

# Role of the Chair

A Guide for Present and Future  
School Committee Chairs

In  
collaboration  
with the  
District  
Governance  
Program



masc

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## Preface

The Massachusetts Association of School Committees is very pleased to provide this important publication on the role of the chair as part of its District Governance Support Project. We have specifically tailored this to both current and aspiring chairs because it is important to prepare the next generation of leadership. For many communities, the school committee chair is the face of the school district. Skillful chairs have guided their school committees by guiding the members through difficult debate, leading in perilous times, tackling challenging issues, and mentoring new members.

In preparing this document, we have been fortunate to have the benefit of experience from the staff of MASC who represent more than 100 years of service on and for school committees. The work of the District Governance Support Project was funded in part through a grant from the Race to the Top program and with the support of the Massachusetts Department of Elementary and Secondary Education.

In addition to those listed, we are also grateful to MASC Field Directors James Hardy, Michael Gilbert and Patricia Correia who contributed to the development of this publication and to former MASC President Joseph Santos of Ludlow who inspired the first professional development program for school committee chairs.

### The Roles and Responsibilities of the School Committee Chair

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## INTRODUCTION

“Servant of the Assembly,” “First among equals,” “Chief Volunteer.” These are some of the descriptions of Board Chairs. John Carver, renowned expert on board governance, describes the job of chair as one that “requires skilled handling of group process, an ability to lead a group fairly but firmly, to confront and even to welcome its diversity and to adhere to agreed-upon rules for board conduct.” (“Boards That Make a Difference” p.144).

Clearly, being chair of a school committee involves much more than presiding over meetings. It takes time, attention to detail, leadership skills, interpersonal skills, communications skills and knowledge of the legal obligations of the board. Chairing a public board, such as a school committee, has a unique set of challenges. Meetings take place in public and Open Meeting Laws restrict communications that take place between meetings. Since members are chosen by voters, philosophies and concerns of members can vary greatly, but opportunities to converse and get to know fellow committee members is limited. While the committee must act as one, constituents have unlimited access to individual members and often don’t fully understand an individual committee member’s limited power. Some responsibilities are defined by law, but the grey area that exists between law and practice is vast. An effective chair can successfully lead the committee to surmount these challenges, focus on student achievement and accomplish the mission, vision and goals of the district.

The overarching mission of every school committee is “continuous improvement in student achievement”, according to the National School Boards Association. Further, effective school committees play a critical role in supporting student achievement in their districts. While this may seem intuitively obvious to those who observe school committees in action, research on the governing practices of school committees has also confirmed this observation.

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NSBA's research arm, the Center for Public Education has identified eight traits of highly effective school boards that positively impact student achievement:

1. Effective school boards commit to a vision of high expectations for student achievement and quality instruction and define clear goals toward that vision.
2. Effective school boards have strong shared beliefs and values about what is possible for students and their ability to learn, and of the system and its ability to teach all children at high levels.
3. Effective school boards are accountability driven, spending less time on operational issues and more time focused on policies to improve student achievement.
4. Effective school boards have a collaborative relationship with staff and the community and establish a strong communications structure to inform and engage both internal and external stakeholders in setting and achieving district goals.
5. Effective school boards are data savvy: they embrace and monitor data, even when the information is negative, and use it to drive continuous improvement.
6. Effective school boards align and sustain resources, such as professional development, to meet district goals. Effective boards see a responsibility to maintain high standards even in the midst of budget challenges.
7. Effective school boards lead as a united team with the superintendent, each from their respective roles, with strong collaboration and mutual trust.
8. Effective school boards take part in team development and training, some times with their superintendents, to build shared knowledge, values and commitments for their improvement efforts.

**Chairs play a critical role in ensuring that their committees adhere to the district's mission by guiding and focusing the committee's work.** An effective committee must have the trust and respect of staff and community, and chairs must gain the respect and trust of colleagues in order to lead the committee to success.

This handbook is designed to provide information and guidance to school committee chairs so they can build the knowledge and skills necessary to be effective in their roles.

## THE CHAIR AS A LEADER

As “first among equals,” the chair is responsible to the committee, not the other way around. The chair has only the authority granted to them by their colleagues. Remember, according to *Robert’s Rules of Order*, the chair is the “Servant of the Assembly, not its Master.” A successful chair will remember the advice: “Lead as you would be led.”

Beyond running effective meetings, **the chair has the responsibility to guide the committee’s work.** Working with the superintendent, the chair plays a key role in keeping the committee organized and focused on the district mission, vision and goals. It is also the responsibility of the chair to ensure that the committee stays organized around regular yearly tasks.

In addition to efficiently guiding the committee’s work, a good chair works to make the committee successful. This means, in essence, working to make every member successful. Members who feel valued, who feel their strengths and interests are being put to good use and who feel they are being treated fairly will be more willing and able to focus on the work of the committee. Most members will appreciate working on a committee where leadership is shared rather than residing solely with the chair. It is up to the chair to organize the committee’s work to make the best use of the strengths different committee members have to offer. **Effectively, then, the chair can help the committee be greater than the sum of its parts.**

## OPERATING PROTOCOLS/SELF-EVALUATION

Effective school committees work to build trust and take time to develop as a team with the superintendent. Taking the time to discuss and agree upon expectations of HOW the team will work together will allow members to concentrate on WHAT needs to be accomplished. Discussing how to navigate the many grey areas that exist before they become issues will prevent problems that get in the way of focusing on student achievement. One way to do this is to agree upon a set of **Operating Protocols** that guide how the committee and superintendent team will work together.

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Taking the time to discuss and agree upon expectations of **HOW** the team will work together will allow members to concentrate on **WHAT** needs to be accomplished.

Operating Protocols cover the following topics:

- A statement of purpose
- Conduct of Business (Communications and Operations)
- Scope of Responsibilities
- Standards of Conduct
- Staying on Track

Some sample protocols are in the Appendix.

The school committee needs to take responsibility for itself - for how well it has governed, conducted meetings, built relationships, and accomplished its own goals, etc. **The chair can oversee a periodic self-evaluation so the committee can reflect on its collective work and each individual can reflect on their own work.** An annual workshop, in addition to working on goals, can provide the opportunity for this reflection and discussion. In addition, a workshop held soon after a committee has reorganized can become a time to orient new members. It also provides the opportunity to review and, if appropriate, revise the **Operating Protocols**.

Operating Protocols cover areas of school committee operations/relationships both at and outside of meetings. While the chair certainly has a large responsibility to ensure that the work of the committee at meetings runs smoothly and stays on target, **the chair has a responsibility outside the meeting room** as well. Members come to the committee with different interests, different philosophical viewpoints, different skills and different communication styles. Somehow, all these differences must combine to create a synergy if the committee is to be productive. The alternative is a committee where differences get in the way and nothing gets done. The skillful chair can work with members to mentor them and to help resolve differences or other factors that are getting in the way of productive work.

Operating Protocols can provide a basis for talking with members if problems arise. While there are no fixed rules in dealing with members who make thoughtful debate, principled dissent, collaboration, unity and effective meetings difficult, **a thoughtful chair could be an important mentor and guide to such potentially disruptive individuals.** Superintendents can often be helpful in giving guidance, but may be reluctant to intervene. A chair who makes sure every committee member's opinion is heard and valued will go a long way toward ensuring that committee members stay focused on

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the work at hand rather than becoming distracted by interpersonal bickering and personal agendas.

A self-evaluation can be conducted using a committee's own Operating Protocols or a different tool. Using the committee's protocols, individual members can rate the extent to which each protocol was met on a scale to set the basis for starting a discussion. Looking both at areas where there is agreement that protocols need work and areas where members have differing viewpoints can lead to conversations about how to improve or how to alter the protocols to better serve the committee.

Other tools for self-evaluation are available from MASC and may be particularly useful if a committee has not yet established Operating Protocols. A governance rubric, based on the District Governance Program is included in the Appendix. No matter what tool is used, the value of a self-evaluation lies in the opportunity to reflect on how the committee is working together and what it might do to improve.

## GOAL SETTING

Setting goals has several components. The first is articulating the mission, vision and overarching goals (sometimes referred to as a strategic plan, strategic objectives or district improvement plan) for the district. The committee has a role in ensuring that goals set in school improvement plans and other district goal-setting documents are aligned to the overall district goals. Secondly, the committee must ensure that shorter range, specific goals are in place to move the district ever closer to achieving its vision. This involves setting SMART goals\* for the superintendent and setting SMART goals for what the committee hopes to achieve in the short term. For the committee, this may involve policy work, deciding how resources in the district, particularly in the budget, can best be leveraged to set the district on the right course, or what changes to seek in a contract negotiation. These specific, SMART goals for both the superintendent and the committee should include key actions and benchmarks.

**With the superintendent, the chair should plan adequate time for the committee to have these discussions.** It is up to the committee to ensure that goal-setting is done with integrity and that the longer

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\* SMART goals are Specific, Measurable, Attainable, Realistic, and Timely.



term goals reflect the community's vision and values. The shorter term goals should be also SMART and should help drive the district toward achieving the articulated vision.

Often, a workshop or retreat—at least annually—will allow time for the school committee and superintendent to have these in-depth discussions and for everyone to have ample input to reach consensus. A workshop often takes place in a less formal setting than a regular business meeting, allowing for a more free-flowing dialogue. While the workshop is a posted public meeting, it need not be a time when decisions are finalized, but rather when information is exchanged that may lead to a formal decision at a later time. In the case of the superintendent evaluation, the information from the workshop may go to a subcommittee that will work with the superintendent to draft SMART goals for consideration by the full committee.

### **MONITORING PROGRESS**

After goals have been set, the committee has a responsibility to monitor the progress toward the goals. **The chair can keep the committee organized around monitoring progress and routine tasks by working with the superintendent to develop a year-long agenda.**

The key actions and benchmarks in the superintendent and committee SMART goals can provide a guide to scheduling the presentations on student achievement and goals throughout the year. A year-long agenda gives committee members the opportunity to convey questions well in advance of presentations and it gives presenters ample time to prepare. In addition, a year-long agenda can help keep track of annual “administrative” tasks of the committee, such as handbook approvals, public hearings, policy review, superintendent evaluation and budget development. Having a year-long agenda tied to district goals and addressing concerns will remind committee members that their concerns have a place on the agenda at the appropriate time. It also helps ensure that everyone's voice is heard and that all committee members have input into the direction of the committee and the district.

Effective school committees are accountability driven and use data to monitor progress. Often data on student achievement comes to the committee in the form of presentations at school committee meetings. Using goal documents, the chair can work with the superintendent to develop a schedule of academic presentations that inform both the committee and the community about the progress toward the goals

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and about the process of continuous improvement in the district. Presentations can also inform the committee of what future actions may be needed to jump-start or continue progress.

