

*Office of the Superintendent*  
Acton Public Schools  
Acton-Boxborough Regional School District  
(978) 264-4700 x 3211  
*http://ab.mec.edu*

TO: Acton Public School Committee Members  
FROM: Stephen Mills  
ON: June 17, 2010  
RE: **ADDENDUM**

---

III. APPROVAL OF MINUTES

1. May 20, 2010

VI. NEW BUSINESS

1. Resignation of Jonathan Chinitz from School Committee – John Petersen
  - d. Process for Filling Acton Public School Committee Vacancy Memo
5. Recommendation to Accept Gift from Rebecca Allen to Acton Public Preschool - **VOTE** – *Steve Mills*

VII. FOR YOUR INFORMATION

1. Monthly APS Financial Reports
  - a. Budget Status Summary
  - b. Budget Status Summary – SPED
10. School Committee Policy Revision and Review (File: BGC)
11. Revised Open Meeting Law, effective July 1, 2010
  - a. Record Management Tips, Eva Taylor, Acton Town Clerk 6/14/10
  - b. The Open Meeting Law, Chapter 28
12. Revised APS and ABR School Committee Meetings 2010-2011 Schedule (July 28<sup>th</sup> Joint/AB/APS meeting replaces July 8<sup>th</sup> and August 5<sup>th</sup>)

**ACTON PUBLIC SCHOOL COMMITTEE MEETING  
DRAFT MINUTES**

**Cafetorium  
Luther Conant School**

**May 20, 2010  
7:30 pm**

---

*Members present:* Jonathan Chinitz, Michael Coppolino, Xuan Kong, Terry Lindgren, Sharon Smith McManus, John Petersen  
*Others:* Marie Altieri, Liza Huber, Steve Mills, Beth Petr

---

The meeting was called to order at 7:34 p.m. by Xuan Kong, Committee Chair.

**SUPERINTENDENT'S INTRODUCTION and ELECTION OF OFFICERS**

It was moved, seconded and unanimously

**VOTED:** That John Petersen serve as Chairperson of the Acton Public School Committee for 2010 – 2011.

It was moved, seconded and unanimously

**VOTED:** That Michael Coppolino serve as Vice-Chairperson of the Acton Public School Committee for 2010 – 2011.

It was moved, seconded and unanimously

**VOTED:** That Beth Petr serve as Secretary of the Acton Public School Committee for 2010 – 2011.

Xuan Kong was thanked for his hard work and dedication all year as APS School Committee Chair. Christine Price was thanked by the Committee for her enthusiastic efforts as Conant Principal for the past three years. They wished well in her future position in Weston.

**STATEMENT OF WARRANT**

Warrant #201023 dated 5/18/10 in the amount of \$238,756.71 was signed by the Chair and circulated to the Committee for approval.

**APPROVAL OF MINUTES**

The minutes of May 3, 2010 and May 6, 2010 were approved as written

**PUBLIC PARTICIPATION** - no participation

**EDUCATION REPORT** - Conant School, Christine Price, Principal

Dr. Price shared highlights of the year at Conant, as well as some of the focus areas for the future. She spoke about how valuable the before and after school care programs are, how supportive the PTO is and how Conant is planning to celebrate their 40<sup>th</sup> birthday next Spring. Space issues as well as maintaining a 40 year old building are some areas of focus. Lack of space is a key issue for all of our elementary schools. Regarding class size, Dr. Price said that having an assistant in every class, in every building, is more valuable, in her opinion, than trying to lower class size with fewer assistants.

## **UNFINISHED BUSINESS**

### **1. Conant Principal Announcement**

Steve Mills welcomed Damian Sugrue as the new Conant Principal. Mr. Sugrue said that he was very excited to be joining our School District and looked forward to meeting everyone.

### **2. ALG/Acton Finance Committee Reports – Xuan Kong**

The last ALG meeting was 3/24/10.

The new Chair of the Acton Finance Committee is Mary Ann Ashton. The new Vice-Chair is Bill Mullin and Clerk is Doug Tindal.

### **3. FY'10 and FY '11 Budget Update - Steve Mills**

It is expected that \$120,000 - \$130,000 will be turned back to the town at the end of FY10.

Steve Mills said that 9C cuts in FY11 should be expected and it will be another difficult financial year. He expects to have to revisit the level 5 cut levels from last spring.

### **4. Health Insurance Trust Report – John Petersen**

The Trust is expected to breakeven at the end of the year. June 23 is the next meeting.

