



Joint
Acton & Acton-Boxborough
Regional School Committee
September 3, 2009
7:30 p.m.
R.J.Grey Junior High Library

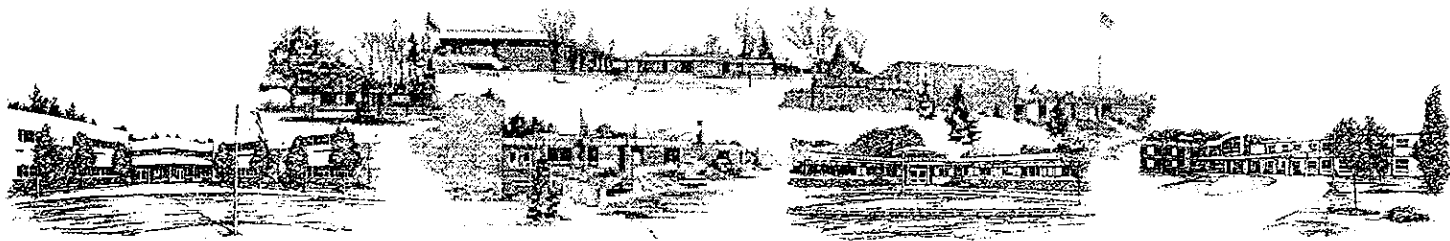
JOINT
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE MEETING

Library
R.J. Grey Junior High School

September 3, 2009
7:30 pm

AGENDA

- I. 7:30 CALL TO ORDER
- II. 7:45 CHAIRMAN'S INTRODUCTION
- Welcome Back Letter to All Staff from the Superintendent
 - New Teacher Orientation Update (oral) – Steve Mills
 - First Day of School Report (oral) – Steve Mills
- III. 7:50 STATEMENT OF WARRANT AND APPROVAL OF MINUTES
- IV. PUBLIC PARTICIPATION
- V. UNFINISHED AND NEW BUSINESS
- 7:55 1. Special Education Presentation on 2008-09 School Year & PAC Survey Report – Nancy Sherburne and Bill Guthlein, SpEd PAC Co-Chairs, **Bring folder from 8/6/09 Meeting**
- 8:10 2. FY'09 Final Budgets – Steve Mills/Tess Summers
- Closing out fiscal 2009 budget
 - FY09 Final Object Report
- 8:15 3. ALG/FinCom Update – Sharon McManus
- Minutes of June 15 and July 29, 2009
 - September 2 ALG Meeting Packet
- 8:20 4. FY 10 Budget – Steve Mills
- Deficit Proposal
 - Stimulus Update
- 8:25 5. Acton Finance Committee – Interim FinCom Point of View, *The 97% Solution* – Bill Mullin
- VI. ISSUES FOR THE COMMITTEE
- 9:10 1. Response to Open Meeting Law Complaint:
- i. July 3, 2009 Complaint Letter from Allen Nitschelm and Charles Kadlec
 - ii. July 15, 2009 Letter from District Attorney
 - iii. August 13, 2009 School Committee Response to District Attorney
 - iv. August 14, 2009 Second Complaint filed via email from A. Nitschelm and C. Kadlec
 - v. August 25, 2009 Public Records Request from A. Nitschelm and C. Kadlec
 - vi. August 27, 2009 Follow Up from A. Nitschelm and C. Kadlec
- 9:15 2. Approve and Charge Negotiating Subcommittee – Sharon McManus
- 9:20 3. District Comparison – Mike Coppolino
- 9:25 4. Internet Safety – Letter from AEA, Marc Lewis
- VII. EXECUTIVE SESSION (if needed)
- VIII. 9:30 ADJOURNMENT



ACTON PUBLIC SCHOOLS ♦ ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

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Stephen E. Mills, Ed.D.
Superintendent of Schools

August 14, 2009

Dear Colleague:

This has been an extremely busy summer with lots of activity going on around us.

In the west wing of the Acton-Boxborough Regional High School, our grades 1-12 summer school completed its 36th year, with almost 500 students enrolled in both enrichment and for credit classes. The Parker Damon Building housed both the C.A.S.E. Collaborative summer program and our own K-6 special education summer programs. Regional (grades 7-12) programs were held at ABRHS. Approximately 150 students participated in these programs.

Our hallways and classrooms buzzed as 3,200 area residents participated in Community Education's summer classes, and the Administration Building was alive with the excitement of Community Education's summer day program and the APS Preschool Summer Program. The high school swimming pool was filled with over 450 children who participated in swimming lessons. *Acton Escapades*, a summer academic enrichment program, enrolled 248 students.

As always, faculty were busy this summer with curriculum R&D work. In addition to the assorted projects focused on updating a course here or a unit there, resources were concentrated on several districtwide priorities. For more information, please refer to the September issue of *the Lamplighter*.

Personnel matters kept us busy as well. To date, we have hired 21 new certified staff members. Most of the new hires are due to retirements and normal staff turnover. All of our new certified staff will participate in an orientation program before the opening of school, and most of them will be involved in our mentoring program throughout the school year. In the Central Office, we welcome Beth Petr, as the new Administrative Assistant to the Superintendent and School Committees, replacing Bunny Lawton who retired. We also welcome David Krane, as the new Principal of the McCarthy-Towne School.

The Facilities Department has met the challenges of completing its major building cleaning and preparation while managing project work. At Conant, landscape and asphalt repairs have been made. At Douglas, the cafetorium and health office have been painted, and new flooring has been installed in the main office. At Gates, we have done some paving, created additional parking, and painted some classrooms. At the Administration Building, there have been HVAC repairs and some tree removal. On the main campus, catch basin and road repairs have been addressed and the rock wall at RJ Grey Junior High has been repaired.

And now it's time to look ahead to a new school year! The schedule for the first day for all staff (**Monday, August 31, at the Acton-Boxborough Regional High School**) is attached. The first day for students (except grade 8) is Tuesday, September 1.

For your fall calendars, please note that the Professional Staff Development Day is on Tuesday, November 3. The focus for the High School will be working on their NEASC self-study, while the Junior High, Elementary Schools and APS Preschool staff will be participating in Category 1 and Category 2 Limited English Proficient (LEP) Training.

On a more personal note, I am very excited to begin my tenure as the Superintendent of Acton Public and Acton-Boxborough Regional School Districts.

Attempting to succeed Bill Ryan will be a challenge. However, I am fortunate enough to come with a wealth of experience in school and school district leadership. I have spent 31 years working in public education in Massachusetts. I spent 15 years at Shrewsbury High School as a teacher, counselor, assistant principal, and director of special education. For seven years, I was the principal of Millbury Junior Senior High School. For the past nine years, I have been in the central office of the Worcester Public Schools. That school district is the second largest school district in New England with 25,000 students. I have been the deputy superintendent in Worcester until a few weeks ago. I am very excited about this new chapter in my professional life.

As I begin my tenure, there are two issues foremost in my mind. All school districts will be facing very difficult financial times over the next couple of years and Acton and Acton-Boxborough are no exception. My job will be to lead us through these times and maintain the high level of excellence this community has grown to expect from the school systems. Also, this district is becoming increasingly diverse in terms of the student population every year. Based on both my personal and professional experience, I see this as an enormous asset and opportunity. We need to prepare young people for the global marketplace. This diversity is an essential part of preparing the whole child for success in the future. I wish Bill Ryan well and expect to continue the legacy of outstanding school leadership in Acton and Acton-Boxborough.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve", with a stylized flourish extending to the right.

Stephen E. Mills, Ed.D.



UNFINISHED BUSINESS

TO: Acton and Acton-Boxborough Regional School Committees
FROM: Dr. Stephen Mills, Superintendent of Schools
DATE: August 28, 2009
RE: Closing out fiscal 2009 budget

Enclosed please find two one-page documents reflecting the summary of the APS and ABRSD budgets for the school year just completed 2008-09. Due to the efforts of Bill Ryan and his team last year, we were able to begin a process of reducing resources due to anticipated budget challenges as we move forward.

As you can see from the subsequent pages, the regional budget was able to turn back \$524,000 to E&D and the local school budget was able to turn back almost \$400,000 to Acton's free cash. The school districts used the ARRA stimulus money in a very prudent fashion; significant sums of money were reclassified to health insurance. Through a process working with the Central Office staff and building principals, the district was able to implement several cost savings measures:

- Freezing of positions unless the Superintendent reviewed and approved hiring (such as a classroom teacher). This included not hiring a desktop support position; facilities administrative assistant and three assistant coaching positions. Where possible, substitutes and discretionary hiring decisions were kept to a minimum.
- All supplies, materials and discretionary spending accounts had a 5% spending freeze from the beginning of the school year.
- New co-pays and additional health insurance migration provided significant savings in health insurance accounts.

I would like to thank Bill Ryan for his efforts to increase the amount in the E&D account, thereby mitigating what are sure to be difficult subsequent budget cycles.

Respectfully submitted,

Steve Mills

Superintendent

Total ABRSD 2009 Budget = \$36,661,413

Major Points – Acton-Boxborough RSD FY09 Budget

- Available balance as of 6/30/09 \$1,244,703.
less ARRA Stimulus Grant to cover Chapter 70 deficit -\$720,673.
- **Actual turnbacks for AB FY09 to E&D \$524,030.**
- Administrators who were allowed to overdraw budgets:
 - Curriculum & Instruction - \$5,240.24 (Wendell Management)
 - Pupil Services - \$155,039.56 (Referral to specialists, medical services, and office supplies)
 - Facilities - \$137,920.91 (Gas heat Admin, JH and SH; transportation gasoline, paving, line painting, track repairs and field maintenance)
 - Music Director - \$2,826.96 (transportation and uniform expenses)
 - Athletic Director - \$7,414.10 (ice hockey rental and athletic supplies)
 - Senior High Principal - \$15,979.30 (science and social studies texts)
- Utilities
 - Electricity Budget \$1,009,310.00
 - Electricity Actual \$ 927,076.41
 - Natural Gas Budget \$ 409,281.00
 - Natural Gas Actual \$ 490,223.47 + \$40,553.54 encumbered
- Health Insurance
 - Budget \$4,832,764.00
 - Actual \$4,473,719.66
- Administrators who were under budget and amounts
 - Superintendent \$ 17,981.54 -legal
 - Finance \$414,126.00 -health insurance
 - Personnel \$406,503.51 -salary
 - IT Director \$ 6,989.47
 - Art \$ 2,529.13
 - Junior High \$ 321.44

Total APS 2009 Budget = \$24,974,318
Total APS + ABRSD 2009 Budgets = \$61,635,318

Major Points – Acton Public Schools FY09 Budget

- Available balance as of 6/30/09 \$948,157.
less ARRA Stimulus Grant to cover Chapter 70 deficit -\$549,814.
- **Actual turnbacks for APS FY09 \$398,344.**
- Administrators who were allowed to overdraw FY09 budgets:
 - Curriculum & Instruction - \$2,137.67 (Wendell Management & McTowne texts)
 - Facilities - \$63,787.95 (McT, Gates and Merriam Outlay Bldgs; Gates Outlay Grounds)
 - Music – 415.88 (texts)
 - McTowne Principal - \$3,322.26 (Math textbooks)
 - Douglas Principal - \$296.08 (Reading textbooks)
 - Gates Principal - \$4,093.84 (Update office area)
 - Merriam Principal - \$18,500 (additional classroom added)
- Utilities
 - Electricity Budget \$582,441.00
 - Electricity Actual \$539,214.12
 - Natural Gas Budget \$300,164.00
 - Natural Gas Actual \$246,245.07 \$17,509 encumbered
- Health Insurance
 - Budget \$3,293,834.00
 - Actual \$3,149,543.63
- Administrators who were under FY09 budget and amounts
 - Superintendent \$ 24,594.22 -legal
 - Finance \$178,794.08 -health insurance
 - Personnel \$223,249.89 -salary
 - Pupil Services \$ 45,303.17
 - IT Director \$ 5,396.61
 - Art \$ 432.70
 - Conant \$ 10,494.44

Please note that the above overages and available balances are based solely on the FY09 budget, and do not include FY08 carry forward balances, which are reflected on the financial reports.

There is a positive balance in electricity of \$43,227, and in natural gas of \$36,410. Savings in natural gas are due to the installation of new boilers at the Conant, Douglas and Gates Schools. The savings in Finance was due to health insurance - \$144,000, and fewer expenses for outlay of office equipment.

JUNE 30, 2009

FOR 2009 13

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED

1000 GENERAL FUND	-----						
01 SALARIES, TEACHING	14,966,729	17,271	14,980,174	14,673,976.97	60,146.85	246,050.23	98.4%
02 SALARIES, PRINCIPALS	740,845	0	740,845	716,258.88	.00	24,586.12	96.7%
03 SALARIES, CNTRL ADMN	416,120	0	416,120	416,979.79	.00	-859.79	100.2%
04 SALARIES, SUPP STAFF	2,674,688	0	2,674,688	2,659,719.24	.00	14,968.76	99.4%
05 SALARIES, ATHLETICS	399,838	0	399,838	372,361.75	.00	27,476.25	93.1%
06 SALARIES, BUILDINGS	276,242	0	276,242	292,808.67	.00	-16,566.67	106.0%
07 SALARIES, CUSTODIAL	795,993	0	795,993	799,163.81	.00	-3,170.81	100.4%
08 SALARIES, HOME INSTR	7,175	0	7,175	13,896.35	2,500.00	-9,221.35	228.5%
09 SALARIES, SUBS	187,482	-8,933	178,549	225,911.04	.00	-47,362.23	126.5%
10 FRINGES, COURSE REIM	28,000	1,200	28,000	29,136.00	.00	-1,136.00	104.1%
11 FRINGES, HLTH INSUR	5,080,835	0	5,080,835	4,044,962.51	.00	1,035,872.49	79.6%
12 FRINGES, OTHR EE INS	21,068	0	21,068	21,291.20	.00	-223.20	101.1%
13 FRINGES, UNEMPLYMNT	27,000	0	27,000	15,499.19	.00	11,500.81	57.4%
14 FRINGES, WORKRS COMP	117,700	0	117,700	91,784.11	.00	25,915.89	78.0%
15 FRINGES, PENSION	932,098	0	932,098	931,267.69	.00	830.31	99.9%
16 INSTRUCT SUPPLIES	269,540	18,281	282,128	255,901.21	7,528.60	18,698.37	93.4%
17 INSTRUCT TEXTBOOKS	140,537	7,713	139,935	129,481.61	23,603.95	-13,150.38	109.4%
18 INSTRUCTIONAL, LBY	29,733	131	29,733	29,055.62	.00	677.38	97.7%
19 OTHER, CAP OUTLAY	408,132	90,819	408,132	329,379.92	66,659.44	12,092.64	97.0%
21 OTHER, DEBT SERVICE	1,893,736	0	1,893,736	1,893,736.77	.00	-.77	100.0%
22 OTHER, PROP/CASUALTY	134,620	0	134,620	86,909.36	.00	47,710.64	64.6%
23 OTHER, MAINT BLDG/GR	336,381	52,403	336,381	340,566.15	50,927.47	-55,112.62	116.4%
24 OTHER, MAINT EQUIP	192,124	8,622	192,124	216,965.60	2,022.73	-26,864.33	114.0%
26 OTHER, LEGAL SERVICE	135,000	3,068	135,000	95,907.41	22.31	39,070.28	71.1%
27 OTHER, ADMIN SUPP	551,705	14,880	535,207	576,801.79	16,623.53	-58,218.54	110.9%
28 OTHER, ATHLETIC SUPP	136,867	0	136,867	141,936.47	.00	-5,069.47	103.7%
29 OTHER, CUSTODL SUPP	61,326	0	61,326	80,034.78	14,399.00	-33,107.78	154.0%
30 OTHER, SPED TRANSP	706,528	0	706,528	709,698.14	.00	-3,170.14	100.4%
31 OTHER, STUDENT TRANS	542,124	15,716	542,124	572,837.23	1,182.57	-31,895.80	105.9%
32 OTHER, TRAVEL	24,418	4,733	24,418	27,250.38	3,902.44	-6,734.82	127.6%
33 OTHER, SPED TUITION/	2,737,087	12,557	2,737,087	2,603,272.76	76,535.28	57,278.96	97.9%
34 OTHER, UTILITIES	1,442,935	768	1,442,935	1,431,795.66	40,553.54	-29,414.20	102.0%
35 OTHER, SEWER	246,807	2,600	246,807	223,554.21	.00	23,252.79	90.6%
TOTAL GENERAL FUND	36,661,413	241,829	36,661,413	35,050,102.27	366,607.71	1,244,703.02	96.6%
GRAND TOTAL	36,661,413	241,829	36,661,413	35,050,102.27	366,607.71	1,244,703.02	96.6%