### PROFESSIONAL DEVELOPMENT

Committee members need a certain base of knowledge in order to be effective. This includes a working knowledge of the school district –the organization, the programs and curriculum, the budget, data to monitor progress, and other factors. It also includes a knowledge of the laws and regulations related to education and the work of the committee. Further, it includes keeping current on developments in education and in state and federal legislation that may affect the district. Knowledge of the school district is often gained from presentations at school committee meetings. Other information comes from outside sources, such as MASC. **A chair can help members develop the skills and knowledge they need by mentoring new members, or asking other members to take on the role of mentor.** They can also encourage members to attend conferences and events to build knowledge, such as MASC conferences and training events and MASC Division Meetings. The chair can invite state legislators to meetings to present information on relevant state activities and to help the legislators understand the needs and challenges of the district.

### BETWEEN MEETINGS

Beyond simply running the meetings, the chair has a significant role to play between meetings. Often, this is where the communication and interpersonal skills of the chair come into play. The chair can facilitate communications between members and the superintendent, can assist members in getting information they need to make decisions and can help build relationships, or rebuild them if things go awry. **The ability to ask questions, to listen and to understand communication styles can be invaluable tools to a school committee chair.** In addition, the ability to explain the roles and responsibilities of the committee vs. those of the superintendent and to keep members true to their operating protocols is important.

**The chair often has the responsibility for making sure that information flows to the appropriate parties between meetings.** Information exchange can take different forms and have different levels of urgency. Members may need to be informed of a critical incident in a timely way. The superintendent may need to be informed of parent

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or constituent concerns. The chair can help ensure that member requests for information get to the superintendent and receive a proper response.

Often, the chair has information that the rest of the committee is not privy to. The superintendent may use the chair as a sounding board for potential or upcoming decisions that they are not yet ready to present to the full committee. The superintendent may inform the chair of a developing situation concerning staff or students that is confidential. For example, a superintendent may know that an administrator will be resigning, but doesn't want to let others know until the written resignation is in hand. As with many other aspects of chairing a committee, there are not many hard and fast rules about conveying information. In general, though, respecting confidentiality and avoiding surprises are important. There are times when the chair may be the conduit for communication and times when they are a gatekeeper. Discussions with the full committee about roles and responsibilities, as well as discussions about expectations can help both the chair and superintendent develop a good sense of what information members of the governance team expect and feel is important so they can act accordingly.

Respecting confidentiality and avoiding surprises are important.

### **EFFECTIVE AND EFFICIENT MEETINGS**

It is up to the chair to work with the superintendent on planning meetings that focus on student achievement and goals. But, that's just one part of running an efficient meeting.

Efficient meetings start with a well-planned agenda. A good meeting will include a range of items such as academic presentations, monitoring progress toward goals and administrative matters. A clear agenda will let people know what topics will be considered, the outcome expected for each item and any next steps that will occur. For example, whether an item is a matter for information, for discussion or for a formal vote. Some committees find it helpful to note anticipated times for discussion to help keep the meeting on track.

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Most often, the chair will work with the superintendent to plan the agenda, however, the agenda belongs to the committee. Members may request that items be placed on the agenda. If a chair does not feel the item is appropriate for the requested agenda, they may suggest a better time to address the item based on topics on the year-long agenda, or explain the rationale for keeping it off. The committee can override the chair, by majority vote, to place an item on the agenda.

The Open Meeting Law requires that, when a meeting is posted, a summary of the items that “the chair reasonably anticipates” being discussed be included in the posting. If something new arises after the posting, the summary can be amended; it is not subject to the 48-hour advance notice. If something arises that the chair did not reasonably anticipate, it would not be a violation of the Open Meeting Law to discuss the topic.

Effective school committees have varied and purposeful meetings focused on student achievement. The agenda should reflect this emphasis. Handling routine items through a consent agenda is one way to clear time for meaningful discussion on student achievement related topics.

### MEETING POINTERS

**The chair sets the tone for the meeting.** Most certainly, being well-prepared and well-organized is important. Making sure attendees feel welcome and know what to expect is important as well. Members should have done their homework before the meeting and be prepared to discuss and act upon the items that come before the committee. This will help the meeting flow efficiently. And, while rules are important, the chair should remain flexible enough so that the meeting isn’t too technically managed or doesn’t give the impression that the meeting is more about order than about outcome.

Committees generally have a set of rules they follow to facilitate an effective meeting. Often, this is *Roberts Rules of Order Newly Revised* or some variation. Smaller committees are very often more relaxed in applying *Roberts Rules*, but a set of agreed-upon procedures is necessary for an orderly meeting. At a minimum, the chair should follow the agenda unless there is a good reason to depart from it and enforce the rule that only the speaker recognized by the chair has the floor. In addition, the chair should make certain that everyone who wants the opportunity to speak has the opportunity to do so before others speak again.

In conducting the meeting, there are a few pointers, gathered by MASC in working with school committee chairs, which can be helpful in ensuring a successful meeting:

- Chairs need to be cautious about taking liberties with procedures for themselves. Doing so invites others to do the same.
- The chair can sometimes expedite action by declaring consensus on

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a matter to move the meeting along. For example, the chair can state: "Without objection we will declare the minutes approved; proceed to the next agenda item; take an item out of order; or close public comment." At the same time, a chair should be cautious of declaring unanimity when members truly want to express their opinion and record their votes.

- Similarly, chairs should avoid "dead air time" at meetings. Once people have had a chance to voice their opinion, the chair should move the discussion along rather than allowing the opportunity for repetitious or unnecessary comment.

## PRESENTATIONS

Academic presentations by administrators or district staff are an integral part of school committee business. They help keep the committee and the public informed of the ongoing work of the district. Presentations are also an important tool for the school committee in monitoring the progress of district goals. They can also serve to keep the community apprised of the activities, progress and needs of the schools. Successful presentations provide the committee with the information it needs to evaluate progress toward the district's goals.

**The chair plays a key role in making sure presentations are substantive and make good use of the committee's time.** To expedite and help ensure that presentations are as efficient and informative as possible, the chair might want to share some important guidelines with presenters in advance. Presenters should have clear direction on the information the committee would like to hear and the questions it would like answered so that the committee gets the information it needs to assess progress. Clear guidelines also prevent time being spent providing the committee with information that is not relevant to what they want to hear about. Some committees have developed outlines to give guidance to presenters for meaningful and well-targeted presentations. A sample outline can be found in the Appendix.

The chair can also work with the superintendent to provide members with materials for presentations in advance, most often in the meeting packet. When members can prepare in advance, presenters can use their time to highlight the important materials and allow more time for discussion.

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## PUBLIC PARTICIPATION

Public participation at school committee meetings may take several different forms. It can range from a public comment period at a regular school committee meeting to public hearings to public forums to meetings following a critical event. There are some similarities and some differences in how these various meetings are handled.

No matter the reason for public participation, it is imperative to have clear and consistent procedures in place and shared with the public. This allows the committee to maintain civil discourse even when emotions are high. The procedures should require that people are treated with respect, even when they disagree.

The chair should set a welcoming tone for the meeting and make sure people are aware of the information they need regarding the purpose of the meeting, protocols, time frame and speakers.

The procedures for public participation can be reviewed by the chair at the start of the public comment period. Many committees also find it useful to print the procedures on the meeting agenda. They can also be posted prominently in the meeting room. MASC's guidelines for public comment are in the Appendix.

Even with the procedures posted, it is important that the chair enforce the rules and demand that speakers show common courtesy and decorum. When the rules are applied fairly, everyone feels they can express their views safely and will be more willing to participate. They will also be more willing to accept the ultimate decision of the committee if they feel they have had a chance to be heard.

Some general guidelines include:

- Designate a limited time block for the public comment period. The time can always be extended by the chair.
- Provide a sign-up sheet and call on speakers in the order in which they signed up.
- Set and enforce time limits for speakers. It can be helpful to have a timekeeper to make sure that time limits are equitably enforced.
- Remind speakers that their remarks must address items within the purview of the committee and that comments about staff (other than the superintendent) and students are out of order.
- Ensure that confidentiality is protected. This included confidential information related to students or personnel, health or medical

The public should be aware of whether or not the committee will be responding to comments and questions.

A school committee meeting is a meeting in public, not a public meeting.

information and rumor presented as fact that compromises the privacy rights of stakeholders.

- Invite speakers to express agreement with a previous speaker rather than repeating the same points. This can allow more people the opportunity to address the committee during the allotted time for public comment.
- Remind speakers that all comments must be addressed to the chair. This is a time for the committee to hear from the public, not to engage in dialogue or answer questions. Develop procedures for responding to questions as appropriate.
- Remind the public that only one person has the floor—permission to speak—at any given time. Therefore, clapping, booing, and heckling are out of order. People who disrupt a meeting and refuse to listen to the directions of the chair can be removed from the meeting.

### **PUBLIC COMMENT**

A school committee meeting is a meeting in public, not a public meeting. Therefore, the public can only participate with the permission of the chair. A public comment period as a standing agenda item at a regular business meeting, however, fosters community engagement and can provide the committee with some valuable feedback.

### **PUBLIC HEARINGS**

Public hearings usually deal with a particular subject, often a timely matter of interest. They may be in response to a recent crisis or local issue. Annually, the school committee will also conduct one or more public hearings on the budget. Sometimes, committees host hearings on controversial issues such as school closings, redistricting or other topics that affect many people.

Public hearings often begin with a welcome and introduction, explanation of the purpose of the meeting, protocols and timelines and other information that attendees need to know. **The chair should also explain the time frame for the meeting, who will speak, when public discussion will take place and what present and future outcomes might be.** It may also be appropriate to provide a background or summary of the meeting topic. For example, if the public hearing deals with a proposal to redistrict the schools, the superintendent might explain the planning process, groups involved, information gathered and preliminary actions prior to the meeting.



The chair has a special challenge during these meetings to build credibility for the committee, establish an orderly process for discussion, engage the public and keep the focus on the matter at hand. The chair also has a responsibility to diffuse tension or anxieties. When the topic of a public meeting is controversial or emotionally charged, the chair must often deal not only with the efficiency of the meeting, but also possible misinformation. **Veteran chairs and town meeting moderators advise their colleagues to remain calm at all times and think carefully about how what they say or do may be perceived by the public.** A chair can also help diffuse tension by assuring the public that there will be ample opportunity to participate and by encouraging all to follow the appropriate procedure for speaking and responding.

No matter how large the meeting or how controversial the issue, if a meeting is run fairly, the public generally accepts the rules and guidance of the chair. Even if a decision is made after the meeting, the public is more likely to accept it if the chair is effectively impartial.

### **TECHNOLOGY AND THE OPEN MEETING LAW**

With the advent of technology and the opportunity for instant feedback, especially during remote meetings, some members find that they are being contacted, via text or email, by constituents during a meeting. The constituents may have questions or comments that they wish the member to convey. This is problematic in two ways. First, the members are allowing participation in the meeting without permission of the chair, which is both a violation of the OML and against *Robert's Rules*. In entertaining the comments, the member has allowed the meeting to become a meeting with the public, not in public. And, it is those people privileged to have the contact information of a particular member who have input, which is neither fair nor equitable. Members should understand that this type of communication is off limits.