### **5. Kindergarten Enrollment Update – Marie Altieri**

321 Kindergartners are enrolled. Average class size of kindergarten is 20 with 21 for all day K.

### **6. IT Plan and Assistant Principal Updates – Steve Mills**

To fund the two Assistant Principals, two IT positions were eliminated and combined into one position with two sets of skills. Priscilla Kotyk has been the Assistant Principal at Gates and Conant for the past few months and this has worked out well. The second Assistant Principal and new IT Director searches will begin soon. When asked why the Douglas School was not being given an Assistant Principal, Steve Mills said that Dr. Whitbeck felt strongly that he did not need one at this time.

### **7. Superintendent's Perspective on Negotiations – Steve Mills**

The Committee has been asked when the public will have the opportunity to weigh in on negotiations. John Petersen said that they are negotiating with the Acton Education Association (AEA), the Office Support Association (OSA), and the custodians/maintenance (AFSCME). He invited the public to express themselves at a meeting or any time via email to the Committee. Dr. Mills explained that the citizens of Acton elected their School Committee members to make significant decisions, including choosing a Superintendent, creating the budgets, and negotiating successful contracts. These legal contracts are between the three associations and the legal entity, which is the School Committee.

As more organizations ask their staff to cover more of their health insurance costs, Steve Mills recommended that non union employees be moved from an 85-15 to a 75-25 split. This will be on the next Joint School Committee agenda for the June 3<sup>rd</sup> meeting, and was not discussed at this APS meeting.

## **NEW BUSINESS**

1. **Recommendation to Approve Douglas School Field Trip to Manshentucket Pequot Museum**  
It was moved, seconded and unanimously

**VOTED: To approve the Douglas School Field Trip to Manshentucket Pequot Museum in CT on May 21, 2010.**

2. **Recommendation to Accept Gift from Community Education All Day K Program**

It was moved, seconded and unanimously

**VOTED: To accept with gratitude the gift of \$100,000 to the Acton Public Schools which represents the first disbursement of projected surplus from the All Day Kindergarten Program for FY'10.**

3. **Recommendation to Accept Gift from Community Education Extended Day Program at Conant**

It was moved, seconded, and unanimously

**VOTED: To accept with gratitude the gift of \$20,000 to the Conant School which represents the first disbursement of Conant's share of the surplus generated by A-B Community Ed's Extended Day Program at Conant during FY'10.**

## **FOR YOUR INFORMATION**

- The Superintendent referred to several items.
- Dr. Mills announced the appointment of Lynne Laramie as the Elementary Special Education Chairperson. She has been the interim Chair for the past year.
- Dr. Mills highlighted the Educational Values and Needs Survey Results Presentation to be held on June 1, 2010 at 12:30 - 2:00 at Temple Beth Elohim. Mike Coppolino asked if further analysis had been done, or if it would be discussed, based on the presentation in January. Liza Huber said that there was a backup document on the SMART goals in the last regional packet (VI .3.b. in 5/6/10 packet). It will be on the agenda for the June 3<sup>rd</sup> AB meeting.

## **ISSUES FOR THE COMMITTEE**

1. **Race to the Top - Round 2 (May 24 deadline)**

Although Massachusetts did not make the first cut, there is now a second opportunity. Three signatures are best: Superintendent, School Committee, and the AEA. The AEA will not sign because they are uncomfortable about the amount of uncertainty that exists with this opportunity. The letter of support from the Superintendent and School Committee submitted for the first application is being resubmitted for the second application.

2. **New Class Size Subcommittee**

Terry Lindgren proposed a new subcommittee to investigate what it would mean to reduce class size K-12. He will bring a proposal to the June 3<sup>rd</sup> Joint School Committee meeting.

**NEXT MEETINGS** - June 3, 7:30 p.m. Joint and AB Regional SC Meetings, Jr High Library  
June 17, 7:30 p.m., Jr High Library

The meeting was adjourned at 9:34 p.m.

Respectfully submitted,  
Beth Petr

# Memo

**To:** Acton Public School Committee  
**From:** John Petersen, Chair  
**CC:** Steve Mills, Beth Petr, BOS  
**Date:** June 16, 2010  
**Subject:** Process for filling Acton Public School Committee Vacancy

---

## Introduction

Mr. Jonathan Chinitz resigned his position as a member of the Acton Public School Committee on June 7, 2010. After receiving Mr. Chinitz's resignation and reviewing SC policy BBBE Unexpired Term Fulfillment, I met with the Chair of the Acton Board of Selectmen, Lauren Rosenzweig-Morton, to informally discuss previous town experience with this process and consider scheduling options for filling the position. Mrs. Rosenzweig-Morton reviewed correspondence in town records with regard to Mrs. Marie Altieri's resignation in January 2007, which provides the basis for the information provided in this memo and my recommendation. The process is primarily based on email of January 16, 2007 from Stephen Anderson (Anderson and Kreiger LLP) to Peter Ebb (Ropes & Gray) and Don Johnson (who was Town Manager in 2007) and the email of Feb 7, 2007; John Ryder (who was APS chair) to the APS members.