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

Less - ARRA #782 FY'09 Stimulus Funds	- 720,673.00
Available FY'09 Funds	\$ 524,030.02

JUNE 30, 2009

FOR 2009 13

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED

1005 GENERAL FUND SCHOOL							

01 SALARIES, TEACHING	11,322,438	27,066	11,349,504	11,183,990.30	19,460.00	146,053.61	98.7%
02 SALARIES, PRINCIPALS	523,250	0	523,250	527,931.50	.00	-4,681.50	100.9%
03 SALARIES, CENTRAL AD	397,684	0	397,684	400,053.00	.00	-2,369.00	100.6%
04 SALARIES, SUPP STAFF	2,870,377	0	2,870,377	2,723,706.66	.00	146,670.34	94.9%
06 SALARIES, BUILDINGS	240,867	0	240,867	248,516.25	.00	-7,649.25	103.2%
07 SALARIES, CUSTODIAL	653,683	0	653,683	697,285.68	.00	-43,602.68	106.7%
08 SALARIES, HOME INSTR	1,025	0	1,025	1,635.00	.00	-610.00	159.5%
09 SALARIES, SUBSTITUTE	216,698	-6,958	209,741	274,723.79	.00	-64,983.29	131.0%
10 FRINGES, COURSE REIM	17,000	0	17,000	19,551.00	600.00	-3,151.00	118.5%
11 FRINGES, HEALTH INSU	3,626,548	0	3,626,548	2,989,859.67	.00	636,688.33	82.4%
16 INSTRUCTIONAL SUPPLI	236,979	98	237,077	230,685.50	7,402.92	-1,011.21	100.4%
17 INSTRUCTIONAL TEXTBO	90,721	60,761	151,482	143,830.35	15,279.49	-7,627.96	105.0%
18 INSTRUCTIONAL, LIBRA	19,806	4,175	23,981	18,863.41	2,607.48	2,509.80	89.5%
19 OTHER, CAPITAL OUTLA	300,209	8,135	308,344	285,900.74	87,884.01	-65,440.98	121.2%
23 OTHER, MAINTENANCE B	206,310	1,376	207,686	238,128.21	23,536.67	-53,978.53	126.0%
24 OTHER, MAINTENANCE O	103,092	-255	102,837	98,638.96	1,151.84	3,045.91	97.0%
26 OTHER, LEGAL SERVICE	73,000	0	73,000	65,560.10	275.00	7,164.90	90.2%
27 OTHER, ADMIN SUPPLIE	223,464	21,594	245,058	208,252.30	13,286.09	23,519.74	90.4%
29 OTHER, CUSTODIAL SUP	44,000	1,182	45,182	47,021.76	191.46	-2,031.37	104.5%
30 OTHER, SPED TRANSPOR	395,484	0	395,484	380,564.84	.00	14,919.16	96.2%
31 OTHER, STUDENT TRANS	330,458	765	331,223	316,279.72	16,528.67	-1,585.39	100.5%
32 OTHER, TRAVEL	13,932	330	14,262	11,364.03	1,189.54	1,708.43	88.0%
33 OTHER, SPED TUITION/	2,077,034	13,563	2,090,597	1,903,277.93	15,302.58	172,016.39	91.8%
34 OTHER, UTILITIES	990,259	4,006	994,265	873,234.67	18,274.87	102,755.77	89.7%
57 OTHER	0	0	0	.00	.00	.00	.0%
TOTAL GENERAL FUND SCHOOL	24,974,318	135,838	25,110,156	23,888,855.37	222,970.62	998,330.22	96.0%
GRAND TOTAL	24,974,318	135,838	25,110,156	23,888,855.37	222,970.62	998,330.22	96.0%

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

Less - Unexpended FY'08 Carryforward	- 50,172.33
ARRA #782 FY'09 Stimulus Funds	- 549,814.00
Available FY'09 Funds	\$ 398,343.89

JUNE 30, 2009

FOR 2009 13

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED

1000 GENERAL FUND							

01 SUPERINTENDENT	96,210	3,068	96,210	78,228.46	.00	17,981.54	81.3%
02 DIR CURR AND INSTRUCTION	110,100	21	110,100	114,155.63	1,184.61	-5,240.24	104.8%
03 FINANCE DIRECTOR	8,444,407	15,792	8,444,407	7,295,936.12	13,671.88	1,134,799.00	86.6%
04 PERSONNEL DIRECTOR	20,110,669	6,086	20,115,555	19,709,051.49	.00	406,503.51	98.0%
05 PUPIL SERVICES DIRECTOR	3,880,529	18,982	3,880,529	3,892,073.76	143,494.80	-155,039.56	104.0%
06 INFORMATION TECH DIRECTOR	501,336	9,720	501,336	444,906.53	49,440.00	6,989.47	98.6%
07 FACILITIES DIRECTOR	2,521,934	92,508	2,521,934	2,552,379.22	107,475.69	-137,920.91	105.5%
08 MUSIC DIRECTOR	63,842	67	63,842	66,668.96	.00	-2,826.96	104.4%
09 ART DIRECTOR	46,387	1,634	46,387	38,774.86	5,083.01	2,529.13	94.5%
19 ATHLETIC DIRECTOR	148,492	0	148,492	155,906.10	.00	-7,414.10	105.0%
21 SENIOR HIGH PRINCIPAL	492,955	78,888	492,955	480,483.00	28,451.30	-15,979.30	103.2%
22 JUNIOR HIGH PRINCIPAL	244,552	15,064	239,666	221,538.14	17,806.42	321.44	99.9%
 TOTAL GENERAL FUND	 36,661,413	 241,829	 36,661,413	 35,050,102.27	 366,607.71	 1,244,703.02	 96.6%
 GRAND TOTAL	 36,661,413	 241,829	 36,661,413	 35,050,102.27	 366,607.71	 1,244,703.02	 96.6%

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

Less - ARRA #782 FY'09 Stimulus Funds
Available FY'09 Funds

- 720,673.00
\$ 524,030.02

JUNE 30, 2009

FOR 2009 13

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED

1005 GENERAL FUND SCHOOL							

01 SUPERINTENDENT	99,785	239	100,024	74,932.61	328.17	24,763.42	75.2%
02 DIR CURR AND INSTRUCTION	66,750	1,697	68,447	59,681.85	10,829.50	-2,063.90	103.0%
03 FINANCE DIRECTOR	3,762,746	1,973	3,764,719	3,025,264.09	9,251.03	730,204.10	80.6%
04 PERSONNEL DIRECTOR	16,127,092	0	16,127,092	15,900,357.35	1,400.00	225,334.65	98.6%
05 PUPIL SERVICES DIRECTOR	2,644,034	39,778	2,683,812	2,556,650.30	47,390.61	79,771.49	97.0%
06 INFORMATION TECH DIRECTOR	198,185	12,649	210,834	204,768.39	.00	6,065.20	97.1%
07 FACILITIES DIRECTOR	1,607,414	8,099	1,615,513	1,573,235.78	102,706.80	-60,429.16	103.7%
08 MUSIC DIRECTOR	15,700	3,682	19,382	16,670.48	1,377.71	1,334.07	93.1%
09 ART DIRECTOR	30,411	4,555	34,966	26,526.86	4,838.78	3,600.67	89.7%
10 MCCARTHY TOWNE PRINCIPAL	83,160	13,623	96,783	86,928.94	12,296.00	-2,441.86	102.5%
11 DOUGLAS PRINCIPAL	82,659	32,498	115,157	115,081.28	200.47	-125.25	100.1%
12 GATES PRINCIPAL	83,832	7,736	91,568	89,029.92	5,881.28	-3,343.25	103.7%
13 CONANT PRINCIPAL	81,326	5,554	86,880	63,575.86	11,134.46	12,169.32	86.0%
14 MERRIAM PRINCIPAL	91,224	3,754	94,978	96,151.66	15,335.81	-16,509.28	117.4%
TOTAL GENERAL FUND SCHOOL	24,974,318	135,838	25,110,156	23,888,855.37	222,970.62	998,330.22	96.0%
GRAND TOTAL	24,974,318	135,838	25,110,156	23,888,855.37	222,970.62	998,330.22	96.0%

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

Less - Unexpended FY'08 Carryforwards	- 50,172.33
ARRA #782 FY'09 Stimulus Funds	-549,814.00
Available FY'09 Funds	\$398,343.89

ALG Minutes

June 15, 2009

Present: Bart Wendell, facilitator; Mary Ann Ashton, Herman Kabakoff, FC; Sharon McManus, Xuan Kong, SC; Paulina Knibbe, Peter Berry, BoS; Steve Ledoux, John Murray, Bill Ryan, Marie Altieri, Staff Bill. New Superintendent Dr. Mills was also present.

Audience: Steve Barrett Town finance department, Steve Noone (FC) Tess Summers (Schools' finance department, intern Julie Kiraee, Bob Graham, Dick Callendrella, Clint Seward and Charlie Kadlec.

Under seven Other Steve Ledoux added Bond Rating

Charter and Rules

Bart said that in the past the newly organized ALG participants went over the ALG Charter and Rules at the outset of the new year. He distributed Charter and Ground from 2003 and followed since. (See attached)

Changes suggested:

Under quorum "One member and one staff person per board" add, there will be no substitutes

Herman started the discussion of the meaning of "consensus"
The Ground rules & Charter do not have a definition

Bart: the definition is everyone agrees to a consensus position, after all views are heard and there is an agreement to support the position before the individual boards

Herman: consensus is the same as unanimity –also the best possible solution

Paulina disagreed saying there was a difference between unanimity. Consensus means there is overwhelming support; unanimity means that the position is unanimous.

Bart felt there was no difference.

Mary Ann suggested that the reason they may be the same is that the positions have to go back to the individual boards where there they must be accepted.

Paulina: consensus is not unanimous agreement

Herman: we are working for the same goal—in the spirit of compromise we work to unanimity and everyone is equally unhappy.

Bart: the Ground Rules call for total agreement. Once the decision has been made the [ALG member] supports and advocates for that position before his board. Unless there is new information, then the discussion is reopened.

Minutes of March 9, 2009 were approved.

2. Special Town Meeting update S. Ledoux, P. Knibbe

The meeting is on June 23rd, the warrant has been posted & is in the mail. There was a move for an additional article---a citizen's petition asking the town to buy land on Windsor Ave using available funds. That will be on the warrant for the next Town meeting. The petitioners could force a special with enough signatures. There may be a need for a Fall Town Meeting.

3. FY 09 Revenues S. Ledoux, B. Ryan

Extra information from both the schools & Town

Steve

The additional FY09 cuts in state aid were \$170k. We have a shortfall of \$720k that comes from local revenues of \$550k; Motor vehicle excise \$340k; fees \$165k; interest income \$45k

There are two weeks left. The town froze \$1/2m and Steve said he thought the town was covered.

Bill: The schools have received the final Ch. 70 payments.

APS chapter 70 reductions \$550K; AB is \$720k. The projected turn backs for the region are \$450k.

The schools need to apply for stimulus funds to replace the shortfalls in the Ch. 70 funds

4. FY 10 S. Ledoux, B. Ryan

AB budget is on track given previous assumptions. Transportation costs are the same the circuit breaker is only 65%. The Governor's budget is close to school's voted revenues House is \$130k less; Senate is \$350-70 less

The final budget has yet to pass---wait & see what happens

The Feds gave money through the IDEA grants and the schools have filed for \$335k

APS the house bill has the increase through the sales tax---the final budget will be different. We can only hope that it is close.

Paulina questioned the increase in the Charter school costs---are there more students.

Bill said that the state has changed the formula & they have a pretty good idea of the numbers going to the Charter school

Steve: the FY 10 budget shows a shortfall. The Senate bill is \$5.450k less than the governor's The Town is hampered by the DOR's requirement that they can only budget for the FY 09 actuals in some categories unless the town can "prove" that their numbers are correct.

There were questions about the MVE monies---in the past they have come in greater and later. Steve Barrett said the big push comes in March and all those sums were accounted for.

Mr. Kadlec asked if the Town needed another meeting to account for the reduction in excise and the lower appropriations

John M said that the town budget could be balanced on the expected lower assessment from the region & Federal allocated sums.

Mr. Kadlec: if the revenues predicted are less to get the balance we will need a STM to make the reductions.

John noted that there were the reserves & the state can make exceptions to the rules.

5. Policy meetings on Major Issues

P. Knibbe

Paulina proposed that there be policy-setting meetings on major fiscal issues. She intends to set aside an entire BoS meeting to this exercise and asked for the participation of the FC & SC.

The first of these meetings will be July 27 and the discussion will be on benefits in general & health insurance in particular

The plan is to have staff present descriptions of plans and constraints on changes. The goal is to lay the groundwork for a strategy for the future.

The meeting will be in the JrHS library

7. Other

Steve announced that the Town's Bond Rating was changed upwards to AAA. This will have a positive impact on short-term borrowing and the Town's efforts to refinance.

The reasons listed for the upgrade 1. good household income; 2 low unemployment rate 3. reserves 4. FC's 97% solution 5. the town did not "go hog wild on capital"

John M. said that this rating was a "Flag of Excellence" the ALG process. He said that approximately only 500 other communities across the US had their rating increased.

This is the last ALG meeting for Superintendent Bill Ryan. All wished him well in his retirement

Bill said that the ALG was a great board that does important work doing critical financial planning and reaching compromises. Eventually we all come into agreement.

Sharon asked that the meeting date be from Monday's because of the difficulty in getting information ready in time among other things.

It was agreed to change the days to Wednesdays and the time to 7:15

Task: produce a calendar for the next meeting with BoS, FC & SC meetings and holidays. General task

Adjourned 8:35

Ann Chang

The next meeting is

July 29th 7:15 –8:45

ALG Minutes

July 29, 2009

Present: Bart Wendell, Facilitator. Paulina Knibbe, Peter Berry BoS; Herman Kabakoff, Mary Ann Ashton, FC; Sharon McManus, SC; Steve LeDoux, Dr. Mills, Marie Altieri [Steve Barrett] staff. Absent: Xuan Kong & John Murray.
Audience: Tess Summers, Bob Evans, Dick Calandrella, Clint Seward, Charlie Kadlec, & Bob Graham.

4. Other

Both Mary Ann & Sharon asked that calendar be discussed under #4.

1. Minutes.

Minutes were accepted as corrected

Task: Ann will send copies of corrected minutes

2. FY 10 School/Town/State Budget, revenue updates

Extra Info: Finance Department Document

Steve L. noted that the comparison between what was voted at April Town meeting & current revenue projections showed the budget out of balance.

Reasons: cuts in local aid; downturn in excise tax [as well as a reduction in interest income]; reduction in local receipts such as building permits.

Depending upon the three different scenarios the shortfall is between \$646k-\$951k

Scenario #1 is the most conservative---the voted cheery sheet revenues [\$6,641k]

Scenario #2 includes \$155k for the meals tax (if in fact it starts later than August that number will be smaller); use the local revenue actuals from FY09; and \$150k from the telecom.

Steve said Scenario #3 is the “most likely” The Town will get the voted FY10 local aid, same telecom tax and no meals tax.

The big question: will we need a fall town meeting to balance the budget?

The options are: additional use of reserves; reductions in budgets and a better understanding of how the stimulus monies will impact the budgets.

Steve stated that there has been a one-time back tax payment of \$200k, but the ABR will have to dramatically reduce the assessment; we can look at using \$2-300k of reserves, what the meals tax will bring and then split the remainder.