### **A MINUTE ON MINUTES**

At times, minutes can become a point of contention for school committees. Members may want to make sure their comments are reflected in the minutes, make sure their name appears prominently in the minutes or wish to revise the minutes for various other reasons. The chair, working with the recording secretary, can help diffuse this issue by having a good understanding of what minutes should contain.

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Minutes must include “the date, time and place of the meeting, names of all committee 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.” (MGL Chapter 30A, Section 22) School committee minutes generally also list others present at the meeting including the superintendent and other district faculty and staff members. When members of the public speak during public comment period, their names should be in the record.

Minutes are not, however, a verbatim transcript of the meeting. **The minutes should be a summary that allows a reasonable person to understand what was discussed at a meeting.** If a member wants to make sure that their comments are recorded they should, when speaking at the meeting, state “I would like the record to reflect ...”

### **SUBCOMMITTEES**

School committees can use subcommittees to make more efficient use of their time. The most common subcommittees are Budget; Policy; Buildings and Grounds; Negotiations; and Personnel. Ad hoc subcommittees that address particular issues are often created as well.

Subcommittees can do preliminary work and bring recommendations to the full committee. For example, a Policy subcommittee can work with administrators to write or revise policies and bring the recommended policies to the full committee for adoption. An ad hoc subcommittee on redistricting can hold public forums and gather data to bring back to the full committee with a recommended action.

**Most commonly, the chair appoints members to subcommittees with the approval of the full committee.** This is a way to share leadership among committee members and to effectively engage the strengths and interests of members. The chair should also ensure that the responsibility of each subcommittee is clearly defined as well as the expectation for reporting back to the full committee. MASC’s sample policies regarding subcommittees can be found in the Appendix.

### **LEGAL COUNSEL**

School committees engage legal counsel for a variety of purposes including general education law, collective bargaining, special education, bonding and construction matters and special litigation. Often,

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different lawyers are retained for different purposes. The superintendent will need access to counsel for various confidential personnel matters and other matters that fall under their management. In these instances, there will be information that cannot be shared with the committee. While the superintendent will need access, it is important to remember that the attorney works for and represents the school committee. This means that in matters that may involve the school committee and the superintendent, counsel represents and acts on behalf of the committee.

**Generally, committee access to counsel is through the chair.** Unlimited access to the school committee attorney can result in significant legal expense. For that reason, someone must manage access to the attorney. MASC recommends that school committee members go through the chair before receiving authorization to call the committee's attorney.

### **OPEN MEETING & PUBLIC RECORDS LAWS**

The chair and the superintendent should be familiar with the Open Meeting Law to ensure it is appropriately followed by the committee. The chair can play a key role in helping committee members avoid running afoul of the law.

Everyone on the committee should be aware of the definition of a "deliberation" and avoid deliberating on public business outside of a meeting. Deliberation should occur only when a quorum is present at a properly posted meeting of the committee. The committee should also have a clear understanding of the appropriate use of email for administrative purposes, the dangers of the "reply all" button on email and the pitfalls of serial deliberations. **The committee and superintendent should have developed protocols for email responses to constituents to avoid violating the Open Meeting Law.** (A copy of the open meeting law definition of "deliberation" is included in the Appendix.)

At the beginning of the meeting, the chair should determine if anyone is recording the meeting. Reporters often use a recording device as well as taking notes. Anyone who is recording the meeting should let the chair know that they are doing so. The chair must announce if the meeting is being recorded and/or broadcast.

**The chair should be aware of the reasons for holding an Executive Session and the limitations on the discussions that can occur in**

In matters that may involve the school committee and the superintendent, counsel represents and acts on behalf of the committee.

Everyone on the committee should be aware of the definition of a "deliberation" and avoid deliberating on public business outside of a meeting.

**Executive Session.** The chair must also know the procedure for entering into Executive Session and remember that all votes taken in Executive Session must be roll call votes. A checklist of the reasons for an Executive Session is included in the Appendix.

Periodically, at least annually, the chair and superintendent should review Executive Session minutes. The committee should vote on the release those for which there is no longer a reason to keep the minutes confidential. There are some minutes which should remain confidential even if it seems the business is concluded. For example, even though contract negotiations have been completed, minutes may contain information or strategies that will be relevant in the next negotiation. A committee would not want the union to have this information. There may also be minutes where some information needs to be redacted to protect privacy or minutes that will never be appropriate to release. A hearing involving a student discipline issue would be one such example.

Most often, the secretary for the school committee or superintendent will take responsibility for posting meetings and subcommittee meetings. The chair should also keep the secretary informed of any additional meetings that might arise so that nothing is unintentionally overlooked. Workshops should be posted as open meetings.

### **THE CHAIR AS SPOKESPERSON**

Most often, the chair is the spokesperson for the school committee and represents the committee at certain school events. **In dealing with the media and with the public, it is important to remember that the chair represents the committee and not their own views.** The chair can explain the votes and decisions the committee has made and the rationale behind those votes. They can talk about ongoing committee work, but should be wary of making predictions about outcomes. Some pointers on facing the media are included in the Appendix.

### **FINAL WORDS**

School committees have the responsibility to represent the vision and values of the community as they work toward continuous improvement of student achievement within their district. The chair, the “Servant of the Assembly,” has the responsibility of guiding the committee’s work not a small or a simple task. We hope this guide provides chairs with helpful information as they fulfill their roles. Please feel free to contact MASC for any additional information or resources.

There are some minutes which should remain confidential even if it seems the business is concluded.

# APPENDIX

- What Protocols Cover
- Sample Operating Protocols
  - Governance Rubric
- Guidelines for Staff Reports to the School Committee
  - Policies for Public Comment Period
    - Policies for Subcommittees
  - What Constitutes a Deliberation
  - The Ten Purposes for Executive Session
  - Checklist for Entering Executive Session
- Facing the Media: A Guide to Your Pending Interview
  - Simplified Chart of Parliamentary Procedure



## **District Governance Program**

### **What Protocols Cover**

#### **A Statement of Purpose and Objectives**

We will strive to represent common interests rather than factions. We will make decisions that are best for students in all cases: *all* means *all*.

The Superintendent and the School Committee represent the needs and interests of all students in the District and place the students' interests above all others in decision-making, while remaining within the limitations of a voter-approved budget.

Establish a vision, create policies and assure accountability to sustain continuous improvement in teaching and learning.

The School Committee will exercise leadership in vision, planning, policy-making, budget, communication and advocacy on behalf of its students.

#### **Conduct of Business (Communications and Operations)**

The committee will conduct its business through a set agenda. Emerging items will be addressed in subsequent meetings through agenda items.

We acknowledge that a School Committee meeting is a meeting that is held in public, not a public meeting. We will make every effort to ensure that the Committee meetings are effective and efficient.

We will base our decisions upon available facts, vote our convictions, avoid bias, and uphold and support the decisions of the majority of the School Committee once a decision is made.

Recognize the importance of proactive communication and agree that there will be no surprises for the Committee or the Superintendent.

Recognize that authority rests only with majority decisions of the Committee and make no independent commitments or take any independent actions that may compromise the Committee as a whole.

We will recognize a single official "voice" of the committee.

## **Scope of Responsibilities**

It is the responsibility of the Superintendent to oversee the hiring, evaluation and management of personnel issues; it is the responsibility of the Committee to evaluate the Superintendent's effectiveness in these matters.

Refer any important questions or concerns received from members of the community to the Superintendent. The Superintendent, not any School Committee member, has the authority to investigate. It is not the role of the school committee or any of its members to resolve issues.

The superintendent will manage day-to-day operations of the district while the school committee exercises leadership, vision, policy-making and advocacy on behalf of students.

Channel requests for information thorough the superintendent or the school committee chair and not directly to staff. The superintendent will ensure that each member has equal access to this information.

## **Standards of Conduct**

Respect the leadership role of the Committee Chair and superintendent.

Maintain trust and mutual respect between and among committee members, the superintendent and administration by treating everyone with dignity and respect, even in times of disagreement.

The Committee will debate the issues, not one another.

We will build trusting relationships.

The School Committee and Superintendent recognize the importance of proactive communication and agree that there will be no surprises. If school committee members or the superintendent have any questions or concerns, they will contact the other as soon as possible.

The School Committee will encourage debate and differing points of view, speak with care and respect, maintain confidentiality and respect Open Meeting Law. We encourage and value each member's free expression of opinions, concerns and ideas while maintaining an open mind to other ideas.

## **Staying on Track**

We will model continuous learning in our roles as members of the governance team.

We recognize the importance of honoring our agreed upon protocols and we agree to take responsibility for reminding one another when we get off track.

The School Committee will review and revise the protocols as needed as part of the committee's self-reflection and self-evaluation every year.

## CONCORD SCHOOL COMMITTEE CONCORD-CARLISLE SCHOOL COMMITTEE SCHOOL COMMITTEE OPERATING PROTOCOLS

To enhance teamwork among members of the School Committees and between the School Committees and the Administration, we, the members of the Concord and ConcordCarlisle School Committees, do hereby publicly commit ourselves collectively and individually to the following operating protocols that offer further guidance to the Concord and Concord Carlisle School Committee approved policies.

- The Superintendent and the School Committee represent the needs and interests of ALL students in the District.
- It is the responsibility of the School Committee to set a positive tone for the entire District and make every effort to promote a positive image for the school systems.
- School Committee members will attend meetings well prepared to discuss issues on the Agenda, striving for efficient decision making. School Committee members will respectfully use technology during the meeting only to access meeting information.
- The Superintendent will manage day-to-day operations of the District while the School Committee exercises leadership, vision, policy-making, and advocacy on behalf of the students.
- School Committee members will channel requests for information, reports, and data through the Superintendent, rather than directly to staff.
- The Superintendent and the School Committee will strive to avoid surprises. If the School Committee or the Superintendent has any questions or concerns, they will contact the other as soon as possible.
- A School Committee member's authority is derived only through a majority decision of the Committee.
- The School Committee will encourage debate and differing points of view, speak with care and respect, maintain confidentiality, and respect Open Meeting Law. We encourage and value each member's free expression of opinions, concerns, and ideas while maintaining an open mind to other ideas.
- Once the School Committee has taken action, School Committee members will support the official position of the School Committee. We will lead by example and work to build trust.
- The School Committee Chairs (or their designees) will represent the School Committee to the media.

- We acknowledge that School Committee meetings are business meetings that are held in a public setting.
- The School Committees will review and revise the School Committee protocols as needed as part of the committees' self-reflection and self-evaluation each year.



