



School Committee Meeting Materials

Special School Committee Meeting

February 1, 2016

7:30 pm

*Mr. James M. Fleming
Ms. Rachel Hunt
Ms. Mary A. Manning*



*Mr. Patrick Schultz
Dr. Brendan R. Walsh
Ms. Kristine Wilson*

Mayor Kimberley Driscoll, Chair

**"Know Your Rights Under the Open Meeting Law, M.G.L. c.30A § 18-25 and
City Ordinance Sections 2-2028 through 2-2033."**

January 28, 2016

REGULAR SCHOOL COMMITTEE MEETING

Notice is hereby given that the **Salem School Committee** will hold a **Regular School Committee meeting Monday, February 1, 2016 at 7:30 p.m.** The meeting will be held in the **School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.**

**REGULAR MEETING AGENDA
Monday, February 1, 2016**

- I. Call of Meeting to Order**
- II. Approval of the Agenda**
- III. Approval of Minute**
 - a. Deliberation on the approval of the January 19, 2016 Regular School Committee Meeting Minutes
 - b. Deliberation on the approval of the January 19, 2016 Committee of the Whole Meeting with DPAC
- IV. Questions and Comments from the Audience**
- V. Action Items**
 - a. Deliberation of the approval of the **First Reading** of the revisions to policy 6407 Remote Participation by members at School Committee meetings
 - b. Deliberation on the approval of the **Third Reading** of the recommended revisions policy 5714 Transportation to School
- VI. Superintendent Report – Ms. Margarita Ruiz**
- VII. Presentations and Reports**

Presentation and Public Comment on New Liberty Innovation School Proposal

VIII. Finance Report – Mr. Philip Littlehale, Business Manager

a. Approval of Warrants

January 7, 2016 in the amount of \$227,121.40
January 14, 2016 in the amount of \$140,910.29
January 21, 2016 in the amount of \$446,620.65
January 28, 2016 in the amount of \$271,962.84

b. Budget Transfer Requests

IX. Sub Committee Reports

Policy Subcommittee - Discussion on Finger Printing Policy

X. School Committee Concerns and Resolutions

XI. Special School Committee Meeting Tuesday, February 23, 2016
Next Regular School Committee Meeting – Monday, March 7, 2016

XII. Questions and Comments from the Audience regarding February 1, 2016 agenda

XIII. Adjourn to Executive Session for the purpose of discussing collective bargaining strategies – if needed

Respectfully submitted by

Eileen M. Sacco, Secretary to the
Salem School Committee

Salem School Committee of the Whole
Meeting Minutes
Tuesday, January 19, 2016

A meeting of the Salem School Committee of the Whole was held on Tuesday, January 19, 2016 at 6:00 p.m. The meeting was held in the Mary A. Manning Learning Commons at Collins Middle School, 29 Highland Avenue, Salem, MA.

Members Present: Mayor Kim Driscoll, Vice Chair Ms. Rachel Hunt, Mr. Nate Bryant, Deborah Amaral, Mr. James Fleming, Ms. Rachel Hunt, Mr. Patrick Schultz, and Dr. Brendan Walsh

Members Absent: None

Others Present: Superintendent Margarita Ruiz, Ms. Kate Carbone, Assistant Superintendent, Ms. Margaret Marotta, Assistant Superintendent, Eileen Sacco

Call to Order

Mayor Driscoll called the Meeting of the Committee of the Whole to order at 6:00 p.m.

District Parent Advisory Council Meeting #3

Members of the School Committee and DPAC introduced themselves for the benefit of new members who are present.

At the DPAC meeting held on Tuesday, January 19, 2016 the members discussed topics for discussion by the group. Following discussions the group broke into groups to brainstorm topics and how they should be prioritized. The larger group reconvened and the following there was consensus of the group that the top topics of concern to the group are as follows:

Communication **
Strategic Planning **
Curriculum
Testing
Budget
Staffing

Out of the topics above, the group decided to focus on Communication in order to more deeply understand how we can improve it and how we get information out to parents, staff and the community.

Ms. Ruiz suggested that the group think about ways for the district to communicate better and to consider what is working in the district for further discussion at the next meeting.

Mr. Sullivan stated that he feels that the Finger Printing Policy that was implemented by the district is having an impact on the schools. He notes that it is affecting the Saltonstall Friday Club. Ms. Ruiz explains that the district is in the process of revisiting that policy. Ms. Hunt explains that the Policy Subcommittee is reviewing that policy now and explains that the State was not clear to the districts that there was any flexibility for the requirements on Finger printing. She states that she hopes to have more to report at the next meeting.

Adjournment

There being no further questions or comments this evening, Mr. Fleming moved that the School Committee rise and report at this time. Dr. Walsh seconded the motion. The motion carried.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted by:

Eileen M. Sacco, Secretary
Salem School Committee

Salem School Committee
Meeting Minutes
Tuesday, January 19, 2016

A regular meeting of the Salem School Committee was held on Tuesday, January 19, 2016 at 7:30 p.m. in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

Members Present: Mayor Kimberley Driscoll, Ms. Deborah Amaral, Mr. Nate Bryant, Mr. James Fleming, Ms. Rachel Hunt, Mr. Patrick Schultz, and Dr. Brendan Walsh

Members Absent: None

Others Present: Ms. Margarita Ruiz, Superintendent, Kate Carbone, Assistant Superintendent, Margaret Marotta, Assistant Superintendent, Philip Littlehale, School Business Manager, Dr. Jill Conrad, Chief of Operations Strategy and Eileen Sacco, Secretary.

Call to Order

Dr. Walsh called the Regular Meeting of the Salem School Committee to order at 7:30 p.m.

Approval of the Agenda

Mr. Fleming moved to approve the agenda as presented. Ms. Hunt seconded the motion. The motion carried.

Approval of Minutes

The minutes of the Special School Committee meeting held on December 14, 2015 were presented for approval.

Mr. Fleming moved approval. Ms. Hunt seconded the motion. The motion carried.

The minutes of the Regular School Committee Meeting held on December 21, 2015 were presented for approval.

Discussion was held on whether or not there are enough members present to vote on the approval of these minutes since there are two members present who were not in attendance and two new members of the School Committee. Mr. Fleming explained that the School Committee can invoke the rule of necessity and approve the minutes.

Mr. Fleming moved to approve the minutes of the December 21, 2015 Regular School Committee meeting. Mr. Schultz seconds the motion. The motion carried.

The minutes of the January 4, 2016 Organizational Meeting of the School Committee were presented for approval.

Dr. Walsh moved approval. Ms. Hunt seconds the motion. The motion carried.

Recognition of Salem High School

Questions and Comments from the Audience

Alexa Ogno addressed the School Committee and welcomed new School Committee members Ms. Wilson and Ms. Manning. She wished them well in their terms on the School Committee.

Ms. Ogno notes that she is Vice Chair of the Salem Education Foundation and a Horace Mann Lab School parent. She reported that the annual Horace Mann fundraiser, The Mann Event will be held on April 1, 2016 at Finz and the public is welcome to attend.