## APS Vacancy: Governing Law

The Acton Town Charter provides for the replacement of elected officials and notes that, "When a vacancy occurs in any elected office, the office shall be filled in accordance with the General Laws." Town Charter Sec 2-1, reference is to MGL Chapter 41, Section 11.

MGL Chapter 41, Election of Town Officers; Section 11 Appointment to fill vacancy in town office

"As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified."

Thus, SC policy is a restatement of the Massachusetts General Laws. Per the law we are required to formally notify the Board of Selectmen of the vacancy no later than July 7<sup>th</sup>. The Board of Selectmen is required to provide a minimum of one week's notice of the meeting at which a replacement shall be selected. The term of the replacement will be through town meeting Spring 2011. In the Spring Election of 2011, the Selectmen will add a SC position for 1 year term to the ballot.

## **Chair's Recommendation to the Committee**

The Board of Selectmen has a scheduled meeting on July 12<sup>th</sup>. I recommend that we work with the Selectman to use a portion of this meeting to fill the vacancy.

### **Process Steps**

1. Confirm that a SC & BOS quorum will be available on July 12<sup>th</sup>
2. Post Joint Meeting
3. Inform Citizens of Acton of the vacancy on the SC and the process to fill the vacancy
4. Send formal letter to BOS (draft text below), APSC to agree on date of formal notification (suggest June 28)

To: Chair BOS

"According to Massachusetts General Laws, this letter serves as notification to you and the Acton Board of Selectmen that Mr. Jonathan Chinitz, Acton and Acton-Boxborough Regional School Committee member, has resigned his position as of June 7, 2010."

From: Chair APSC

5. Request that interested candidates submit a written statement of interest and any supporting documents to facilitate the selection process to APSC (APSC to forward to BOS) no later than July 2nd (due to holiday weekend)
6. Distribute candidate statements to APSC/BOS (no later than July 7<sup>th</sup>)

### **Issue for the Committee**

If there are two or more candidates, how should the process for candidate presentations, questioning and discussion be determined?

June 16, 2010

To: Stephen Mills

From: Carol Huebner

Cc: Liza Huber

Subject: Donation from Rebecca Allen

Rebecca Allen has made a generous contribution of \$711.38 to the Acton Public Schools Preschool where her son is a student. The contribution is being made to cover the cost of a new air conditioner for Room 1 at the Administration Building.

I support this contribution and ask that you and the School Committee approve this as well.

Thank you.

