

## SCHOOL DISTRICTS

In 1998, a former member of the North Kingstown School Committee filed an Open Meetings Law complaint against the committee, claiming that the committee had given no public notice that a discussion possibly leading to the superintendent's dismissal would be held in two closed meetings. Although the Attorney General's office declined to file suit against the committee, Special Assistant Attorney General Lisa Dinerman issued a warning, concluding that the committee had indeed violated the Open Meetings Law on several counts, by "failing to properly and fully identify the subject matters to be discussed in closed session, by failing to properly convene in executive session by making an open call, and by failing to record such an open call and the nature of the business to be discussed in the minutes of its meetings" (Chris Poon, "School Board Violated Open Meetings Law, State Finds," *Providence Journal*, April 14, 1998, p. C-1; Attorney General Unofficial Finding OM98-17).

The North Kingstown School Committee is not alone. Each year the Attorney General's office receives multiple complaints about school committee's violating the Open Meetings Law. These violations may be the result of deliberate attempts to keep information from the public, ignorance of the law, or simple carelessness. Often violations result from inappropriate interpretations of ambiguous passages in the law.

Inappropriate interpretations are possible because neither the Open Meetings Law nor the Open Records Law gives specific instructions concerning the openness of every procedure and document related to school committees or districts. It would be impossible for any law to address every issue, particularly with organizations as complex as schools. However, the language of the law clearly describes its spirit and intent along with some distinct guidelines specifying procedures that would foster openness in the public school system.

The Open Records Law exempts from disclosure "all records which are identifiable to a...student, or employee; including, but not limited to, personnel...pupil records...student performance" (R.I.G.L. 38-2-2(4)(A)). Once we move beyond personnel and student records, however, countless documents and pieces of information related to school policies and procedures, such as school committee minutes or teacher contracts, are open to the public. How open are school districts with such records, especially those that are less commonly requested than meeting minutes and teacher contracts? In terms of open

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### Calling Ahead

Last year's study generated a response from several districts that individuals seeking public information, particularly meeting minutes, should first telephone the administration office with the request. An initial phone call was not a barrier to access; it was an added convenience for the secretaries because they could gather the information in advance, and for ourselves because, having established a pick-up date on the phone, we seldom had to return for a follow-up visit.

**"Specifically, we measured compliance with the Open Records Law by requesting teacher evaluation forms and written information on professional development from high schools in Rhode Island."**

meetings, do school committees in Rhode Island keep the public aware of what issues are discussed behind closed doors, as North Kingstown failed to do in 1998?

These questions are the basis upon which this year's study rests. This study is a two-part analysis of the openness of thirty-three school districts in Rhode Island. (Block Island was not included in the study.) Specifically, we measured compliance with the Open Records Law by requesting teacher evaluation forms and written information on professional development from high schools in Rhode Island. We determined school committees' compliance with and interpretation of the Open Meetings Law through examining school committee meeting minutes and interviewing school committee chairpersons about procedures related to closed meetings.

## Open Records Law

### *What We Requested*

We decided to request teacher evaluation forms and professional development information from schools for three main reasons. First, we wanted to request documents in which parents or concerned citizens would be likely to take an interest. Because of the recent attention given to teaching standards around the nation and in the state, these documents fit this criterion. Second, we wanted to request documents that every school system should have. In order to determine if teacher evaluation forms and professional development policies fit this criterion, we looked at teacher contracts and policy manuals to see if either document addressed the topics<sup>1</sup>. Since this information appeared in contracts and manuals in virtually every district, we decided that it would be appropriate to request this information in our study.

Our final and most important criterion was that the documents we requested should be considered public under the Open Records Law. An evaluation of a specific teacher would clearly not be a public record, as documents including "information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body" are exempt from the law (R.I.G.L. 38-2-2(4)(A)). Blank teacher evaluation forms and policies on professional

<sup>1</sup> Researchers in last year's study were able to obtain 94.1% of their requests for teacher contracts, policy manuals, and regular committee meeting minutes. During our preliminary research this year, we were granted access to these three public documents in 100% of the districts in which we requested them. In addition, all of the districts that charged us for copies were within the \$0.15 per page copying fee limit this year.

development, however, do not have the characteristics of documents exempt under this or any other section of the law. These documents simply state the policies and procedures of schools and do not contain information that can be traced to a particular teacher or that would be maintained in a personnel file.