Ms. Ogno announced that the Salem Education Foundation has awarded seventeen grants to the Salem Public Schools noting that one grant was awarded to the Salem Academy Charter School. She explains that some requests that were applied for were to extend licenses for math software programs and notes that the Foundation would like teachers to be more creative with their requests and come up with some fun and creative ideas. She also reported that they funded a clothing and food pantry at Salem High School and noted that since the district has suspended the Athletic and Student Activities fees, the funds that were previously donated for that was added to the donation for the clothing and food pantry as well.

Superintendent Report – Ms. Margarita Ruiz

Recognition of the Carlton School

Superintendent Ruiz announced that she is happy to begin her Superintendent Report this evening with a celebration of good news that along with Salem High School, the Carlton School has been named a Level I School in our district. She stated that she is very proud that another of our schools has been recognized by the Department of Education for making progress and explains that after a review and further discussion about their progress they decide to recognize the Carlton School as a Level I school.

Ms. Ruiz congratulated the staff and students at the Carlton School for their hard work and dedication. She also noted that other principals in the district did a guided learning walk through the school last week to learn more about the successful practices they have in place. She notes that the Carlton School is further proof that the Salem Public Schools are headed in the right direction.

Mayor Driscoll stated that this was a great Christmas present noting that the news was received on the Friday before vacation. She invited Carlton Principal to address the School Committee.

Carlton Principal Jean Marie Kahn addressed the School Committee and stated that they are excited about the good news and praised the teamwork of the teachers and staff and stated that they are a unique group that has worked together from the start to make the program a success. She thanked the School Committee for providing the autonomies that the school has and for taking a risk by creating a very different school.

Mr. Fleming states that DESE deserves some praise for this as well noting that they do not usually reverse the status of a school and they should be recognized for making this decision.

Budget Update

Ms. Ruiz reported that the district is working on building a budget for FY17 and are in the process of establishing the priorities that will drive the budget. She reported that she will be working collaboratively with school leaders to establish a budget that is aligned with the Accelerated Improvement Plan and the needs of the district.

Update on Nathaniel Bowditch School

Ms. Ruiz reported that there will be a presentation this evening from Interim Principal Dr. Johanna Evan on the progress of the Nathaniel Bowditch School.

Update on New Liberty Innovation School Planning

Ms. Ruiz reported that the New Liberty Innovation School planning team has been hard at work and are making good progress on converting the New Liberty Charter School to an Innovation School application. She explained that they have been holding meetings and are working on a draft plan and are scheduled to vote on the plan this Friday. She also explained that the teacher must vote on the

plan and a presentation will be made to the School Committee and there will be an opportunity for public comment on the plan. She notes that she has requested that the School Committee hold a Special Meeting on February 23, 2016 to vote on the proposal. She also notes that the timeline for this process has been delayed to allow for more time for the Committee to fine tune the proposal. She notes that the New Liberty Innovation presentation to the School Committee will be made at the February 1, 2016 School Committee meeting.

Ms. Ruiz also reported that New Liberty Charter School Principal Jessica Yurwitz has submitted her resignation effective at the end of this school year. She stated that Ms. Yurwitz has been a champion of the mission of the NLCS since it began and thanked her for all of her hard work on behalf of the students. She stated that they are grateful that Ms. Yurwitz will be staying on until the end of the school year and notes that the district will be searching for a principal to take her place.

Ms. Ruiz also reported that the Horace Mann and Saltonstall Principal's serving this year are interim principal's and the district will also be starting a process to fill those positions for next year as well.

Action Items

- a. Deliberation on the approval of participation at School Committee Meetings by Remote Participation (Tabled 11/16/15)
- b. Deliberation on the acceptance of a donation to the Carlton Innovation School from Dribble LLC in the amount of \$10,000 with the condition that the funds are to be used specifically for the Carlton Innovation School and are to be deployed at the discretion of the Principal, and that she alone may decide how the money is spent.

Mr. Fleming moved approval. Ms. Hunt seconded the motion. The motion carried.

- c. Deliberation on the approval of Salem High School Choral Music Class Field Trip to the University of New Hampshire on Saturday, January 30, 2016

Dr. Walsh moved approval. Ms. Wilson seconded the motion. The motion carried.

- d. Deliberation on the approval of the Salem High School Harvard Model Congress trip to Boston, February 18-21, 2016

Mr. Fleming moved approval. Dr. Walsh seconded the motion. The motion carried.

- e. Deliberation on the Revote of a motion from the last meeting to approve the Salary Increases for Non Union Employees as the percentage was inaccurately reported at the meeting

Mr. Fleming explained that he reported the raise for non union employees to be 2% at the last meeting and notes that it should have been a 2 ½% increase for the non union employees. He moved that the School Committee approve a 2 ½% increase for non union employees in the district unless otherwise noted in the report. Dr. Walsh seconded the motion. The motion carried.

- c. Deliberation on the approval of the Second Reading of the recommended revisions to the following policies by the Policy Subcommittee

5714 - Transportation to School

Ms. Hunt moved approval. Dr. Walsh seconded the motion. The motion carried.

- d. Deliberation on the approval of the Third Reading of the recommended revisions to the following policies by the Policy Subcommittee

5711 Wellness Policy

5711:02 – Nutrition

5711.03 – Physical Activity

5711.04 – Social Emotional Health

5203 - Academic Program (Title Change from Curriculum)

5208 – Homework Policy

Ms. Hunt moved approval. Ms. Wilson seconded the motion. The motion carried.

Presentations and Reports

Curriculum Update Series – Update on Curricular Work in Mathematics

Assistant Superintendent Kate Carbone and Michelle Herman made a presentation on the Salem Public Schools Math Curriculum and the work that has been done to implement it. A copy of the presentation is in the School Committee meeting materials for January 19, 2016 at Salem12.org and Salem.com

Update on Nathaniel Bowditch School

Nathaniel Bowditch Principal Johanna Evan addressed the School Committee and made a presentation on the progress at the Horace Mann School this year. She reviewed the strategies that they have in place and reported that there is initial evidence of progress. She also reported that there has been an increase in family engagement at the school. She also notes that there has been positive feedback from parents about the changes that have been made at the school.

Dr. Evan reviewed the mid year review for the school and notes that they will be continuing with the monitoring team to review progress of the recommendations and to consider the next steps. She explains that the monitoring team is made up of district representatives, Union Representatives, the NBS Administrative team and three NBS teachers selected by their colleagues.

Dr. Evan reviewed the recommendations that have been completed as well as those that are under review as follows:

Completed Recommendations

1. Recruit a Principal for the School with a competitive salary
2. Implement a re-application process for the Assistant Principals
3. Conduct confidential staff reviews
4. Implement re-application process for NPTS staff
5. Monitor placement of Bentley Staff at NBS
6. Empower the Principal to recommend up to 2 involuntary transfers

Recommendations Under Review

1. Support rollout of instructional materials
2. Plan and Execute a Summer Retreat
3. Re-evaluate and execute PBIS
4. Consider Reconfiguration of NBS to K-5 School – Dr. Evan reported that this matter has been decided and NBS will remain a K-8 school
5. Build a master schedule with 90 minutes of Common Planning Time
6. Implement and expanded school day schedule designed to meet student's needs
7. Review the Spanish Language program

Dr. Evan reported on the monitoring team progress and timeline, noting that they should be ready to share a report with the Community by March 1, 2016.