JUNE 16, 2010

FOR 2010 99

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
-----							
1005 GENERAL FUND SCHOOL							
-----							
01 SALARIES, TEACHING	11,589,980	31,496	11,621,476	11,351,530.56	23,595.94	246,349.34	97.9%
02 SALARIES, PRINCIPALS	534,285	0	534,285	510,258.25	22,451.80	1,574.95	99.7%
03 SALARIES, CENTRAL AD	408,505	-250	408,255	385,151.39	18,599.85	4,503.76	98.9%
04 SALARIES, SUPP STAFF	2,776,490	0	2,776,490	2,588,474.11	113,687.61	74,328.28	97.3%
06 SALARIES, BUILDINGS	247,342	0	247,342	244,783.32	8,258.10	-5,699.42	102.3%
07 SALARIES, CUSTODIAL	671,236	0	671,236	624,257.92	22,747.17	24,230.91	96.4%
08 SALARIES, HOME INSTR	1,051	0	1,051	341.30	.00	709.70	32.5%
09 SALARIES, SUBSTITUTE	266,973	-11,480	255,493	382,691.19	2,500.00	-129,698.45	150.8%
10 FRINGES, COURSE REIM	17,000	0	17,000	8,879.50	3,190.00	4,930.50	71.0%
11 FRINGES, HEALTH INSU	3,792,778	0	3,792,778	3,516,502.74	.00	276,275.26	92.7%
16 INSTRUCTIONAL SUPPLI	239,839	-9,845	229,994	222,804.04	26,008.52	-18,818.56	108.2%
17 INSTRUCTIONAL TEXTBO	70,736	15,231	85,967	82,996.64	14,931.98	-11,961.46	113.9%
18 INSTRUCTIONAL, LIBRA	18,347	0	18,347	15,146.54	3,150.36	50.10	99.7%
19 OTHER, CAPITAL OUTLA	273,560	-2,105	271,455	284,602.81	13,623.57	-26,771.54	109.9%
23 OTHER, MAINTENANCE B	211,468	0	211,468	199,381.70	8,744.58	3,341.72	98.4%
24 OTHER, MAINTENANCE O	97,993	0	97,993	83,333.83	2,319.40	12,339.77	87.4%
26 OTHER, LEGAL SERVICE	65,000	0	65,000	74,391.58	7,229.67	-16,621.25	125.6%
27 OTHER, ADMIN SUPPLIE	223,358	6,543	229,901	162,117.14	15,262.46	52,521.66	77.2%
29 OTHER, CUSTODIAL SUP	45,100	0	45,100	61,626.53	141.00	-16,667.53	137.0%
30 OTHER, SPED TRANSPOR	526,497	-8,438	518,060	518,059.50	.00	.00	100.0%
31 OTHER, STUDENT TRANS	338,716	0	338,716	313,288.48	1,192.36	24,235.16	92.8%
32 OTHER, TRAVEL	13,340	-244	13,096	10,179.59	878.24	2,038.17	84.4%
33 OTHER, SPED TUITION/	2,304,524	-20,908	2,283,616	2,035,503.51	97,129.99	150,982.16	93.4%
34 OTHER, UTILITIES	1,019,664	0	1,019,664	771,308.54	3,521.28	244,834.18	76.0%
57 OTHER	0	0	0	.00	.00	.00	.0%
TOTAL GENERAL FUND SCHOOL	25,753,782	0	25,753,782	24,447,610.71	409,163.88	897,007.41	96.5%
GRAND TOTAL	25,753,782	0	25,753,782	24,447,610.71	409,163.88	897,007.41	96.5%

\*\* END OF REPORT - Generated by Denise Kelly \*\*

Note:

The following will be reclassified from Appropriated once monies are received and processed:  
 Circuit Breaker Reimbursement \$88,031



JUNE 16, 2010

FOR 2010 99

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
-----							
1005 GENERAL FUND SCHOOL							
-----							
05 SW SPECIAL EDUCATION							
-----							
05010501 52401 SPED LEGAL SERVICES	45,000	0	45,000	35,270.33	7,229.67	2,500.00	94.4%
11040501 51502 PS:SECRETARY	47,020	0	47,020	44,679.30	2,171.26	169.44	99.6%
14040501 51411 SPED CHAIRPERSON	88,013	0	88,013	91,071.37	.00	-3,058.37	103.5%
14040524 51419 COORDINATOR	27,571	0	27,571	25,961.25	1,142.25	467.50	98.3%
14050503 51433 SUMMER PROGRAM STIPE	40,000	4,270	44,270	55,732.28	.00	-11,462.28	125.9%
14050504 51615 SUMMER SPED ASST	20,000	15,730	35,730	36,104.32	.00	-374.32	101.0%
14050509 54305 SPED TEXTBOOKS	2,444	0	2,444	3,265.05	.00	-821.05	133.6%
14050510 54302 OCCUPATIONAL THERAPY	847	0	847	865.09	.00	-18.09	102.1%
14050511 52409 IN SERVICE CONFERENC	1,188	0	1,188	385.00	1,160.00	-357.00	130.1%
14050517 58708 INSTRUCTIONAL EQUIPM	0	0	0	409.36	.00	-409.36	100.0%
14050520 51409 REFERRAL TO SPECIALI	0	17,123	17,123	35,829.29	.00	-18,706.18	209.2%
14050521 52443 SPED REFERRAL TO SPE	118,130	14,123	132,253	142,626.35	16,909.66	-27,283.28	120.6%
14050521 52452 SUMMER PROGRAM, CS	65,000	-42,808	22,192	14,333.75	.00	7,857.91	64.6%
14050522 52462 PS SEC 504 CONTR SVC	1,025	0	1,025	.00	.00	1,025.00	.0%
TOTAL SW SPECIAL EDUCATION	456,238	8,438	464,676	486,532.74	28,612.84	-50,470.08	110.9%
-----							
18 SPECIAL EDUCATION							
-----							
05051801 52416 SPED INDEP EVALUATIO	4,990	-1,900	3,090	1,688.96	3,049.60	-1,648.56	153.4%
05051802 52404 SPED PERIODICALS/SUB	808	0	808	834.92	.00	-26.92	103.3%
05051802 52406 SPED POSTAGE	2,695	0	2,695	3,968.00	.00	-1,273.00	147.2%
05051802 52407 SPED INSVC CONFERENC	352	0	352	390.00	.00	-38.00	110.8%
05051802 52408 SPED TRAVEL - LOCAL	181	0	181	47.50	.00	133.50	26.2%
05051802 52410 SPED DUES & FEES	305	0	305	348.57	110.50	-154.07	150.5%
05051802 52455 SPED MNT COPY EQUIP	3,475	0	3,475	7,562.13	.00	-4,087.13	217.6%
05051802 52456 SPED MNT OFFICE EQUI	283	0	283	536.10	.00	-253.10	189.4%
05051803 54301 SPED OFFICE SUPPLIES	3,507	0	3,507	3,508.50	88.35	-89.85	102.6%
05051804 58708 SPED OUTLAY EQUIP	10,979	0	10,979	19,685.97	.00	-8,706.97	179.3%
05051805 52424 MEDICAID SERVICES	1,072	0	1,072	426.69	.00	645.31	39.8%
05051806 52413 SPED MEDICAL SERVICE	2,496	0	2,496	2,992.50	.00	-496.50	119.9%
05051807 52425 SPED TUITION - CASE	645,131	0	645,131	672,112.00	.00	-26,981.00	104.2%
05051808 52426 SPED TUITION PRIVATE	1,278,435	-412,707	865,728	691,879.71	55,559.47	118,288.82	86.3%
05051808 52465 CIRCUIT BREAKER TUIT	-500,738	412,707	-88,031	.00	.00	-88,031.00	.0%
05051809 51614 SPED TRANSP ASST	5,000	-4,938	63	62.50	.00	.00	100.0%