Marie: on the first two sheets are the local aid estimates; IDEA grant; stabilization fund for Ch. 70. Looking at the “big picture” for the APS the costs of \$7.3M and the region \$8.9M v. & \$9.1M

“We can solve the circuit breaker deficits by using the IDEA grant. There is \$310K from the SPED money. We do expect a second round of IDEA grant money but do not know when or how much.

Herman wanted to make sure the schools were using FY10 monies for FY 10. The answer was yes.

Marie said there was the “potential for up to \$450k for APS and \$6-\$800k for AB. But we can’t count on the stabilization fund to solve our problems”

Paulina asked if the budgets assumed a meals tax---something that must first pass Town Meeting

Mary Ann asked about the updates on the revenues.

Steve Barrett: the first three columns are the ALG plan from the warrant

FY 08 –actual

FY09- budget from Town Meeting

FY10-votes from Town Meeting (April 09 TM)

Mary Ann asked why the revenue for the permit fees could not increase & if the Town did increase them, what they expected.

Steve B. said that the DOR needed additional support---such as a vote to increase the fees before they would allow the Town to increase the number to balance off the budget.

There has to be a full year’s review of the building permits and an analysis of the expected numbers. There are no big projects, so there is no expectation (even with the fee increase) of a greater amount of revenue.

Questions centered on the use of overlay revenues & if there was a possibility of increases there or if the telecom litigations would make that transfer meaningless.

The case is in litigation so the answer is not known. It takes a Town Meeting vote to transfer overlay monies from the assessors’ surplus account to the general fund.

Agenda item: an accounting of the overlay account

Paulina: we need to decide if we will have a fall town meeting to reconcile the revenues with the budget.

The meals tax is part of the accounting of revenues at \$155k but that number will only hold if the meals tax goes into effect in August. That number also needs to be reviewed.

Bart: when is the latest date to set a Town meeting?

Steve L said that there needs to be a resolution before the tax rate is set and it takes 45 days to do all the legal work for a meeting.

Bart: At the September meeting a decision will have to be made.

Herman suggested that the shortfalls be covered by a reduction in spending and not have a STM

Bart: what is the next step

Mary Ann: obviously we are not ready to make a decision. We need information on the rules for spending the ARA funds, the permit fee structure acceptance. We need to go back to our boards and discuss what we now have and get their points of view.

Marie asked that the decision be made soon if the auditorium was to be available. The numbers in scenario # 3 will not change. We need to make a decision about the meals tax---I am not comfortable in including that in the revenue listing

A general consensus #3 was the best choice for the different budget choices but there was information missing

It was recognized that there will be budget cuts under this scenario.

Task: return to boards & discuss scenario #3 and get feed back for the next meeting

3. ALG Spreadsheet

It appears that the spreadsheet has now become a staff function. Mary Ann remarked that when she was last on the ALG the spreadsheet was the function of the members. She asked why it had changed.

Paulina said that two years ago, there was a great deal of controversy over the exact numbers so that when the ALG met, there was confusion over which set of numbers was correct

Herman added that at the last minute there would be changes by the staff that were not communicated to the volunteers and so the spreadsheets did not contain the latest, most current numbers.

Paulina reported that last year “side deals” expenses from the schools were not carried forward. The Town thought the schools were covering the costs and the schools though the Town was. She did not want this situation to happen again

Bart: any proposals for a solution

Mary Ann said she’s volunteer to be the FC person to meet with the staff.

Herman said that the position needed to be discussed with the whole board.

Bart: is there an agreement that the spreadsheets will be a staff function?

Mary Ann suggested that the committee that meets with the staff look at the format & see if that is the best & clearest for the ALG process.

Sharon asked the members to recognize the work the staff had done in the keeping and preparation of the spreadsheets.

Tasks: revisit the spreadsheet preparation

Mary Ann, Marie, Sharon

4. Calendar

Task: Steve L. will send out a master calendar including dates for all the committees, tax rate setting deadline---all the way up to April Town Meeting

Mary Ann noted that the ALG should be reading Dore's memos on Minuteman Tech. They may need to start a capital project & that could impact Acton's assessment

Mr. Calandrella expressed his displeasure with the seating of the ALG members---they have their backs to the audience & sometimes the audience cannot hear what is being said. He was issuing a public protest.

One solution was to add microphones.

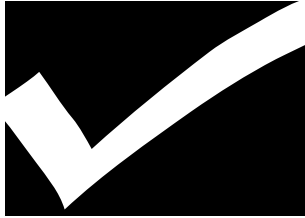
Steve L will look into the feasibility

There will be no meeting in August

The next meeting will be September 2nd

Adjourned 8:25

Ann Chang



Acton Leadership Group Meeting

September 02, 2009

7:15 AM

Town Hall, Faulkner Hearing Room

Bart Wendell Facilitating

----- Agenda Topics -----

Please Note 7:15 AM Start Time!

1. Approval of Minutes 7/2/09	General Discussion	
2. FY 10 Town/School/State Budget Revenue Update	Steve Ledoux Steve Mills	
3. Finance Committee Point of View/The 97% Solution	Herman Kabakoff	
4. Review of ALG Spreadsheet	Marie Altieri	
5. Estimate of Overlay Surplus	Steve Ledoux	
6. Other		

DRAFT**9/2/2009 ALG Model FY '10 Voted State Budget****Flat State Aid and 3% budget increases for FY '11 and FY '12****Multi-Year Model**

*All numbers are early projections and are subject to change

Revenues:	FY08	FY08	FY09	FY10	FY10	FY11	FY12
Tax Levy:		Actuals		Town Meeting	09/02/09		
Base	\$ 54,361	\$ 54,361	\$ 56,521	\$ 58,969	\$ 58,969	\$ 61,044	\$ 63,170
2 1/2%	\$ 761	\$ 761	\$ 1,413	\$ 1,474	\$ 1,474	\$ 1,526	\$ 1,579
New Growth	\$ 650	\$ 801	\$ 1,035	\$ 600	\$ 600	\$ 600	\$ 600
Debt Excl.	\$ 3,332	\$ 3,332	\$ 3,102	\$ 3,064	\$ 3,064	\$ 3,018	\$ 3,018
Overlay	\$ (500)	\$ (605)	\$ (900)	\$ (850)	\$ (700)	\$ (600)	\$ (600)
Total Tax Levy (excl. current yr)	\$ 58,604	\$ 58,650	\$ 61,172	\$ 63,258	\$ 63,408	\$ 65,588	\$ 67,767
Cherry Sheet	\$ 6,066	\$ 6,183	\$ 6,851	\$ 6,641	\$ 6,270	\$ 6,641	\$ 6,641
SBAB - Twin School	\$ 1,086	\$ 1,086	\$ 1,086	\$ 1,009	\$ 1,009	\$ 1,009	\$ 1,009
Excise Taxes	\$ 3,100	\$ 2,870	\$ 2,870	\$ 2,730	\$ 2,520	\$ 2,730	\$ 2,730
Fees	\$ 1,365	\$ 1,056	\$ 1,080	\$ 1,080	\$ 835	\$ 1,080	\$ 1,080
Int. Income	\$ 368	\$ 712	\$ 400	\$ 400	\$ 275	\$ 400	\$ 400
Regional Revenue	\$ 4,825	\$ 4,825	\$ 5,787	\$ 5,817	\$ 5,817	\$ 5,817	\$ 5,817
Regional E&D Acton's share	\$ 286	\$ 286	\$ 511	\$ 355	\$ 355	\$ 300	\$ 331
Free Cash	\$ 1,594	\$ 1,594	\$ 450	\$ 1,142	\$ 1,142	\$ 800	\$ 900
NESWC for capital	\$ -	\$ -	\$ 750	\$ 455	\$ 455	\$ 808	\$ 900
Tax Title					\$ 200		

Revenues before Overrides	\$ 77,294	\$ 77,262	\$ 80,957	\$ 82,887	\$ 82,286	\$ 85,173	\$ 87,575
Revenue incl override excluding debt/SBAB	\$ 72,844	\$ 72,844	\$ 76,768	\$ 78,814	\$ 78,213	\$ 81,146	\$ 83,548

Debt Exclusion:

Debt on APS	\$ 517	\$ 517	\$ 527	\$ 608	\$ 608	\$ 608	\$ 608
Debt on JHS/SHS	\$ 1,778	\$ 1,778	\$ 1,612	\$ 1,516	\$ 1,516	\$ 1,500	\$ 1,500
Municipal Debt Incurred	\$ 520	\$ 520	\$ 454	\$ 439	\$ 439	\$ 420	\$ 420
Debt on Police station	\$ 517	\$ 517	\$ 509	\$ 501	\$ 501	\$ 490	\$ 490
Total Debt Exclusions	\$ 3,332	\$ 3,332	\$ 3,102	\$ 3,064	\$ 3,064	\$ 3,018	\$ 3,018

Budgets Excluding Debt:

Municipal Budget	\$ 22,325	\$ 22,325	\$ 23,614	24,276	24,276	25,004	25,754
APS Budget	\$ 23,310	\$ 23,310	\$ 24,974	25,754	25,754	26,527	27,322
ABRSD Budget - Acton Share	\$ 25,811	\$ 25,811	\$ 27,374	28,073	28,073	28,915	29,783
MM Assumption	\$ 787	\$ 787	\$ 771	711	711	732	754
Subtotal schools	\$ 49,995	\$ 49,908	\$ 53,119	\$ 54,538	\$ 54,538	\$ 56,174	\$ 57,859
TOTAL	\$ 72,320	\$ 72,233	\$ 76,733	\$ 78,814	\$ 78,814	\$ 81,178	\$ 83,614
% increase			6.1%	2.7%	2.7%	3.0%	3.0%
Subtotal NET POSITION	\$ 556	\$ 611	\$ 35	\$ (0)	\$ (601)	\$ (33)	\$ (66)

NET POSITION

\$ (0) \$ (601) \$ (33) \$ (66)

Reserves:

Free Cash	\$ 2,405	\$ 1,900	\$ 2,455	\$ 1,598	\$ 2,348	\$ 2,798	\$ 3,148
NESWC	\$ 4,886	\$ 4,886	\$ 4,469	\$ 4,014	\$ 4,014	\$ 3,206	\$ 2,306
E&D	\$ 1,100	\$ 1,100	\$ 971	\$ 766	\$ 769	\$ 1,033	\$ 1,266
FY '09 Turnbacks (E&D)				\$	\$ 414		
FY '09 Turnbacks (Free Cash)				\$	\$ 1,000		
TOTAL	\$ 8,391	\$ 7,886	\$ 7,895	\$ 6,379	\$ 7,131	\$ 7,037	\$ 6,720

Tax Impact:

Existing Valuation ('000s)	\$ 3,851,376	\$ 3,851,376	\$ 3,751,255	\$ 3,751,255	\$ 3,751,255	\$ 3,787,553	\$ 3,823,001
New Growth value ('000s)				\$ 36,298	\$ 36,298	\$ 35,449	\$ 34,656
Total Valuation ('000s)	\$ 3,851,376	\$ 3,851,376	\$ 3,751,255	\$ 3,787,553	\$ 3,787,553	\$ 3,823,001	\$ 3,857,657
Tax Rate	\$ 15.39	\$ 15.39	\$ 16.53	\$ 16.93	\$ 16.93	\$ 17.31	\$ 17.72

SF Value	\$ 523,109	\$ 523,109	\$ 507,466	\$ 507,466	\$ 507,466	\$ 507,466	\$ 507,466
SF Tax Bill	\$ 8,051	\$ 8,051	\$ 8,388	\$ 8,589	\$ 8,589	\$ 8,786	\$ 8,994
% Change	1.29%	1.29%	4.19%	2.39%	2.39%	2.29%	2.36%
\$ Change	\$ 123	\$ 337	\$ 201	\$ 201	\$ 196	\$ 208	

State Aid numbers come from Cherry Sheets for voted state budget distributed June 2009

The FY '09 Turnbacks are \$600K from the Municipal Budget; \$400K APS budget; \$525K Regional Budget (Acton Share = \$414)

Given the extreme volatility of the current economic times, any forecast more than 12 months into the future is subject to extraordinary variation and should be discounted heavily

From: Steve Ledoux
Sent: Friday, August 28, 2009 3:22 PM
To: Maryjane Kenney
Subject: FW: overlay balances

Importance: High

Steven L. Ledoux
Town Manager
472 Main St
Acton, MA 01720
Telephone: (978) 264-9612
Fax: (978) 264-9630

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

From: Stephen Barrett
Sent: Friday, August 28, 2009 3:13 PM
To: Steve Ledoux
Cc: Brian McMullen; Karen Kucala
Subject: overlay balances
Importance: High

Steve L:

As of 6-30-09 there existed approximately \$1.275m in overlay balances from fiscal years 2002 through 1994.

Given that we see no potential statutory liabilities that exist, this sum, in our opinion could be considered as excess overlay and as such could be released to Overlay Surplus given Board of Assessor approval.

Detailed calculations can be supplied if needed.

Thank you,

Steve B.

TO: Acton and Acton-Boxborough Regional School Committees
FROM: Dr. Stephen Mills, Superintendent of Schools
DATE: August 28, 2009
RE: Budget Deficit for Fiscal 2010

At the last two Acton Leadership Group (ALG) meetings, that group projected a \$600,000 deficit in the fiscal 2010 budget which is now already two months old. The school system's 70% responsibility for this deficit is \$420,000. This revenue deficit, combined with the Finance Committee's recommendation to manage budgets to a reduced level have prompted me to recommend to you the following six strategies to reduce spending in FY '10:

Reduction	AB	APS	Total	Cumulative
Eliminate one Central Office Position	\$38,000	\$5,000	\$43,000	\$43,000
Freeze 5% of materials and supplies	\$35,000	\$35,000	\$70,000	\$113,000
Health Insurance – staff moving off and savings from co-pays.	\$180,000	\$107,000	200,000	\$403,000
Available Stimulus	\$247,000	\$203,000	\$450,000	\$850,000
Totals	\$500,000	\$350,000	\$850,000	

These reductions are in addition to the \$1.1M in reductions that were implemented through the five levels of reductions made during the FY '10 budget Process.

Other than the Central Office position, I don't think it is prudent this time to recommend any further personnel cuts. There are two reasons for this:

1. The school year is up and running and any personnel cuts in the schools could affect scheduling and create significant disruption.
2. It is my experience that when you lay someone off immediately, the district would incur unemployment compensation expenses. While planning for subsequent years, such as fiscal 2011, if we are in a position to inform people of reductions in personnel, they have a 3 or 4 month opportunity to find other employment, thereby reducing unemployment compensation obligations.

The decrease in the Regional Budget of \$500 would allow us to vote an assessment that is reduced by \$420,000 to Acton (solving the revenue deficit) and \$80,000 to Boxborough. Additionally, we would be able to project an ability to return the remaining \$350K to reserves at the end of FY '10. We could potentially garner additional savings in salaries and health insurance. If you support this plan, we will bring a revised assessment for your vote to the October Regional School Committee meeting.