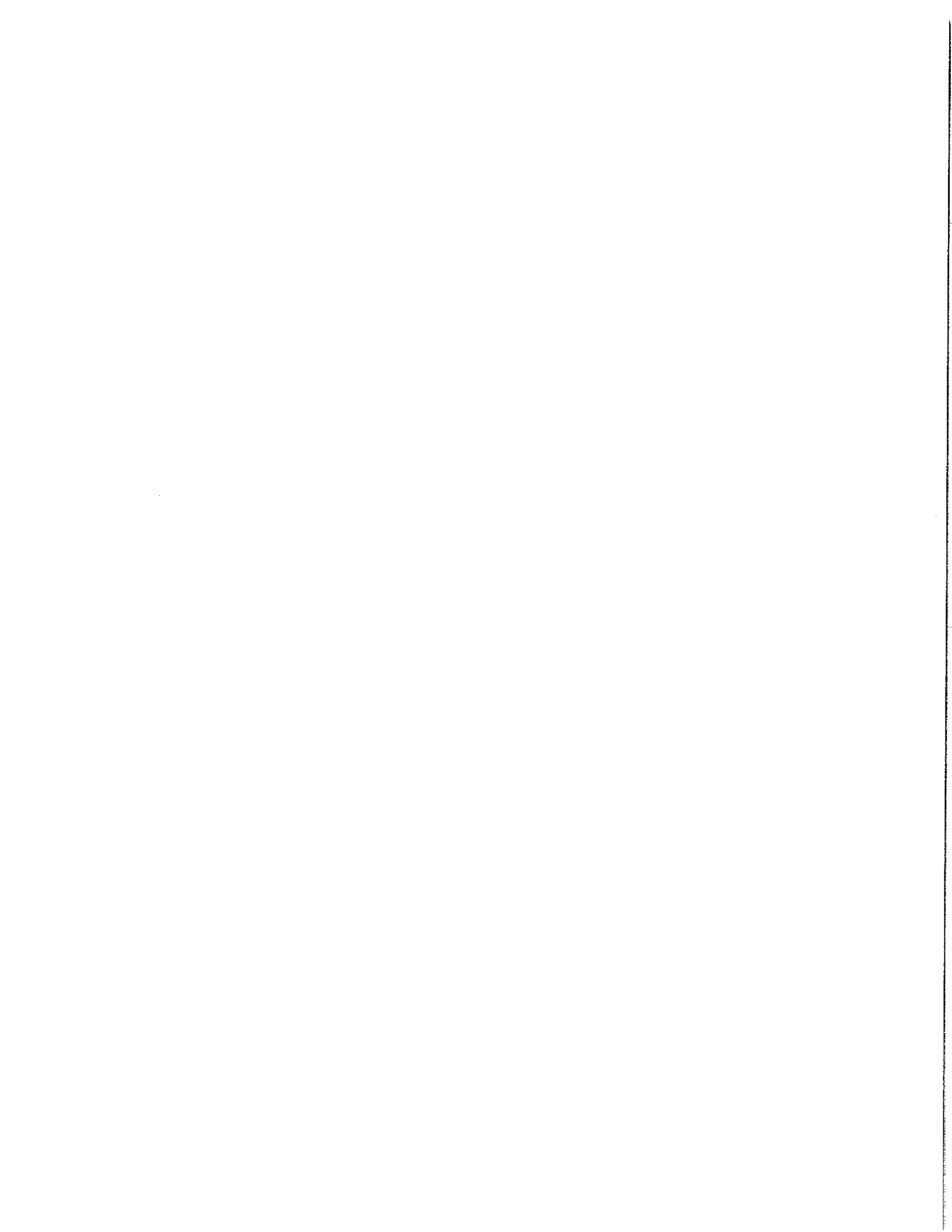
## SUDBURY PUBLIC SCHOOLS

### School Committee Protocols

For the purpose of effective governance and enhancing teamwork among members of the School Committee and between members of the administration, the Sudbury School Committee adopts the following operating principles:

The School Committee will:

1. Represent the needs and interests of **all** students in the District and place their interests above all others in the decisions we make.
2. Exercise leadership in vision, planning, policy making, budget, communication, and advocacy on behalf of the students and District and evaluate the effectiveness of the Superintendent. It is the Superintendent's responsibility to manage the day-to-day operations of the District and to oversee personnel issues.
3. Conduct business through a set agenda. Emerging items will be addressed in subsequent meetings through agenda items.
4. Base our decisions upon available facts, vote our convictions, avoid bias, and uphold and support the decisions of the majority of the School Committee once a decision is made.
5. Acknowledge that a School Committee meeting is a meeting that is held in public, not a public meeting, and make every effort to ensure that the Committee meetings are effective and efficient. We welcome community members to attend our meetings and participate during public comment.
6. Maintain an open environment where each member is empowered to freely express opinions, concerns, and ideas. Keep an open mind and accept that members can change their opinions.
7. We will respect staff and fellow board members at all times. Treat everyone with dignity and respect, even in times of disagreement.
8. Refer any important questions or concerns received from members of the community to the Superintendent. The Superintendent, not any School Committee member, has the authority to investigate. The Superintendent shall provide their response to Committee members. It is not the role of the School Committee or any of its members to resolve issues.
9. Recognize the importance of proactive communication and agree that there will be no surprises for the Committee or the Superintendent. If School Committee members have questions or concerns, they agree to contact the Superintendent as well in advance of a meeting as practical.
10. Channel requests for information through the Superintendent or the School Committee chair and not directly to staff. The Superintendent will ensure that each member has equal access to this information.
11. The School Committee Chair and/or their liaison/designee and the Superintendent will represent the positions of the School Committee to the media or other public bodies.
12. Maintain confidentiality of Executive Session.



## Melrose School Committee/Superintendent Operating Protocols: 2016

As elected members of the Melrose School Committee, we, including the Superintendent, accept the high honor and trust that has been placed in us to ensure that the students of the district receive the best education possible. In accepting this role, we hold the pursuit of that goal as our sacred duty. To that end, we hereby commit to the following in the conduct of our business. We will:

### Support the educational welfare and well being of all students

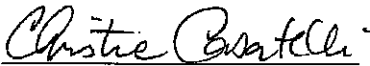
- Establish a vision, create policies, and assure accountability to sustain continuous improvement in teaching and learning, leaving the day-to-day operations to the Superintendent and staff.
- Represent the needs, interests, and achievement of all students in the district and place these above all else in the decisions we make.
- Clearly define success and accountability for the Committee, Superintendent, staff, and students.

### Demonstrate professional and collegial relations with one another

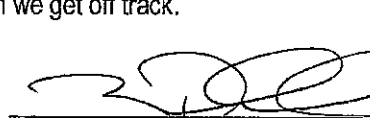



- Maintain trust and mutual respect between and among Committee members, the Superintendent, and the administration by treating everyone with dignity and respect, even in times of disagreement.
- Base our decisions on available facts, vote our convictions, avoid bias, and uphold and support the decisions of the majority of the Committee once a decision is made.
- Recognize that authority rests only with majority decisions of the Committee and make no independent commitments or take any independent actions that may compromise the Committee as a whole.
- Agree that our positions will not be used for personal or partisan gain.
- Acknowledge that a Committee meeting is a business meeting held in public – not a public meeting. We will make every effort to ensure that meetings are effective and efficient.
- Respect the leadership roles of the Committee Chair and Superintendent.

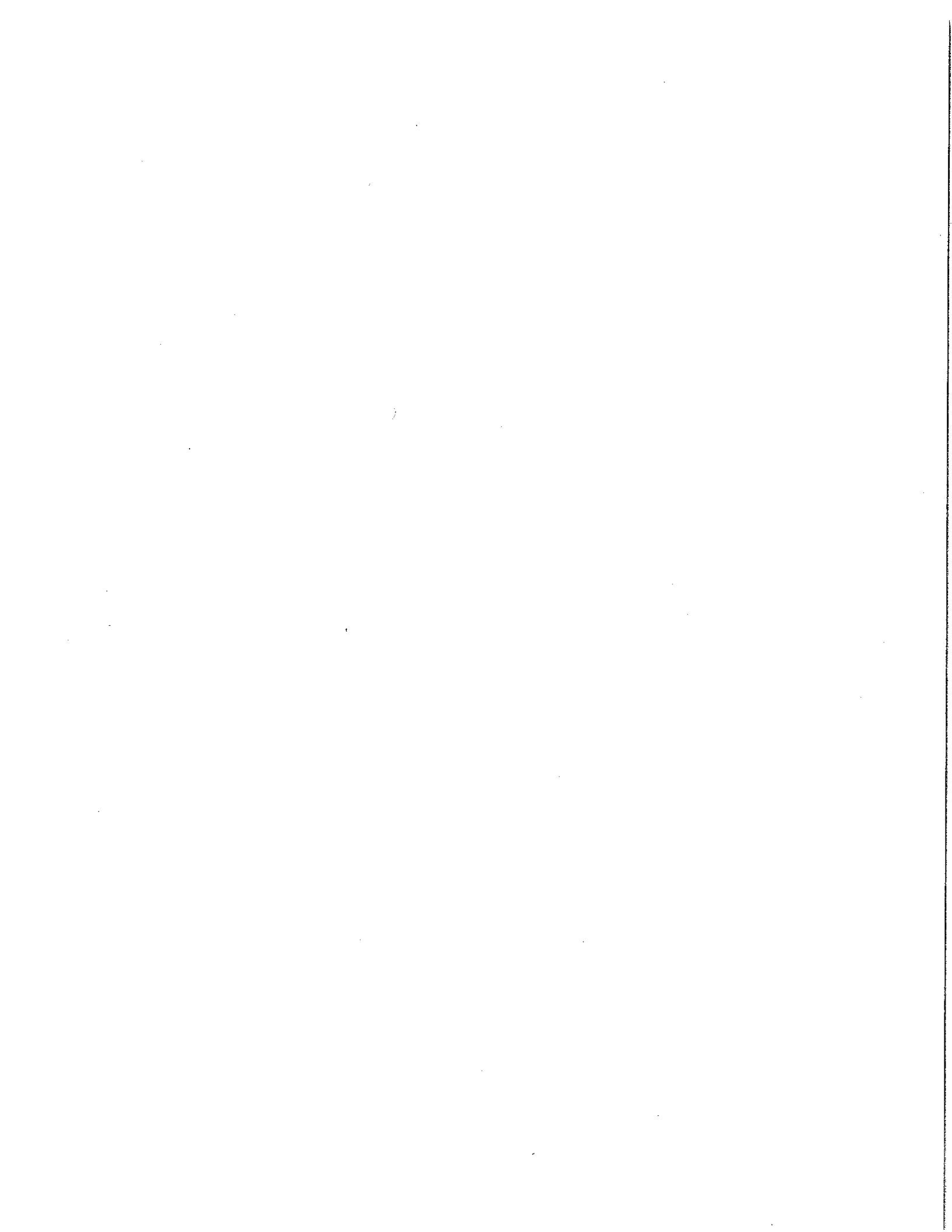
### Dedicate ourselves to establishing and maintaining effective communication

- Channel requests for information, reports, and data through the Superintendent and the Chair rather than directly to staff. The Superintendent will ensure that each member has equal access to this information in a timely manner. Share information to the extent possible.
- Recognize the importance of proactive communication and agree that there will be no surprises. If Committee members have questions or concerns, they agree to contact the Superintendent well in advance of a meeting.
- Maintain the confidentiality of privileged information and respect the Open Meeting Law.
- Refer constituent concerns and complaints to the appropriate person within the district chain of communication.
- Recognize the importance of working collaboratively with city officials to improve our schools and actively seek ways to enlist their support for our efforts.
- Recognize the importance of honoring our norms and beliefs and agree to take responsibility for respectfully reminding one another when we get off track.



