million elementary schools) neither he nor the SBC wanted the public to see and hear SBC business. At one point, the superintendent actually kept the building locked until 5 minutes *after* the meeting was to have started to attempt to keep me from setting up to videotape the meeting. RCTV invested over \$3000 in permanent microphones and audio equipment for the Superintendent Conference Room but I was never given adequate time to test equipment before the SBC meetings and therefore could not rely on that audio system. This greatly affected the quality of the meeting coverage and my ability to adequately cover SBC meetings.
6. *I would like an opinion from the District Attorney:* The Open Meeting Law allows videotaping of meetings. However, what does one do when an official

refuses to allow access to the public meeting room in a timely fashion to ensure adequate time to set up and videotape the meeting? In the case of the School Building Committee, the issue became moot because the SBC moved to another meeting room. However, *there apparently is no precedent regarding obstruction of access to a public meeting room prior to the meeting to set up equipment.* Officials with nothing to hide do not object to videotaping public meetings.

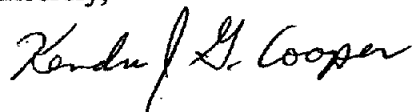
7. I believe this Superintendent Search Subcommittee has been fully aware that their secret proceedings should have been conducted in the open, but instead are confident there will be no consequences for violating the Open Meeting Law. Enclosed is a Salem News article (Behind Closed Doors 4/9/03) describing an Essex County district attorney opinion on the closed door process that occurred last year involving the Hamilton-Wenham Superintendent Search. The consultant? Reading's Superintendent Search consultant, Lyle Kirtman of Future Management Systems. Kirtman was also the Superintendent Search consultant hired by North Andover to conduct their superintendent search. Reading Superintendent Harutunian is leaving July 1 for the North Andover position.

When Superintendent Harutunian first came to Reading, I was among the "hundreds" he interviewed. (In the search process that selected Harutunian, the Reading School Committee used a paper ballot in open session to screen candidates.) He gave me a copy of the Essex County OML booklet and assured me that he knows the Open Meeting Law very well. (When he was Assistant Superintendent in Beverly, the Beverly School Committee was forced to reenact discussions about his employment in public session after the Essex County district attorney determined that discussions and action had occurred illegally in executive session.)

This school superintendent search process will have a tremendous impact on the future of the Town of Reading. It is imperative that an open process be followed if the public is expected to support the new superintendent and heal from the past eight years. For more documentation and background on the Reading Schools, I urge you to visit www.iror.org, Informed Residents of Reading web site. I would be happy to provide you with any additional information you may need.

While I am aware that the Middlesex District Attorney's office often has other priorities, I also realize that failure to enforce the Open Meeting Law leads to repetition of the same practices throughout the county and state. I would appreciate a timely response to my concerns. Thank you.

Sincerely,



Kendra Cooper
781-944-6186

Attachments: Kendra Cooper – Reading Superintendent Search Committee
OML Complaint May 21, 2003

1. Superintendent Search Postings 5/15, 5/19, 5/21, 5/22/03
2. Cooper- Grimm Request for Minutes 5/9/03
3. Reading Advocate articles 4/17, 4/24, 5/15/03
4. Subcommittee policies: MASC (1996, 2003)
Reading Superintendent Search 1987, unadopted subcommittee 1/96
5. Grimm letter 5/16/03
6. Langsam Legal Opinion
7. Harutunian – SC, Search members 4/22/03
8. Harutunian – Town Clerk, Search members 4/28/03
9. Croft Letter to Editor, Daily Chronicle
10. Salem News “ Behind closed doors” 4/9/03
11. 5/31/95 OML Reading Search violation, 9/29/95 Middlesex DA
12. Cooper Letter to the Editor 6/8/95
13. OML 1992 violation reference - Beverly Times article 6/22/95
14. OML Guidelines, Beverly / Superior Court Decision 1/14/93

TOWN OF READING

To Town Clerk
16 Lowell Street
Reading, MA 01867

May 5 2003

RECEIVED
TOWN CLERK
READING, MASS

In accordance with the provisions of Chapter 39 of the General Laws of the Commonwealth
Massachusetts, as amended, a meeting of Superintendent Search Comm.
2003 MAY - 5 A Superintendent's Conf, Rm.
will be held 82 Oakland Rd., Reading, MA
(Location)

on the following date/s May 15, 2003 Time: _____

Time: _____

for the purpose of Regular Session 6:30 p.m.

Executive Session 6:35 p.m.

Posted JP

[Signature]

TOWN OF READING

Attachment 1B

To Town Clerk
16 Lowell Street
Reading, MA 01867

May 15 20⁰³

In accordance with the provisions of Chapter 39 of the General Laws of the Commonwealth, as amended, a meeting of Superintendent Search Comm.
Superintendent's Conf. Rm.
will be held 82 Oakland (Reading) Reading, MA

on the following date/s May 19, 2003 Time: _____

for the purpose of Regular Session 3:30 p.m.

Executive Session 3:35 p.m.

Posted me

[Signature]

RECEIVED
TOWN CLERK
READING, MASS.
2003 MAY 16 AM 11:35

TOWN OF READING

To Town Clerk
16 Lowell Street
Reading, MA 01867

May 16, 20⁰³

In accordance with the provisions of Chapter 39 of the General Laws of the Commonwealth, as amended, a meeting of Superintendent Search Comm.
Superintendent's Conf. Rm.
will be held 82 Oakland Rd., Reading, MA
(Location)

on the following date/s May 22, 2003 Time: _____

for the purpose of REVISED

Regular Session 4:00 p.m.

Executive Session 4:05 p.m.