Ms. Manning stated that she is glad to see the Union and the staff working together noting that is crucial for the students.

Ms. Wilson stated that she was glad to see that they are keeping the K-8 model.

Ms. Hunt stated that she is happy to see that the team is sticking together.

Finance Report – Mr. Philip Littlehale, Business Manager

Approval of Warrants

December 31, 2015 in the amount of \$376,966.26

Mr. Fleming moved approval of the warrant in the amount indicated. Ms. Wilson seconded the motion. The motion carried.

Budget Transfer Requests - There were no budget transfer requests this evening.

Subcommittee Reports - There were no subcommittee reports this evening.

School Committee Concerns and Resolutions

Ms. Hunt requested that the Committee of the Whole meeting that is scheduled for Monday, January 25, 2016 be confirmed. Mayor Driscoll and members confirmed that they will be meeting to continue discussions on the Mission and core principals and the strategic planning process. The meeting will be held at 6:00 p.m.

Dr. Walsh reported that he attended the MASC Retreat on January 8-9 and noted that discussion was held on opting out of MCAS and the ramifications of it regarding the status of the district.

Dr. Walsh also reported that he will be attending the National School Board Association conference in Washington DC this weekend.

Questions and Comments from the Audience Regarding the January 19, 2016 Agenda

Salem Teachers Union President addressed the School Committee and reported that the Salem Teachers Union is 100% behind the Nathaniel Bowditch School.

Ms. Kontos also thanked the Salem Education Foundation for their donations to the SHS Boutique and explained the program that supports student's needs at Salem High School.

Adjournment

There being no further business to come before the School Committee this evening, Ms. Manning moved that the School Committee adjourn the meeting. Ms. Hunt seconded the motion. The motion carried.

The meeting adjourned at 9:30 p.m.

Respectfully submitted by:

Eileen M. Sacco, Secretary
Salem School Committee

Meeting Materials and Reports

Minutes of Regular School Committee Meeting December 21, 2015

School Committee Agenda January 19, 2015

Presentation on Nathaniel Bowditch School

Presentation on Math Curriculum

Policies Reviewed:

5714 Transportation to School

5711 Wellness Policy

5711.02 Nutrition

5711.03 Physical Activity

5711.04 Social Emotional Health

5203 Academic Program – Formerly Curriculum

5208 Homework Policy

SCHOOL COMMITTEE _____ 6000

SCHOOL COMMITTEE MEETINGS _____ 6400

REMOTE PARTICIPATION _____ 6407

The School Committee believes that all members should physically attend meetings whenever possible. However, it acknowledges, that being present is not always possible and, therefore, in accordance with 940 CMR 29.10 and with the authorization of the Mayor of the City of Salem, the School Committee allows members to participate remotely under specific circumstances.

Remote participation in meetings shall not be used in a way that would defeat the purposes of the Open Meeting Law, namely, the promotion of transparency with regard to deliberations and decisions on which public policy is based.

Remote participation will be allowed as follows:

1. Minimum Requirements for Remote Participation

- a) A quorum of the body, including the chair or the person chairing the meeting, shall be physically present at the meeting location. The member participating remotely cannot be used to meet the quorum requirement.
- b) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.
- c) Members of public bodies who participate remotely may vote and shall not be deemed absent.
- d) Remote participation shall be limited to one member per scheduled meeting. It will be incumbent upon the chair to make a determination if more than one member requests permission to participate remotely.
- e) Remote participation is not allowed for executive session meetings.

2. Permissible Reasons for Remote Participation

If the chair, or in the chair's absence, the person authorized to chair the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- a) Personal illness;
- b) Personal disability;
- c) Emergency;

Rachel Hunt 1/26/2016 5:03 PM
Deleted: ABSENTEE VOTING
Rachel Hunt 1/26/2016 5:06 PM
Formatted: Indent: First line: 0"

Rachel Hunt 1/27/2016 10:04 AM
Formatted: Font:(Default) Times New Roman
Rachel Hunt 1/27/2016 10:04 AM
Formatted: Normal, Indent: Left: 0.5", No bullets or numbering
Rachel Hunt 1/26/2016 5:12 PM
Formatted: Indent: First line: 0"

- d) Military service; or
- e) Geographic distance.

3. Procedures for Remote Participation

- a) A member who cannot attend a meeting for one or more of the five permissible reasons must request permission to participate remotely from the chair at least 48 hours prior to the scheduled meeting and not more than 7 days in advance.
- b) The chair or in the chair's absence, the person authorized to chair the meeting, shall announce at the start of the meeting the name of any member who will be participating remotely and the reason therefor. Private details should be avoided (i.e., use the words "personal illness" as compared to "she has the flu," or use "geographic distance" as compared to "she is visiting her mother"), particularly with respect to illness or disability. This must also be recorded in the meeting minutes.
- c) A member participating remotely may vote, and is not deemed to be "absent" from the meeting for purposes of G.L. c.39, §23D.
- d) All votes taken during any meeting in which a member participates remotely shall be by roll call vote and recorded as such in the minutes.
- e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, §22.

4. Technology

The following media are the only acceptable methods for remote participation and the public body has the authority to determine which methods may be used by its members.

- a) Telephone, internet, or satellite enabled audio or video conferencing; when video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- b) Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
- c) If technical difficulties arise with the media connection, the chair must decide how to address them. Suspension of deliberations while the

Rachel Hunt 1/26/2016 5:12 PM
Formatted: Indent: First line: 0"

difficulties are addressed is suggested. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

5. Remedy for Violation

If the Attorney General determines, after investigation, that a violation has occurred, they may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

940 CMR 29.10

First Reading: February 1, 2016

Rachel Hunt 1/26/2016 5:05 PM

Deleted: Only those members who are in qualified attendance have the privilege of voting on any matter. Qualified attendance implies being present at the meeting at which time a vote is being taken. Proxy voting is prohibited. -

Rachel Hunt 1/26/2016 5:13 PM

Formatted: Font:(Default) Times New Roman, 12 pt

STUDENTS AND INSTRUCTION

5000

HEALTH AND SAFETY

5700

Transportation to School

5714

If a student drives to school or rides a bicycle, skateboard, or other forms of transportation to school, he or she should park and lock it securely. The school department does not take responsibility for vehicles or other means of transport that are lost or damaged while on school property. For safety reasons, schools may prohibit certain means of transportation on school property.

For additional information, please refer to individual Student Handbooks.