Christine Casatelli

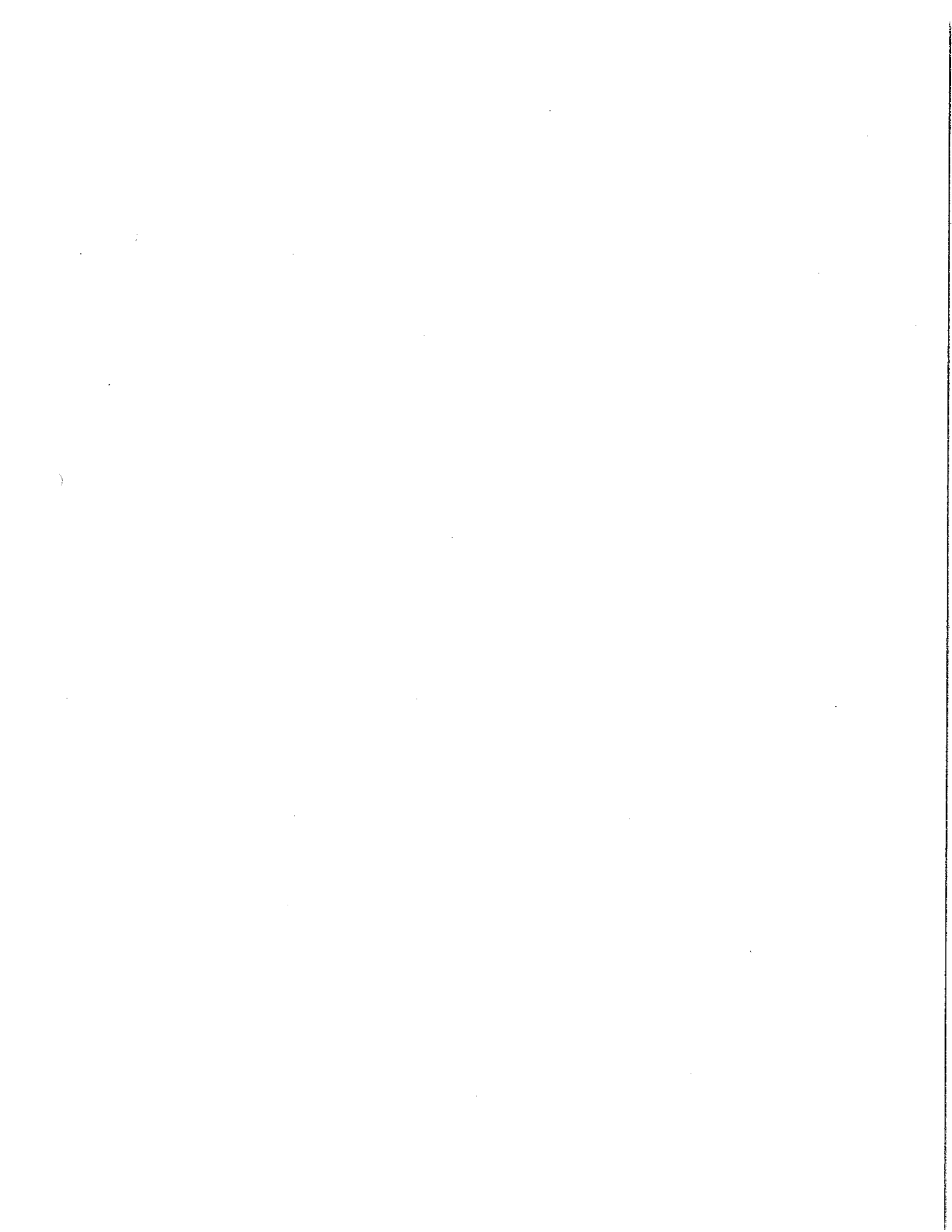
  
Lizbeth DeSelm  
Mayor Robert Dolan  
Margaret Driscoll  
Jessica Dugan  
Jaime McAllister-Grande  
Edward O'Connell



## Governance Rubric for Continuous Improvement

	1	2	3	4
Operating Protocols	Individual members and the SUP communicate separately based on personal relationships and prior traditions. Some members may feel left out; or speak negatively in public about each members and the board's decisions.	Because of some tension on the board, the superintendent and some members of the SC have talked about making some rules for working together, but they may not be written down and have not come to a vote.	The SUP and the SC Chair have developed some guidelines for how the SC and SUP will work and communicate with each other and with the public. Not all members follow them, however, and this sometimes causes problems.	The SC and the SUP have agreed to, and put in writing, operating protocols for the board and they are followed most of the time. Periodically, the SC and SUP come together to talk about how they are working and to make adjustments. Problems are addressed in private conversations or in informal workshops or retreats. The level of trust between members and the superintendent is high.
Goals	The district has no strategic plan with long range and annual goals for improving student outcomes.	The SUP and the SC have agreed on a strategic plan and goals for the district but they are not discussed that often. The goals may not have been voted on by the full board.	The SC and SUP have agreed, and voted on a strategic plan and goals and they are posted on the website. Once a year they are used by the SC to evaluate the SUP	The SC and SUP have agreed on a strategic plan and goals for the district. The goals are a frequent topic of discussion in the school community, and at SC meetings, where they often drive budget decisions and other policies. Goals throughout the district are aligned with the strategic plan.
Meetings	Meetings are not well planned, are long and sometimes contentious. Very little time is spent talking about student achievement. Members feel free to bring up new proposals at meetings, surprising other members and the SUP. Some members dominate and meetings often get "stuck" due to personal agendas.	In general, the SUP and SC Chair set the agenda and surprises are kept to a minimum. However, when there is a major improvement initiative, meetings can be long and contentious. Engaging the community in the decision, while desired, is not typical.	The SUP and SC have an agreement on how the agenda will be set, and student outcomes are often discussed. The SUP will schedule a special meeting if he/she needs to discuss a major initiative in advance of a major decision.	Meeting agendas are set well in advance and often feature a presentation related to the school district's improvement agenda. Difficult decisions are often discussed in informal meetings (workshops) well before votes. The SC and SUP work together to include the community in major decisions, and make use of task forces, advisory committees and other joint committees to explore options.
Monitoring	The SC is only aware of the district's progress in student outcomes when the SUP informs them. The data that is presented is limited or random and there is no clarity about which data or measures should be a priority.	The SC and the SUP review state test scores once a year as well as data that individual members may be interested in, but there is little sense how these numbers connect to district improvement initiatives and the SC has few means for holding the SUP accountable for student outcomes.	The SC and SUP periodically review student outcome data when working on the budget or at evaluation time. There is general agreement on what data is important to track.	The SC and SUP have agreed on a set of measures to judge the success of the superintendent's strategy and other goals the community has for its students. These are made easily assessable in a "data dashboard" or similar means, and meeting agendas are planned to periodically review data and to discuss progress. When the time comes to evaluate the SUP, the SC has a clear sense on what has been accomplished and what has not; and why.
Community Engagement	Decisions are made in a vacuum. There is no public comment period, public engagement or other opportunity for the community members and stakeholders to engage the SC. There is little or no interest in feedback from others.	The SC has authorized strategies for feedback, including public forums, public comment periods and district climate surveys. Policies on public input are clear and accessible.	The SC uses feedback to inform budget, policy and planning. Regularly avenues for communication are scheduled, promoted and conducted in a way to encourage public input and follow-up, especially around big decisions.	The community expects and appreciates that the SC will engage stakeholders and other citizens in discussion and in search of feedback to make important decisions. There is a communication plan or policy and the district enjoys a positive image in the community.

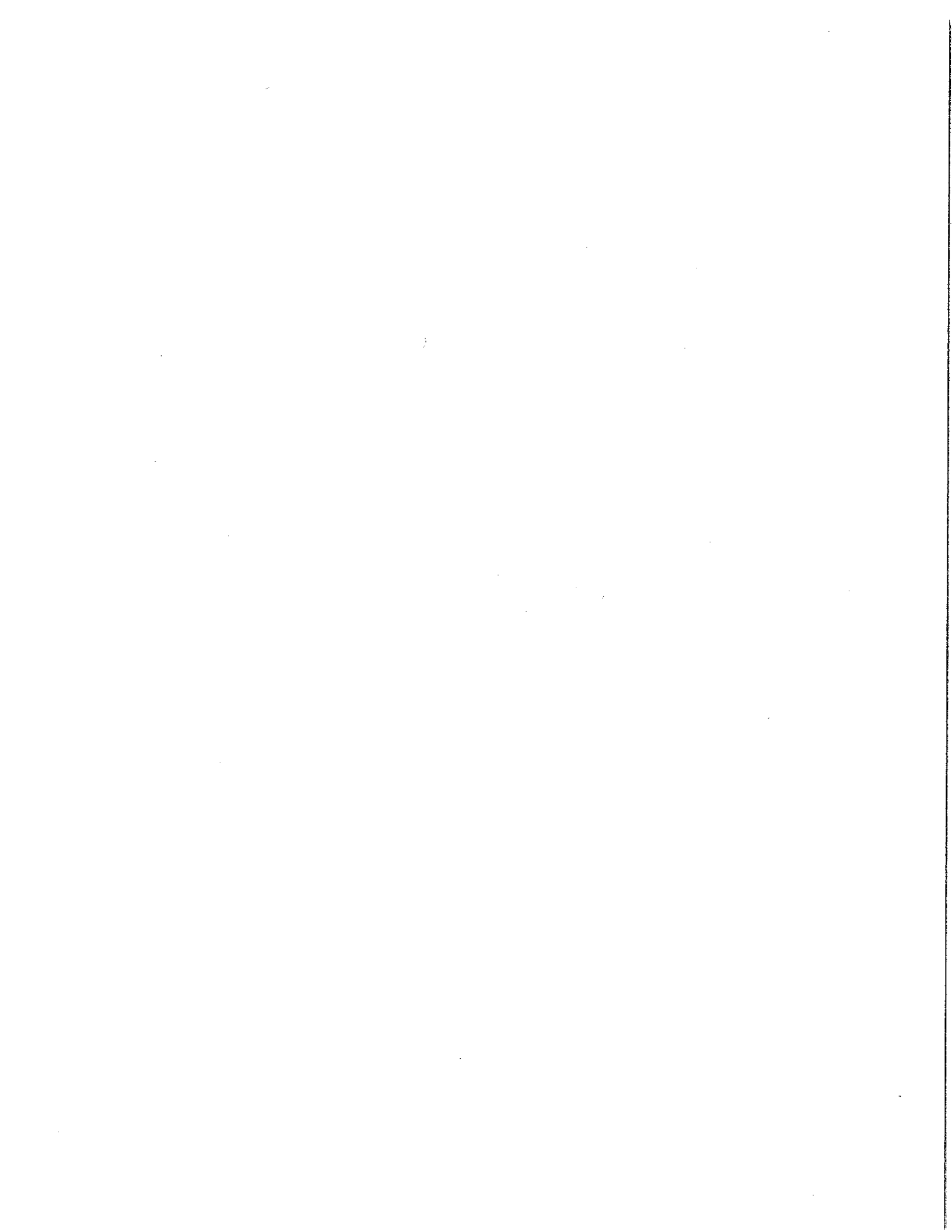
Source: District Governance Support Project, Massachusetts Association of School Committee



## Presentation Format: Norfolk, VA

### Staff Reports to the School Committee

- 1. Define the issue or question.** What is the key question we are seeking answers for? What is the core problem we are trying to solve? How does it relate to our four targets or performance measures?
- 2. Provide brief overview/background information.** What are our current practices in this area? What is working? What are the challenges? Are there deadlines involved?
- 3. Provide recommendations.** What must change? What alternatives are there? Can we engage in a partnership to help solve the problem or achieve a goal?
- 4. Provide budget implications.** How much will this change cost or save? How can we demonstrate that this action is an effective use of resources?
- 5. Provide a statement of impact.** How will this action improve student achievement/student behavior? How will it impact our climate/culture? How will it help us "move the needle" toward becoming world-class?
- 6. Identify potential policy implications.** Do we need to add, change or remove policies to take this action?