Respectfully submitted,
Steve Mills
Superintendent

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Grants and Other Financial Assistance Programs: FY2010

America Recovery and Reinvestment Act (ARRA): State Fiscal Stabilization Fund (SFSF)

Fund Code: 780

Purpose:	The State Fiscal Stabilization Fund (SFSF), funded through the American Recovery and Reinvestment Act (ARRA) of 2009, is a new, one-time appropriation the U.S. Department of Education (ED) is awarding to Governors to help stabilize state and local budgets in order to minimize and avoid reductions in education and other essential services.
Priorities:	<p>ED encourages school districts to help meet the commitment that Governors have made in their state Stabilization applications by using their SFSF grants in ways most likely to lead to improved results for students, long-term gains in school system capacity, and increased efficiency and effectiveness.</p> <p>While there is no requirement that districts spend a certain <u>percentage of their SESE funds on investment versus recovery activities</u>, the Massachusetts Department of Elementary and Secondary Education (ESE) is advising districts to split SFSF grant funds between saving jobs and strategic investment—that is, for program improvements that will provide enhanced educational opportunities and/or cost savings that will extend beyond the limited two-year life of this unprecedented grant program.</p> <p>The following two priorities, established by ED, guide the use of ARRA education funds:</p> <p>Priority - Recovery: Spend funds quickly to save and create jobs.</p> <p>Priority - Investment: Improve student achievement through school improvement and reform in at least one of the following four areas:</p> <ul style="list-style-type: none"> • Educator Quality and Effectiveness - Activities that will result in increased educator effectiveness and equitable distribution of qualified teachers, para-educators, administrators, and other personnel. • Support and Intervention - Activities that will result in increased implementation of intensive and effective systems, supports, and programming for the district's lowest performing schools and students. • Assessment and Data Systems - Activities that will result in increased implementation of high-quality assessment and data systems to track progress and foster continuous improvement. • College and Career Readiness - Activities that will result in greater numbers of students effectively prepared for college and careers. <p>The Department encourages districts to consider using their ARRA SFSF grants to support and strengthen regional and collaborative approaches in order to achieve efficiencies and economies of scale that will last beyond the life of ARRA funding. This could include partnering with other districts, educational collaboratives, non-profit organizations, colleges and universities, and professional associations in making strategic investments.</p>
Eligibility:	Under the ARRA, the state is required to use its primary funding formula for K-12 education, which in Massachusetts is the Chapter 70 formula, to determine each district's eligibility for SFSF funds. In FY10, the governor and legislature are using SFSF grants to ensure that districts receive sufficient funding to reach their foundation budget targets as mandated by Chapter 70. There are 164 districts eligible to receive SFSF grants in FY10, for a total of \$168 million.
Funding:	FY10 allocations: Final SFSF awards are posted at

	<p> http://finance1.doe.mass.edu/chapter70/chapter_10_local.xls.</p> <p>FY11 allocations: No final decisions have been made on the amount or distribution of SFSF grants in FY11. It is likely that any such allocations will be based on the FY11 Chapter 70 calculations, which will be released in January 2010. These calculations will in turn be based on updated enrollment data and municipal finance data. Districts receiving SFSF allocations in FY10 should not assume that they will be eligible for similar amounts in FY11.</p>
Fund Use:	<p>In general, SFSF grants may be used for any educational expenditures that would be eligible under the Elementary and Secondary Education Act/Impact Aid Act (ESEA), the Individuals with Disabilities Education Act (IDEA), the Adult Education and Family Literacy Act (AEFLA), and the Carl D. Perkins Career and Technical Education Act (Perkins Act).</p> <p>Eligible expenses include any FY10 expenses directly related to the school district's operation, with the following exceptions:</p> <ul style="list-style-type: none"> • maintenance costs; • stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; • purchase or upgrade of vehicles; • improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities. <p>Eligible expenses can include expenses in the school department budget as well as expenses in other municipal department budgets that directly support the operation of the schools.</p> <p>Under recent changes to state law (Chapter 26 of the Acts of 2009, Section 49), salary expenditures from FY10 state fiscal stabilization fund (SFSF) grants are exempt from the special 9% pension chargeback that usually applies to any federal grants.</p> <p>Districts' net school spending requirements will continue to be based on the sum of the municipality's minimum required contribution and the district's state-funded Chapter 70 aid. Any district that is not using all of its SFSF grant for net school spending purposes will need to document whether it will be able to meet its foundation budget target using other sources of funds. If a school committee chooses to set an operating budget lower than its foundation budget target, it will need to document the reasons for that decision and how it proposes to ensure that all students receive an adequate level of services.</p>
Project Duration:	<p>Project Duration: July 1, 2009 to June 30, 2010*</p> <p>*All ESE grants are awarded for one fiscal year at a time. ARRA grants have been awarded to the state as part of the FY10 budget appropriation. As with other federal entitlement grants they are subject to the federal <i>Tydings Amendment</i>, which allows any funds not expended in the year of appropriation to be carried over for obligation during an additional 15 month period. This makes the effective end date for use of these funds <u>September 30, 2011</u>. The Department is currently working on specific carryover procedures for these funds and they will be provided as soon as they are available.</p>
Program Unit:	Office of Strategic Planning, Research, and Evaluation
Contact:	ARRA-SFSF@doe.mass.edu
Phone Number:	(781) 338-3116
Date Due:	<p>ESE will begin to accept FY10 SFSF applications on a rolling basis.</p> <p> <i>In order to gain timely access to the funds, ESE suggests that districts submit their application by November 2, 2009.</i></p>
Required Forms:	<ol style="list-style-type: none"> 1.  All required forms and submission instructions. 2.  Part III - Required Program Information

Additional Information:	<p>1. <u>Budget Detail - Description of Line Item Information</u></p> <p>Districts will be asked to ensure transparency and accountability and report publicly on the use of funds.</p> <p>In addition to the standard federal financial reports required for all federal grants, ED will require extensive programmatic reporting to document the use of all ARRA funds. ED is still determining the specific data to be collected, but all SFSF recipients will be expected to comply with the finalized data reporting requirements. Districts receiving an SFSF grant should anticipate that they will be required to report separately and in detail regarding the use and impact of these funds on at least a quarterly basis.</p> <p>See the following for additional guidance.</p> <ul style="list-style-type: none"> •  http://www.doe.mass.edu/arra/041709memo.html •  http://www.ed.gov/programs/statestabilization/guidance.pdf
Submission Instructions:	<p>Complete and submit the application workbook through the Security Portal. Mail (2) copies of the Cover Sheet, each with the Superintendent's original signature, to:</p> <p>Lynn McKnight School Business Services Massachusetts Department of Elementary and Secondary Education 75 Pleasant Street Malden, MA 02148-4906</p>

Massachusetts Department of
Elementary & Secondary Education

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Grants and Other Financial Assistance Programs: FY2010

Advisory Memorandum on FY10 ARRA State Fiscal Stabilization Fund (SFSF) Grants Fund Code: 780

July 15, 2009

The table below contains the FINAL district allocations for FY10 ARRA State Fiscal Stabilization Fund (SFSF) grants (ESE fund code 780). School districts should plan on these funds being available in making staffing and other budgetary decisions for the coming school year.

The amount of each district's allocation is equal to the difference between the district's FY10 foundation budget and its available state and local funding under the Chapter 70 formula (Chapter 70 state aid plus required local contribution). Districts that are not receiving an FY10 SFSF allocation have already received state and local funding equal to or greater than their foundation budgets. See http://finance1.doe.mass.edu/chapter70/chapter_10_local.xls for a complete summary of the Chapter 70 formula calculations.

As noted previously, salaries funded by this grant are not subject to the 9% pension chargeback normally applicable to federal grants. However, salaries for non-certified personnel funded by this grant are subject to the normal pension assessments levied by your local pension system.

The application forms for these grants will be posted on the ESE school finance website sometime in August, and the initial cash disbursements will be made during the second quarter of FY10 (October through December). This delay is due to the extra paperwork required for the Commonwealth to access all of its SFSF entitlement, as well as the need to provide assurances that all of the ARRA reporting requirements will be met. Despite the change in schedule, districts can still rely on and budget for the allocation amounts listed in this memorandum.

We have not yet determined the effective date for incurring expenditures under this grant program. It will be no later than the end of the second quarter (12/31/09), but may very well be sooner. We will let you know as soon as we have more information. Districts should be prepared to split expenditures between the general fund and the grant fund to accommodate this requirement, with the general fund covering the first and second quarters and the grant fund covering the third and fourth quarters.

We recognize that the initial disbursement of cash under this grant program will occur somewhat later than the September 30 date for Chapter 70 state aid. If needed, municipalities and regional districts can issue federal aid anticipation notes (FAAN) for cash flow purposes. Please contact DOR's Division of Local Services for information on FAAN requirements.

If you need further information regarding FY10 SFSF grants, please contact the following staff in the Department's school finance center:

Jeff Wulfson	781-338-6500
Jay Sullivan	781-338-6594
Rob O'Donnell	781-338-3116

FINAL FY10 SFSF ALLOCATIONS (FUND CODE 780)

Lea	Lea Name	Amount
2	ACTON	357,131
4	ADAMS	39
5	AGAWAM	1,382,649
10	ARLINGTON	938,832
14	ASHLAND	279,333
16	ATTLEBORO	739,405
17	AUBURN	560,100

21	BARRE	21,991
24	BELCHERTOWN	886,159
25	BELLINGHAM	91,110
26	BELMONT	1,373,659
29	BERNARDSTON	11,779
31	BILLERICA	1,238,459
39	BOYLSTON	3,125
40	BRAINTREE	2,851,092
44	BROCKTON	6,594,518
47	BUCKLAND	6,094
50	CANTON	64,101
54	CHARLTON	7,572
56	CHELMSFORD	1,194,506
57	CHELSEA	1,771,356
61	CHICOPEE	2,868,082
63	CLARKSBURG	159,576
64	CLINTON	65,712
77	DOUGLAS	800,217
79	DRACUT	1,650,418
81	DUNSTABLE	4,183
82	DUXBURY	380,594
87	EAST LONGMEADOW	873,519
88	EASTON	112,390
91	ERVING	26,852
93	EVERETT	3,720,012
95	FALL RIVER	327,857
97	FITCHBURG	951,974
98	FLORIDA	48,881
99	FOXBOROUGH	525,816
100	FRAMINGHAM	2,509,034
101	FRANKLIN	219,523
103	GARDNER	127,603
105	GEORGETOWN	1,026,220
110	GRAFTON	1,024,982
111	GRANBY	68,922
114	GREENFIELD	302,506
118	HALIFAX	203,886
122	HANOVER	419,371
123	HANSON	12,914
125	HARVARD	63,312
128	HAVERHILL	1,050,318
129	HAWLEY	8,613
131	HINGHAM	965,488
135	HOLLAND	68,635
136	HOLLISTON	173,420
137	HOLYOKE	1,936,968
139	HOPKINTON	107,634
141	HUDSON	1,119,328

144	IPSWICH	203,812
145	KINGSTON	187,157
149	LAWRENCE	7,646,376
153	LEOMINSTER	2,198,081
158	LITTLETON	744,086
160	LOWELL	3,695,048
161	LUDLOW	1,088,629
162	LUNENBURG	249,123
163	LYNN	1,906,731
165	MALDEN	1,502,272
167	MANSFIELD	1,855,841
170	MARLBOROUGH	1,661,188
174	MAYNARD	463,067
177	MEDWAY	1,410,689
178	MELROSE	40,626
179	MENDON	110
181	METHUEN	4,389,868
182	MIDDLEBOROUGH	599,477
185	MILFORD	1,918,362
186	MILLBURY	119,625
187	MILLIS	718,540
189	MILTON	1,123,447
191	MONSON	114,647
194	MONTGOMERY	2,862
198	NATICK	1,733,013
199	NEEDHAM	1,003,421
201	NEW BEDFORD	3,971,612
211	NORTH ANDOVER	1,029,075
213	NORTHBOROUGH	217,312
214	NORTHBRIDGE	299,359
217	NORTH READING	775,942
219	NORWELL	454,740
222	OAKHAM	38,652
226	OXFORD	390,414
227	PALMER	110,932
231	PEMBROKE	1,316,097
236	PITTSFIELD	2,314,160
238	PLAINVILLE	27,252
239	PLYMOUTH	1,910,642
241	PRINCETON	2,302
243	QUINCY	4,321,003
246	READING	944,132
248	REVERE	5,518,835
250	ROCHESTER	200,465
251	ROCKLAND	389,085
258	SALEM	3,024,804
263	SAVOY	10,440
266	SHARON	6,809

271	SHREWSBURY	1,065,713
273	SOMERSET	7,737
278	SOUTH HADLEY	460,058
281	SPRINGFIELD	14,916,250
284	STONEHAM	53,970
285	STOUGHTON	418,552
287	STURBRIDGE	342,781
288	SUDBURY	163,484
290	SUTTON	3,754
291	SWAMPSCOTT	61,143
292	SWANSEA	341,173
293	TAUNTON	2,320,896
295	TEWKSBURY	134,769
305	WAKEFIELD	294,405
307	WALPOLE	153,158
310	WAREHAM	672,299
316	WEBSTER	1,031,001
317	WELLESLEY	1,220,173
321	WESTBOROUGH	99,127
323	WEST BRIDGEWATER	177,741
325	WESTFIELD	1,019,282
326	WESTFORD	1,437,647
327	WESTHAMPTON	55,347
332	WEST SPRINGFIELD	1,570,702
335	WESTWOOD	513,030
337	WHATELY	8,606
340	WILLIAMSBURG	6,836
342	WILMINGTON	512,889
343	WINCHENDON	1,097,986
344	WINCHESTER	821,710
348	WORCESTER	15,900,327
351	YARMOUTH	2,210
600	ACTON BOXBOROUGH	646,234
610	ASHBURNHAM WESTMINSTER	368,821
635	CENTRAL BERKSHIRE	21,742
658	DUDLEY CHARLTON	886,768
680	HAMPDEN WILBRAHAM	217,025
683	HAMPSHIRE	251,894
695	LINCOLN SUDBURY	183,765
710	MENDON UPTON	229,442
730	NORTHBORO SOUTHBORO	12,445
760	SILVER LAKE	139,570
766	SOUTHWICK TOLLAND	432,265
775	WACHUSETT	1,053,746
780	WHITMAN HANSON	466,278
805	BLACKSTONE VALLEY	549,278
810	BRISTOL PLYMOUTH	794,959
825	GREATER NEW BEDFORD	920,866

828 GREATER LOWELL	552,397
832 MONTACHUSETT	697,829
851 NORTHERN BERKSHIRE	126,307
852 NASHOBA VALLEY	423,773
853 NORTHEAST METROPOLITAN	653,275
855 OLD COLONY	21,659
871 SHAWSHEEN VALLEY	429,386
872 SOUTHEASTERN	948,483
873 SOUTH SHORE	72,960
876 SOUTHERN WORCESTER	450,977
885 WHITTIER	967,966
910 BRISTOL COUNTY	71,415
915 NORFOLK COUNTY	25,132
999 STATE TOTAL	167,649,350

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FY'10 Recommended Use of ARRA Federal Fiscal Stabilization Grant (Chapter 70)

	<i>APS</i>	<i>ABRSD</i>	<i>K-12</i>
ARRA State Stabilization Chapter 70 Grant	\$357,131	\$646,234	\$1,003,365
Circuit Breaker Deficit	(\$49,110)	(\$229,414)	(\$278,524)
SPED Assistant Deficit	\$0	(\$32,643)	(\$32,643)
Chapter 70 Deficit (Conference Committee)	<u>(\$104,563)</u>	<u>(\$137,057)</u>	<u>(\$241,620)</u>
ARRA (Chapter 70) Balance	\$203,458	\$247,120	\$450,578

Town of Acton Finance Committee

Memorandum

To: Town of Acton Finance Committee
From: Bill Mullin
Date: May 11, 2009
Re: **Interim “Point of View” with Respect to FY 2010 Budget or “The 97% Solution”**

Motion

I move that the Finance Committee adopt the following as a First Draft Interim Point of View with Respect to Budget Implementation for FY2010 budget and, further, that this document be transmitted to all relevant interested parties, as determined by the Chair, with an invitation to comment.

FY 2010 Finance Committee Point of View with Respect to the 2010 Budget Implementation

Background

- ☐ This memorandum is intended to describe the FinCom’s Point of View with respect to *implementation* of the FY2010 Town and School Budgets.
- ☐ Our prior POV dealt with *planning* of the FY2010 Budgets.
- ☐ It is extraordinary that we would be offering a changed view so soon after the budgets were approved at Town Meeting, but it is testament to the speed of the decline in the financial picture at the State levels.
- ☐ As with prior FinCom Points of View, we invite comments back from the relevant operating boards and administrators.