Posted me

[Signature]

RECEIVED
TOWN CLERK
READING, MASS.
2003 MAY 16 PM 11:39

TOWN OF READING

To Town Clerk
16 Lowell Street
Reading, MA 01867

May 15 20⁰³

In accordance with the provisions of Chapter 39 of the General Laws of the Commonwealth, as amended, a meeting of Superintendent Search Comm.
Superintendent's Conf. Rm.
will be held 82 Oakland (Reading) Reading, MA

on the following date/s May 21, 2003 Time: _____

for the purpose of Regular Session 4:00 p.m.

Executive Session 4:05 p.m.

RECEIVED
TOWN CLERK
READING, MASS.
2003 MAY 16 AM 11:35

Attachment 2

20 Covey Hill Rd.
Reading, MA 01867
May 9, 2003

Carol Grimm, Chairman
Reading Superintendent Search Committee
12 Estate Lane
Reading, MA 01867

Re: Superintendent Search Committee Minutes

Dear Carol,

To follow up on a phone message I left for you today, I would like copies of the minutes of all the Superintendent Search Committee meetings thus far, in draft form if that is the only form currently available. Though I am unaware of any previous postings of public meetings by this important committee, I have read that the search process by the committee is well underway and I note a posting now for a brief meeting May 15. I would appreciate your help in obtaining minutes of your committee. Thank you.

Sincerely



Kendra Cooper

781-944-6186

Search Committee members are appointed

BY NADINE WANDZILAK
STAFF WRITER

The 11-member committee that will lead the search for a new school superintendent has been selected.

The search committee comprises one member from each of three boards, the School Committee, Board of Selectmen and Finance Committee and two representatives from each of the following groups: Administrators, teachers, parents of Reading students and the community. The members, culled from 32 applicants, are:

- Elected officials Carl McFadden, from the School Committee, and Selectman Rick Schubert;

- School administrators John Doherty, principal of the Coolidge Middle School and Karen Callan, principal of the Barrows Elementary School.

- Teachers Linda Carey from Killam Elementary School, who also served on the previous superintendent search committee and Camille Visconte, a RMHS

guidance counselor;

- Finance Committee member Charles "Chuck" Robinson;

- Community members Richard Foley, the Town Accountant and Carol Grimm;

- Parents John O'Connor and Gael Phillips-Spence.

The search committee, as a subcommittee of the School Committee, does not have to post its meetings, although they are open to the public, committee Chairman Harvey "Pete" Dahl said Monday night, when he listed the committee members to the Advocate.

Former School Committee chairman William Grist selected the committee members. Grist's term expired last Tuesday, election day.

The committee is searching for a new superintendent because Superintendent Dr. Harry Harutunian will be leaving Reading for a new leadership position as superintendent of the North Andover school district in June.

By whom?
no School Committee
vote at that time -

Departing SC Chair
Grist's sister-in-law

Dahl version of
OML

*
*
*

No policy
- adopted by S.C
gives Grist
authority to

appoint
Superintendent
Search subcommittee
members.

Second input meeting for public is scheduled

BY NADINE WANDZILAK
STAFF WRITER

A second community forum will be held on Tuesday evening for residents to give their input on the search for a new school superintendent.

Only two members of the public attended the first forum on March 27. At that meeting, Dick Warren of Future Management Systems asked a series of questions about what Reading has to offer a new superintendent and what kind of leader residents want.

Based on that turnout, Search Committee Chairman Carol Grimm and School Committee member Rob Spadafora asked the School Committee to schedule another community forum, outgoing school Superintendent Dr. Harry Harutunian told the Advocate Tuesday afternoon. The search consultant will not charge for the second forum, Harutunian said.

Harutunian will leave Reading for North Andover at the end of the school year.

Tuesday's forum will start at 6:30 p.m. It will be held at RMHS, in the superintendent's conference room, near the parking lot between the high school and the field house.

"We do this for candidates as much as communities," Warren said as he set up for the last meeting. He had met with administrators and teachers and planned to meet with students for their input on a new superintendent. The firm does not recommend any candidate to a community, he said. "We don't have to live with them. You do."

Warren asked what the community and town schools offer a superintendent; the most important issue that would face the new school CEO, both short and long-term; and the key qualities they would want in a new superintendent.

Search Committee members still had not taken the oath with Town Clerk (See Harutunian memos 4/28/03)

not advertised
not posted

Carol Grimm was voted Committee Chairman in public
May 15, 2003
No discussion

Position piques super interest

Finalists may be named May 22

BY NADINE WANDZILAK
STAFF WRITER

Fifty-two people have applied for the job of superintendent of schools to succeed Dr. Harry Harutunian. The number of candidates is the highest in recent superintendent searches, Harutunian told the School Committee Monday night.

The Superintendent Search Committee will meet tonight in executive session to narrow the list of candidates.

The search committee plans to interview eight or nine semi-finalists over three evenings, May 19, 21 and 22, School Committee member Carl McFadden, also a member of the search committee, told the School Committee Monday.

Twelve applicants are currently superintendents or assistant superintendents, he said.

The search committee hoped to recommend three or four candidates to the School Committee on May 22, McFadden said.

Harutunian has accepted the job of superintendent in North Andover.

Much of Monday's discussion focused on the process of how the search committee was formed and when interviews with candidates must be conducted in open or public session.

Preliminary interviews by the search committee will be conducted in executive or private session, said Harutunian. He said he has a legal opinion from town counsel Gary Brackett to that effect. Only finalists' names can be made public, according to School Committee Chairman Harvey "Pete" Dahl. The School Committee can go into executive session on the superintendent issue only to negotiate a contract with the

new top school administrator, Harutunian said.

The School Committee, by consensus on March 13, gave its chairman the OK to appoint the search committee, Dahl said. School Committee policy set the committee at four educators and four community members, he said later. The School Committee later added three more seats on the search committee, Harutunian said.