JUNE 16, 2010

FOR 2010 99

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
05051809 51627 SPED DRIVERS	3,500	-3,500	0	.00	.00	.00	.0%
05051810 52430 CO: SPED CASE TRANSP	517,997	0	517,997	517,997.00	.00	.00	100.0%
06041801 51408 SPED TEACHER	278,571	0	278,571	278,571.02	.00	-.02	100.0%
06041802 51418 SPEECH TEACHER	72,202	0	72,202	72,202.22	.00	-.22	100.0%
06041803 51624 SPED EDUCATION ASST	229,855	0	229,855	168,151.14	10,651.78	51,052.08	77.8%
06051801 54305 RES TEXTBOOKS	537	0	537	720.88	.00	-183.88	134.2%
06051802 54332 EDUC NEEDS SUPPLIES	593	0	593	597.32	.00	-4.32	100.7%
06051802 54333 SPEECH SUPPLIES	442	0	442	341.51	.00	100.49	77.3%
07041801 51408 SPED TEACHER	154,147	0	154,147	154,147.00	.00	.00	100.0%
07041802 51418 SPEECH TEACHER	86,723	0	86,723	89,809.98	.00	-3,086.98	103.6%
07041803 51624 SPED EDUCATION ASST	68,272	0	68,272	57,826.65	4,287.32	6,158.03	91.0%
07051801 54305 RES TEXTBOOKS	537	0	537	487.91	.00	49.09	90.9%
07051801 54334 EDUC NEEDS TEXTS	0	0	0	341.78	.00	-341.78	100.0%
07051802 54332 EDUC NEEDS SUPPLIES	593	0	593	678.68	.00	-85.68	114.4%
07051802 54333 SPEECH SUPPLIES	436	0	436	598.76	.00	-162.76	137.3%
08041801 51408 SPED TEACHER	230,758	0	230,758	198,174.11	.00	32,583.89	85.9%
08041802 51418 SPEECH TEACHER	86,218	0	86,218	86,218.08	.00	-.08	100.0%
08041803 51624 SPED EDUCATION ASST	114,698	0	114,698	98,704.63	6,331.36	9,662.01	91.6%
08051801 54305 RES TEXTBOOKS	537	0	537	405.95	.00	131.05	75.6%
08051802 54332 EDUC NEEDS SUPPLIES	494	0	494	528.44	.00	-34.44	107.0%
08051802 54333 SPEECH SUPPLIES	442	0	442	532.10	.00	-90.10	120.4%
09041801 51408 SPED TEACHER	249,070	0	249,070	251,558.06	.00	-2,488.06	101.0%
09041802 51418 SPEECH TEACHER	85,341	0	85,341	77,434.02	.00	7,906.98	90.7%
09041803 51624 SPED EDUCATION ASST	56,005	0	56,005	55,881.39	3,798.74	-3,675.13	106.6%
09051801 54334 EDUC NEEDS TEXTS	641	0	641	662.91	.00	-21.91	103.4%
09051802 54330 RESOURCE SUPPLIES	494	0	494	817.57	.00	-323.57	165.5%
09051802 54333 SPEECH SUPPLIES	442	0	442	477.26	.00	-35.26	108.0%
10041801 51408 SPED TEACHER	285,529	0	285,529	285,528.88	.00	.12	100.0%
10041802 51418 SPEECH TEACHER	75,295	0	75,295	75,294.96	.00	.04	100.0%
10041803 51624 SPED EDUCATION ASST	150,574	0	150,574	178,576.39	12,708.57	-40,710.96	127.0%
10051801 54334 EDUC NEEDS TEXTS	641	0	641	925.79	.00	-284.79	144.4%
10051802 54332 EDUC NEEDS SUPPLIES	589	0	589	1,490.82	.00	-901.82	253.1%
10051802 54333 SPEECH SUPPLIES	442	0	442	478.90	.00	-36.90	108.3%
14041801 51416 SPED OCCUP THERAPIST	205,399	0	205,399	160,774.22	2,776.18	41,848.60	79.6%
14041801 51417 PHYSICAL THERAPIST	74,398	0	74,398	74,398.74	.00	-.74	100.0%
14051801 51407 HOME INSTRUCT TEACHE	1,051	0	1,051	341.30	.00	709.70	32.5%
14051803 54338 SPED EDUC SUPPLIES	3,200	0	3,200	4,177.49	.00	-977.49	130.5%
TOTAL SPECIAL EDUCATION	4,495,634	-10,338	4,485,297	4,301,897.91	99,361.87	84,036.72	98.1%