### *How We Requested Information*

**W**e decided to study secondary schools whenever possible because many districts in Rhode Island have only one high school. In the cases of combined districts, the shared high school was studied: Mount Hope (Bristol-Warren), Chariho (Charleston, Richmond, and Hopkinton), Exeter-West Greenwich, and Ponagansett (Foster and Glocester). When a district did not have its own high school, as was the case in Jamestown and Little Compton, we studied the elementary school that was within its jurisdiction. When a district had more than one high school, the one with the greatest student population was chosen, as was the case with Central High School in Providence.

In order to simulate the experience of an average citizen attempting to obtain information from these schools, volunteers from the Rhode Island chapter of Common Cause requested the documents. Since they were residents of the town in which they made the request, or of a relatively adjacent town, they represented local citizens interested in school policy. The volunteers were given a detailed protocol for a telephone call to their respective high schools. (See Appendix for complete protocol.) They requested a teacher evaluation form, any additional information on teacher evaluations, and a written policy on professional development. We were careful to specify that we were not looking for information on a particular teacher so that there would be no question that these items were public records under the law. The volunteers were made aware that the authorization of the principal or superintendent might be required to fulfill their request.

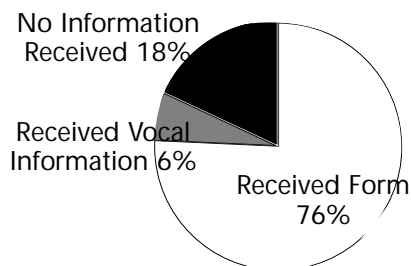
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## Measuring Compliance

**“Statewide, we received 52 of the 61 requests (85%) ultimately counted in this study.”**

A school district was considered in full compliance with the Open Records Law if we received the information requested. We counted the district as compliant regardless of the quality or depth of the details provided. Since the law does not specify requirements for the form or content of teacher evaluation forms or professional development documents, we could not consider districts in violation of the law if they did not have these records and could only give us vocal information. In these cases, we were unable to evaluate a district's compliance with the law. However, we considered districts which provided us with vocal information on their policies to be adhering to a spirit of openness. We accepted vocal explanations while recognizing that written records are a preferable form of communicating information. While a written statement of policy ensures that the same information is communicated to all, the amount of detail and accuracy in a vocal response could vary depending on the personality and knowledge of the secretary, principal, or superintendent who honored the request.

Chart 3.1  
Teacher Evaluation Responses



## Results

Statewide, we received information in response to 52 of the 61 requests (85%) ultimately counted in this study. Although this percentage represents a significant majority of the districts, a number of the requested documents were not provided and several districts were therefore in violation of the Open Records Law.

Just over three-fourths of the schools surveyed (76%) provided a teacher evaluation form, and many of those gave us additional information to accompany it. The quality and usefulness of the written documentation on teacher evaluations ranged from multi-paged plans for evaluation in Bristol-Warren, East Greenwich, Johnston, Newport, and North Kingstown, to a one-page evaluation form with five check boxes in Lincoln.

Two districts, Foster-Glocester and West Warwick, provided information on teacher evaluations verbally. They indicated that they do not use a standard document for observing teachers, but instead visit a classroom and prepare a narrative about the teacher's performance. Six districts did not provide a written teacher evaluation form or any verbal information addressing our request: Cranston, Cumberland, Little Compton, Middletown, Pawtucket, and Scituate. Middletown explicitly denied the request while the others did not provide the information in

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response to repeated requests.

The request for information on professional development was more complicated, and five districts were ultimately removed from the analysis.<sup>2</sup> Fifteen (53%) of the remaining districts provided written information on professional development. Because this request was for information rather than for a particular document, we expected, and found, variation in the quality of information received on this issue. Some districts provided packets of information outlining detailed professional development requirements or ways to improve teaching skills while others provided only a few explanatory statements of policy.

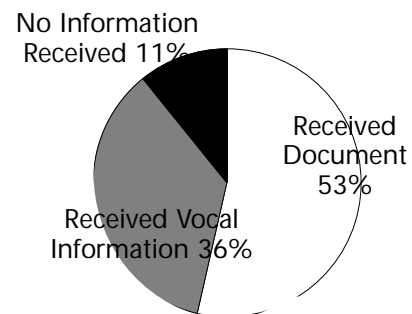
Vocal information on professional development was received from ten (36%) of the districts. The vocal explanation included information on opportunities and/or requirements for teaching development and any policy the school had for encouraging teachers to participate in these activities. Three school districts did not provide this information in either a written or vocal format: Cranston, Pawtucket, and Scituate. In all three cases, the information was promised to us at the time we requested it, but never sent to us, or we received no response after multiple phone calls.