The committee voted Monday to approve a number of search committee members by name.

One search committee member is related by marriage to the former School Committee chairman, Bill Griset, who appointed her, Dahl told the School Committee. Dahl said Griset spoke with him about intending to appoint Gael Phillips-Spence to the search committee. "I said, 'Make [the] appointments in the best interest of the community,'" Dahl said he told Griset.

The School Committee has hired a consultant, Future Management Systems, to help find a new superintendent.

Elementary class size

In other action, the committee discussed elementary school class size with a group of people in the audience. Some of the people were concerned about the proposed size of some classes, particularly groups of up to 27 children.

Harutunian distributed a chart showing elementary-school enrollment and class size, by school and classroom. The chart, labeled a draft, includes one all-day kindergarten class at each of the four elementary schools.

Class size cannot be reduced, he said, because he has no money to hire more elementary school teachers. The

town will have the same number of elementary teachers this coming year, 82, as the current year, he said.

Parents in the all-day kindergarten will pay for that program, including its teachers. The School Committee earlier this year approved Harutunian's recommendation to start the all-day kindergarten program to generate money for the School Department. Without it, the School Department would have had to ask for \$3.3 million instead of \$3.1 million in an override, Harutunian said. Voters approved a \$4.5 million override April 8. Just over \$3 million was earmarked for town schools; the remainder for town services.

Parker principal

Early in the meeting, each School Committee member described what he or she is looking for in a new principal for the Parker Middle School. Principal Joseph Finigan is moving to the high school to become assistant superintendent. Committee members cited sensitivity to middle school-age students, management skills, a team player and a leader with vision.

Last day of school

The last day of school this school year will be June 17. The committee approved that date, based on no snow days this year.

*Attachment 3C based upon the subcommittee policy that was never adopted by School Committee. Even that policy was not followed. After the committee was sworn in, weeks later the School Committee voted the screening committee and even later Carol Grimm was voted chair. Entire process has been a sham. * No policy is being followed.*

SUBCOMMITTEES OF THE SCHOOL COMMITTEE

Attachment
4A

The School Committee will have no standing committees. It may, however, establish special subcommittees. These subcommittees may be created for a specific purpose and to make recommendations for Committee action.

1. The subcommittee will be established through action of the Committee.
2. The subcommittee members will be appointed by the Committee chairperson.
3. The subcommittee will be provided with direction regarding its functions and duties.
4. The subcommittee may make recommendations for Committee action, but it may not act for the School Committee.
5. The Committee chairperson and Superintendent will be ex-officio members of all special subcommittees. ?
6. A subcommittee will be dissolved by the Committee upon completion of its assignment, or it may be dissolved by a vote of the Committee at any time.

Adoption date: January 1996

SOURCE: MASC Policy (A Reading "Version")

CROSS REF.: BEC, Executive Sessions

1996
(Policy never approved or adopted by
Reading School Committee)

Allegedly, the policy giving departing School
Committee Chair Griset authority to
appoint the School Superintendent Search
subcommittee members.

Attachment 4B

File: BDE

SUBCOMMITTEES OF THE SCHOOL COMMITTEE

The School Committee will have no standing committees. It may, however, establish special subcommittees at its annual organizational meeting. These subcommittees may be created for a specific purpose and to make recommendations for Committee action.

1. The subcommittee will be established through action of the Committee.
2. The subcommittee chairperson and its members will be appointed by the Committee chairperson, subject to approval by the Committee.
3. The subcommittee will be provided with a list of its functions and duties.
4. The subcommittee may make recommendations for Committee action, but it may not act for the School Committee.
5. The Committee chairperson and Superintendent will be ex-officio members of all special subcommittees.
6. A subcommittee will be dissolved by the Committee upon completion of its assignment, or it may be dissolved by a vote of the Committee at any time.

Adoption date: January 1996

SOURCE: MASC Policy

CROSS REF.: BEC, Executive Sessions

NOTE: Include in this category statements on committees made up of School Committee members (but not advisory committees to the School Committee).

The cross reference on the above policy is to a related policy in this manual. The open meeting law — and its exceptions — apply to both School Committee meetings and meetings of the subcommittees of the School Committee; thus this cross reference is necessary.

If School Committee policy permits standing subcommittees, the current standing subcommittees should be included in the policy, and regulations may be needed on their duties and operations. Or, the duties of specific committees sometimes are included as an informational document coded BDE-E.

(Actual MASC Policy)
1996

Attachment 4c

File: BDE

SUBCOMMITTEES OF THE SCHOOL COMMITTEE

The School Committee will have no standing committees. It may, however, establish special subcommittees at its annual organizational meeting. These subcommittees may be created for a specific purpose and to make recommendations for Committee action.

1. The subcommittee will be established through action of the Committee.
2. The Committee chairperson, subject to approval by the Committee, will appoint the subcommittee chairperson and its members.
3. The subcommittee will be provided with a list of its functions and duties.
4. The subcommittee may make recommendations for Committee action, but it may not act for the School Committee.
5. The Committee chairperson and Superintendent will be ex-officio members of all special subcommittees.
6. A subcommittee will be dissolved by the Committee upon completion of its assignment, or it may be dissolved by a vote of the Committee at any time.

SOURCE: MASC

CROSS REF.: BEC, Executive Sessions

NOTE: Include in this category statements on Committees made up of School Committee members (but not advisory committees to the School Committee).

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If School Committee policy permits standing subcommittees, the current standing subcommittees should be included in the policy, and regulations may be needed on their duties and operations. Or, the duties of specific Committees sometimes are included as an informational document coded BDE-E.