First Reading – December 21, 2015

Second Reading – January 19, 2016

Third Reading – February 1, 2016

- Nate Bryant 8/21/2015 4:28 PM
Comment [1]: Not crazy about the title but I'm drawing a blank.
- Nate Bryant 8/21/2015 4:22 PM
Deleted: STUDENTS AND INSTRUCTION 5000 - ... [1]
- Rachel Hunt 12/17/2015 8:08 AM
Deleted: Alternative
- Nate Bryant 8/21/2015 4:22 PM
Deleted: BICYCLES
- Nate Bryant 8/21/2015 4:23 PM
Deleted:
- Nate Bryant 8/21/2015 4:24 PM
Deleted: 802
- Rachel Hunt 12/17/2015 8:08 AM
Deleted: alternative
- Nate Bryant 8/21/2015 4:26 PM
Deleted:
- Rachel Hunt 12/17/2015 8:09 AM
Deleted: items
- Nate Bryant 8/21/2015 4:26 PM
Deleted: bicycles
- Rachel Hunt 12/17/2015 8:10 AM
Deleted: some
- Nate Bryant 8/21/2015 4:31 PM
Deleted: riding
- Rachel Hunt 12/17/2015 8:09 AM
Deleted: alternative
- Nate Bryant 8/21/2015 4:31 PM
Deleted: bicycles to school.
- Rachel Hunt 12/17/2015 8:10 AM
Deleted: the
- Nate Bryant 8/21/2015 4:27 PM
Deleted: See
- Nate Bryant 8/21/2015 4:27 PM
Deleted: Approved: 1/ 9/06

CITY OF SALEM
REMOTE MEETING PARTICIPATION POLICY

The Attorney General's office has released regulations allowing members of public bodies to participate remotely under specific circumstances if authorized to do so by the Chief Executive Officer of a city or town. In accordance with the Attorney General's regulations, the Mayor has authorized remote participation for use by all City boards, committees and commissions in accordance with 940 CMR 29.10, although members of the City's boards, committees and commissions are strongly encouraged to physically attend meetings whenever possible.

Remote participation in meetings shall not be used in a way that would defeat the purposes of the Open Meeting Law namely, the promotion of transparency with regard to deliberations and decisions on which public policy is based.

Remote participation will be allowed as follows:

1. Minimum Requirements for Remote Participation

- a) A quorum of the body, including the chair, shall be physically present at the meeting location. The member participating remotely cannot be used to meet the quorum requirement.
- b) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.
- c) Members of public bodies who participate remotely may vote and shall not be deemed absent.
- d) Remote participation shall be limited to one member per scheduled meeting.
- e) Remote participation is not allowed for executive session meetings.
- f) Remote participants shall not operate a motor vehicle or otherwise jeopardize personal or public safety while participating in a meeting.

2. Permissible Reasons for Remote Participation

If the chair determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- a) Personal illness;
- b) Personal disability;
- c) Emergency;
- d) Military service; or
- e) Geographic distance.

3. Procedures for Remote Participation

- a) A member who cannot attend a meeting for one or more of the five permissible reasons must request permission to participate remotely from the chair at least 48 hours prior to the scheduled meeting.
- b) The chair shall announce at the start of the meeting the name of any member who will be participating remotely and the reason therefor. Private details should be avoided (i.e., use the words "personal illness" as compared to "she has the flu," or use "geographic distance" as 'compared to "she is visiting her mother"), particularly with respect to illness or disability. This must also be recorded in the meeting minutes.
- c) A member participating remotely may vote, and is not deemed to be "absent" from the meeting for purposes of G.L. c.39, §23D.
- d) All votes taken during any meeting in which a member participates remotely shall be by roll call vote and recorded as such in the minutes.
- e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, §22.

4. Technology

The following media are the only acceptable methods for remote participation and the public body has the authority to determine which methods may be used by its members.

- a) Telephone, internet, or satellite enabled audio or video conferencing; when video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- b) Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
- c) If technical difficulties arise with the media connection, the chair must decide how to address them. Suspension of deliberations while the difficulties are addressed is suggested. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

5. Remedy for Violation

If the Attorney General determines, after investigation, that a violation has occurred, they may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

Approved this _____ day of June, 2015.

Kimberley Driscoll, Mayor

REMOTE PARTICIPATION

CHECKLIST FOR CHAIR OR ACTING CHAIR

- The member has contacted me and I have determined that one of the following factors makes the member's physical attendance unreasonably difficult:
 - *Personal Illness;*
 - *Personal Disability;*
 - *Emergency;*
 - *Military Service; or*
 - *Geographic distance*

- There will be a quorum (simple majority) of members, including the Chair or acting Chair, physically present at the meeting.

- I (or the staff person) have made reasonable efforts to distribute to the remote participant(s), in advance of the meeting copies of documents that may be used during the meeting.

- At the start of the meeting I must announce the name of the member participating remotely and the reason he/she is participating remotely (without giving details about the reason.) This announcement must be recorded in the minutes.

- The phone or other allowed device is working and the remote participant is clearly audible to those present at the meeting.

- All votes will be taken by ROLL CALL vote.

- If there are TECHNICAL DIFFICULTIES I will suspend discussion while efforts are made to correct the problem. If there is a DISCONNECTION, I will not that fact in the minutes and the time of the disconnection.

940 CMR 29.10: Remote Participation at Open Meetings

Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

Local Public Bodies. The Chief Executive Officer (the Mayor), as defined in [M.G.L. c. 4, sec. 7](#), must authorize remote participation in accordance with the requirements of these regulations, with that authorization applying to all subsequent meetings of all local public bodies in that municipality.

Retirement Boards. A retirement board created pursuant to [M.G.L. c. 32, sec. 20](#) or [M.G.L. c. 34B, § 19](#) must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

Minimum Requirements for Remote Participation.

- (a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;
- (b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by [M.G.L. c. 30A, sec 20\(d\)](#);
- (c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of [M.G.L. c. 39, sec. 23D](#).

Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Geographic distance.

Technology.

- (a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.
 - (i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with [M.G.L. c. 30A, sec. 22](#).

Effect on Bylaws or Policies. These regulations do not prohibit any municipality or public body from adopting bylaws or policies that prohibit or further restrict the use of remote participation by public bodies within its jurisdiction.



The Official Website of the Attorney General of Massachusetts

Attorney General Maura Healey

[Home](#) > [Government Resources](#) > [Open Meeting Law](#) > [OML FAQ: Remote Participation](#)

OML FAQ: Remote Participation

Remote Participation

If the practice of remote participation has been authorized in a municipality, may an individual public body adopt a policy prohibiting or further restricting its use?

No. Only the adopting authority specified in 940 CMR 29.10(2) may establish restrictions on the use of remote participation. The adopting authority can authorize the practice for all public bodies within its jurisdiction but give all public bodies the opportunity to opt out of the practice, however.

What types of restrictions may an adopting authority place on remote participation?

An adopting authority, such as the Board of Selectmen in a town, may decide to adopt the practice of remote participation, but place restrictions on its use. Just as the adoption of remote participation must apply to all public bodies within the adopting authority's jurisdiction, however, any restriction on remote participation, other than on the amount or source of payment for any costs associated with the practice, must apply uniformly to all public bodies within the adopting authority's jurisdiction. **Note:** A local commission on disability that has separately adopted remote participation may set restrictions on use by its members.

For instance, a Board of Selectmen may choose to adopt a policy saying that no member of any public body in the town may participate remotely in more than three meetings each year. Or the Board may adopt a policy stating that a last minute lack of childcare shall be considered a personal emergency justifying remote participation under 940 CMR 29.10 (5)(c). However, the Board may not authorize the practice but say that only the Board of Selectmen can utilize it. The Board can say that funds for the purchase of necessary equipment will only be allocated for the Board's use, though.