## **PUBLIC COMMENT AT SCHOOL COMMITTEE MEETINGS**

All regular and special meetings of the School Committee shall be open to the public. Executive sessions will be held only as prescribed by the Statutes of the Commonwealth of Massachusetts.

The School Committee desires individuals to attend its meetings so that they may become better acquainted with the operations and the programs of our local public schools. In addition, the Committee would like the opportunity to hear public comment.

Public comment is not a discussion, debate, or dialogue between individuals and the School Committee. It is an individual's opportunity to express an opinion on issues within the School Committee's authority.

To ensure the ability of the School Committee to conduct the District's business in an orderly manner, the following rules and procedures are adopted:

1. At the start of each regularly scheduled School Committee meeting, individuals will sign in for an opportunity to speak during public comment. The public comment segment shall not exceed 15 minutes. All speakers are encouraged to present their remarks in a respectful manner
2. Speakers will be allowed up to three (3) minutes to present their material and must begin their comments by stating their name and city/town. The presiding Chair may permit extension of this time limit, in extenuating circumstances.
3. Topics for discussion should be limited to those items within the School Committee's scope of authority. The authority of the School Committee primarily concerns the review and approval of the budget of the district's public schools, the performance of the Superintendent, and the educational goals and policies of the district's public schools. Comments and complaints regarding school personnel (apart from the Superintendent) or students are generally prohibited unless those comments and complaints concern matters within the scope of School Committee authority.
4. The Chair of the meeting, after a warning, reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats that are likely to provoke a violent reaction and cause a breach of the peace, or incitement to imminent lawless conduct, or contains obscenities.
5. Written comments longer than three (3) minutes may be presented to the presiding Chair before or after the meeting. All remarks will be addressed through the Chair of the meeting. Comments made during the public comment portion of the meeting do not necessarily reflect the views or positions of the \_\_\_\_\_ School Committee.
6. Sign up instructions will be provided for those who wish to participate in Public Comment.

LEGAL REFS.: M.G.L. 30A: 18-25

CROSS REFS: BE, SCHOOL COMMITTEE MEETINGS  
BEC, EXECUTIVE SESSIONS  
BEDA, NOTIFICATION OF SCHOOL COMMITTEE MEETINGS

SOURCE: MASC  
Revised January 2020

## SUBCOMMITTEES OF THE SCHOOL COMMITTEE

The School Committee shall appoint members to subcommittees at their annual organizational meeting for a period of one year. These subcommittees may be created for a specific purpose and to make recommendations for Committee action.

1. The subcommittee will be established through action of the Committee.
2. The Committee Chair, subject to approval by the Committee, will appoint the subcommittee chair and its members.
3. The subcommittee will be provided with a list of its functions and duties.
4. The subcommittee may make recommendations for Committee action, but it may not act for the School Committee.
5. All subcommittees of the School Committee are subject to the provisions of the Open Meeting Law.

SOURCE: MASC

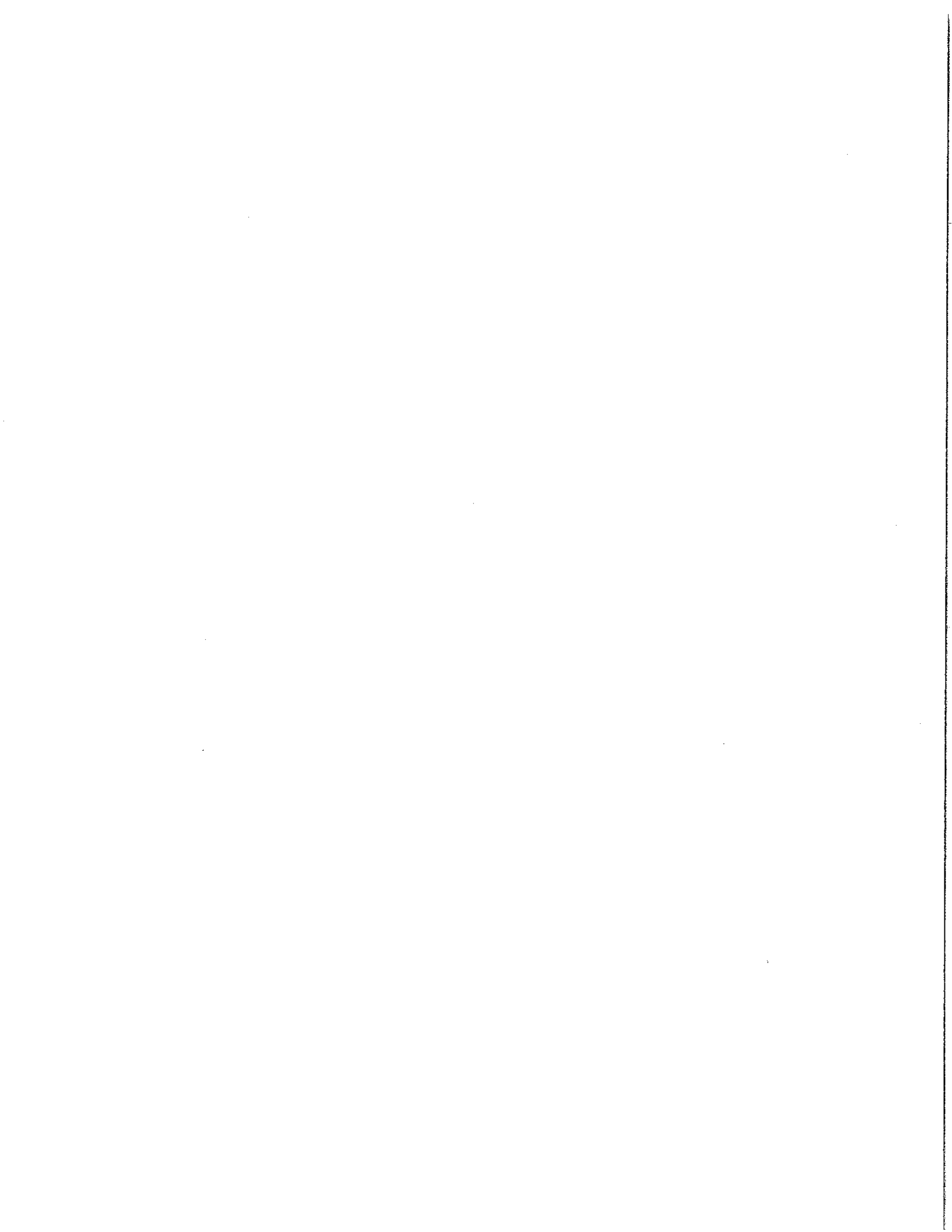
LEGAL REF.: M.G.L. 30A:18-25

CROSS REF.: BEC, Executive Sessions

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

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

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



## **ADVISORY COMMITTEES TO THE SCHOOL COMMITTEE**

The following general policies will govern the appointment and functioning of advisory committees to the School Committee other than the student advisory committee, which is governed by the terms of the Massachusetts General Laws.

1. Advisory committees may be created by the School Committee to serve as task forces for special purposes or to provide continuing consultation in a particular area of activity. However, there will be no standing overall advisory committee to the School Committee.
2. If an advisory committee is required by state or federal law, its composition and appointment will meet all the guidelines established for that particular type of committee.
3. The composition of task forces and any other advisory committees will be broadly representative and take into consideration the specific tasks assigned to the committee. Members of the professional staff may be appointed to the committee as members or consultants, as found desirable.
4. Appointments to such committees will be made by the Committee; appointment of staff members to such committees will be made by the School Committee upon recommendation of the Superintendent.
5. Tenure of committee members will be one year only unless the member is reappointed.
6. Each committee will be clearly instructed as to:
  - a. The length of time each member is being asked to serve.
  - b. The assignment the School Committee wishes the committee to fulfill and the extent and limitations of its responsibilities.
  - c. The resources the School Committee will provide.
  - d. The approximate dates on which the School Committee wishes to receive major reports.
  - e. School Committee policies governing citizens, committees and the relationship of these committees to the School Committee as a whole, individual School Committee members, the Superintendent, and other members of the professional staff.
  - f. Responsibilities for the release of information to the press.
7. Recommendations of committees will be based upon research and fact.
8. The School Committee possesses certain legal powers and prerogatives that cannot be delegated or surrendered to others. Therefore, all recommendations of an advisory committee must be submitted to the School Committee.

9. Advisory committees created under this policy are subject to the provisions of the Open Meeting Law.

The Committee will have the sole power to dissolve any of its advisory committees and will reserve the right to exercise this power at any time during the life of any committee.