(Most recent MASC Policy
2003)

Policy version provided by school department

CBE -
Attachment 4D

READING SCHOOL COMMITTEE

POLICY ON PROCESS FOR SELECTING A SUPERINTENDENT OF SCHOOLS

The Superintendent of Schools is the educational leader of the Reading Community. The choice of Superintendent sets in place the direction of Reading's educational programs for years into the future. Accordingly, when a vacancy occurs, the advice and recommendations of the public -- citizens, staff, parents and students shall be sought by the Reading School Committee as it goes about the process of selecting a Superintendent of Schools.

Advice from the public shall be sought. The Reading School Committee will hold an advertised public hearing or hearings at which those who wish to be heard can discuss the school system needs, the philosophy of education the next leader should espouse, and what special expertise is valuable. The School Committee will also accept written communications.

The School Committee will use this information in reviewing the Superintendent of School's written role description and performance evaluation criteria so as to decide on a current statement of employment expectations for the new Superintendent.

The Reading School Committee will appoint a Screening Committee to help it evaluate the large number of candidates who present themselves. This Screening Committee will be advisory to the School Committee. The purpose of the Screening Committee will be to review credentials and carry out preliminary interviews. A total of six candidates will

School Committee voted Mar. 13, 2003 to add 3 more members to Search Committee: one from School Committee, one from Selectmen and one from Fin Com.

be presented to the School Committee for consideration as finalists for the position. The School Committee can ask the Screening Committee to supply additional finalists as needed. The Screening Committee shall consist of 8 members, four of which will be educators and four citizens not educators. An effort will be made to get a cross section of parents, educators from the school system, educators who reside in the community, and others. Two members of the School Committee will be designated as non-voting liaison members to facilitate communications between the Screening Committee and the School Committee.

All meetings of the Screening Committee will be conducted under open meeting and public records rules applying to governmental bodies.

The School Committee may also choose to use the services of a consultant on Superintendent recruitment.

The School Committee will interview all finalists during open meetings of the Reading School Committee and may elect to allow questions from the audience.

(1st Reading, 2nd Reading omitted)
From this copy

Approved December 7, 1987.

Attachment 5

May 16, 2003

Kendra Cooper
20 Covey Hill Road
Reading, MA 01867

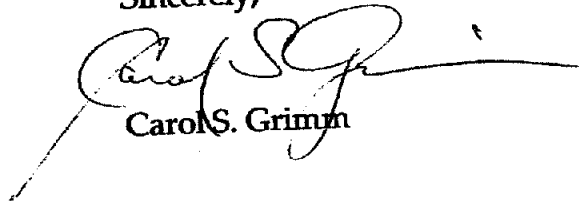
Re: Superintendent Search Committee Minutes

Dear Kendra,

Please find enclosed the opinion from Brackett & Lucas regarding the minutes from the Subcommittee for the Superintendent Search. As you know this is intense process with candidates who covet their privacy. In most cases the concern is that by applying it puts their current job in jeopardy.

The Subcommittee will be making a presentation of the final candidates to the School Committee at their meeting on Tuesday, May 27, 2003. From that point on it will be a public process which is a risk the finalists must take.

Sincerely,



Carol S. Grimm

C.c. Pete Dahl, Chairman School Committee

**BRACKETT & LUCAS
COUNSELORS AT LAW**

19 CEDAR STREET
WORCESTER, MASSACHUSETTS 01609

508-799-9739
Fax 508-799-9799
E-Mail: bendl@pcplawol.net

GARY S. BRACKETT
ELAINE M. LUCAS
JOAN E. LANGSAM
JOHN G. GANNON
M. YVONNE GONZÁLEZ**
JAMES T. MASTERALEXIS
STEVEN C. FLETCHER**
ELLEN CALLAHAN DOUCETTE
*Also Admitted in CT
**Also Admitted in ME and CO

WINCHESTER OFFICE
165 WASHINGTON STREET
WINCHESTER, MASSACHUSETTS 01890
781-729-1500 Fax 781-729-5444
E-Mail: Langsam1n@aol.com

Please respond to the Winchester office

May 14, 2003

Harry Harutunian, PhD, Superintendent
Reading Public Schools
82 Oakland Road
Reading, MA. 01867

RE: Request for Meeting Minutes of the Subcommittee for
Superintendent Search.

Dear Dr. Harutunian:

You have requested advice concerning the release of minutes of a meeting of the Subcommittee delegated with screening applicants for the position of Superintendent of Schools for Reading. I understand that a public records request has been made for such minutes. The School Committee pursuant to its duly adopted policies and the Town Charter has appointed a subcommittee to review and interview applicants for the position of Reading School Superintendent.

You have informed me that the Subcommittee met for the first time on April 14, 2003 and that inadvertently no posting of such meeting was made. The meeting was called to order and minutes were taken. As you are aware, pursuant to the "Open Meeting Law" all meetings of a governmental body need to be posted. As this meeting was not posted I would advise that at the next duly posted meeting any action of the Subcommittee taken at the April 14, 2003 meeting be ratified.


As to whether the meeting minutes of the Subcommittee should be released, M.G.L. c. 39, §23B provides certain exemptions under which an open meeting may be held in executive session. One such exemption is number 8 which provides that a municipal committee may enter into executive session to consider and interview applicants for employment by a preliminary

screening committee or a subcommittee. As such, the Subcommittee has the right to hold their meeting in executive session and minutes of such session may not be released if such release would defeat the purposes of the executive session. As the subcommittee has just begun interviewing candidates, it is my opinion that release of such minutes at this time would defeat the purposes of the exemption to interview initial candidates in a private forum.