51 AUTISTIC SERVICES

14045101 51436 AUTISTIC COORDINATOR	63,833	0	63,833	33,525.00	1,475.00	28,833.00	54.8%
-------------------------------------	--------	---	--------	-----------	----------	-----------	-------

JUNE 16, 2010

FOR 2010 99

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
14045102 51616 TRAINER	658,220	0	658,220	493,881.01	38,953.27	125,385.72	81.0%
14055103 52463 AUTISTIC CONTRACT SE	0	0	0	3,647.50	.00	-3,647.50	100.0%
TOTAL AUTISTIC SERVICES	722,053	0	722,053	531,053.51	40,428.27	150,571.22	79.1%
TOTAL GENERAL FUND SCHOOL	5,673,925	-1,900	5,672,025	5,319,484.16	168,402.98	184,137.86	96.8%
TOTAL EXPENSES	5,673,925	-1,900	5,672,025	5,319,484.16	168,402.98	184,137.86	
GRAND TOTAL	5,673,925	-1,900	5,672,025	5,319,484.16	168,402.98	184,137.86	96.8%

\*\* END OF REPORT - Generated by Denise Kelly \*\*

Note:

The following will be reclassified from Appropriated once monies are received and processed:  
Circuit Breaker Reimbursement \$88,031

## **POLICY REVISION AND REVIEW**

In an effort to keep its written policies up to date so that they can be used consistently as a basis for School Committees' action and administrative decision, the Committees will review its policies on a regular basis.

The Committees will evaluate how the policies have been executed by the school staff and will weigh the results. It will rely on the school staff, students, and the community for providing evidence of the effect of the policies it has adopted.

The Superintendent is given the continuing commission of calling to the Committees' attention all policies that are out of date or for other reason appear to need revision.

The School Committees direct the Superintendent to periodically recall all policy and regulations manuals for administrative updating and Committees' review.

**From:** Eva Taylor [mailto:ebowen@acton-ma.gov]  
**Sent:** Monday, June 14, 2010 9:56 AM  
**To:** All Boards and Committees; All Department Heads; All Town Departments  
**Subject:** NEW OPEN MEETING LAW  
**Importance:** High

## Revised Open Meeting Law

### Record Management Tips

**\*Effective July 1, 2010\***

The **Open Meeting Law** was revised as part of the 2009 Ethics Reform Bill, and will centralize responsibility for state-wide enforcement of the law in the Office of the Attorney General. The effective date of the revised law is **July 1, 2010**.

The **purpose** of the Open Meeting Law is to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based. The Open Meeting Law supports the principle that the democratic process depends on the public having knowledge about the considerations underlying governmental action. The Open Meeting Law requires that most meetings of governmental bodies be held in public. There are some exceptions, which are designed to ensure that public officials are not “unduly hampered” by having every discussion among public officials open to the public. As a result, the Open Meeting Law provides for particular circumstances under which a meeting may be held in executive, or closed, session.