The Driving Force Behind the Interim Point of View

- ☐ State revenues are shockingly below expectations.
- ☐ Each month, it seems, the revenue prediction is lowered and then underachieved.
- ☐ Specifically, the April numbers, when most tax dollars are collected were way below budget.
- ☐ Experience tells us the following about the relationship between the economy, State revenue and local aid:
 - State revenues lag the overall economy. In other words, it takes a while after the overall economy declines for state revenue to decline.
 - Local aid cuts lag the decline in state revenues. In other words, it takes a while for Beacon Hill to cut local aid after a decline is already well under way.
 - On the other side of a “recovery”, a return to local aid funding levels lags the recovery. In other words, even if the economy turns around, it takes a while for Beacon Hill to return to the prior funding levels.

Point of View with Respect to Acton’s FY 2010 Budget Implementation or “The 97% Solution”

It is the opinion of The Finance Committee that:

1. The operating entities should implement programs so as to operate at a level of 97% of the approved FY2010 budget. This program is called “The 97% Solution”.

2. By implementing The 97% Solution, the Town and Schools will be in a better position to weather the now inevitable cuts in local aid.
3. We do not know where, when and how local aid will be cut, but we are highly confident that it will be cut.
4. If no local aid cuts are made in the FY10 state budget, then the expenditures at 97% will allow for a flow through to free cash.
5. If local aid cuts are made, then we will be in a better position to deal with the need for cash in the subsequent years.
6. This plan is highly unusual, given the timing, but so too are the economic times in which we operate.
7. Although we recognize the pressure The 97% Solution puts on the operating groups, we also believe that with the amount of lead time given, that the effect on service delivery can be managed so as to minimize sharp reductions.
8. There is no free lunch. If service reductions are required to meet the 97% Solution targets, we believe that the balance has shifted toward reducing those service levels.
9. Finally, we greatly respect the hard work and challenges that are already before the operating entities and note clearly, that this Interim Point of View is a recommendation. Ultimately, the operating entities must make the hard choices of implementing any program of budget reduction in the full context of their strategic goals.



ISSUES FOR THE COMMITTEE

TO: Mr. Robert Bender, ADA, Middlesex District Attorney's Office
CC: Xuan Kong, Acton Public School Committee Chair; Sharon Smith McManus,
Acton-Boxborough Regional School Committee Chair
FROM: Allen Nitschelm and Charles Kadlec, Acton residents
RE: Possible violations of the Open Meeting Law by the local and regional
School Committees
DATE: July 3, 2009

BY EMAIL

Dear Assistant District Attorney Bender:

We believe that the Acton School Committee and the Acton-Boxborough School Committee committed multiple violations of the Massachusetts Open Meeting Law (OML) as listed below. We request that your office investigate these possible violations and if confirmed, invalidate the votes taken by the school committees regarding changes to the Administrators Benefits Manual at their June 18th, 2009 meeting, and instruct the school committees to reopen the process, this time in compliance with the OML.

As described in the Timeline listed below, these OML violations all relate to the changes by the school committees to the "Administrators Benefits Manual," a document that is part of administrators' employment contracts. It defines health insurance contributions, vacation and personal leave time, etc. One of the benefits is a bonus paid to those employees who stay in the Acton school system for ten years or more. This bonus became a contentious issue during the budget discussions prior to Acton's annual Town Meeting last April, with many people (including some school committee members, Finance Committee members, and interested residents) suggesting that this bonus is unnecessary and should be eliminated, especially in today's economic climate. We believe that the OML violations are not accidental but the result of the school committees' unstated (at least publicly) decision to keep their deliberations on this issue out of the public view.

The specific potential OML violations are:

1. Multiple executive sessions were held by a sub-committee of the two school committees, apparently to discuss potential changes to the "Administrators Benefits Manual". We have requested copies of the posted notices for these meetings as well as the minutes but have not received any (requests attached). **We believe that this subcommittee did not follow the required procedure of holding an open meeting and taking a vote to enter into an executive session.** Furthermore, these meetings may not have been properly posted. We have been told that they were; however, we have not received the requested confirmation.
2. The subcommittee included members of the school committee as well as members of the administrator group whose contractual benefits were being considered. We understand this is true through discussions with individual School Committee members

as well as by a description of the process by Chairwoman Sharon Smith McManus during the June 18th open meeting. We have a video link to that part of the meeting here:
www.ActonForum.com/video/SC_AM_process.wmv.

We believe that, given its membership, this subcommittee could not meet the requirement of entering into an executive session "to discuss strategy with respect to collective bargaining" since both sides were represented and therefore there was no valid reason to hold the discussions in an executive session. The school committees' strategy was not being "hidden" from the administrators, only from the public.

Furthermore, if there is a valid reason for negotiations between administrators and school committee members to be held in executive session, we have heard that third parties were present during at least some of these meetings, which would not be consistent with that interpretation.

Finally, we are unaware of this subcommittee being empowered to conduct negotiations if that is what they did. If not, then their reason for going into executive session is highly questionable.

3. The recently released "joint executive session" minutes of the January 8, 2009 executive session of the school committees (copy attached) do not meet the requirements of the OML "to maintain accurate records" because they fail to record anything about the meeting, which lasted over one hour, other than that a discussion took place.

For comparison purposes we have also attached the regular minutes of that meeting which were held in open session.

4. Failure by the school committees to release the minutes of the executive sessions related to the changes in the Benefits Manual. Although the publication of these minutes would no longer "defeat the lawful purposes of the executive session" since the matter has been decided (at the same June 18, 2009 meeting), the School Committee decided to withhold releasing these minutes.

5. A violation of the prohibition of a quorum of a governmental body (the school committee) "meeting in private" At the June 18, 2009 joint meeting of the two school committees, Ms. Maria Neyland, a member of the Acton-Boxborough Regional School Committee and a member of the above mentioned sub-committee, stated that she had discussed the sub-committee's recommendations with all members of the school committees "privately." We have a video link to that part of the meeting here:
www.ActonForum.com/video/SC_private.wmv.

6. There was improper notice of the Joint Meeting agenda and related materials. On the School Committee's website, there was no notice on either the local or regional School Committee agenda of a discussion of changes to the Administrators' Benefits

manual. There was no "Joint Meeting" agenda posted under Agendas. (See <http://ab.mec.edu/about/meetings.shtml>) (agenda copies are attached.)

Under "Download School Committee packet," there is a "Joint" packet which contains only one item, the Joint Agenda, which lists a "possible" vote on the Administrators Benefits manual. However, **no documents are included in the packet for public review.**

How can the public give any input when items are improperly posted, documents are not provided, and all previous discussions are held in Executive Session?

7. No public discussion of the final proposed changes of the administrators' benefits took place prior to this meeting, and thus there was no public input before a vote was taken.

The summary of the results of the subcommittee's discussions given by the chair of the ABRSD school committee at the public meeting appears to be incorrect (see the video www.ActonForum.com/video/SC_AM_process.wmv.)

The Chairperson, Sharon Smith McManus, described a process which led to the recommendations presented. It sounded as if the process was long and thorough. We have been told privately, however, that the subcommittee actually reached an impasse and that the entire School Committee then took over and finalized the recommendations (that it then presented to itself on June 18th.) However, during the public description of the process, no mention was made of any impasse. Had this been disclosed, it is possible that members of the public would have requested to be heard, or that a vote to implement the recommendations would have been delayed in light of this apparent internal disagreement which led to a behind-the-scenes rejection of the subcommittee's results.

Thank you for your consideration and review of these issues.

Allen Nitschelm
9 Marian Rd.
Acton, MA 01720

Charles Kadlec
19 Paul Revere Rd.
Acton, MA 01720

For background, the following is our understanding of the chronology of the events related to the above listed OML violations:

A subcommittee, made up of two School Committee members and one Finance Committee member, began meeting in mid-2008 to discuss changes to the Administrators' Benefits Manual, and seemed to focus their attention on the longevity bonuses. Their meetings were open to the public and they returned to the School Committees in March, 2009, with their recommendations. (However, the School Committee did hold an Executive Session in January, 2009, to discuss this issue, for which Executive Session minutes have been released.)

At this March meeting, the subcommittee recommended that the longevity bonuses be eliminated. The School Committees voted to eliminate them, but then later on in the meeting they reconsidered and rescinded their vote, deciding that further study was needed.

A second subcommittee was formed on or about this time, which included four School Committee members. Others were invited to participate but we are unsure how or when. We hear that four or five administrators and one Finance Committee member were also included, or invited to attend the meetings. This subcommittee began meeting in executive session. The decision to meet in executive session may have been approved by the school's legal counsel, because there was some discussion around this issue, although we have not seen a copy of the opinion.

From what we can tell, this second subcommittee met with the School Committee as a whole, again in Executive Session, to discuss their results. We assume this happened in May. We have heard that the subcommittee reached an impasse, but we have not seen any reports or recommendations. No final report appears to have been released.

In May and June, the School Committees apparently disbanded the subcommittee, again in executive session. Then on June 18, 2009, an open meeting was held to announce the results and both full School Committees ended up approving all of the recommendations. No public comment was solicited as the public had no access to any of the minutes prior to the meeting, and the contentious process was not disclosed.

At this June 18th meeting, the School Committee did not vote to release these Executive Session minutes of the School Committees as a whole, but they discussed the results of these meetings. There was no discussion of any Executive Session subcommittee minutes. The reason for going into Executive Session for these subcommittee meetings is unknown.



The Commonwealth of Massachusetts

MIDDLESEX DISTRICT ATTORNEY

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GERARD T. LEONE, JR.
DISTRICT ATTORNEY

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JUL 16 2009 4:11:21

July 15, 2009

Sharon Smith McManus
Chair, Acton-Boxborough Regional School Committee
Xuan Kong
Chair, Acton Public School Committee
District Central Office
16 Charter Road
Acton, MA 01720

RE: Open Meeting Law – Administrators' Benefits Review Subcommittee

Dear Ms. McManus and Mr. Kong:

This office received a complaint from Allen Nitschelm and Charles Kadlec on July 3, 2009, who allege that certain activities of a subcommittee convened to discuss possible changes to the School Administrators' Benefits Manual violated the Open Meeting Law, G.L. c. 39, §§ 23A-C, and that Maria Neyland, a member of the subcommittee, spoke with each member of the Acton and Acton-Boxborough Regional School Committees in advance of the June 18, 2009 meeting, in apparent violation of the requirement that deliberations occur only during proper meetings. A copy of that complaint is enclosed.

Under the current Open Meeting Law, the District Attorney is vested with the responsibility of investigating complaints. In order for this office to assess the merits of the complaint we have received, I request that you provide this office with the information and materials requested below, in writing, on or before August 5, 2009.

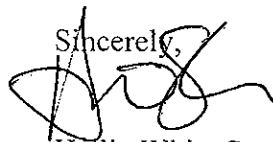
- A statement regarding what the subcommittee was directed to do, who were its members, and which provision of the Open Meeting Law permitted the subcommittee to conduct meetings in executive session;
- Copies of the notices for all meetings of the School Administrators' Benefits Review Subcommittee, including those in executive session, as filed with the town clerks of Acton and Boxborough;



RE: Open Meeting Law—Administrators' Benefits Review Subcommittee

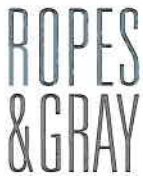
- A statement regarding whether minutes were kept for those meetings, and whether there remains a need to keep any portion of those minutes secret;
- A statement regarding what procedure for going into executive session was followed; i.e. was an open meeting convened at which a vote was taken to hold executive session? Please provide minutes of such open sessions.
- A statement from Acton-Boxborough Regional School District Committee and Acton School Committee regarding any discussions by Maria Neyland with other school committee members on the subject of the proposed changes to the Benefits Manual in advance of the June 18, 2009 joint School Committee meeting;
- A description of the Acton and Acton-Boxborough Regional School Committees' discussions on the proposed changes to the Administrators' Benefits Manual at the June 18, 2009 meeting, including a description or account of the subcommittee's work in advance of that meeting.

Please provide this office with any and all other information that you believe may be helpful to the resolution of this matter.

Sincerely,


Hallie White Speight
Assistant District Attorney

cc: Allen Nitschelm
Charles Kadlec
Enclosure



ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624
WWW.ROPESGRAY.COM

August 13, 2009

Miriam J. Achtenberg
617-235-4932
617-235-9867 fax
Miriam.Achtenberg@ropesgray.com

BY FEDERAL EXPRESS

Hallie White Speight
Assistant District Attorney
The Commonwealth of Massachusetts
Middlesex District Attorney
15 Commonwealth Avenue
Woburn, MA 01801

Re: Open Meeting Law – Administrators’ Benefits Review Subcommittee

Dear Ms. Speight:

I am writing in response to your letter of July 15, 2009 to Sharon Smith McManus, Chairman of the Acton-Boxborough Regional School Committee, and Xuan Kong, Chairman of the Acton Public School Committee, concerning alleged violations of the Massachusetts Open Meeting Law, Mass. Gen. L. c. 39, §§ 23 A-C. In particular, the complaint asserts that the Acton-Boxborough Regional School Committee, the Acton Public School Committee, and the Administrators’ Benefits Review Subcommittee (collectively, the “Committees”) violated the Open Meeting Law by failing to post notices of their meetings, by failing to publish minutes of these meetings, by improperly convening in executive session, and by “meeting in private.”

As discussed in detail below, the Committees have not violated the Open Meeting Law. The Committees complied with the posting requirements for each meeting during which the Administrators’ Benefits Manual (the “Manual”) was discussed. The Committees were authorized to convene in executive session under Mass. Gen. L. c. 39, §23B(3) and employed the appropriate procedures each time they convened an executive session. Moreover, the Committees have released to the public all minutes pertaining to any discussions of the Administrators’ Benefits Manual held in executive session. Finally, “no quorum of a governmental body...[met] in private for the purpose of deciding on or deliberating toward a decision on any matter.” Mass. Gen. L. c. 39, §23B. However, even if the Committees’ actions were found to have violated the Open Meeting Law, any violation was plainly *de minimus*, and/or was cured by subsequent independent

deliberative action at an open meeting, and as such presents no occasion for judicial correction. For these reasons, the complaint should be dismissed.

BACKGROUND FACTS

In the summer of 2008, the Acton-Boxborough Regional School Committee and the Acton Public School Committee appointed a joint subcommittee (the "Initial Subcommittee") to consider and recommend to the full committee changes to the Districts' Administrators' Benefits Manual. The Initial Subcommittee was composed of two School Committee members, Michael Coppolino and Bruce Sabot, and one Acton Finance Committee member, Bill Mullin. The Administrators' Benefits Manual (the "Manual"), appended as Exhibit A, establishes the benefits that will be provided to more than two dozen administrators, including principals, assistant principals, and other senior administrators. A list of the administrators currently covered by the manual is appended as Exhibit B for your reference.¹

New Subcommittee Formed at Open Meeting—March 5, 2009

On March 5, 2009, the Acton-Boxborough Regional School Committee convened a public meeting. The public received notice of this meeting in the 2008-2009 Acton and Acton-Boxborough Regional School Committee Meeting Schedule ("Annual Schedule"), appended as Exhibit C, and the meeting agenda indicated that the Administrators' Benefits Manual would be discussed. See March 5, 2009 Agenda, appended as Exhibit D. At this meeting, Initial Subcommittee member, Michael Coppolino, proposed that the Regional School Committee should reduce a number of the benefits currently offered to school administrators and should eliminate altogether the longevity bonuses currently provided. See March 5, 2009 Minutes, appended as Exhibit E. A lively public discussion ensued in which a number of Regional School Committee members and community members expressed divergent opinions about the proposed changes, including proposed changes to the current course reimbursement policy, vacation policy, and longevity bonus. In particular, the debate focused on whether the changes should affect all administrators (both current and future) or whether current administrators should be "grandfathered in," maintaining their previous benefits. Notably, the administrators are

¹ The Acton Public Schools serve children in the Town of Acton in grades K - 6. The Acton-Boxborough Regional Schools serve children from the Towns of Acton and Boxborough in grades 7 - 12. The two school districts share central office staff, and frequently coordinate benefits programs such as those reflected in the Administrators' Benefits Manual. The Acton Public School Committee members are Jonathan Chinitz, Michael Coppolino, Xuan Kong (Chair), Sharon Smith McManus, John Petersen, and Terry Lindgren. All Acton Public School Committee members also serve on the Acton-Boxborough Regional School Committee. In addition to the Acton School Committee Members, Brigid Bieber, Maria Neyland, and Bruce Sabot serve on the Regional Schools Committee. Sharon Smith McManus chairs the Regional Schools Committee.

all employed pursuant to individual employment agreements, many of which incorporate by reference the Administrators' Benefits Manual (such that certain changes to the manual arguably could not be affected without the administrators' consent), and all of which are negotiated with individual administrators' against the background of its terms.