As I discussed in a previous memorandum to you, the names and information of the initial candidates do not have to be released at any time. A previous ruling of the Supervisor of Public Records, SPR 82-219 provides that "...the names of the initial applicants for the superintendent's position would not appear to be a public record, and would not be required to be included in the minutes of any meeting, whether open or closed, in which the applicants were discussed." Also, as stated in my previous memorandum to you, holding a meeting in an open forum to discuss and identify an applicant could constitute an unreasonable and substantial invasion of that persons right to privacy and therefore discussions concerning such applicants by the Subcommittee need to be held in executive session.

If you have additional questions or concerns on this issue, please do not hesitate to contact me at your convenience.

Very truly yours,


Joan E. Langsam



Attachment 7

READING PUBLIC SCHOOLS

ADMINISTRATION OFFICES

82 Oakland Road, Post Office Box 180

Reading, Massachusetts 01867-0280

Telephone 781-944-5800

Fax 781-942-9149

Harry K. Harutunian, Ph.D.
Superintendent

Dennis A. Richards
Associate Superintendent

TO: Reading School Committee
FROM: Dr. Harry K. Harutunian
DATE: April 22, 2003
TOPIC: Superintendent Search Committee

Please find attached, for your information, a list of people who are serving on the search committee for the superintendent.

If you have any questions, please contact me.

SUPERINTENDENT SEARCH COMMITTEE

Ms.	Karen	Callan	Administrator
Ms.	Linda	Carey	Teacher
Mr.	John	Doherty	Administrator
Mr.	Richard	Foley	Community Member
Ms.	Carol	Grimm	Community Member
Mr.	Carl	McFadden	School Committee
Mr.	John	O'Connor	Parent
Ms.	Gael	Phillips- Spence	Parent
Mr.	Charles	Robinson	Finance Committee
Mr.	Rick	Schubert	Board of Selectmen
Ms.	Camille	Visconti	Teacher



READING PUBLIC SCHOOLS

ADMINISTRATION OFFICES


Harry K. Harutunian, Ph.D.
Superintendent

82 Oakland Road, Post Office Box 180
Reading, Massachusetts 01867-0280

Telephone 781-944-5800

Fax 781-942-9149

Dennis A. Richards
Associate Superintendent

TO: Cheryl Johnson
FROM: Dr. Harry K. Harutunian 
DATE: April 28, 2003
TOPIC: Superintendent Search Committee

appointed 4/8/03

Chairman of the Reading School Committee, Bill Griset, appointed the following individuals to the Superintendent Search Committee. All members have been notified to report to your office to take the oath of office

Karen Callan
Linda Carey
John Doherty
Richard Foley
Carol Grimm
Carl McFadden
John O'Connor
Gael Philips-Spence
Charles Robinson
Rick Schubert
Camille Visconti

If you have any questions, please contact me.

Croft letter illustrates confusion the public (and even people who applied to serve on the committee) has regarding the Superintendent Search Committee and the process.

Reading

A14

Letter to the Editor

For the Town's information:

Recently I applied for the Superintendent's Selection Committee and was rejected because I didn't have the competitive qualifications to serve on that committee.

The rejection approved by "outgoing" Wm. Griset (Chair), Pete Dahl (Vice Chair), and "outgoing" Harry Harutunian (Supt. of Schools). This shocked and chagrined writer wonders why two of the three, as lame ducks, are selecting and rejecting Superintendent's Selection Committee members. The School Committee has not met collectively to screen applicants or consider this most important matter which has been left in the hands of the above noted panel. It is now common knowledge that the Superintendent can set the tone and direction of a system. We need one who is candid, colloquial, focused upon academics and curricular matters. We need an educator who is not a politician and entrepreneur.

My selection was eclipsed by a member of the above noted panel's family. My rejection pointed out that my qualifications lacked the quality of the familial selectee as well as others. It is this writer's bias that one of the qualifications is to know little about the ten year decline, neglect, and disintegration of the High School, our "flagship". This rejectee may know too much and cause friction...as an administrator once said, "you think too much".

Friction causes heat and heat is what we need to purge this process and ensure that we don't get more of the same internecine reasoning that has resulted in the delay, denial, and lack of initiative that has brought the "flagship" to such dire straits.

I am not a single issue rejectee; as noted above I feel that the new Superintendent affects the physical and mental wholeness and health of the entire system. Thus Reading best get serious in the selection

process. It should not be left up to those who no longer have personal or professional contracts and commitments to the school community. This rejectee's being stepped over is small potatoes (I must say I was insulted though) compared to extended frustration and inertia if the self-appointed, lame duck panel decides upon a political bureaucracy rather than a more sensitive humanistic hierarchy.

Hal Croft
Reading Rejectee

Behind closed doors

Citizens shut out of government as Hamilton-Wenham School Committee conducts illegal closed meetings

By THOMAS LAKE
Staff writer

HAMILTON — School Committee members broke the law at least four times last year while conducting public business behind a closed door.

A Salem News investigation found the committee spent nearly half its total meeting time last year, about 38 of 77 hours, out of public view.

What happened in those closed sessions may never be known. Hours-long discussions were frequently recorded with sets of minutes no longer than one sentence.

In 24 closed meetings last year, the nine-member board:

- Consistently failed to give legal reasons for holding the so-called "executive sessions," then failed to accurately record votes within the meetings.
- Went behind closed doors ostensibly to talk about one topic, then shifted to another subject once they left the public eye — effectively playing an illegal game of bait-and-switch with citizens.

- Conducted business behind closed doors that legally should have occurred in the open, including the search for new Superintendent Marinel McGrath.

After reviewing public records obtained by The Salem News, the Essex County district attorney's office drew similar conclusions.

