

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS

SUPERIOR COURT

No. 219-2012-CV-000001

DAVID K. TAYLOR

v.

THE OYSTER RIVER COOPERATIVE SCHOOL BOARD

OBJECTION TO MOTION REQUESTING EXPEDITED ORDER

NOW COMES David K. Taylor, ("Taylor"), Petitioner in the above captioned matter, and objects to the Defendants' Motion Requesting Expedited Order, stating for cause as follows:

1. This action pertains to an effort by Taylor to enjoin the Oyster River Cooperative School Board ("the Board") from further violations of RSA chapter 91-A and to invalidate a superintendent search process where violations of RSA chapter 91-A and right-to-know policies occurred.

2. A major factor contributing to the right-to-know violations in this case is the rush of the Board to complete the search process. This rush has not only lead to right-to-know violations but also diminished the quality of the decisions made and excluded significant stakeholders from the process.

3. If the order is expedited, the Board will only once again rush even more to complete this search, further diminishing the quality of the decisions made and further

excluding the community and likely further violating the right to know of the community as it has repeatedly done so far.

4. The Court's January 17, 2012 final order in a previous case involving the same parties found the Board to have violated RSA chapter 91-A repeatedly and in a variety of ways. See *Taylor v. Oyster River, et al.* 2011. That final order did not enjoin the Board from future violations since the Board promised at trial on November 22, 2011 that it would follow RSA chapter 91-A.

5. The petition in this case was filed January 3, 2012. The Board's response to the petition was to proceed with the tainted search. Indeed, beyond just proceeding with the tainted search, they accelerated the search process, allowing even less time for community participation and meaningful deliberation. For example, the election of the superintendent originally scheduled for February 6, 2012 (see Trial Exhibit A tab 9) was noticed for January 26, 2012. See attached Exhibit 3 and 4. In addition to scheduling meetings earlier, to further accelerate the process they attempted to skip a critical step of the process, namely site visits. Site visits were listed in the original search schedule. See Trial Exhibit A tab 9. Site visits are where the candidates can be vetted with those who have worked with the candidates. Even Yusi Wang Turell, a Board supporter who was selected by 2 Board members for the screening committee, wrote to oppose this truncation of the process. See attached Exhibit 1.

6. The vetting of candidates by site visits is critical because the so-called search committee was actually just a screening committee that reviewed submitted paperwork and conducted only one interview with each candidate. The accelerated schedule gave the screening committee a week and a half to do all of its work in a total

of 5 meetings, and then recommend the 3 finalists to the Board. See Defendants' Exhibit of interrogatory answers, particularly pp. 20-37. (Note the cancelled meeting originally scheduled for January 6, 2012 at 4:00 p.m. on p. 26 that was not properly posted 72 hours in advance as shown on p. 27. Policy BE requires 72 hours notice. This meeting was rescheduled for Saturday morning, January 7, 2012 as shown on pp. 28-30. In order to expedite the search, they did not even wait until the next work week.) The screening committee did not check references or otherwise vet the candidates. It is this vetting that the Defendants' motion described as "limited remaining work to be done." Most often in a search, site visits are conducted for each finalist and can take several days or weeks each to arrange and conduct, especially if the same team conducts all visits as is typical.

7. During this accelerated process, the Board continued to violate right-to-know policy on the posting of meetings despite the recently issued final order in the previous lawsuit. Responding to the pressure from their supporters for site visits, the Board attempted to restore site visits at a special meeting already scheduled for January 26, 2012 that was not posted for that subject as required by Policy BE. See Trial Exhibit A tab 3. It was only after the Plaintiff made them aware of the potential new right-to-know violation that they limited their discussion to the posted subjects. See attached Exhibit 2. In addition, the motion to enter non-public at this meeting did not "indicate the matter(s) to be discussed" as required by Policy BE: "Citing RSA 91-A:3,II (b), Henry asked for a motion to enter non-public. Motion to enter Non-public Session made by Jim seconded by Ann." See attached Exhibit 5.