Several members of the Regional School Committee including Brigid Bieber, Heather Harer,² and Sharon McManus argued that changes should not be made unilaterally and that a broader representation of administrators needed to be brought into the discussion. For example, the minutes reflect that "Heather Harer and Brigid Bieber said they had no problem with new employees but need to bring in current administrators to negotiate changes." See Exhibit E. In response, Jonathan Chinitz proposed that a subcommittee "sit down with administrators and address some of these issues and work new language into the manual." Mr. Chinitz, Director of Personnel Marie Altieri and Superintendent Bill Ryan agreed to assemble a representative group of administrators to join the subcommittee. Id.³ Moreover, Ms. Altieri also reminded the Committee that decisions about the Administrators' contracts could affect the Districts' teachers' contracts which were soon to be renegotiated. Id. ("[T]he two contracts do relate, and we should consider both before finalizing.")⁴ Finally, a number of members conveyed their hope that the changes to the Manual would be complete by the close of the fiscal year (June 30, 2009).

The First Subcommittee Meeting and the Authorization for Executive Session— March 30, 2009

On March 30, 2009, the new Joint Administrators' Benefits Subcommittee (the "Subcommittee") held its first meeting.⁵ A notice of this meeting was filed with the town clerk and is appended as Exhibit F. The Subcommittee, containing representatives of both the Regional Schools Committee and the Acton Public School Committee, was chaired by Jonathan Chinitz and included two other school committee members, Sharon McManus and Maria Neyland; Acton Finance Committee member Pat Easterly; a half-

² Ms. Harer no longer serves on either School Committee, having been replaced by Mr. Lindgren in April 2009.

³ Both Ms. Altieri and Mr. Ryan have dual responsibility for each of the two school districts.

⁴ This is so because many of the benefits in the Administrators' Benefits Manual parallel those in the teachers' collective bargaining agreement, and changes in the Manual could certainly be seen by the teachers' union as foreshadowing the School Committees' strategy for the upcoming teacher contract negotiations.

⁵ It is our understanding that the complaint asserts violations of the Open Meeting Law allegedly committed by the second Subcommittee created on March 5, 2009. However, we would be happy to provide you with the notices and minutes from the Initial Subcommittee's two meetings as well, at your request.

dozen administrators representing the twenty-eight current administrators; and the Superintendent and Director of Personnel. It first met in joint open session and then voted to go into executive session. See March 30, 2009 Minutes, appended as Exhibit G. At the end of the executive session, the Subcommittee returned to open session and adjourned. The March 30 executive session minutes have been released to the public.

At this and all other subcommittee meetings, executive session was entered into pursuant to Mass. Gen. L. c. 39, §23B, paragraph 3 (“Paragraph 3”). Paragraph 3 permits a public body to convene in executive session “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 governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, [and] to conduct collective bargaining sessions or contract negotiations with nonunion personnel.” This meeting was authorized under the second clause of Paragraph 3.⁶ As the minutes reflect, Chairman Chinitz requested that the representative administrators “go back to their various groups and gather feedback related to each of the benefits” and then return to begin negotiations. As such, this meeting may be viewed as a strategy discussion in preparation for contract negotiations, setting forth the strategy—reaching out to the two-dozen administrators to solicit comment—in preparation for negotiations with non-union personnel. Alternatively, this meeting may be viewed as the first negotiating meeting, bringing together as it did representatives of both the administrators and the two School Committees for the purposes of identifying common ground with respect to changes to the Manual.

Negotiations Begin at Second Subcommittee Meeting—April 13, 2009

On April 13, 2009 the Subcommittee held its second meeting. A notice of this meeting was filed with the town clerk and is appended as Exhibit H. The Subcommittee first met in joint open session and then voted to go into executive session. See April 13, 2009 Minutes, appended as Exhibit I. At the end of the executive session, the Subcommittee returned to open session and adjourned. The April 13 executive session minutes have been released to the public.

⁶ At this and all other Subcommittee executive sessions, the Chair cited as short-hand clause two of Paragraph 3, “to conduct strategy sessions in preparation for negotiations with nonunion,” as the purpose for going into executive session. However, while all executive sessions were lawfully entered into under at least one of the clauses contained in Paragraph 3, not all executive sessions were “strategy sessions in preparation for negotiations.” Some were also “negotiations with nonunion personnel,” and others were discussions which if disclosed might adversely affect collective bargaining with unionized employees. As discussed in detail below, this is a *de minimus* error, or, at the very least, was cured by subsequent open meetings. Nevertheless, the Committees will undertake in the future to cite to the appropriate clauses prior to entering executive session.

Executive session was authorized under all three clauses of Paragraph 3. As the minutes reflect, the Subcommittee spent the second meeting setting its agenda for upcoming negotiations, with the school committee members and administrators disclosing their priorities in their decisions regarding which sections of the Manual required serious discussion, which sections needed minor changes, and which sections required no changes whatsoever. See Exhibit I. As Ms. Altieri had pointed out at the March 5 meeting, negotiations surrounding the Administrators' contracts could signal to the teachers the Committees' priorities, priorities which were likely similar for administrators and teachers alike, and as such an open discussion of these priorities might have an adverse affect on the Committees' future bargaining position with respect to its organized teachers. Moreover, regardless of the adverse affect such a disclosure might have had, the Subcommittee was also authorized to enter into executive session under the second and third clause of Paragraph 3, since the prioritization was both a strategy session for upcoming negotiations—further contract negotiations would be conducted based on this prioritization—and was the first substantive step in the negotiations themselves—agreeing on certain sections which needed no changes, certain sections which needed only minor changes, and certain sections where significant discussion was necessary.

Subcommittee Process and Manual Discussed in Open Meeting—May 7, 2009

On May 7, 2009, the full School Committees held an open joint meeting. The public received notice of this meeting in the Annual Schedule, and the meeting agenda indicated that the Manual would be discussed. See May 7, 2009 Agenda, appended as Exhibit J.

The meeting included nearly an hour of sometimes heated public discussion regarding the Subcommittee's process and authority including a public debate surrounding its authorization to meet in executive session. See May 7, 2009 Minutes, appended as Exhibit K. Moreover, even though the Subcommittee had yet to propose any substantive recommendations, as it had thus far only set its priorities, the full School Committees openly debated two proposals and voted to change the section of the Manual discussing longevity bonuses. Id.

However, as soon as the full Committees had voted, Marc Lewis, a member of the public and the President of the Acton Education Association (which represents the Districts' teachers) took the podium. He expressed his frustration that, by voting on a proposal that had not been vetted by the administrators, the full School Committees were ignoring the fact that the Subcommittee had been formed with the express purpose of involving administrators in crafting the changes to the Manual. The School Committee members largely agreed with Mr. Lewis, stating, as they had in the March 5 meeting, the importance of involving the administrators in the process. In fact, Ms. Neyland went as

far as to threaten to resign from the Subcommittee in protest since she, like Mr. Lewis, believed that the full School Committees had ignored the Subcommittee's mandate. In response, the full School Committees voted to reconsider their previous vote, and removed the entire motion. The full School Committees then charged the Subcommittee with continuing "to meet with representatives from the administrators affected to work together to bring recommended changes in the benefits manual back to the School Committee." Committee Member Terry Lindgren was added to the Subcommittee. Id.

Negotiations Continue at Subcommittee's Final Two Meetings—May 15, 2009 and May 22, 2009

On May 15 and May 22, 2009, the Subcommittee held its final two meetings. A notice of these meeting was filed with the town clerk and is appended as Exhibit L. At both meetings, the Subcommittee first met in joint open session and then voted to go into executive session. See May 15, 2009 Minutes, appended as Exhibit M; May 22, 2009 Minutes, appended as Exhibit N. At the end of the executive sessions, the Subcommittee returned to open session and adjourned. These minutes have been released to the public.

During these meetings, the Subcommittee discussed those sections flagged at the April 13 meeting as requiring serious discussion. The representative administrators reported to the subcommittee on feedback they had received from the covered administrators and the Subcommittee members—administrators and school committee members alike—discussed each item. No consensus was reached, and no recommendations were formulated.

Convening in executive session on this occasion was authorized under the first and third clause of Paragraph 3. Executive session was warranted under clause one because disclosing the contents of the proposals—including the concessions made by the school committee members—might have had an adverse impact on upcoming collective bargaining with the teachers. Additionally, each contested issue was discussed by the administrators and by the school committee members in an attempt to reach an agreement. This bilateral discussion of the terms and conditions of the administrators' employment is the essence of a negotiation.

Full Committees Review Manual in Executive Session—May 28, 2009, May 29, 2009, and June 4, 2009

On May 28, May 29, and June 4, 2009, the full School Committees met in joint session to discuss the Subcommittee's progress and to review the Manual. Notice of the May 28 meeting was filed with the town clerk and is appended as Exhibits O. Notice of the June 4 meeting was contained in the Annual Schedule. See Exhibit D. Notice of the May 29, 2009 meeting was not filed with the town clerk, as the meeting was scheduled at

the eleventh hour, literally. At 11:00 p.m. on May 28, when the Committees had not completed the executive session discussion, the Committees voted to reconvene the following day in executive session. The Committees acknowledge that they should have posted this follow-up meeting and waited to reconvene again until the required 48 hour posting period had elapsed. Nevertheless, this *de minimus* procedural violation warrants no correction, as the Committees' failure to post deprived no one of access to a meeting he or she would have otherwise been entitled to attend, as the May 29 meeting was (properly) an executive session. At each meeting, the Committees first met in joint open session and then voted to go into executive session. At the end of each executive session, the full Committees returned to open session prior to adjourning. The minutes of these meetings are appended as Exhibits P-R, and have been released to the public.

At the first meeting, Subcommittee Chairman Jonathan Chinitz gave an overview of the Subcommittee's progress. See Exhibit P. Having learned from Chairman Chinitz of the administrators' positions regarding possible changes, the full School Committees undertook to evaluate the relevant sections and began to craft their own proposals, adopting some of the administrators' suggestions while rejecting others. By June 4, a majority of the full Committees appeared to support a general outline of proposed changes, and as a result, Subcommittee Chairman "Jonathan Chinitz was asked to talk to the superintendent about taking these proposals to the Administrator representatives to the Administrator Benefits Subcommittee for their consideration." See Exhibit R.

In this case, the full Committees meetings fall squarely within the first and second clause of Paragraph 3, and thus convening in executive session was appropriate. The discussions among the school committee members evaluating the administrators' suggestions and determining which proposals to accept was a strategy discussion which might have had a detrimental effect on the bargaining position of the Committees were the contents disclosed to the teachers. Moreover, these meetings were themselves strategy sessions in preparation for further negotiations with school administrators as evident by the fact that, after a majority of the Joint Committee appeared to support a set of proposals, the Chairman was asked to bring those proposals to the "Administrator representatives...for their consideration."

Superintendent Ryan subsequently met with the representative administrators who indicated their support of the direction in which the full School Committees were heading.

**Maria Neyland Provides Committee Members with a Draft Set of Proposals—
June 5 - June 13, 2009.**

As the Committees were quickly approaching their fiscal year deadline (June 30, 2009) and as no individual or committee had created a complete set of proposals, Ms.

Neyland took it upon herself to draft a complete set of proposed changes to the Manual. These proposals were based on her understanding of the fiscal concerns facing the Districts and the School Committees' and administrators' relative priorities as conveyed during the meetings held over the past several months. Because Ms. Neyland hoped that these proposals could be discussed in depth at the scheduled June 15 meeting, she contacted the members of the School Committees by phone to present her plan. In these conversations, Ms. Neyland simply provided the details of her plan, and e-mailed a copy of the plan to the committee members to give them a chance to review the plan individually in advance of the June 15 meeting. At no point did she enter into deliberations surrounding the plan nor discuss with any member the pros or cons of the plan. In fact, on at least one occasion, Ms. Neyland made expressly clear that the purpose of her call was only to provide the details of the plan and that any discussion or debate would have to occur at the June 15 meeting. Additionally, Ms. Neyland shared the plan with Ms. McManus and Mr. Chinitz in person on Saturday, June 13. Again, Ms. Neyland simply provided the details of her plan, refrained from advocating for it, and did not engage in any back and forth discussions concerning it.

Final Executive Session Discussion of Maria Neyland's Proposals—June 15, 2009

On June 15, 2009, the full School Committees met in joint session to discuss and debate Ms. Neyland's plan. A notice of the meeting was filed with the town clerk and is appended as Exhibit S. The full Committees first met in joint open session and then voted to go into executive session. At the end of the executive session, the full Committees returned to open session and adjourned. See June 15, 2009 Minutes, appended as Exhibit T. The June 15 executive session minutes have been released to the public.

In executive session, the full School Committees learned that the Superintendent had met with the Administrators to discuss the June 4 proposals and the Committees discussed the feedback the Administrators had provided. The full Committees then, and for the first time, began to debate Ms. Neyland's plan. By the end of the meeting, the full Committees had reached a tentative consensus, modifying some of the proposals and keeping others as proposed. No vote was taken in this or any other executive session, but a majority of members polled appeared to support a modified version of Ms. Neyland's plan.

Again, and for the reasons discussed above in relation to the other full School Committee meetings from which the administrators were excluded, the meeting fell squarely within the first and second clause of Paragraph 3, and thus convening in executive session was appropriate.

**Full Committees Debate and Vote on Changes to Manual in a Joint Open Meeting—
June 18, 2009**

On June 18, 2009, the full School Committees held a joint public meeting. The public received notice of this meeting in the Annual Schedule, and the posted meeting agenda indicated that the full Committees might vote on changes to the Administrators' Benefits Manual. See June 18, 2009 Agenda, appended as Exhibit U ("Administrators' Benefits—Possible VOTE"). For nearly two hours, the full School Committees debated possible changes to the Administrators' Benefits manual and the process by which to vote on these changes. A video of the June 18 public meeting is attached hereto as Exhibit V, and the minutes to the June 18 meeting are appended as Exhibit W. All but one committee member spoke, with most speaking a number of times throughout the meeting, and at no point did the chair curtail conversation. In fact, the opposite was true. The committee members discussed in even greater detail the proposals first debated on June 15, and made certain modifications.

A lively debate also continued. Three committee members read written statements, appended as Exhibit X, two of which expressed vociferous opposition to the most contentious proposal—"grandfathering in" the longevity bonuses for the current administrators. The public was also invited to participate throughout, and two members of the public, Catherine Suess and Becky Neville, provided feedback to the full Committees. Only when debate ceased for any given proposal did the full Committees vote on that proposal. All modified proposals passed, some over the dissent of Mr. Coppolino and/or Chairman Kong.

DISCUSSION

As discussed in detail above, the Committees have in substantial part complied with the Open Meeting Law, committing, at most, *de minimus* procedural violations which the caselaw makes clear do not warrant subsequent judicial correction. However, even if you were to conclude that any alleged violations were more than *de minimus*, complainant's requested relief would still be inappropriate, since the Supreme Judicial Court has held that violations of the Open Meeting Law may be cured by subsequent independent deliberative action at an open meeting and that the court may not invalidate a vote taken at a meeting which complied with the Open Meeting Law, even if prior meetings did not.

A. With One De Minimus Exception, the Committees Complied with the Open Meeting Law's Posting Requirements.

As discussed in detail above, the Committees complied with Section 23B's posting requirements. For all meetings not previously posted in the Annual Schedule, a

notice was filed with the town clerk at least forty-eight hours in advance of the meeting. All other meetings were posted in the Annual Schedule, consistent with the Middlesex District Attorney's Open Meeting Law Guidelines which state that the Districts "may comply with [the law's] notice requirements by filing and posting in advance a printed schedule of its future meetings... [There is] no need to file and post a separate notice of each meeting before that meeting is held." See Guidelines, p. 11, available at, <http://www.middlesexda.com/wp-content/uploads/2007/11/2007-oml-guidelines.pdf>.