An adopting authority also may not adopt a policy that violates state or federal law. Thus, it is not permissible for an adopting authority to say that no member may participate remotely due to personal disability or geographic distance, since these are allowable reasons for remote participation under the Attorney General's regulations. But the adopting authority can adopt a policy saying that any member wishing to participate remotely due to geographic distance must be a certain distance from the meeting location for his or her physical attendance to be considered unreasonably difficult.

If remote participation has been adopted, must a quorum of a public body be physically present at the meeting location?

Yes. A quorum of a public body, including the person chairing the meeting, must be physically present at the meeting location. The only exception to this general rule is for local commissions on disability (see below).

May a local commission on disability use remote participation even if the practice has not been adopted by its municipal adopting authority?

Yes. Local commissions on disability may decide by majority vote of the commissioners at a regular meeting to permit remote participation during a specific meeting or during all commission meetings. Adoption by the municipal adopting authority (i.e. Board of Selectmen or Mayor) is not required.

Must a quorum of a local commission on disability always be physically present at the meeting location?

No. Effective July 1, 2015, if a local commission on disability has adopted remote participation, a quorum of the commission does not need to be present at the meeting location. However, a local commission on disability must still provide a physical meeting location where interested members of the public may attend and hear the discussion by the body. Additionally, the commission's chair, or the person chairing the meeting in the chair's absence, must be present at the meeting location. This means that if the chair wishes to participate remotely, he or she may do so, but may not then chair the meeting. Finally, note that while the law requires that only one member of a local commission on disability (the chair) be physically present at the meeting location, a quorum of the commission must still participate, remotely or in person, for a "meeting" to occur.



The Official Website of the Attorney General of Massachusetts

Attorney General Maura Healey

[Home](#) > [Government Resources](#) > [Open Meeting Law](#) > [Attorney General's Regulations](#)

940 CMR 29.00: Open Meetings

Open Meetings

[29.01 Purpose, Scope and Other General Provisions](#)

[29.02 Definitions](#)

[29.03 Notice Posting Requirements](#)

[29.04 Certification](#)

[29.05 Complaints](#)

[29.06 Investigation](#)

[29.07 Resolution](#)

[29.08 Advisory Opinions](#)

[29.09 Other Enforcement Actions](#)

[29.10 Remote Participation](#)

29.01: Purpose, Scope and Other General Provisions

(1) **Authority** . The Attorney General promulgates 940 CMR 29.00, relating to the Open Meeting Law, pursuant to M.G.L. c. 30A, sec. 25 (a) and (b).

(2) **Purpose** . The purpose of 940 CMR 29.00 is to interpret, enforce and effectuate the purposes of the Open Meeting Law, M.G.L. c. 30A, sec. 18-25.

(3) **Severability** . If any provision of 940 CMR 29.00 or the application of such provision to any person, public body, or circumstances shall be held invalid, the validity of the remainder of 940 CMR 29.00 and the applicability of such provision to other persons, public bodies, or circumstances shall not be affected thereby

(4) **Mailing** . All complaints, notices (except meeting notices) and other materials that must be sent to another party shall be sent by one of the following means: first class mail, email, hand delivery, or by any other means at least as expeditious as first class mail.

[To Top](#)

29.02: Definitions

As used in 940 CMR 29.00, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

Commission means the Open Meeting Law Advisory Commission, as defined by G.L. c. 30A, sec. 19(c).

District Public Body means a public body with jurisdiction that extends to two or more municipalities.

Emergency means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

Intentional Violation means an act or omission by a public body or a member thereof, in knowing violation of M.G.L. c. 30A, sec. 18-25. Evidence of an intentional violation of M.G.L. c. 30A, sec. 18-25 shall include, but not be limited to, that the public body or public body member (a) acted with specific intent to violate the law; (b) acted with deliberate ignorance of the law's requirements; or (c) was previously informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08, that the conduct violates M.G.L. c. 30A, sec. 18-25. Where a public body or public body member has made a good faith attempt at compliance with the law, but was reasonably mistaken about its requirements or, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel, such conduct will not be considered an intentional violation of M.G.L. c. 30A, sec. 18-25.

Person means all individuals and entities, including governmental officials and employees. **Person** does not include public bodies.

Post notice means to place a written announcement of a meeting on a bulletin board, electronic display, website, cable television channel, newspaper or in a loose-leaf binder in a manner conspicuously visible to the public, including persons with disabilities, at all hours, in accordance with 940 CMR 29.03.

Public body has the identical meaning as set forth in M.G.L. c. 30A, sec. 18, that is, a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose;

provided, however, that the governing board of a local housing, redevelopment or similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that "public body" shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided, further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

Qualification for Office means the election or appointment of a person to a public body and the taking of the oath of office, where required, and shall include qualification for a second or any subsequent term of office. Where no term of office for a member of a public body is specified, the member shall be deemed to be qualified for office on a biannual basis on January 1st of a calendar year beginning on January 1, 2011. Where a member's term of office began prior to July 1, 2010, and will not expire until after July 1, 2011, the member shall be deemed to have qualified for office on January 1, 2011.

Remote Participation means participation by a member of a public body during a meeting of that public body where the member is not physically present at the meeting location.

[To Top](#)

29.03: Notice Posting Requirements

(1) Requirements Applicable to All Public Bodies

(a) Except in an emergency, public bodies shall file meeting notices sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting, excluding Saturdays, Sundays and legal holidays, in accordance with M.G.L. c. 30A, sec. 20. In an emergency, the notice shall be posted as soon as reasonably possible prior to such meeting

(b) Meeting notices shall be printed or displayed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. The date and time that the notice is posted shall be conspicuously recorded thereon or therewith.

(c) Notices posted under an alternative posting method authorized by 940 CMR 29.03(2)-(5) shall include the same content as required by 940 CMR 29.03(1)(b). If such an alternative posting method is adopted, the municipal clerk, in the case of a municipality, or the body, in all other cases, shall file with the Attorney General written notice of adoption of the alternative method, including the website address where applicable, and any change thereto, and the most current notice posting method on file with the Attorney General shall be consistently used

(2) Requirements Specific to Local Public Bodies

(a) The municipal clerk, or other person designated by agreement with the municipal clerk, shall post notice of the meeting in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located. Such notice shall be accessible to the public in the municipal clerk's office. If such notice is not conspicuously visible to the public during hours when the clerk's office is closed, such notice shall also be made available through an alternative method prescribed or approved by the Attorney General under 940 CMR 29.03(2)(b). A description of such alternative method, sufficient to allow members of the public to obtain notice through such method, shall be posted in a manner conspicuously visible to the public at all hours on or adjacent to the main and handicapped accessible entrances to the municipal building in which the clerk's office is located.

(b) For local public bodies, the Attorney General has determined, pursuant to M.G.L. c. 30A, sec. 20(c), that the following alternative methods will provide more effective notice to the public:

- a. Public bodies may post notice of meetings on the municipal website;
- b. Public bodies may post notice of meetings on cable television, AND, post notice or provide cable television access in an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
- c. Public bodies may post notice of meetings in a newspaper of general circulation in the municipality, AND, post notice or a copy of the newspaper containing the meeting notice at an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
- d. Public bodies may place a computer monitor or electronic or physical bulletin board displaying meeting notices on or in a door, window, or near the entrance of the municipal building in which the clerk's office is located in such a manner as to be visible to the public from outside the building, or;
- e. Public bodies may provide an audio recording of meeting notices, available to the public by telephone at all hours.