The discrepancy in the availability of written information for the two components can be partially explained by the fact that while a teacher evaluation form is a specific document, information on professional development policy is not necessarily contained in a single, standard document. This information may therefore have been more difficult to locate. In addition, unlike evaluations, professional development is often not formally required of a teacher, so some districts indicated that they had little or no written information on this topic.

From our preliminary research we knew that policy manuals often contain information such as the procedures for requesting professional days off or a few statements about the number of days a teacher is limited to, required to, or encouraged to use for outside conferences or workshops. We expected that at least as much information on professional development as we found during our preliminary survey of teacher contracts and policy manuals would be made available to us after our formal request. Although this study was not designed to compare contracts

**“Fifteen districts provided written information on professional development.”**

Chart 3.2  
Professional Development Responses



**“Three school districts did not provide this information in either a written or vocal format: Cranston, Pawtucket, and Scituate. In all three cases, the information was promised to us at the time we requested it, but never sent to us, or we received no response after multiple phone calls.”**

<sup>2</sup> The volunteer who requested documents in Middletown was met with such rude treatment when he asked for a teacher evaluation form that he declined to make the second request for professional development information. North Providence requires a written request for any public record, and that ultimately deterred the volunteer from pursuing this information. Three districts reported that they had no information on professional development: Burrillville, Central Falls, and Charho.

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or manuals with the information received during our request, we were able to make comparisons in a number of districts. In some cases, such as North Smithfield, we were told in response to our request that no written information was available, but from our preliminary research we had found that some details did exist in either the teacher contract or the policy manual or both. Some districts provided photocopied sections of these documents as part of the fulfillment of the request. However, surprisingly few of our volunteers were referred to these public documents, even though the request they made was for information on policies.

## Public Bodies Can Discuss These Issues in Closed Session:

1. Job performance, character, or physical or mental health of personnel
2. Collective bargaining or litigation
3. Security personnel or devices
4. Investigative proceedings regarding allegations of misconduct, civil or criminal
5. Acquisition or lease of real property for public purposes
6. Prospective business or industry locating in the area
7. Investment of public funds
8. Student disciplinary hearings or matters which relate to the privacy of students and their records

## Open Meetings Law

### *What Should We Test?*

In the portion of our study described above, we tested a citizen's ability to gain access to records describing school policies. Equally important, however, is a citizen's right to observe the public body which approves such policies. The Open Meetings Law states that "it is essential...that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy" (R.I.G.L. 42-46-1). Although public bodies such as school committees normally conduct their business in sessions open to the public, some issues are discussed out of the public view, in executive, or closed, session. The eight exemptions under which a committee can recess into executive session are listed in the table to the left.

The law also includes clauses that ensure that the public is informed of the deliberations and decisions that take place in executive session. We studied school committees' procedures related to three such clauses in order to check each district's compliance with the law. First, school committees must give a statement of the nature of the business to be discussed in the closed session and cite the exemption of the Open Meetings Law that applies to those issues. Second, according to the law, the committee must take a vote if they choose to seal the executive session minutes. Third, as of July, 1998, committees must disclose in an open meeting the votes that are taken in closed session. In this portion of the study, we examined school committees' compliance with these three requirements along with differences in their

interpretations of the Open Meetings Law, attempting to answer the question: Do school committees fulfill their obligation to make information available about the topics discussed in closed session and the decisions that are made there?

### *How We Conducted the Study*

In order to determine if school committees were complying with the Open Meetings Law, we examined four to six months of school committee minutes, and we conducted an interview with each school committee chairperson in Rhode Island. From the minutes, we were able to note whether committees complied with the requirements of citing the law and the reasons for recessing into executive session, voting to seal minutes, and revealing votes from executive session. The interviews allowed us to confirm these procedures regarding executive session since we could not directly observe closed meetings. The interviews also gave us insight into the types of issues most commonly discussed in closed session, as well as the chairpersons' views of the purpose of executive session. (Interview questions are listed in the Appendix.)

