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Secret session notes go public

By Meir Rinde
Staff Writer

ANDOVER -- For eight years, the School Committee and administration have failed to release the committee's executive session minutes, violating state law on closed-door government proceedings.

Committee member Christopher Smith said he brought the matter up at a meeting this week after he heard from Superintendent Claudia L. Bach's office that the meeting records had never been made public. Committee members now say they will make the minutes publicly available in the near future.

While no one has said the committee or Bach is trying to hide specific discussions, parent Ellen Travers said the violation is another example of the communication problems the committee was criticized for during last month's election campaign.

"There are certain things they can't discuss publicly," said Travers, co-president of Andover High School's Parent Advisory Council. "But when they then form an opinion, they have to be able to communicate the reasoning that leads them to that decision. That's where I feel there's still a long way to go -- both with the School Committee and the selectmen.

"The School Committee has habitually only provided the pros that support their position on an issue, and not the cons. You don't want to feel that you've been led down a path. Then there's a level of distrust."

Committee members said they did not know why the documents -- hundreds of pages of them covering such things as lawsuits and union negotiations -- were not regularly released as the law requires.

"I have no idea," committee Chairman Anthony James said. "I took a look at them. There's a binder full of these. Sometimes past practice is just followed, and I suspect that's what happened here."

"I would hope that our committee would take seriously its obligation under the law to keep the citizenry informed of our actions," Smith said. "Regrettably, our past practice has been out of compliance with state law, and our committee has not made appropriate efforts to be more forthright."

According to state law, "the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer." For example, once a lawsuit has been resolved, a committee's secret discussion of its legal strategy must become public.

Town Clerk Randy Hanson, who gives all town boards and elected officials copies of state record-keeping laws, said executive session records must become public as soon as the justification for secrecy ends, even if no one has asked to see them. That includes minutes that cover multiple topics, she said.

"If one issue is still in litigation, they're still required to release the stuff that isn't," Hanson said.

The committee has been criticized for its secrecy in the past. Earlier this year, it was revealed that the committee agreed to extend Bach's contract but did not tell the public for seven months. It became an issue in last month's election when newcomer Debra R. Silberstein vowed to push for more openness and won a seat on the committee by a wide margin through a sticker campaign.

"I'm concerned in general about the lack of timeliness and uniformity in publicly reporting on settlements," Silberstein said before the election.

But she declined to criticize Bach or her predecessors on the committee when asked about the minutes.

"We need to look at the good side," she said. "There's a commitment to working on public disclosure relative to those minutes. The work is going to get done. Clearly, the work we're going to do from this point forward will happen more expeditiously."

Smith said the minutes should be available for free, with a possible fee charged if copies are requested. It is unclear whether Bach will try to charge for access to the records.

When the Andover Townsman, a sister newspaper of The Eagle-Tribune, made a Freedom of Information Act request in January for executive session minutes relating to Bach's

contract extension, she charged the paper \$92.50 for 17 pages of minutes. That included \$42 in work time for Bach's assistant to gather the records and \$47 for Bach to edit the records.

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