SOURCE: MASC

LEGAL REF.: M.G.L. 30A:18-25

CROSS REF.: JIB, Student Involvement in Decision-making

**NOTE: This category is for filing a general policy on advisory committees made up entirely or largely of non-school personnel. Supporting regulations may be needed.**

**If there is a general staff advisory committee for making all types of recommendations to the School Committee, statements about the advisory committee would be filed in ABB (Also GBB), Staff Involvement in Decision making. However, statements about staff committees that function in special areas, or groups composed only of administrators, are better filed elsewhere and cross referenced from here or from ABB, as appropriate.**

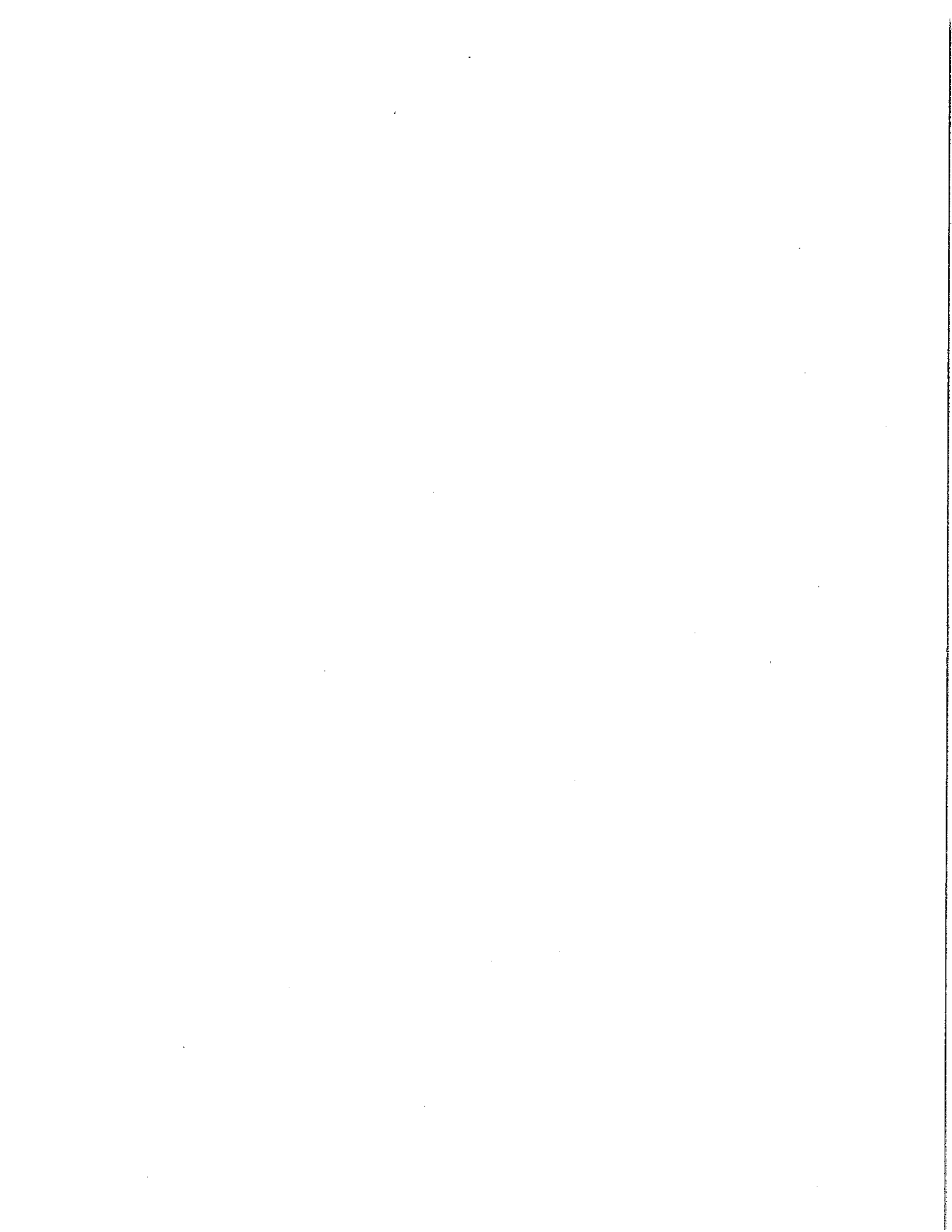
**The cross reference on the above policy is to a closely related topic, which pertains to the student advisory committee required by law.**

## **What constitutes a deliberation?**

The Open Meeting Law defines deliberation as "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." Distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting is often helpful to public body members when preparing for upcoming meetings and will generally not constitute deliberation, provided that when these materials are distributed no member of the public body expresses an opinion on matters within the body's jurisdiction.

To be a deliberation, the communication must involve a quorum of the public body. A quorum is usually a simple majority of the members of a public body. Thus, a communication among fewer than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that together constitute communication among a quorum of members. Courts have held that the Open Meeting Law applies when members of a public body communicate in a manner that seeks to evade the application of the law. Thus, in some circumstances, communications between two members of a public body, when taken together with other communications, may be a deliberation. Note also that the expression of an opinion on matters within the body's jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds.

[www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).





## The Ten Purposes for Executive Session

The law states ten specific Purposes for which an executive session may be held, and emphasizes that these are the only purposes for which a public body may enter executive session.

The ten Purposes for which a public body may vote to hold an executive session are:

**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.**

This Purpose is designed to protect the rights and reputation of individuals. Nevertheless, it appears that where a public body is discussing an employee evaluation, considering applicants for a position, or discussing the qualifications of any individual, these discussions should be held in open session to the extent that the discussion deals with issues other than the reputation, character, health, or any complaints or charges against the individual. An executive session called for this Purpose triggers certain rights on the part of an individual who is the subject of the discussion. The individual's right to choose to have this discussion in an open meeting takes precedence over the right of the public body to go into executive session.

While the imposition of disciplinary sanctions by a public body on an individual fits within this Purpose, this Purpose does not apply if, for example, the public body is deciding whether to lay off a large number of employees because of budgetary constraints.

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

**Collective Bargaining Sessions:** These include not only the bargaining sessions, but also include grievance hearings that are required by a collective bargaining agreement.

While a public body may agree on terms with individual non-union personnel in executive session, the final vote to execute such agreements must be taken by the public body in open session. In contrast, a public body may approve final terms and execute a collective bargaining agreement with a union in executive session, but should promptly disclose the agreement in open session following its execution.

**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;**

**Collective Bargaining Strategy:** Discussions with respect to collective bargaining strategy include discussion of proposals for wage and benefit packages or working conditions for union employees. The public body, if challenged, has the burden of proving that an open meeting might have a detrimental effect on its bargaining position. The showing that must be made is that an open discussion *may* have a

detrimental effect on the collective bargaining process; the body is not required to demonstrate or specify a definite harm that would have arisen. At the time the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's bargaining or litigating position.

**Litigation Strategy:** Discussions concerning strategy with respect to ongoing litigation obviously fit within this Purpose, but only if an open meeting may have a detrimental effect on the litigating position of the public body. Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely. That a person is represented by counsel and supports a position adverse to the public body's does not by itself mean that litigation is imminently threatened or likely. Nor does the fact that a newspaper reports a party has threatened to sue necessarily mean imminent litigation.

**Note:** A public body's discussions with its counsel do not automatically fall under this or any other Purpose for holding an executive session.

**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;**

This Purpose permits an executive session to investigate charges of criminal misconduct and to consider the filing of criminal complaints. Thus, it primarily involves discussions that would precede the formal criminal process in court. Purpose 1 is related, in that it permits an executive session to discuss certain complaints or charges, which may include criminal complaints or charges, but only those that have already been brought. Also, unlike Purpose 5, Purpose 1 confers certain rights of participation on the individual involved, as well as the right for the individual to insist that the discussion occur in open session. To the limited extent that there is overlap between Purposes 1 and 5, a public body has discretion to choose which Purpose to invoke when going into executive session.

**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;**

Under this Purpose, as with the collective bargaining and litigation Purpose, an executive session may only be held where an open meeting may have a detrimental impact on the body's negotiating position with a third party. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's negotiating position.

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

There may be provisions in state statutes or federal grants that require or specifically allow a public body to consider a particular issue in a closed session. Before entering executive session under this purpose, the public body must cite the specific law or federal grant-in-aid requirement that necessitates confidentiality.

**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;**

This Purpose permits a hiring subcommittee of a public body or a preliminary screening committee to conduct the initial screening process in executive session. This Purpose does not apply to any stage in the hiring process after the screening committee or subcommittee votes to recommend candidates to its parent body, however it may include multiple rounds of interviews by the screening committee aimed at narrowing the group of applicants down to finalists. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session will be detrimental to the public body's ability to attract qualified applicants for the position. If the public body opts to convene a preliminary screening committee, the committee must contain fewer than a quorum of the members of the parent public body. The committee may also contain members who are not members of the parent public body.

Note that a public body is not required to create a preliminary screening committee to consider or interview applicants. However, if the body chooses to conduct the review of applicants itself, it may not do so in executive session.

**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.

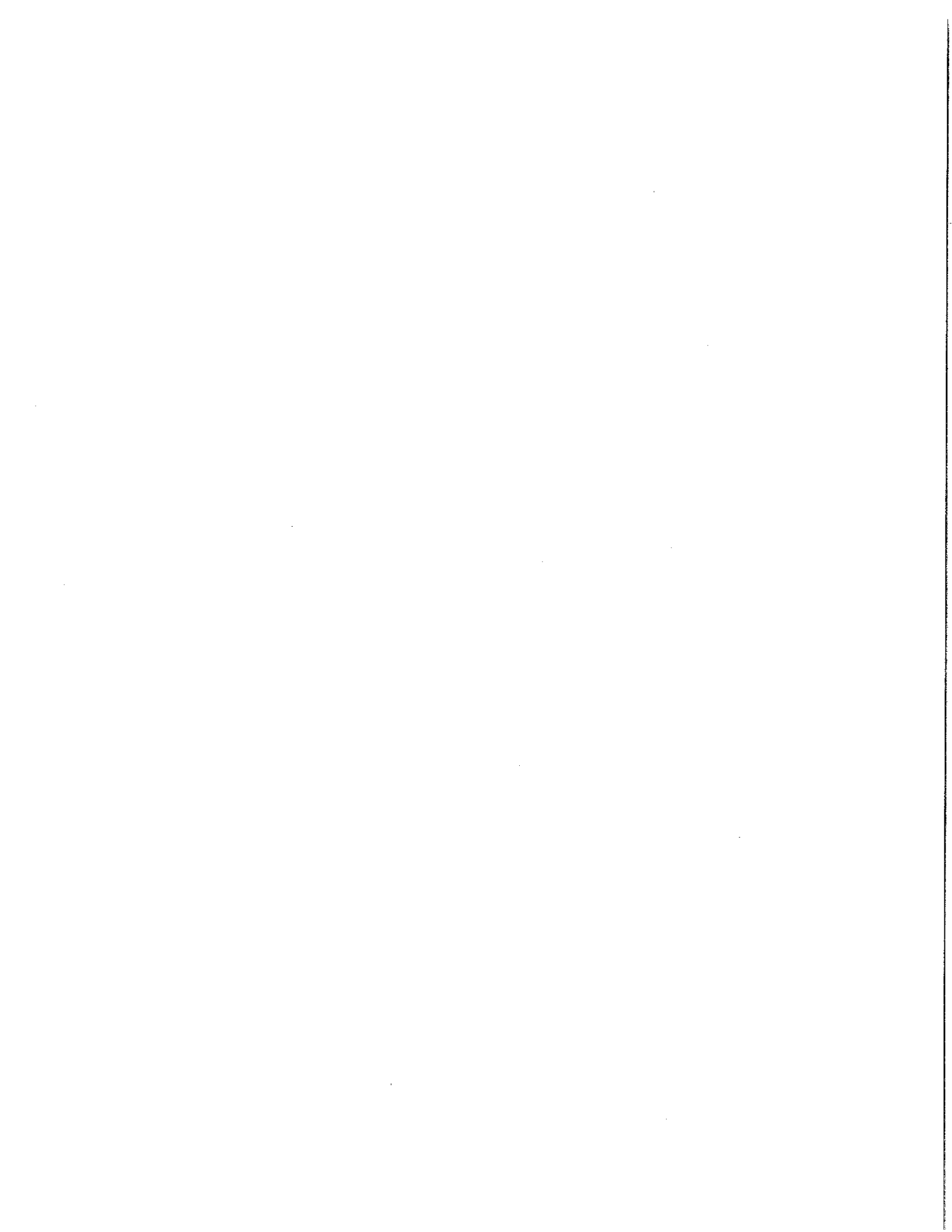
**10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information that has been provided under the following circumstances:**

a. 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 G.L. c. 164 § 1F;

b. in the course of activities conducted as a municipal aggregator under G.L. c. 164 § 134; or

c. in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to G.L. c. 164 § 136; and

d. 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.