The four combined school districts were studied as such because each group of towns shares one committee. Central Falls has not had a formal school committee since 1991. The former chairman of that committee was interviewed, as he continues to play an important role in the governance of the school department in the city, but Central Falls could not be included in much of the numerical analysis of the districts. West Warwick never used executive session in the period we examined and therefore also could only be used in part of our analysis. Percentages in the following section were calculated using a number of districts that varies depending on the presence of these special cases, and on the nature of some of the questions we raised and the circumstances we encountered.

**“In order to determine if school committees were complying with the Open Meetings Law, we examined four to six months of school committee minutes, and we conducted an interview with each school committee chairperson in Rhode Island.”**

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**“Although the majority of districts were compliant in citing the law, most districts were inadequately specific in stating the nature of the business to be discussed in closed session.”**

### Results

In our attempt to determine what occurs in executive session, we asked committee chairpersons to list specific issues that fall under each exemption of the Open Meetings Law that they have cited. The issues most commonly discussed in closed session are those that deal with personnel matters, job performance, litigation or collective bargaining, and student hearings.

Although student disciplinary hearings were frequently reported to be the topic of a closed meetings, some chairpersons did not seem to be aware that a separate exemption has been recently added for that specific purpose. Most districts cited exemptions one (job performance) and two (collective bargaining) as the reason for going into closed session, though a student disciplinary hearing would not be justified by these exemptions.

### Citing the Law and Reasons for Executive Session

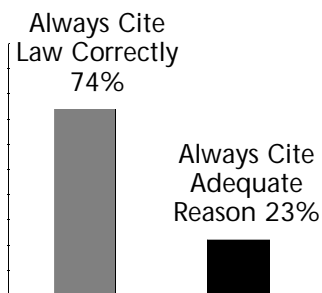
From the four to six months of minutes examined, we were able to determine that most committees were compliant in citing the law correctly. Twenty-three districts (74%) always cited the law correctly. Cranston, Cumberland, East Providence, Narragansett, and Providence did not always cite the law. Foster-Glocester, Pawtucket, and South Kingstown cited the law improperly or incorrectly.

Although the majority of districts were compliant in citing the law, most districts were inadequately specific in stating the nature of the business to be discussed in closed session. The law requires that such a statement accompany the vote to recess into executive session. In 1996, the Attorney General issued a decision that stated "Simply identifying 'collective bargaining' or 'personnel' as the subject of a closed meeting does not sufficiently specify the nature of the business to be discussed and violates R.I.G.L. 42-46-4 (b)" (OM96-28). Using this criterion, only seven districts studied (Barrington, East Greenwich, Jamestown, North Smithfield, Pawtucket, Scituate, and Tiverton) were always sufficiently specific in their reasons.

For example, minutes from one meeting of the Jamestown School Committee recorded that the committee went into executive session for the discussion of a "grievance regarding the length of the school day" and a "grievance regarding a teacher reassignment." Minutes from a meeting of the Pawtucket School Committee recorded that the committee conducted "personnel

Chart 3.3

Cite Laws Correctly



**“Only seven districts studied (Barrington, East Greenwich, Jamestown, North Smithfield, Pawtucket, Scituate, and Tiverton) were always sufficiently specific in their reasons..”**

interviews" in executive session. North Smithfield cited a "parental hearing request," and Scituate cited a "job performance discussion" as part of the subject of a meeting.

Eight districts (Cumberland, East Providence, Middletown, Narragansett, Providence, Smithfield, Warwick, and Westerly) did not always give a reason. The remaining 16 districts cited a reason, but sometimes used simply "personnel" or "collective bargaining" or both. All of these committees insufficiently fulfilled their obligation to justify their use of executive session as set forth by the Open Meetings Law.

### Sealing Executive Minutes

When an issue is sensitive enough to warrant a closed discussion, it is likely that the minutes from the meeting will be kept closed as well. According to our interviews with school committee chairpersons, 23 (72%) of the committees always seal their executive session minutes, while eight (25%) sometimes do, and one district (Burrillville) never does. Most districts that seal their minutes consistently seal them in their entirety. However, the law can be interpreted in such a way that it is legal only to seal those sections that are pending or should otherwise remain outside of the public view. Committees could adopt the practice of leaving sections of executive minutes that do not fall under this category unsealed. Some chairpersons indicated that certain sections of these minutes have been unsealed in the past for legal purposes but rarely for the general public.