"The purpose of the Open Meeting Law is to ensure the public has broad access to the deliberations and decisions made by its elected officials," said Special Counsel Tom Donovan, who is in charge of enforcing such laws for the DA's office. "It is certain that the committee regularly denied the public this access."

The School Committee did not deny the charges.

"We realize now that we were in violation of the law," Chairwoman Nancy Morse said Monday in a prepared statement from the board.

Why should citizens care?

"Nobody wants government behind closed doors in smoke-filled rooms," said Bob Ritchie, director of the state attorney general's Municipal Law Division. "The people who put these governmental bodies into place have a right to know what's going on."

The elected board controls a school district that teaches 2,200 children, employs 245 workers and spends close to \$20 million a year — including more than half the annual budgets of Hamilton and Wenham combined.

"The people who put these governmental bodies into place have a right to know what's going on."

— Bob Ritchie,
Director of the state attorney general's Municipal Law Division

But secrecy still veils many of its spending and policy decisions from last year.

Last May 29, for example, the board went into executive session for a 65-minute talk on personnel contracts.

"The committee discussed personnel contracts," say the minutes — and nothing else about the discussion.

"Although minutes are not expected to record a meeting verbatim," Donovan wrote, "they must include enough information so that the substance of the deliberations may be readily understood."

Questions about the board's conduct surfaced during a televised confrontation at Miles River Middle School last Oct. 3.

When members prepared to discuss "potential litigation involving facilities" behind closed doors, a Salem News reporter challenged the action and asked for further explanation.

"You're out of order here," Morse said as the committee adjourned to a staff dining room. "We're very cognizant of open meeting laws."

The Salem News later asked for copies of all the committee's executive session minutes from 2002. They were delivered more than three months later — well past the 10-day deadline state law imposes on requests for public records.

Honest mistakes?

Hamilton-Wenham School Committee members are not professional politicians. Many drive straight from their day jobs in Boston to attend lengthy night meetings.

They are not paid for their time and they may not have meant to break the law.

"It was never our intent to conduct executive sessions to deliberate and decide matters that were not permitted by the Open Meeting Law," Morse said in the statement. "Policymaking at the community level can only be conducted effectively if it is done in the full view of community members and actively seeks their guidance."

None of the other board members responded to interview requests — including Mike Abbott, who was chairman when the most severe violations took place and is now leaving the School Committee to run for a seat on the Hamilton Board of Selectmen.

David Neill, who in May will vacate the selectman's seat Abbott is running for, was taken aback when he found out the School Committee had discussed the superintendent search in a closed meeting.

"That surprised me," he said, "that they weren't more aware (of the law)."

That law requires government meetings to remain open to the public unless a discussion falls into one of nine categories, which include personnel matters and litigation — and can often be difficult to define.

"Oftentimes," said District Attorney Jon Blodgett, "these things happen without people having the wrong intent."

Ritchie, who helps enforce the Open Meeting Law for the state attorney general's office, said he frequently sees local boards transgress.

The mistakes are generally innocent, and the problem is usually solved by a letter from the local district attorney's office.

"They try to do their very best," he said of small-town board members, "with little training, little money, little resources."

Conditions have improved since The Salem News first challenged the committee last October.

Instead of a sentence or two, minutes of executive sessions now consist of two or three pages. When members move in open session to adjourn to closed session, they generally give detailed, apparently legal reasons for doing so.

School Committee attorney Naomi Stonberg recently conducted an Open Meeting Law workshop for the board members. Even before the district attorney's office found the violations, she said, the problem had been solved.

"Hopefully," said Ritchie, "the district attorney's office will be compassionate in meting out consequences."

Blodgett has no immediate plans to file a complaint against the committee in Superior Court, as he could legally do.

Judges who find violations can fine boards up to \$1,000 for each illegal meeting — and nullify any action taken in the meetings.

"The attempt of this office in pointing (the violations) out was not to be punitive, but to be remedial," Blodgett said.

His office found violations in the records of four closed committee meetings from 2002. Now he wants members to jog their memory and create new sets of detailed minutes for those meetings.

"These minutes," Donovan wrote, "ought to be forwarded to this office to determine their adequacy and, ultimately, be made public."

Stonberg promised the board would comply.

At Monday night's School Committee meeting, Morse told a TV audience the board never meant to hide anything.

"We were not routinely revisiting the law as much as we should have," she said.

VIOLATIONS

The Salem News reviewed an entire year's worth of meeting records for this story and found these among the violations:

• Jan. 17. The board closes the doors, claiming it plans to talk about collective bargaining. In fact, they hear a presentation from Lyle Kirman of Future Management Services, a firm that helps school districts find new superintendents. Then chairman Mike Abbott asks Kirman for a contract proposal to help the district replace retiring superintendent Dennis DiSalvo. "Clearly, this is not the purpose as was stated in the open session," Donovan wrote. "Nor is it a proper matter for executive session."

• Feb. 5. The board again calls Kirman into the closed meeting room after telling the public it plans to discuss personnel contracts. Members vote to set a salary range for the superintendent search at \$115,000 to 125,000. "This was not the purpose stated," wrote Donovan, "and the subject ought to have been in public."

• Feb. 28. After reviewing three bids for the superintendent search in closed session, the board votes to award a \$13,920 contract to Future Management Systems. Under the state Open Meeting Law, the discussion and vote should have taken place in public.

• May 16. The board conducts two separate closed meetings in one night. In the first meeting, Kirman delivers information on four finalists for the superintendent position. But only four committee members vote to enter the session — one less than the majority required by law. (Kirman, whose company is based in Danvers, could not be reached for comment.)

In the second meeting, the board approves raises for nurses and custodians, but records give little detail about the discussions.