(3) Requirements Specific to Regional or District Public Bodies

(a) Notice shall be filed and posted in each city and town within the region or district in the manner prescribed for local public bodies in that city or town.

(b) As an alternative method of notice, a regional or district public body may post a meeting notice on the regional or district public body's website. A copy of the notice shall be filed and kept by the chair of the public body or the chair's designee.

(4) Requirements Specific to Regional School Districts.

(a) The secretary of the regional school district committee shall be considered to be its clerk. The clerk of the regional school district shall file notice with the municipal clerk of each city and town within such district and each such municipal clerk shall post the notice in the manner prescribed for local public bodies in that city or town.

(b) As an alternative method of notice, a regional school district committee may post a meeting notice on the regional school district's website. A copy of the notice shall be filed and kept by the secretary of the regional school district committee or the secretary's designee.

(5) Requirements Specific to County Public Bodies.

(a) Notice shall be filed and posted in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for this purpose.

(b) As an alternative method of notice, a county public body may post a meeting on the county public body's website. A copy of the notice shall be filed and kept by the chair of the county public body or the chair's designee.

(6) Requirements Specific to State Public Bodies. Notice shall be posted on a website in accordance with procedures established by the Attorney General in consultation with the Information Technology Division of the Executive Office for Administration and Finance for the purpose of providing the public with effective notice. A copy of each notice shall also be sent by first class or electronic mail to the Secretary of State's Regulations Division. The chair of each state public body shall notify the Attorney General in writing of its Internet notice posting location and any change thereto. The public body shall consistently use the most current notice posting method on file with the Attorney General.

[To Top](#)

29.04: Certification

(1) For local public bodies, a document including M.G.L. c. 30A, sec. 18-25; a document including 940 CMR 29.00; and educational materials prepared by the Attorney General explaining M.G.L. c. 30A, sec. 18-25, and its application, shall be delivered by the municipal clerk to each member of a public body, whether elected or appointed, upon taking the oath of office, if required, and in every case before entering into performance of the office. Within two weeks after receipt of such materials, the member shall certify, on the form prescribed by the Attorney General, receipt of such materials. The municipal clerk shall maintain the signed certification for each such person, indicating the date the person received the materials.

(2) For regional, district, county or state public bodies, a document including M.G.L. c. 30A, sec. 18-25; a document including 940 CMR 29.00; and educational materials prepared by the Attorney General explaining M.G.L. c. 30A, sec. 18-25, and its application, shall be delivered by the appointing authority, executive director or other appropriate administrator or their designees, to each member of a public body, whether elected or appointed, upon taking the oath of office, if required, and in every case before entering into the performance of the office. Within two weeks after receipt of such materials, the member shall certify, on the form prescribed by the Attorney General, receipt of such materials. The appointing authority, executive director or other appropriate administrator, or their designees, shall maintain the signed certification for each such person, indicating the date the person received the materials.

[To Top](#)

29.05: Complaints

(1) All complaints shall be in writing, using the form approved by the Attorney General and available on the Attorney General's website. A public body need not, and the Attorney General will not, investigate or address anonymous complaints.

(2) Public bodies, or the municipal clerk in the case of a local public body, should provide any person, on request, with an Open Meeting Law complaint form. If a paper copy is unavailable, then the public body should direct the requesting party to the Attorney General's website, where an electronic copy of the form will be available for downloading and printing.

(3) For local public bodies, the complainant shall file the complaint with the chair of the public body, who shall disseminate copies of the complaint to the members of the public body. The complainant shall also file a copy of the complaint with the municipal clerk, who shall keep such filings in an orderly fashion for public review on request during regular business hours. For all other public bodies, the complainant shall file the complaint with the chair of the relevant public body, or if there is no chair, then with the public body. The complaint shall be filed within 30 days of the alleged violation of M.G.L. c. 30A, sec. 18-25, or if the alleged violation of M.G.L. c. 30A, sec. 18-25, could not

reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered.

(4) The public body shall review timely complaints to ascertain the time, date, place and circumstances which constitute the alleged violation. If the public body needs additional information to resolve the complaint, then the chair may request it from the complainant within seven business days of receiving the complaint. The complainant shall respond within 10 business days after he or she receives the request. The public body will then have an additional 10 business days after receiving the complainant's response to review the complaint and take any remedial action pursuant to 940 CMR 29.05(5)..

(5) Within 14 business days after receiving the complaint, unless an extension has been granted by the Attorney General as provided in 940 CMR 29.05(5)(a) and (b), the public body shall review the complaint's allegations; take remedial action, if appropriate; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. The public body shall simultaneously notify the complainant that it has sent such materials to the Attorney General and shall provide the complainant with a copy of the description of any remedial action taken.

(a) Any remedial action taken by the public body in response to a complaint under 940 CMR 29.05(5) shall not be admissible as evidence that a violation occurred in any later administrative or judicial proceeding against the public body relating to the alleged violation.

(b) If the public body requires additional time to resolve the complaint, it may obtain an extension from the Attorney General by submitting a written request within 14 business days after receiving the complaint. The Attorney General will grant an extension if the request demonstrates good cause. Good cause will generally be found if, for example, the public body cannot meet within the 14 business day period to consider proposed remedial action. The Attorney General shall notify the complainant of any extension and the reason for it.

(6) If at least 30 days have passed after the complaint was filed with the public body, and if the complainant is unsatisfied with the public body's resolution of the complaint, the complainant may file a complaint with the Attorney General. When filing a complaint with the Attorney General, the complainant shall include a copy of the original complaint along with any other materials the complainant believes are relevant. The Attorney General may decline to investigate complaints filed with the Attorney General more than 90 days after the alleged violation of M.G.L. c. 30A, sec. 18-25, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

(7) The Attorney General shall acknowledge receipt of all complaints and will resolve them within a reasonable period of time, generally 90 days. If additional time is necessary to resolve a particular complaint, the Attorney General will notify the complainant and the public body.

(8) If a complaint appears untimely, is not in the proper form, or is missing information, the Attorney General shall return the complaint to the complainant within 14 business days of its receipt, noting its deficiencies. The complainant shall then have 14 business days to correct the deficiencies and resubmit the complaint to the Attorney General. If the deficiencies are not corrected, no further action on the complaint will be taken by the Attorney General.

[To Top](#)

29.06: Investigation

Whenever the Attorney General has reasonable cause to believe that a violation of M.G.L. c. 30A, sec. 18-25, has occurred that has not been adequately remedied, then the Attorney General may conduct an investigation.

(1) The Attorney General shall notify the public body or person that is the subject of a complaint and an investigation of the existence of the investigation within a reasonable period of time. The Attorney General shall also notify the public body or person of the nature of the alleged violation

(2) Upon notice of the investigation, the subject of the investigation shall provide the Attorney General with all information relevant to the investigation. The subject may also submit a memorandum or other writing to the Attorney General, addressing the allegations being investigated.