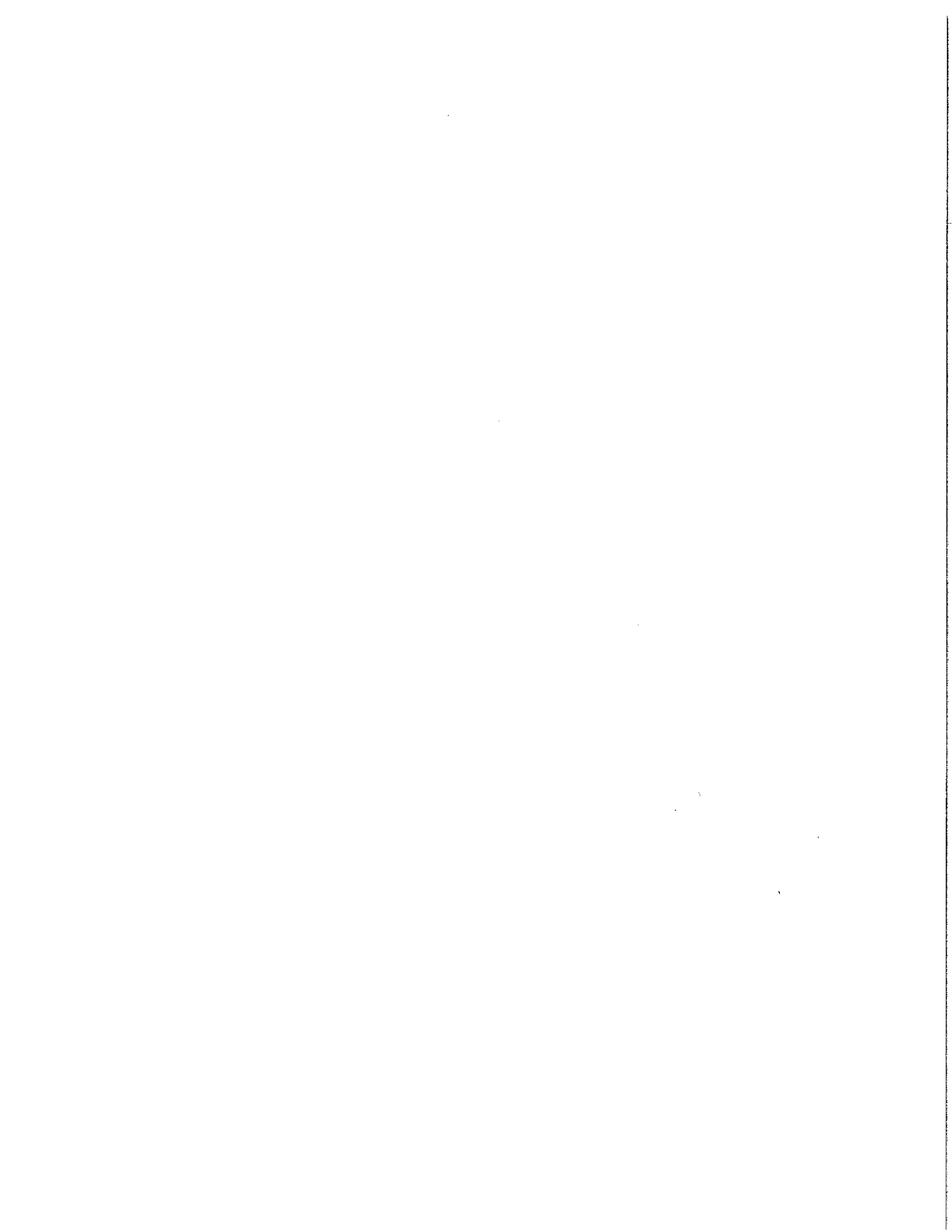


## **Public Body Checklist for Creating and Approving Meeting Minutes**

Issued by the Attorney General's Division of Open Government – March 12, 2013

- Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely, and their reason(s) under 940 CMR 29.10(5) for remote participation. 940 CMR 29.10(7)(b).
- If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). Generally, this should occur at the next meeting of the public body.

**Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). For more information on the Open Meeting Law, please visit [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).**



### III. FACING THE MEDIA: A GUIDE TO YOUR PENDING INTERVIEW

#### BEFORE YOUR INTERVIEW

##### **Embed in your brain:**

*"Don't get into a fight with anyone who buys ink by the barrel"*

*"Avoid a mud slinging contest with a pig. You both end up a mess, but the pig likes it."*

1. Know your message. Remember why this interview is important and know your content and goals for the interview.
2. Do your homework. Know your stuff. Make sure you are comfortable with your talking points, background information, issue content, and knotty problems.
3. Make sure this interviewer is credible. Is this a real newspaper, internet or broadcast media reporter with access to a publication, credible site, broadcast outlet, or wire service? How wide an audience will see, hear, or read your comments?
4. Know something about who is going to interview you. Have you ever interviewed with this person before? Does this person know you or the issues? Does this person have a reputation for fairness or surprises, accuracy or careless with the facts, or careful vs. sloppy work?
5. When you meet with or first speak to the interviewer, address them by name; cite your familiarity with their work if you know it.
6. Know the rules of the interview and how your interview might be used. For example, will you air live? Are there topics that are not to be discussed? Is the interview focused only on one or more specific points?
7. ALWAYS remain courteous and calm. You are not the interviewer's boss - so do not try to give orders to the interviewer. You may not like the consequences.
8. If you are not the appropriate person for an interview, direct the interviewer to another source who is more appropriate. Sometimes, interviewers will seek out inexperienced people who will make mistakes and say things that make for a better story even if it damages the interviewees or their organizations.
9. If you have time, practice the answers you want to give. Take a walk and respond out loud to various questions; anticipate difficult questions; ask colleagues to help work out responses to difficult questions that you will not want to take but must.
10. Remember that the interviewer probably knows a lot less than you do about the subject and will be looking to you to educate not only the audience, but the interviewer.

## DURING YOUR INTERVIEW

1. Take advantage of any opportunity to repeat your message and present your issues the way you want to do.
2. Don't necessarily wait for an opportunity to present your message - lead the discussion in the direction you want it to go. Use the interviewer's questions to build a track to your key points.
3. Listen closely to the questions you are asked.
4. Be clear and concise, confident and comfortable.
5. Be particularly careful choosing your words, especially at first. Listeners will pay more attention to the first part of your answer before deciding whether to continue to pay attention to you.
6. Remember that your audience is not the interviewer but the reader, listener, or viewer. They do not know the issues, terms, lingo, or insider language that you do.
7. Remember that your attitude is just as important as the content of your answer. Remain positive and confident.
8. When you've made your point, stop talking.
9. If you don't know the answer, say so. **DO NOT MAKE SOMETHING UP.** Tell the reporter that you will get back to them with the correct information or a person who can provide it.
10. Because the interviewer may not know what to ask, assist the interviewer by offering helpful information that advances your point of view.

### Interview Strategies and Techniques

Watch out for some of the following problems that interviewers can toss at you.

#### Loaded Questions

An interviewer asks you a loaded question such as "Aren't you all just afraid of high standards because you can't meet them?"

Respond with an affirmative rather than acquiescing to the negative. "We welcome high standards - we try to build them into all our collective bargaining agreements. This isn't about high standards, it's about treating students fairly."

#### Loaded Preface

An interviewer prefaces a question with a longer set of assumptions masquerading as facts. "Survey after survey has demonstrated that the public wants standardized testing in place. All over the country, people are demanding testing



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## Simplified Chart of Parliamentary Motions

<b>Motion</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required</b>
8. Adjourn	No	No	Majority
7. Recess	No	Yes	Majority
6. Close debate	No	No	2/3
5. Postpone definitely	Yes	Yes	Majority
4. Refer to committee	Yes	Yes	Majority
3. Amend the amendment	Yes	No	Majority
2. Amend or substitute	Yes	Yes	Majority
1. Main motion (resolution)	Yes	Yes	Majority
Reconsider	Yes	No	Majority
Rescind	Yes	Yes	Majority (with notice)
<b>Motions dealing with general conduct of meeting</b> No order of precedence			
Point of order	No	No	None
Parliamentary inquiry	No	No	None
Appeal from the decision of the chair	Yes	No	Majority
Division of the assembly	No	No	None
Suspend the rules	No	No	2/3
Divide a motion	No	Yes	Majority
Withdraw or modify a motion	No	No	Majority

*From Notes and Comments on Roberts' Rules, by Jon Ericson*

## Chart of Parliamentary Motions

Motion	Requires second	Debatable	Amendable	Vote required
<b>Privileged motions</b>				
14. Fix the time to which to adjourn	Yes	No	Yes	Majority
13. Adjourn	Yes	No	No	Majority
12. Recess	Yes	No	Yes	Majority
11. Raise a question of privilege	No	No	No	None
10. Call for the orders of the day	No	No	No	None
<b>Subsidiary motions</b>				
9. Lay on the table	Yes	No	No	Majority
8. Call for the previous question	Yes	No	No	2/3
7. Limit or extend limits of debate	Yes	No	Yes	2/3
6. Postpone definitely	Yes	Yes	Yes	Majority
5. Refer to committee	Yes	Yes	Yes	Majority
4. Amend the amendment	Yes	Yes	No	Majority
3. Amend or substitute	Yes	Yes	Yes	Majority
2. Postpone indefinitely	Yes	Yes	No	Majority
<b>Main motions</b>				
1. Original				
Main motion (resolution)	Yes	Yes	Yes	Majority
Bring a question again				
Reconsider	Yes	Yes	No	Majority
Take from the table	Yes	No	No	Majority
Rescind	Yes	Yes	Yes	Majority (with notice)
<b>Incidental motions (no order of precedence)</b>				
Parliamentary inquiry	No	No	No	None
Point of order	No	No	No	None
Appeal from decision of the chair	Yes	Yes	No	Majority
Division of an assembly	No	No	No	None
Suspend the rules	Yes	No	No	2/3
Modify or withdraw a motion	No	No	No	Majority
Divide a motion	Yes	No	Yes	Majority
Point of information	No	No	No	None
Create a blank	Yes	No	No	Majority
Object to consideration	No	No	No	2/3