8. The position of superintendent is very important. The person selected to fill this position must fit well with the school district and the community at large. That can only best be done by a search process that is inclusive and deliberate and has the investment of all the major stakeholders in the community.

9. The quality of the person and fit is far more important than any time constraint to fill the position of a permanent superintendent. It is not unusual for a superintendent search to fail to find a qualified candidate that fits in the community and for a search to be restarted either immediately or in the subsequent school year.

10. It is very difficult for a leader such as a superintendent to come into a community that feels he or she was not properly selected. It makes it much harder for that leader to develop the relationships and establish the authority that is required to be effective.

11. If there is not time to restart a successful search during this school year, then the worst case scenario would be an interim superintendent for another year. This Board chose to buy out the prior permanent superintendent last year with only 1 year left on his contract for \$185,000 (buying out his contract in full, indicating no cause for his termination) with the clear intention of hiring an interim superintendent. Clearly, they do not consider an interim superintendent highly negative. See Taylor v. Oyster River, et al. 2011. Indeed, during the hearing on February 2, 2012 the Board repeatedly praised the work of the current interim superintendent.

12. The Board has a very negative reputation throughout the region. This very likely diminished the pool of candidates who applied for the position. An interim

superintendent for another year with a new search beginning next fall would attract a stronger pool of candidates and allow a more deliberate and inclusive search.

13. An interim superintendent for another year is not punitive.

14. The particular make up of this Board is not what is important, but rather the continuing institution of the Board and how it represents and is responsive to the community it serves.

15. If the candidate preferred by this Board is affirmed by the next Board, that will give that candidate a much stronger acceptance from the community at large, helping to heal the community and ensure a healthy, well operated school district for our students.

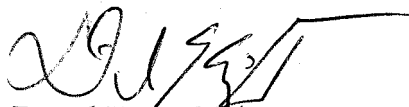
16. The potential harm of granting the expedited order vastly outweighs the potential harm of denying it.

17. Equity would be served by not expediting the order and ensuring a deliberate and inclusive search process that observes the citizens' right to know.

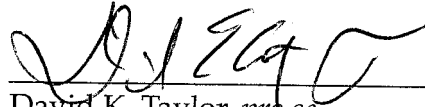
WHEREFORE, the Petitioner prays:

- A. That the Court deny the requested expedited order;
- B. That the Court ensure that the Defendants respond to the order of the Court with respect to the superintendent search with full deliberation, inclusion of all stakeholders, full recognition of the right to know and due diligence;
- C. For such other relief as the Court deems just and equitable.

Respectfully submitted,



David K. Taylor, *pro se*

Date: February 8, 2012

By: 
David K. Taylor, *pro se*
16 Surrey Lane
Durham, NH 03824
Tel: (603) 659-0976

VERIFICATION

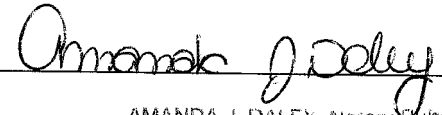
I hereby verify that I have read the allegations set forth in the foregoing Objection to Motion Requesting Expedited Order and such allegations are true to the best of my knowledge, information and belief.

By: 
David K. Taylor, *pro se*

STATE OF NEW HAMPSHIRE

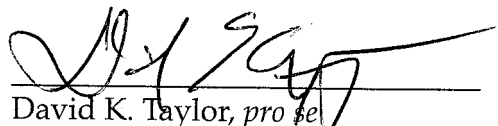
COUNTY OF STRAFFORD

Personally appeared before me, this 8th day of February, 2012, David K. Taylor and made solemn oath that the statements made above are true and accurate to the best of his knowledge and belief.


AMANDA J. DALEY, Notary Public
Notary Public, Justice of the Peace
My Commission Expires September 9, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection to Motion Requesting Expedited Order has been forwarded this 8th day of February, 2012 to Dennis Ducharme, Esquire.


David K. Taylor, *pro se*