**There are major changes to the Open Meeting Law that are listed below.**

➤ All persons serving on “public bodies” must receive a copy of the Open Meeting Law:

[M.G.L. c. 30A, § 19\(c\) \(PDF\)](#)

<http://www.mass.gov/Cago/docs/Government/New%20OML%20from%20c%20%2028%20%283%29.pdf>

[Open Meeting Law Guidelines \(PDF\) - April 2009](#) – This will be updated by the Attorney General’s office in July 2010.

[http://www.mass.gov/Cago/docs/Government/oml\\_guidelines\\_final.pdf](http://www.mass.gov/Cago/docs/Government/oml_guidelines_final.pdf)

➤ **The officer calling the meeting** is responsible for complying with the following posting requirements:

48 Hour notice for meetings of Boards and Committees – the Town Clerk must receive your meeting posting, including agenda at least 48 hours prior to the meeting. Email postings to [clerk@acton-ma.gov](mailto:clerk@acton-ma.gov) by 4:45PM.

This notice must be available to the public at all hours. **The 48 hours notice cannot include Saturdays, Sundays or holidays.**

*For example:*

**Monday** night meetings must be posted before Thursday night.

**Tuesday** night meetings must be posted before Friday night (if Monday is a holiday, before Thursday night).

**Wednesday** night meetings must be posted before Monday night.

**Thursday** night meetings must be posted before Tuesday night.

**Friday** night meetings must be posted before Wednesday night.

Notices must include the **date, time and place** of the meeting and the **agenda** (the list of topics that the chair reasonably anticipates will be discussed).

➤ **Emails** are included in the definition of “deliberation” which is prohibited outside of open session; but distribution of agendas, scheduling information, or reports to be discussed at future meetings is permitted.

➤ **Attendance by a quorum** at a location is not considered to be a “meeting” if members are not intending to conduct business and no deliberation occurs.

*For example:*

1. Attendance at a conference, social event, or a meeting of another municipal board is not considered to be a meeting if no intention to conduct business or deliberation occurs.

2. A meeting of a quasi-judicial board solely to make a decision required in an adjudicatory proceeding is not a “meeting”.

➤ **Meeting minutes** must contain more detailed information than previously required.

*The following must be included in the minutes:*

1. Date, place, time and matters discussed.
2. Summaries of discussions
3. List of documents used
4. Decisions made
5. Actions taken
6. Record of all votes (yeas, nays and abstentions).
7. Documents and other exhibits, such as photographs, recordings, maps and presentations used by the body at the open or executive session shall be part of the official record of the session in addition to the minutes.

➤ **Executive Minutes** must be reviewed by the chair periodically to determine if they should be released, or if purpose for executive session is still ongoing to keep minutes confidential.

➤ **Attorney General** will assume broad interpretation and enforcement authority over the Open Meeting Law. The District Attorney is no longer involved.

➤ **Persons making complaints** of Open Meeting Law violations must file written complaint with the Public Body first. The Public Body then submits a reply to the complainant and to The Attorney General’s Office.

Chapter 28

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

*In the Year Two Thousand and Nine*

AN ACT TO IMPROVE THE LAWS RELATING TO CAMPAIGN FINANCE, ETHICS  
AND LOBBYING.

\* \* \*

SECTION 17. Sections 11A and 11A<sup>1</sup>/<sub>2</sub> of chapter 30A of the General Laws are hereby repealed.

SECTION 18. Said chapter 30A is hereby further amended by adding the following 8 sections:-

Section 18: As used in this section and sections 19 to 25, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Deliberation", an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

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

"Executive session", any part of a meeting of a public body closed to the public for deliberation of certain matters.

"Intentional violation", an act or omission by a public body or a member thereof, in knowing by violating the open meeting law.

"Meeting", a deliberation by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include:

(a) an on-site inspection of a project or program, so long as the members do not deliberate;

(b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;

(c) attendance by a quorum of a public body at a meeting of another



public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;

(d) a meeting of a quasi--judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or

(e) a session of a town meeting convened under section 10 of chapter 39 which would include the attendance by a quorum of a public body at any such session.

"Minutes", the written report of a meeting created by a public body required by subsection (a) of section 23 and section 5A of chapter 66.

"Open meeting law", sections 18 to 25, inclusive.

"Post notice", to display conspicuously the written announcement of a meeting either in hard copy or electronic format.