"The minutes do not adequately reflect what deliberations took place," Donovan wrote

"Behind Closed Doors) Salem News P. 2 Attachment 10
4/9/03

Keeping government open

Whether they're selectmen, city councils or school committees, government boards are bound by state law to let citizens watch them conduct the public's business.

Officials are allowed to go behind closed doors sometimes — most often to discuss lawsuits or labor negotiations — but in general, the public has a right to be in the room.

If you think a board is closing a meeting illegally, say so.

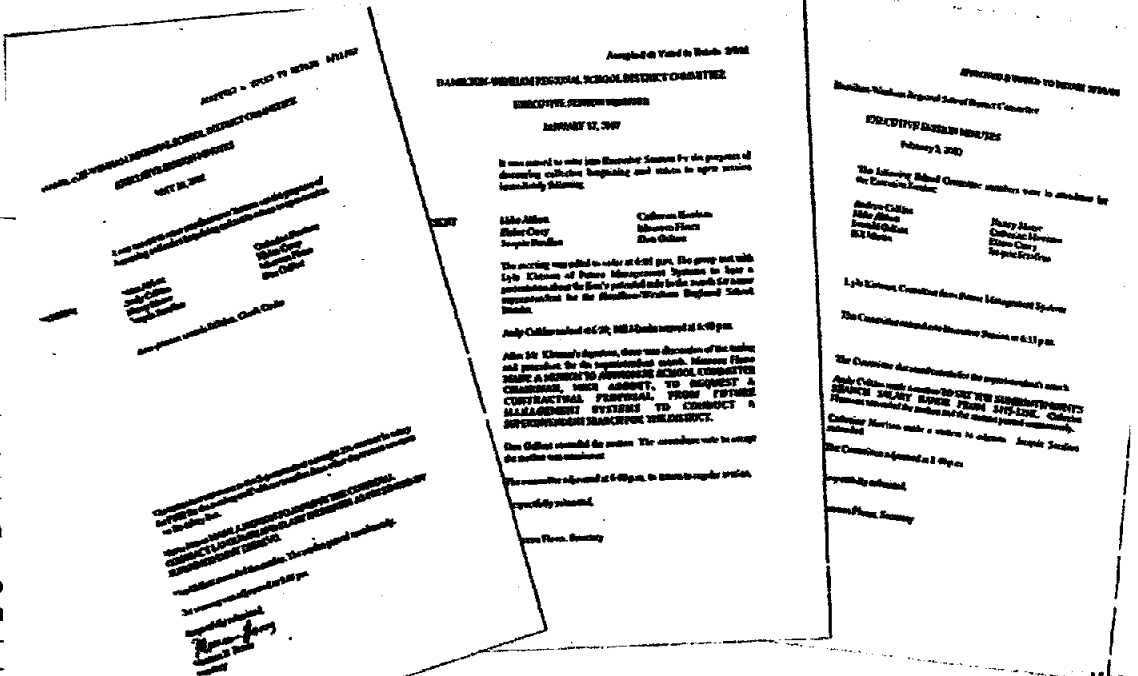
"If they declare it a non-public meeting, insist that they quote the law (that allows them to do so)," said former Essex County Newspapers editor Bill Plante, who helped draft the state's Open Meeting Law.

If the board insists on closing the meeting without grounds, take it a step further.

"Storm the ramparts," said Plante, now executive director of the Massachusetts Association of Newspaper Publishers. "Just walk in. It's a public meeting."

If that doesn't work, contact the District Attorney's Office at (978) 745-6610.

Or, you can personally file a complaint in Superior Court. All you need are the signatures of three registered voters. Make sure you file less than 21 days after the illegal action is made public.

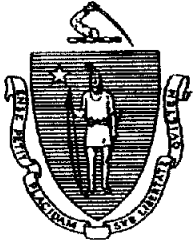


These are samples of copies of the Hamilton-Wenham Regional School District Committee's executive session minutes from 2002. The DA's office found the committee violated the Open Meeting Law in several instances. The above minutes reflect some of the violations, such as failing to accurately record votes within the meetings, and not including enough information to reflect the discussions.

what deliberations took place, Donovan wrote

re: Selection of Harry Harutunian
Reading School Superintendent

Attachment 11



TOM REILLY
DISTRICT ATTORNEY

THE COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX DISTRICT ATTORNEY
40 THORNDIKE STREET CAMBRIDGE MA 02141

617 - 494-4050
FAX: 617 - 225-0871

September 29, 1995

Kendra Cooper
20 Covey Hill Road
Reading, MA 01867

Dear Ms. Cooper:

This office has completed the investigation of your complaint alleging that the Reading School Committee violated the Open Meeting Law, G.L. c. 39, §§ 23A-24, on May 31, 1995, by conducting a paper ballot vote in open session. Our investigation reveals that you promptly alerted the School Committee of the Open Meeting Law violation and that the School Committee remedied the situation by repeating the vote in a proper manner in an open meeting held on June 6, 1995.

I must apologize for the delay in completing the investigation of a matter which was apparently resolved before the investigation even began. Because of some confusion in correspondences, I only recently received a copy of the minutes confirming that the School Committee had resolved the matter on its own initiative. Please do not hesitate to give me a call if you have any further questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sabita Singh'.

Sabita Singh
Assistant District Attorney
(617) 494 -4457

cc: Roberta D'Antona, Chairwoman
Reading School Committee

Process in selecting Harry Harutunian
Superintendent in 1995

Daily Times Chronicle

THURSDAY, JUNE 8, 1995

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the demolition of four towns in the Swift River Valley, now the site of the Quabbin Reservoir. She has also done research work on the Ipswich River watershed and is active in preserving temporary wetlands habitats or "vernal pools," vital to many endangered species.