If the subject of the investigation fails to voluntarily provide the necessary or relevant information within 30 days of receiving notice of the investigation, the Attorney General may issue subpoenas to obtain the information in accordance with M.G.L. c. 30A, sec. 24, to:

- (a) Take testimony under oath;
- (b) Examine or cause to be examined any documentary material; or
- (c) Require attendance during such examination of documentary material by any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material.

Any documentary material or other information produced by any person pursuant to 940 CMR 29.06 shall not, unless otherwise ordered by a court of the Commonwealth for good cause shown, be disclosed without that person's consent by the Attorney General to any person other than the Attorney General's authorized agent or representative. However, the Attorney General may disclose the material in court pleadings or other papers filed in court; or, to the extent necessary, in an administrative hearing or other action taken to conduct or resolve the investigation pursuant to 940 CMR 29.00.

[To Top](#)

29.07: Resolution

(1) **No Violation.** If the Attorney General determines, after investigation, that the M.G.L. c. 30A, sec. 18-25, has not been violated, the Attorney General shall terminate the investigation and notify, in writing, the subject of the investigation and any complainant

(2) **Violation Resolved Without Hearing.** If the Attorney General determines after investigation that M.G.L. c. 30A, sec. 18-25, has been violated, the Attorney General may resolve the investigation without a hearing. The Attorney General shall determine whether the relevant public body, one or more of its members, or both, were responsible, and whether the violation was intentional or unintentional. The Attorney General will notify, in writing, any complainant of the investigation's resolution. Upon finding a violation of M.G.L. c. 30A, sec. 18-25, the Attorney General may take one of the following actions:

(a) **Informal action.** The Attorney General may resolve the investigation with a telephone call, letter or other appropriate form of communication that explains the violation and clarifies the subject's obligations under M.G.L. c. 30A, sec. 18-25, providing the subject with a reasonable period of time to comply with any outstanding obligations.

(b) **Formal order.** The Attorney General may resolve the investigation with a formal order. The order may require:

1. Immediate and future compliance with M.G.L. c. 30A, sec. 18-25;
2. Attendance at a training session authorized by the Attorney General;
3. That minutes, records or other materials be made public; or
4. Other appropriate action.

Orders shall be available on the Attorney General's website.

(3) **Violation Resolved After Hearing.** The Attorney General may conduct a hearing where the Attorney General deems appropriate. The hearing shall be conducted pursuant to 801 CMR 1.00 et seq., as modified by any regulations issued by the Attorney General. At the conclusion of the hearing, the Attorney General shall determine whether a violation of M.G.L. c. 30A, sec. 18-25, occurred, whether the public body, one or more of its members, or both, were responsible, and whether the violation was intentional or unintentional. The Attorney General will notify, in writing, any complainant of the investigation's resolution. Upon a finding that a violation occurred, the Attorney General may order:

- (a) Immediate and future compliance with M.G.L. c. 30A, sec. 18-25;
- (b) Attendance at a training session authorized by the Attorney General;
- (c) Nullification of any action taken at the relevant meeting, in whole or in part;
- (d) Imposition of a fine upon the public body of not more than \$1,000 for each intentional violation;
- (e) That an employee be reinstated without loss of compensation, seniority, tenure or other benefits;
- (f) That minutes, records or other materials be made public; or
- (g) Other appropriate action.

Orders issued following a hearing shall be available on the Attorney General's website.

(4) A public body or any member of a body aggrieved by any order issued by the Attorney General under 940 CMR 29.07 may obtain judicial review of the order through an action in Superior Court seeking relief in the nature of certiorari. Any such action must be commenced in Superior Court within 21 days of receipt of the order.

[To Top](#)

29.08: Advisory Opinions

The Attorney General may issue advisory opinions on request or at his or her own initiative to provide guidance to public bodies and the public on changes to M.G.L. c. 30A, sec. 18-25, court decisions interpreting M.G.L. c. 30A, sec. 18-25, or other developments concerning M.G.L. c. 30A, sec. 18-25.

(1) The Attorney General shall ordinarily make a draft advisory opinion available for comment on the Attorney General's website at least 60 days prior to the planned issuance of the opinion. Notice of the posting shall be provided to the Commission.

(2) Comments on the draft advisory opinion shall be submitted, in writing, to the Attorney General at least 30 days prior to the planned issuance of the opinion.

(3) Action taken by a public body in good faith compliance with an advisory opinion, provided that the circumstances are not materially different, shall not constitute an intentional violation of the M.G.L. c. 30A, sec. 18-25.

[To Top](#)

29.09: Other Enforcement Actions

Nothing in [940 CMR 29.06](#) or [29.07](#) shall limit the Attorney General's authority to file a civil action to enforce M.G.L. c. 30A, sec 18-25 [M.G.L. c. 30A, sec. 18-25](#) pursuant to [M.G.L. c. 30A, sec. 23\(f\)](#).

[To Top](#)

29.10: Remote Participation

(1) **Preamble**. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) **Adoption of Remote Participation**. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) **Local Public Bodies**. The Chief Executive Officer, as defined in [M.G.L. c. 4, sec. 7](#), must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) **Regional or District Public Bodies**. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(c) **Regional School Districts**. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) **County Public Bodies**. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) **State Public Bodies**. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) **Retirement Boards**. A retirement board created pursuant to [M.G.L. c. 32, sec. 20](#) or [M.G.L. c. 34B, § 19](#) must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) **Revocation of Remote Participation**. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) **Minimum Requirements for Remote Participation**.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by [M.G.L. c. 30A, sec 20\(d\)](#);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of [M.G.L. c. 39, sec. 23D](#).

(5) **Permissible Reasons for Remote Participation**. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

(a) Personal illness;

(b) Personal disability;

(c) Emergency;

(d) Military service; or

(e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

To Top



New Liberty Innovation School (NLIS)

Salem School Committee
February 1, 2016

Presenters

- Margarita Ruiz, Superintendent SPS
- Olivia Mento, NLCS Student
- Susanna Paille, NLCS Parent
- Jess Yurwitz, NLCS Principal
- Matt Conroy, NLCS Academic Support Coordinator
- Linda Saris, NLCS Board Member
- Q&A –School Committee and Planning Team

Mission

New Liberty Innovation School will educate underserved and under-resourced youth to realize their full potential as high school graduates and prepare them for success in college or career, and citizenship.

Vision

New Liberty Innovation School will achieve this mission by leveraging educational innovations and partnerships to provide students with:

- Rigorous academic instruction and remediation opportunities
- Self-paced competency based education
- Strong anchor relationships between students and staff
- Full social support services and onsite counseling
- Opportunities to develop the essential habits of stable, independent adults.
- Opportunities to build confidence and competence through weekly adventure and challenge programming
- Opportunities to practice career readiness skills, through internships and employment
- Research-based programming grounded in resiliency, healthy connections, academic competence, and self-advocacy.