"Preliminary screening", the initial stage of screening applicants conducted by a committee or subcommittee of a public body solely for the purpose of providing to the public body a list of those applicants qualified for further consideration or interview.

"Public body", 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 other 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.

"Quorum", a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

Section 19. (a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general

as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

(1) the general background of the legal requirements for the open meeting law;

(2) applicability of sections 18 to 25, inclusive, to governmental bodies;

(3) the role of the attorney general in enforcing the open meeting law; and

(4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:

(1) the number of open meeting law complaints received by the attorney general;

(2) the number of hearings convened as the result of open meeting law complaints by the attorney general;

(3) a summary of the determinations of violations made by the attorney

general;

(4) a summary of the orders issued as the result of the determination of an open meeting law violation by the attorney general;

(5) an accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;

(6) the number of actions filed in superior court seeking relief from an order of the attorney general; and

(7) any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.

Section 20. (a) Except as provided in section 21, all meetings of a public body shall be open to the public.

(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed 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.

(c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted 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.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed 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 the purpose.

For meetings of a state public body, notice shall be filed with the attorney general by posting on a website in accordance with procedures established for this purpose.

The attorney general shall have the authority to prescribe or approve alternative methods of notice where the attorney general determines such

alternative will afford more effective notice to the public.

(d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.

(f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

(g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

Section 21. (a) A public body may meet in executive session only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a

public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. to discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

1. the body has first convened in an open session pursuant to section 21;

2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;

3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;

4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and

5. accurate records of the executive session shall be maintained pursuant to section 23.

Section 22. (a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of

all votes.

(b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

(c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

(d) Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

(f) The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21.

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no

longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(g) (1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(2) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

Section 23. (a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney

general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both,



are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:

- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;
- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- (7) prescribe other appropriate action.

(d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.

(e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such body or member has not timely sought judicial review of the order, such order shall not be open to review in an action to compel compliance.

(f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law.

Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court

shall have all of the remedies set forth in subsection (b).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

Section 24. (a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person

is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material demanded; (4) prescribe a return date within which the documentary material is to be produced; and (5) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(e) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of the commonwealth.

(f) Any documentary material or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.

(g) At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or

set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the county in which the person served resides or has his usual place of business or in Suffolk county. This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

Section 25. (a) The attorney general shall have the authority to promulgate rules and regulations to carry out enforcement of the open meeting law.

(b) The attorney general shall have the authority to interpret the open meeting law and to issue written letter rulings or advisory opinions according to rules established under this section.

SECTION 19. Sections 9F and 9G of chapter 34 of the General Laws are hereby repealed.

SECTION 20. Sections 23A to 23C, inclusive, of chapter 39 of the General Laws are hereby repealed.

ACTON and ACTON-BOXBOROUGH REGIONAL  
SCHOOL COMMITTEE MEETINGS  
2010-2011

---

**Meetings are held in the Junior High School Library unless otherwise indicated.**

Acton-Boxborough Regional School Committee meetings are held on the first Thursday of the month;

Acton Public School Committee meetings are held on the third Thursday.

Meetings start at 7:30 p.m., unless otherwise noted.

---

July 28 (Wed)	<b>Joint School Committee Meeting</b> – 6:00 pm, Sargent Library, Boxborough, followed by Acton-Boxborough Regional Meeting, followed by Acton Public School Committee Meeting
September 2	<b>Acton-Boxborough Regional School Committee</b>
September 16	<b>Acton School Committee @ MERRIAM</b>
October 7	<b>Acton-Boxborough Regional School Committee Meeting</b>
October 21	<b>Acton School Committee @ MCCARTHY-TOWNE</b>
November 4	<b>Acton-Boxborough Regional School Committee @ ABRHS</b>
November 18	<b>Acton School Committee @ DOUGLAS</b>
December 2	<b>Acton-Boxborough Regional School Committee</b>
December 16	<b>Acton School Committee</b>
January 6, 2011	<b>Acton-Boxborough Regional School Committee</b>
January 20	<b>Acton School Committee</b>
February 3	<b>Acton-Boxborough Regional School Committee</b> (open budget hearing-required by law)
February 24	<b>Acton School Committee</b> (open budget hearing-required by law)
March 3	<b>Acton-Boxborough Regional School Committee</b>
March 17	<b>Acton School Committee @ GATES</b>
March 24	<b>Joint Meeting</b> (serves as April meetings)
May 5	<b>Acton-Boxborough Regional School Committee</b>
May 19	<b>Acton School Committee @ CONANT</b>
June 2	<b>Acton-Boxborough Regional School Committee</b>
June 16	<b>Acton School Committee</b>