Nicole is the daughter of Joseph and Karen Lanthier of Middlesex Avenue.

A founding father of the MAPC, Charles W. Eliot II was a pioneer in the field of regional planning. His work with the Council began at the first meeting in January 1964 and continued for three decades.

During those years, Mr. Eliot was an outspoken advocate of regional planning and the preservation of open space. He masterminded the green belt area around Boston, as well as the Bay Circuit. As director of the National Resources and Planning Board, Eliot set up numerous state planning agencies across the country.

The Charles W. Eliot Scholarship award was established as a memorial to his professional achievements and contributions to MAPC and the planning field.

Letters to the editor... School board vote in violation

Open Letter to Reading
Parents and Taxpayers:

Following six hours of interviews with six superintendent finalists late last Wednesday night, the Reading School Committee, with no discussion of the individual candidates, conducted, in open session, an illegal secret paper ballot to determine consensus regarding the six finalists.

This vote, tallied by the Acting Assistant Superintendent, whittled the superintendent finalist pool down to four remaining candidates for whom School Committee members will make site visits this week. The Massachusetts' Open Meeting Law ensures that the public has the right to see, hear, and understand the action of governmental bodies. The law clearly states that no votes taken in open session shall be by secret ballot.

With the Reading schools \$250,000 in debt, the School

Committee cannot afford to further erode its credibility and accountability. The public deserves to understand how each School Committee member is evaluating a candidate, why certain candidates from a school committee perspective stand out and why others trigger reservations. Through these interviews, the public is learning as much about its elected representatives, the individual school committee members, as it is the superintendent candidates.

While having to explain one's actions sometimes is a tedious and distasteful process, School Committee must conduct its business in the open. Cheating Reading taxpayers and parents out of their right to understand the superintendent selection process by using a secret ballot is not acceptable and it is a flagrant violation of the open Meeting Law.

Sincerely,
Kendra J. G. Cooper

Memorial Assembly 'patriotic'

Dear Editor:

WWII.

School Administration "had nothing to gain by keeping

BEVERLY

6/22/95

Page A2

Ready for Reading

Harutunian eager to take giant step up to superintendent

By TED GRIFFITH
Times staff

BEVERLY **S**itting in his office yesterday, Assistant School Superintendent Harry Harutunian beamed with satisfaction about news of his selection as Reading's new superintendent.

"I'm very excited about being superintendent there," said Harutunian, who learned yesterday morning that he'd been picked for the post. "I think it's a good match for me and a good match for them."

The Reading School Committee voted Tuesday night to appoint Harutunian to be that town's new superintendent. He said an exact starting date has yet to be set, but it will likely be in early August.

The 42-year-old father of two said he is eager to have the increased responsibility and autonomy that go along with being a superintendent.

Prior to winning the Reading job, Harutunian had applied for superintendent jobs in Lynnfield, Lincoln and Wakefield.

"There's one less person that you have to check with," Harutunian said of the benefits of being superintendent.

"No matter how much latitude you have as assistant superintendent, you still work for the superintendent."

While he is looking forward to his new position, Harutunian said he will miss working in the Beverly public schools.

He said Superintendent Lawrence Chase, the School Committee and the faculty have offered him strong support during his time here.

School Committee member Constance Krueger said Harutunian, who became assistant superintendent in 1991, will be missed.

"He's accomplished a lot since he has been here," Krueger said. "He's been really valuable."

She cited his work on revising elementary school curriculums as one of his contributions to improving the school system.

Harutunian has also found himself in the middle of a couple of controversies during his tenure. In 1992, teachers protested loudly after the School Com-



Ted Griffin photo

Assistant Superintendent Harry Harutunian is leaving Beverly to become the new superintendent in Reading.

mittee voted in a closed-door, executive session to give him a \$7,000 raise.

In addition, Harutunian headed the School Department during a tumultuous five-day teachers' strike in November 1991.

He served as acting superintendent in the fall of 1993 following the retirement of Superintendent Jean Perron. He returned to being assistant superintendent when Chase took over in January of 1994.

Harutunian said he learned a great deal from his experience in Beverly. He said handling the demands of the teachers'

strike, in particular, taught him a lot.

"A strike is like getting a turbo-charged version of how to be an administrator," he said. "It thrusts you forward."

In Reading, Harutunian will head a school system of about 4,000 students -- 1,000 fewer than are in the Beverly public schools. HE SAID HIS EXACT salary has yet to be set but it will be between \$75,000 and \$85,000. He now earns \$72,000.

Prior to coming to Beverly, Harutunian worked for eight years as principal of Middletown High School in Connecticut.

cite for the record the purpose (or purposes if there are more than one) of the executive session, and whether the governmental body will reconvene in an open meeting after the executive session is over.^{27/}

Minutes: Minutes or an equivalent record of every executive session must be kept. In terms of content, such minutes mirror those required for open meetings: they must set forth the date, time, place, members present or absent, and the action taken. (See II. C. 2. above for a discussion of these requirements.) As with open session minutes, written minutes (preferably typed) are required. Unlike the case with open sessions, however, there is no right to tape record or videotape executive sessions. In addition, minutes of executive sessions must include a record of every vote taken. All such votes must be recorded roll call votes.

Publication of Minutes: The minutes or record of every executive session become public records from the moment they are created; however, such minutes "may remain secret as long as publication may defeat the lawful

Re: Dr. Harry Harutunian

^{27/} In a recent Superior Court decision, an assistant superintendent's contract was invalidated because it was adopted during an executive session convened for the incorrect announced purpose of "collective bargaining" strategy, rather than "contract negotiations with nonunion personnel." Witwicki v. Beverly School Committee, No. 92-3038 (Essex Superior Court, Decision and Order dated Jan. 14, 1993).