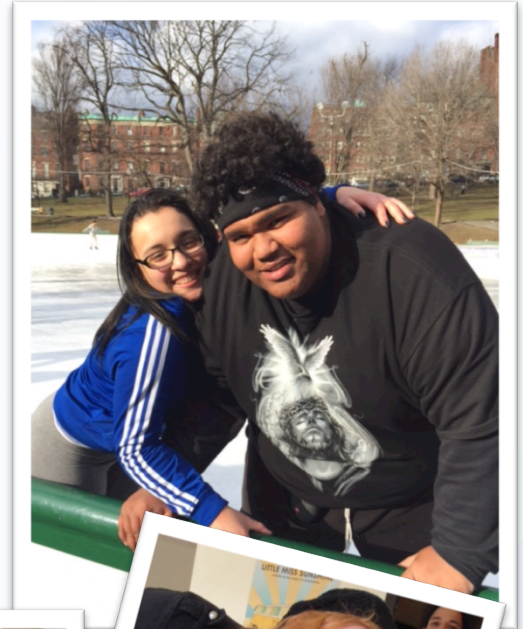
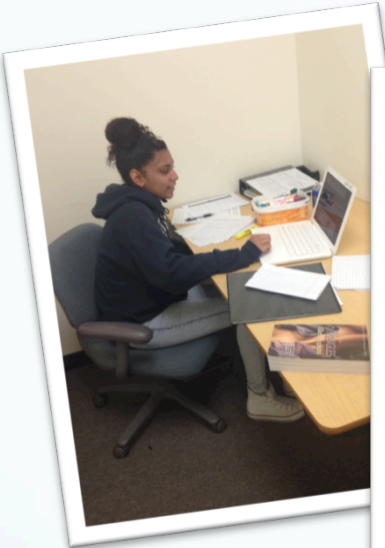
Margarita Ruiz

SPS Superintendent's Statement



Olivia Mento

Student Voices



Susanna Paille

Parent Voices



Jess Yurwitz

NLCS Principal



Changes Charter vs. Innovation School

Current Charter School	Proposed Innovation School	Expected impact on student achievement
Students aged 16-23 years old	Students aged 14-22 years old	Increased opportunities for over-aged, under-credited students to achieve high school diploma in competency-based, high-support program
Salem public school students	Students primarily from Salem, but we will also accept students through inter-district agreements	Increased opportunities for over-aged, under-credited, underserved students with similar profile as NLIS students to re-engage in and graduate high school
Ten and a half month school year	Access to academic and competency development opportunities year-round, with SPS Calendar, plus 20-40 days of summer programming	Increased opportunities for competency development through consistent support which will increase graduation rate.

Changes Charter vs. Innovation School (2)

Current Charter School	Proposed Innovation School	Expected impact on student achievement
Principal is supervised and evaluated by the NLCS Board and their designee	Principal is supervised and evaluated by the Salem Superintendent or her designee	Clear support and accountability focused on student achievement
Primarily classroom based instruction with offsite internships.	Expand our student centered instructional opportunities to include more online, offsite, and blended learning options. This includes employment and internship options.	<ul style="list-style-type: none">● Increased opportunities to fill academic gaps, and/or accelerate academic progress● Increased opportunity for student ownership through choice● Provides real life opportunities to practice and enhance SEL skills.

Changes Charter vs. Innovation School⁽³⁾

Current Charter School	Proposed Innovation School	Expected impact on student achievement
Programming from 9:00am-4:30pm	Programming from 9:00am-3:45pm through SPS. There is the potential to develop programming from 4:00pm-9:00pm through partner agencies and space sharing agreements, for example, evening citizenship classes, HiSet prep courses, internships, etc.	<ul style="list-style-type: none">● Ensures solid preparation for careers and postsecondary planning● Increased opportunity for real-life application of learning, and expanded supports for developing the Essential Habits of Successful Adults● Increase return on the investment of our lease payments.

Matt Conroy

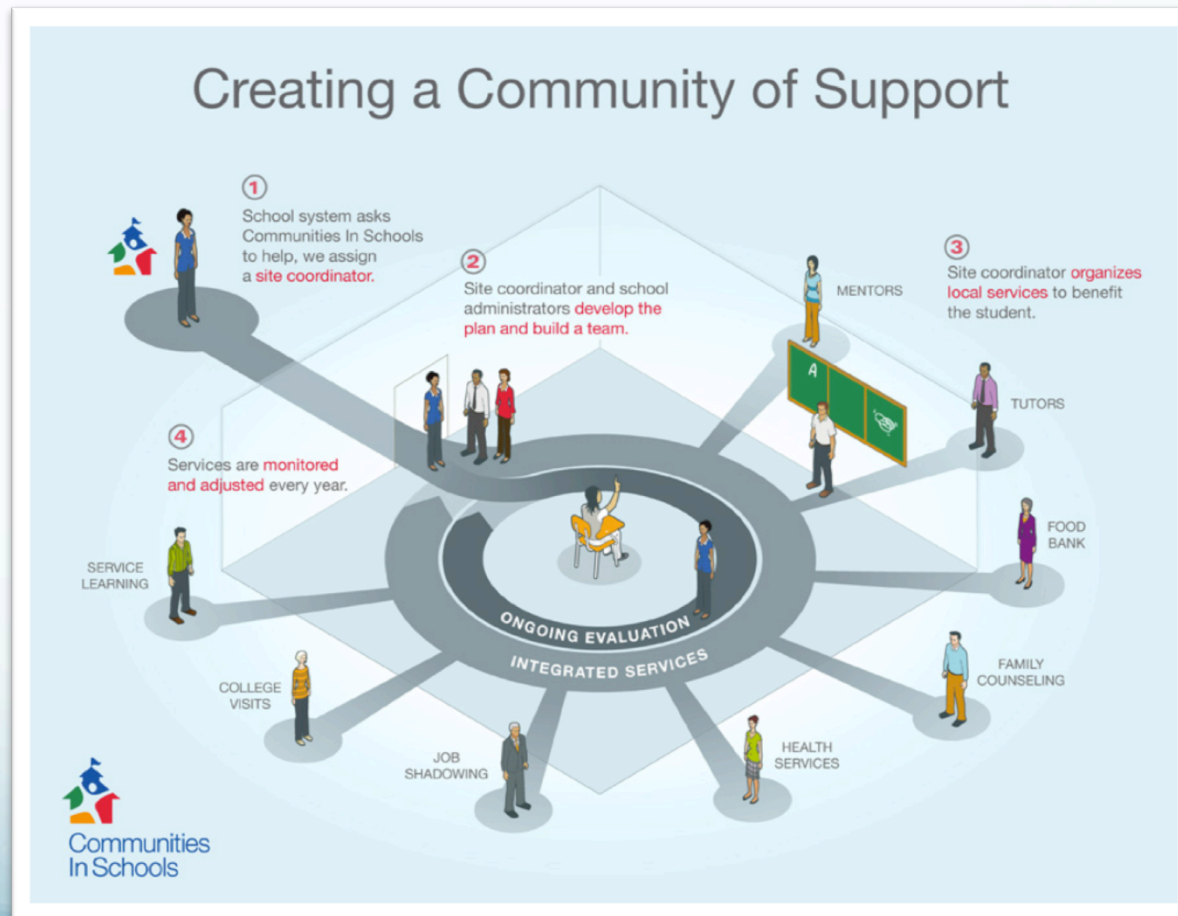
NLCS Academic Support Coordinator



Academic Innovations

Linda Saris

Community Partner, LEAP for Education



Linda Saris

NLCS Board Member and Treasurer



Q&A