However, as discussed above, the Districts did fail to file a notice of the May 29, 2009 executive session, as the meeting was not scheduled until 11:00 p.m. on May 28 during the executive session of which the May 29 meeting was a continuation. The Committees acknowledge that they should have posted this meeting and waited to reconvene until the required period had elapsed and will undertake to do so in the future. Nevertheless, this mis-step is a *de minimus* procedural violation which warrants no correction. The Supreme Judicial Court was faced with a similar situation in Gighlione v. School Committee of Southbridge. In Gighlione the Court found that, "[c]ontrary to [the] statutory requirements for executive sessions, the school committee did not convene the hearing in open session for which notice had been given and did not enter into executive session by a recorded majority vote." 376 Mass. 70, 73-74 (1978). However, the Court held that these "procedural deficiencies were de minimis," and as such, warranted no relief. *Id.* at 74. More recently, the Appeals Court has explained that "procedural deficiencies are de minimis where they do not infringe upon the public's right to attend an open meeting, even allowing that executive sessions of a governmental body subject to the open meeting law must be held in accordance with specific statutory procedures." Allen v. Board of Selectmen of Belmont, 792 Mass.App.Ct. 715, 718 (2003) (quotations omitted). This mistake is clearly a *de minimus* procedural violation, for the Committees' failure to post deprived no one of access to a meeting he or she would have otherwise been entitled to attend, as the public had no right to attend the May 29 executive session in the first place.

B. The Committees Complied with the Statutory Procedures to Convene In Executive Session and Were Authorized to Convene in Executive Session.

As discussed in detail above, the Committees employed appropriate procedures each time they convened an executive session. Moreover, they were authorized to convene in executive session under Mass. Gen. L. c. 39, §23B(3) which permits a governmental body to meet in executive session "to discuss strategy with respect to collective bargaining... if an open meeting may have a detrimental effect on the bargaining... position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, [and] to conduct... contract negotiations with nonunion personnel."

Section 23B enumerates nine categories of “purposes” for which an executive session may be held, and the public is entitled to know upon which of these nine purposes the governmental body is relying. At all times, the Chair made clear that the executive session was being convened under purpose (3). However, the Chair cited as short-hand clause two of Paragraph 3, “to conduct strategy sessions in preparation for negotiations with nonunion personnel,” as the reason for going into executive session. While many of the executive sessions were in fact lawfully entered into for this reason, some were also or alternatively authorized under one of the other two clauses contained in Paragraph 3.

But the presiding officers’ citations to only one clause of Paragraph 3 when more than one clause was implicated, was, at most, a *de minimus* procedural mis-step of the sort not warranting any subsequent judicial correction. See Gighlione, 376 Mass. at 74; Allen, 792 Mass.App.Ct. at 718; see also Attorney General v. Taunton, 7 Mass.App.Ct. 226, 227-29 (1979) (holding that a school committee which voted to go into executive session “for the stated purpose of discussing salaries for non-union employees” during a period in which the committee was actively engaged in collective bargaining with other employees and voted in subcommittee to recommend certain changes to the non-union employees’ contracts had lawfully entered into executive session under the portion of Paragraph 3 “which permits closed sessions to ‘discuss strategy with respect to collective bargaining’”).

C. The Committees Have Released to the Public All Minutes Pertaining to Any Discussions of the Administrators’ Benefits Manual Held in Executive Session.

Consistent with the requirements of Section 23B, the School Committees’ periodically review minutes of their executive sessions to determine whether those minutes can be released without defeating the lawful purposes of the executive sessions themselves. See Middlesex District Attorney’s Open Meeting Law Guidelines, at p. 22. The School Committees have determined to release to the public all minutes pertaining to any discussions of the Administrators’ Benefits Manual held in executive session. The last set of executive session minutes were released on August 6, 2009, the first joint School Committee meeting following the June 18 vote.

D. Maria Neyland’s Conversations with Committee Members Did Not Violate the Open Meeting Law.

Maria Neyland’s conversations with members of the School Committees in advance of the June 15, 2009 meeting did not violate the Open Meeting Law’s

prohibition against a “quorum of a governmental body...[meeting] in private for the purpose of deciding on or deliberating toward a decision on any matter.” Mass. Gen. L. c. 39, §23B. As discussed in detail above, Ms. Neyland simply provided the details of her plan over phone or in person to the School Committee members to give them the opportunity to review the plan in advance of the June 15 meeting. At no point during any of these meetings did Ms. Neyland enter into deliberations with members of the School Committees regarding the plan, and throughout she made expressly clear that any debate or discussion of the merits of the plan would have to wait until the scheduled meeting. In essence, Ms. Neyland did little more than send out the plan in advance of the meeting, an action which cannot possibly be construed as “meeting in private.”⁷

E. Any Violations of the Open Meeting Law Were Cured by Independent Deliberative Action.

Even if you were to conclude that one or more of the Committees violated the Open Meeting Law and that the violation was not *de minimus*, any violation has nevertheless been cured by the subsequent independent deliberative action taken at the open public meetings which occurred on May 7 and June 18 and which are discussed in detail above.

Massachusetts case law has long recognized that violations of the Open Meeting Law may be cured by subsequent “independent deliberative action” taken in a full open meeting. In Benevolent & Protective Order of Elks, Lodge No. 65 v. Planning Bd. of Lawrence, (“Benevolent I”), the Supreme Judicial Court explained that while “a judge ‘may invalidate any action taken at any meeting at which any provision of [§ 23B] has been violated.’ [] Nothing in § 23B empowers a court to invalidate actions taken at a meeting which complies with the requirements of the open meeting law.” 403 Mass. 531, 558 (1988) (holding that since the Committee “fully complied with § 23B's provisions at [a later] meeting [t]he judge therefore had no power to invalidate this vote” even if the previous meeting had been improperly convened in executive session).

⁷ Nevertheless, the School Committees have discussed the complainants' concerns and have reaffirmed their commitment to complying with the letter and the spirit of the Open Meeting Law. The School Committees have, in general, been highly attuned to compliance with the Open Meeting Law. Indeed, in October 25, 2006, a presentation was made by your office to a number of town boards, including the School Committees, concerning the requirements of the statute. This presentation came about at the recommendation of the School Committees. In light of the passage of time and the change in the composition of the Committees since 2006, the School Committees would like to invite your office to hold another Open Meeting Law training session at an upcoming meeting.

Similarly, in Allen v. Board of Selectmen of Belmont, the Appeals Court recently held that “it need not address whether the [Committee’s] alleged deficiencies” which included improper notice, improper reliance on the real property exception to hold an executive session, and the production of an inadequate record, “were de minimis because... any violation of the open meeting law ‘would have been cured by the independent deliberative action taken at the [subsequent] meeting,’ [] as to which no issue of improper notice has been raised.” 792 Mass.App.Ct. 715, 718 (2003) (citations omitted) (“Any violation of the open meeting law in connection with the May 14 meeting was cured by the properly noticed and properly conducted May 17 public meeting” at which the same topic was discussed). Cf. McCrea v. Flaherty, 71 Mass.App.Ct. 637, 642-44 (2008) (While “violations of the open meeting law may be cured by subsequent “independent deliberative action”” the public meeting did not cure the alleged violations where the meeting at which vote was taken involved a maximum of 20 minutes of discussion on a proposal that had not previously been presented and was not scheduled to be discussed, and a recess of three hours was taken mid-meeting during which time private meetings were convened.).

The caselaw is replete with other examples making it clear that even if some Committee action initially violated the Open Meeting Law, such violation has subsequently been cured. See e.g. Benevolent & Protective Order of Elks, Lodge No. 65 v. City Council of Lawrence, 403 Mass. 563, 566 (1988) (“Benevolent II”) (city council president’s allegedly improper, off-the-record, private conversations with other counsel members were cured by subsequent properly noticed open meetings); Pearson v. Selectmen of Longmeadow, 49 Mass. App. Ct. 119, 125 (2000) (subsequent, properly noticed public meeting would have cured any open meeting law violations occasioned by the chair’s attendance at a nonpublic meeting); Dunphy v. Ide, 2001 WL 914517 at *2 (Mass. Super. 2001) (if the Board of Selectmen violated the Open Meeting Law by discussing in various private one-on-one conversations the appointment of the new police chief prior to the open meeting, the open meeting at which the Board voted to affirm the appointment, complied with the requirements of the Open Meeting Law, thus curing any previous violation.”); Martinez v. School Committee of Town of Chelmsford, 1993 WL 818667, at *2 (Mass. Super. 1993) (“The School Committee exercised its own independent judgment and decided which policies to adopt and which policies to reject, rather than simply adopting the recommendations of the [] Task Force and the Superintendent verbatim,” and as such “accomplished the purpose of the open meeting law and *arguendo* also cured any earlier violations which may have occurred when the [] Task Force met in private.”).

This is not merely a “technical” cure to any procedural mis-steps that may have occurred. The very full, and very spirited debate which took place in open session on

May 7 and on June 18 satisfied not only the letter but, in every respect, the spirit of the Open Meeting Law.⁸

CONCLUSION

For the reasons discussed in detail above, the complaint should be dismissed. I would gladly supply any additional information you may require in your investigation of this matter.

Very truly yours,



Peter L. Ebb



Miriam J. Achtenberg

Enclosures

⁸ A request to invalidate any of the actions taken by the Committees would be inappropriate for the additional reason that there has been, for this purpose, no timely, proper complaint. Section 23B of Chapter 39 provides that where a violation of the Open Meeting Law is found, a judicial order "may invalidate any action taken at any meeting at which any provision of this section has been violated, *provided that such complaint is filed within twenty-one days of the date when such action is made public.*" (emphasis added). A "complaint" for purposes of Section 23B may be filed by "three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located." Plainly, no complaint has been filed by the District Attorney or by the Attorney General. Indeed, the only complaint regarding the Committees' actions was filed by *two* Acton residents (Allen Nitschelm and Charles Kadlec), but not by *three* registered voters. The latest date on which the challenged actions can be claimed to have been "made public" is July 3, 2009, the date on which Messrs. Nitschelm and Kadlec filed their complaint with your office. (The complainants can hardly claim that the very activities of which they complained were not, by the date of the complaint, "made public.") Accordingly, the latest date on which a timely complaint could have been filed in order to trigger this type of relief would have been July 24, 2009, a date which has of course come and gone, with no proper complaint having been filed.

August 14, 2009

Mr. Robert Bender
Assistant District Attorney
Middlesex County District Attorney's Office

Dear Attorney Bender:

Last month, we wrote to you with several complaints about the Acton Public School Committee's and Acton Boxborough Regional School Committee's possible violations of the Open Meeting Law. We know your office is reviewing these initial complaints.

We requested and have now received from the School Committee released copies of Executive Session minutes. These were made available to us on August 7, 2009. A total of 16 documents were received and 10 are attached for your information.

Based on this new information, we would like to file another complaint and ask that you review this to see if further action is warranted. Since the release of this information is new and was not available to us prior to our initial complaint (which we had to file before this information was made available), we believe the twenty-one-day timeframe for filing the complaint and taking action (if warranted) would begin anew, and we ask you to consider taking action to reverse the subsequent decisions made.

Please refer to the following attached documents. Our complaint, simply, is that the Executive Benefits subcommittee had no legal reason to go into executive session. This is shown by the reasons given for the executive sessions and the members/attendees who were invited to participate.

The motion "to go into executive session" for all five of the subcommittee meetings cites Chapter 29, section 23b, paragraph 3 and states: "to conduct strategy sessions in preparation for negotiations with non-union personnel." We submit that this provision of the Open Meeting Law did not apply to this subcommittee and therefore the executive sessions were illegal.

As shown in the executive session minutes for the March 30th 2009 meeting (apparently the first meeting of this subcommittee), the subcommittee included "three members of the school committee, one member of the Finance Committee, one Regional Principal, one APS (*Acton Public Schools*) Principal, one Assistant Principal, one Central Office Administrator, one person representing all other administrators, the Superintendent and (*the*) Director of Personnel."

The attendees as listed in the minutes were as follows :

- Jonathan Chinitz, Maria Neyland and Sharon Smith McManus (= the three school committee members)
 - Susan Atwater-Rhodes is Assistant High School Principal (= "Assistant Principal")
 - Pat Easterly is (the) member of the Acton Finance Committee
 - Chris Whitbeck is the Principal of the Douglas Elementary School (= "APS Principal")
 - Diana Woodruff is listed on the school website as the chair of the High School Visual Arts Department (probably the "person representing all other administrators" -- were are not sure)
 - Craig Hardimon is the Principal of the Junior High School (= "Regional Principal")
 - Steve Hall is the Director of Information Technology (probably the "Central office Administrator")
 - Bill Ryan was the Superintendent at that time, since retired
 - Marie Altieri is the Director of Personnel and Administrative Services (= "Director of Personnel")
- (Subsequently, a fourth school committee member -- Terry Lindgren -- joined this subcommittee.)

All of the above-listed "members," other than the three school committee people and the one member of the Finance Committee, are the Administrators whose individual employment contracts refer to the "Benefits Manual," the document to be addressed by this subcommittee. The subcommittee meetings could not have been "strategy sessions in preparation for negotiations ..." -- they were effectively negotiation sessions with all parties participating, except the public. In addition, these were not negotiations with representatives of a labor union -- there is no union.

It is inconsistent from the various minutes of the subcommittee whether their votes (including the votes in the "open" meetings to go into executive session), recommendations and/or "consensus" (see the May 22nd 2009 minutes) were by all the "members" or only by the school committee members. But in either case, the private participation by the administrators appears to be a clear violation of the Open Meeting Law. The public was not allowed to participate in these discussions and the subsequent decisions by the School Committees should be invalidated and the School Committees should be asked to start their process over again, or take whatever action you think appropriate.

Thank you for your further consideration and we look forward to receiving your report when completed.

Cordially,

Allen Nitschelm
9 Marian Rd.
Acton, MA 01720

Charles Kadlec
19 Paul Revere Rd.
Acton, MA 01720

cc: Xuan Kong, Acton Public School Chairperson
Sharon McManus, Acton-Boxborough Regional School Committee Chairperson
Members of the AB and APS School Committees

From: **Allen Nitschelm** <allen@thehomesteader.com>

Date: Tue, Aug 25, 2009 at 3:51 PM

Subject: Public Records Law request for documents

To: smills@mail.ab.mec.edu

Cc: Xuan Kong <xuankongsc@gmail.com>, Sharon McManus <ssmcmanus@rcn.com>, Stow Laboratories Inc <stomail@stolab.com>

PUBLIC RECORDS LAW REQUEST FOR DOCUMENTS

TO: Dr. Stephen Mills
Acton-Boxborough Schools
16 Charter Rd.
Acton, MA 01720

FROM: Allen Nitschelm and Charles Kadlec

RE: Public Records Law Request for documents

DATE: August 25, 2009

BY EMAIL

Dear Dr. Mills,

We would like to make a public records law request for the following documents. If you have any questions, feel free to contact Allen. You can email the documents to both of us or mail a single copy to Allen at his home address below.

If the documents would cost more than \$5.00 for copying, let us know and we will make an appointment to review them in person at your convenience. (But we would prefer electronic copies if available.)

We have detailed four separate requests. Please consider them individually and respond to them individually. The \$5.00 copying fee is for each individual request (total \$20.00).

DOCUMENTS REQUESTED:

1. Copies of all written communications between the School Committee and the law firm of Ropes & Gray (the School Committee's law firm) regarding the subject matter of executive sessions concerning the Administrator's Benefits Subcommittee or the School Committee.

2. Copies of all written communications between the Superintendent's office (or its designee) and the law firm of Ropes & Gray regarding the subject matter of executive sessions concerning the Administrator's Benefits Subcommittee or the School Committee.

3. Copies of all billing invoices from Ropes & Gray for the period January 1, 2009 to the present that detail any charges relating to the administrator's benefits subcommittee or the issue of administrator's benefits or the Open Meeting Law.

4. The contract that establishes the business relationship between Ropes & Gray and the Town of Acton, the Acton Public Schools, or the Acton-Boxbough Regional School Committee.

Thanks,

Allen Nitschelm
Allen@TheHomesteader.com
(978) 266-2456

Charles Kadlec
stomail@stolab.com

One hard copy is sufficient, to:

9 Marian Rd.
Acton, MA 01720

cc: Sharon Smith McManus; Xuan Kong

Date: Thu, 27 Aug 2009 15:53:12 -0400

From: Stow Laboratories Inc <stomail@stolab.com>

Subject: OML complaint, Ropes & Gray response on behalf of the Acton and Acton-Boxborough School Committees

To: "Speight, Hallie (NOR)" <Hallie.Speight@state.ma.us>

Cc: Allen Nitschelm <Allen@TheHomesteader.com>, Sharon McManus <ssmcmanus@rcn.com>, Xuan Kong <xuankongsc@gmail.com>

Dear Ms. Speight,

per your conversation with Allen Nitschelm yesterday, we have read the letter by Attorneys Ebb and Achtenberg of Ropes & Gray dated August 13th, 2009. We offer the following observation :

In their recitation of the Background and Facts as well as in Section B of the Discussion, they claim that the subcommittee's discussions of the potential changes to the Administrative Benefits Manual also related to collective bargaining negotiations (presumably with the teachers' union); that this justified the use of executive sessions "under the portion of Paragraph 3 which permits closed sessions to 'discuss strategy with respect to collective bargaining'".

This claim is inconsistent with the facts. The school committees intended to -- and did -- enact the changes to the Administrators Benefits Manual before 30 June 2009, the end of Fiscal Year 2009, so that they could be implemented for FY 2010. The school committees voted the changes at their June 18th, 2009 meetings, at which time all of the details became part of the public record. Then and during the time that the subcommittee was holding its executive sessions (April through June of 2009) no collective bargaining was under way and furthermore, the administrators and other participants in the subcommittee's executive sessions were encouraged to inform other school staff of the on-going discussions, to solicit their comments. There is no mention in the meeting minutes of keeping this information confidential.

As noted in the description of the May 7th, 2009 school committee meeting, the President of the Acton Education Association, Marc Lewis, made comments to the school committee which show that he was fully familiar with the details of the subcommittee's work. How, then, could the subcommittee's discussions have had any strategic value for collective bargaining with the school's labor unions ? What was the purpose of the holding these discussions in executive session other than to exclude the public from following the debate on this controversial issue ?

Thank you for your time.

Charles Kadlec and Allen Nitschelm

----- Original Message -----

From: Michael Coppolino

To: Xuan Kong ; Sharon Smith-McManus ; Jonathan Chinitz ; John Petersen ; Bruce Sabot ; Terry Lindgren

Sent: Friday, August 28, 2009 10:00 AM

Subject: Fw: District Comps Aug 2009.xls

As promised, here's the info I sent to Xuan, Sharon and Steve, as well as a "Functions Chart" which Tess provided, that explains what is contained in each line of the DOE reports found in the link below.

In the "District Comps" SS, just click on the tabs at the bottom to view data sorted on various columns.

Let me know if you have any questions or comments.

Mike

----- Original Message -----

From: Michael Coppolino

To: Sharon Smith-McManus ; Xuan Kong ; Stephen Mills

Sent: Tuesday, August 25, 2009 9:34 AM

Subject: District Comps Aug 2009.xls

Hi Sharon, Xuan and Steve,

Here is some of the analysis I referred to at our Aug. 6 meeting; this data is straight from the DOE web site:

http://finance1.doe.mass.edu/schfin/statistics/ppx08_comp.aspx?ID=002

The first group of towns was chosen somewhat randomly, based on personal curiosity (friends who live there, geographic proximity, interviews from SPED FTFII, etc.). The second set is that used currently by the Acton FinCom.

I spent a fair amount of time sorting on different columns; I'm pleasantly surprised that OOD Transport is relatively low and not surprisingly, Prof Dev is extremely low (one might possibly argue too much so).

We appear to be on the high side for General Admin, Info Mgmt/Tech and there may be room for added efficiency in other areas, such as In-District Transport.

Please note that each difference of \$100 in the per pupil Total Expend. cost equates to approx. \$550,000, so unless I'm mistaken, Westford at \$9,796 per student spends some \$7.75 - 8M less educating their students annually than we do.

END OF YEAR PUPIL AND FINANCIAL REPORT - DOE CHART

END OF YEAR FTE AND FINANCIAL REPORT - BGE CHART																										
		(1)	(2)	(3)	(4)	(5)	(6)	(0)			(1)	(2)	(3)	(4)	(5)	(6)	(0)			(1)	(2)	(3)	(4)	(5)	(6)	(0)
									Textbooks & Related Software									EE Benefits and Insurance:								
School Committee	1110		u	u	u	u	u		Media/Materials	2410				x	x	x		ER Retirement Contributions	5100						u	
Superintendent	1210	u	u	u	u	u	u		Other Instructional Materials	2415				x	x	x		Insurance for Active EE's	5200						u	
																		Insur for Retired School EE's	5250						u	
Asst Superitendent	1220	u	u	u	u	u	u		Instructional Equipment	2420				x	x	x		Other Non-EE Insurance	5260						u	
Other DW Admin	1230	u	u	u	u	u	u		General Supplies	2430					x			Rental, Lease, Interest & Other								
																		Fixed Charges:								
Business & Finance	1410	u	u	u	u	u	u		Other Instructional Services	2440			x	x	x	x		Rental - Lease Equipment	5300						u	
																		Rental - Lease Building	5350						u	
Human Res & Benefits	1420	u	u	u	u	u	u		Classroom Instr Technology	2451				x	x	x		Short Term Interest - RAN'S	5400						u	
																		Short Term Interst - BAN's	5450						u	
Legal Svc for School Comm	1430	u	u	u	u	u	u		Other Instructional Hardware	2453					u	u	u	Other Fixed Charges	5500						u	
Legal Settlements	1435				u	u	u		Instructional Software	2455					u	u	u	Civic Activities	6200	x	x	x	x	x	x	
DW Info Mgmt & Technology	1450	u	u	u	u	u	u		Guidance (Including Counselors and Adjustment Counselors)	2710	x	x	x	x	x	x		Recreation	6300	u	u	u	u	u	u	
Curr Dir (Supervisory)	2110	x	x	x	x	x	x											Health Non-Public Schools	6800	x	x	x	x	x	x	
Dept Heads (Non-Superv)	2120	x	x	x	x	x	x		Testing and Assessment	2720	x	x	x	x	x	x		Transportation Non-Public	6900	x	x	x	x	x	x	
School Leadership - Bldg	2210	u	u	u	u	u	u		Psychological Services	2800	x	x	x	x	x	x		Asset Acquisition & Improvement:								
																		Acquisition & Imprvement of Sites	7100					u		
School Curr Ldrs/Dept Heads									Attendance & Parent Liason Svcs	3100	u	u	u	u	u	u		Acquisition & Imprvement of Bldgs	7200					u		
Bldg Level - Academics	2220	x	x	x	x	x	x		Medical/Health Services	3200	u	u	u	u	u	u		Acquisition & Imprvement of Equip	7300					u		
																		Capital Technology	7350					u		
Building Technology	2250	u	u	u	u	u	u		Transportation Services	3300	x	x	x	x	x	x		Replacement of Equipment	7400					u		
																		Acquisition of Motor Vehicles	7500					u		
Teachers, Classroom	2305	x							Food Services	3400	u	u	u	u	u	u		Replacement of Motor Vehicles	7600					u		
Teachers, Specialists	2310	x							Athletics	3510	u	u	u	u	u	u		Long-Term Debt:								
																		LTD Retirement/School Constr	8100					u		
Instr Coord/Team Leaders																		LTD Service/School Constr	8200					u		
(Non-Supervisory)	2315	x	x	x					Other Student Activities	3520	u	u	u	u	u	u		LTD Service/Educ Expenditures	8400					u		
																		LTD Service/Other	8600					u		
Medical/Therapeutic Svcs	2320	x	x	x	x				School Security	3600	u	u	u	u	u	u										
																		Payments to Other Districts:								
Substitute Teachers	2325			x	x				Custodial Services	4110	u	u	u	u	u	u		Tuition to Mass Schools	9100						x	
																		School Choice Tuition	9110					x		
Non-Cler Paras/Instr Assts	2330			x	x				Heating of Buildings	4120				u	u	u		Tuition to Charter Schools	9120					x		
																		Tuition to Out of State Schools	9200					x		
Librarians/Media Ctr Directors	2340	u	u	u					Utility Services	4130				u	u	u		Tuition to Non Public Schools	9300					x		
																		Tuition to Collaboratives	9400					x		
Prof Development Leadership	2351	u	u			u	u		Maintenance of Grounds	4210	u	u	u	u	u	u		Payments to Reg School Districts	9500							
Teacher Instructional Staff -									Maintenance of Buildings	4220	u	u	u	u	u	u		Key:								
Professional Days	2353	x		x					Building Security Systems	4225	u	u	u	u	u	u		Distributed	x							
																		Undistributed	u							
Substitutes for Tchrs/Instr Staff									Maintenance of Equipment	4230	u	u	u	u	u	u										
at Professional Development	2355			x														Professional Salaries	1							
																		Clerical Salaries	2							
Prof Dev Stipends, Providers	2357	x			x	x	x		Extraordinary Maintenance	4300				u	u	u		Non Certified Salaries	3							
																		Contracted Services	4							
									Networking & Telecomm:									Materials and Supplies	5							
									Networking & Telecomm	4400	u	u	u	u	u	u		Other Expenses	6							
									Technology Maintenance	4450	u	u	u	u	u	u		No Break	0							

FY 08 Expenditures Per Pupil

					Instructor	Classroom	Prof.	Pupil	Ins, Retirement		Payments to		Total
					Leadership	& Specialist	Develop	Services	Pgms & Other		OOD Schools		Expenditures
		Administration				Teachers							
	Average Rank		Info Mngmt					In-District	Ins for	Ins for	Tuition to	OOD	
District	in Wealth		& Technology*					Transport	Active Emp.	Retired Emp.	Other School	Transport	
Medfield	50	\$348	\$49		\$564	\$4,167	\$267	\$273	\$633	\$144	\$35,681	\$6,864	\$9,957
Westford	58	\$276	\$61		\$556	\$4,086	\$173	\$358	\$678	\$111	\$37,000	\$3,915	\$9,796
Lexington	28	\$507	\$98		\$910	\$5,578	\$108	\$337	\$2,224	\$66	\$90,361	\$10,616	\$14,469
Winchester	31	\$389	\$117		\$774	\$4,976	\$113	\$137	\$1,086	\$153	\$51,246	\$8,548	\$10,865
Belmont	52	\$366	\$140		\$894	\$4,162	\$169	\$143	\$955	\$387	\$43,103	\$5,054	\$11,301
A-B	55	\$427	\$153		\$780	\$3,956	\$88	\$489	\$1,404	\$259	\$40,472	\$5,756	\$12,228
APS+A-B Reg.(avg)	56	\$454	\$177		\$636	\$3,795	\$59	\$403	\$1,206	\$209	\$46,351	\$5,783	\$11,256
APS	57	\$480	\$200		\$491	\$3,634	\$29	\$317	\$1,088	\$158	\$52,230	\$5,810	\$10,283
State Average		\$423	\$99		\$805	\$4,707	\$220	\$438	\$1,228	\$348	\$20,597	\$1,910	\$12,496
NORTHBORO-SOUTHBORO	55	\$316	\$11		\$651	\$5,166	\$63	\$700	\$1,365	\$502	\$20,299	\$3,200	\$12,588
HINGHAM	45	\$371	\$52		\$684	\$4,731	\$93	\$325	\$551	\$595	\$39,488	\$6,768	\$11,508
WESTFORD	58	\$276	\$61		\$556	\$4,086	\$173	\$358	\$678	\$111	\$37,000	\$3,915	\$9,796
SUDBURY	30	\$358	\$63		\$695	\$3,852	\$147	\$477	\$1,475	\$163	\$40,730	\$8,107	\$11,158
CANTON	78	\$272	\$67		\$623	\$4,265	\$113	\$283	\$919	\$666	\$41,005	\$7,813	\$12,496
WILMINGTON	91	\$365	\$75		\$540	\$4,144	\$22	\$266	\$1,098	\$80	\$52,584	\$10,517	\$10,340
MILTON	68	\$422	\$109		\$700	\$4,579	\$162	\$169	\$939	\$393	\$51,456	\$8,888	\$11,340
LINCOLN SUDBURY	31	\$424	\$114		\$1,124	\$6,058	\$105	\$407	\$940	\$694	\$75,719	\$12,312	\$15,549
WINCHESTER	31	\$389	\$117		\$774	\$4,976	\$113	\$137	\$1,086	\$153	\$51,246	\$8,548	\$10,865
ACTON BOXBOROUGH	55	\$427	\$153		\$780	\$3,956	\$88	\$489	\$1,404	\$259	\$40,472	\$5,756	\$12,228
BEDFORD	46	\$559	\$170		\$1,553	\$5,462	\$201	\$323	\$938	\$225	\$38,770	\$7,443	\$14,634
APS+A-B Reg (Avg)	56	\$454	\$177		\$636	\$3,795	\$59	\$403	\$1,246	\$209	\$46,351	\$5,783	\$11,256
WESTBOROUGH	71	\$510	\$186		\$800	\$5,379	\$117	\$469	\$1,142	\$267	\$42,634	\$0	\$12,890
DEDHAM	110	\$828	\$187		\$783	\$5,170	\$199	\$155	\$1,282	\$483	\$38,354	\$7,889	\$13,893
ACTON	57	\$480	\$200		\$491	\$3,634	\$29	\$317	\$1,088	\$158	\$52,230	\$5,810	\$10,283
CONCORD	25	\$667	\$211		\$853	\$5,955	\$225	\$544	\$1,048	\$0	\$43,526	\$6,925	\$15,928
CONCORD CARLISLE	21	\$823	\$359		\$1,122	\$5,749	\$128	\$517	\$1,122	\$1	\$76,947	\$7,504	\$17,486

*Includes the sum of District-Wide Info Mngmt & Tech
Plus Bldg Tech (Line #: 8340+8365) *



Acton Education Association
PO Box 2354 · Acton, MA 01720

August 27, 2009

Dear School Committee Members,

I am writing to ask you to craft a policy for our school districts to address the growing issues of slander and harassment over the Internet. I have spoken with Dr. Mills about this issue and informed him that I would be asking for your assistance.

Over the last few years, many members of our school community have been victimized on the Internet. Examples are numerous, so I will share only a few from throughout the system. On a Facebook page, an elementary school student wrote that his teacher was "a child molester." Another student doctored a Wikipedia page to read that a junior high school teacher ran a prostitution ring with former students and that her husband was leaving her. Two high school students published on-line that a teacher arrived illegally in this country on an inner tube and was being pursued by the Immigration and Naturalization Service. The adults in our buildings are not the only targets. As parents yourselves, you are likely very familiar with what students post about each other. Much of it is vicious and cruel.

As teachers, we have been very disappointed by the schools' inadequate responses. Minimal consequences were assigned, and the targets of these attacks felt that those who victimized them were given mere slaps on the wrist. It is imperative for students to learn that such defamation is not tolerated in our schools, and we believe that an explicit policy is necessary to serve as a deterrent.

Most of the hateful speech posted to the Internet is done on home computers outside of school hours. We also recognize that the First Amendment provides free speech protection in this country, but that right is not absolute. In each of the examples provided above, students published information they knew to be untrue. Such writing is not protected speech, and we have been advised that as long as a district has a policy, school officials may take appropriate actions when members of a school community target other students or employees, regardless of where or when that writing originated. Currently, we have no such policy in place.

As you consider this request, and -- I hope -- begin the process of crafting meaningful language, please let me know if I or other members of the teaching community can be of any assistance.

Sincerely,

A handwritten signature in blue ink that reads "Marc Lewis".

Marc Lewis
President