Although it is legal to seal executive session minutes either partially or in their entirety, a committee must take a vote to seal them. According to our interviews, only one district, Scituate, assumed that their minutes were sealed without taking a vote. We asked the other chairpersons whose committees seal the minutes whether this vote is taken in open or closed session. The Cumberland, East Greenwich, and Lincoln chairpersons each reported that executive session minutes are sealed in open session, but we did not always find that vote recorded in the minutes. It is possible that the discrepancies we noted were the result of errors by the clerk responsible for the open session minutes. (An example of a clerical error leading to non-compliance occurred in Foster-Glocester, where the committee's error in inappropriately citing sections four and five of the law seems to be the result of an inaccurate template used to produce the minutes; the section is printed in the same manner from month to month, but the

### Most Compliant and Least Compliant

We could not accurately and fairly rank each school district based on its compliance with the Open Records and Open Meetings Laws because not every school district could be evaluated on all measures of compliance examined in this study. (For example, school committees which do not vote in executive session could not be evaluated on whether or not they reveal votes.) There were, however, districts which stood out as exceptionally compliant and districts which had an exceptional number of violations of the law:

#### *Most Compliant:*

- Barrington
- Burrillville
- Jamestown
- Tiverton

#### *Least Compliant:*

- Cranston
- Cumberland
- Scituate

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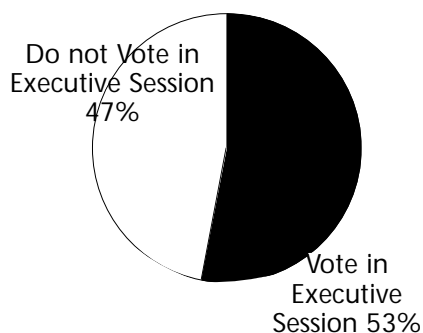
**“According to school committee chairpersons, 15 (47%) of the committees do not vote in executive session. Of the 17 (53%) that do vote, ten (59%) districts indicate that the votes are disclosed or reconfirmed in open session.”**

wrong section numbers are routinely recorded.) Additionally, we could not check the accuracy of the chairpersons who reported that the vote was an executive session procedure because we did not have access to the meetings or the minutes of the meetings.

In several districts, the vote to enter executive session and to seal the minutes took place simultaneously. In effect, minutes are being sealed that do not yet exist and, more importantly, that may prove to be a harmless but informative account of the deliberation. Committees should seal minutes after the session, at which point they can determine which sections, if any, could remain open to the public.

In two districts, Middletown and North Kingstown, we received minutes from executive session when we initially requested minutes from the committees' regular meetings. The Middletown executive session minutes were vague, offering little information beyond that which was available from the meeting's agenda. The North Kingstown minutes, on the other hand, presented a more detailed account of the discussion in executive session and represent a good example of openness.

Chart 3.4  
Vote in Executive Session?



## Disclosing Votes

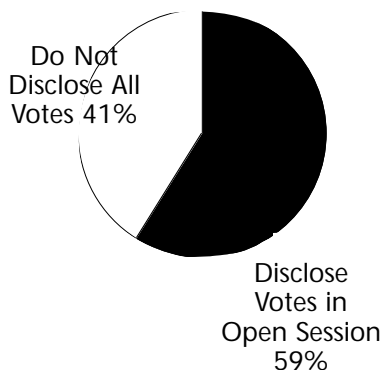
According to school committee chairpersons, 15 (47%) of the committees do not vote in executive session. Of the 17 (53%) that do vote, ten (59%) districts indicate that the votes are disclosed or reconfirmed in open session.

The law requires that committees disclose in open session any votes taken in executive session, but it does not specify the manner in which the votes should be disclosed. A good practice would be to define “to disclose” as “to make a decision from executive session evident during the regular meeting, and in the regular session minutes, clearly labeled as ‘executive session votes’ and with the roll call votes included.” We did not see a procedure that resembled this one in any of the minutes we examined.

In virtually all cases, it was impossible to ascertain from the four to six months of regular minutes we examined that votes from executive session were disclosed. Many chairpersons explained that the committee discloses votes by retaking them as the issues come up on the open meeting agenda. In effect, these votes get subsumed into the regular meeting in such a way that it is impossible to note from the minutes whether committees complied with the Open Meetings Law by disclosing votes or whether any votes were taken at all.

It is conceivable that in some districts no votes were

Chart 3.5  
Disclosure Executive Session Votes?



taken in executive session during the five months of meetings whose minutes we analyzed. This may have been the case because many of the districts that sometimes vote in executive session sometimes use it simply for discussion purposes. However, an indication that some committees neglect to reveal votes is the non-disclosure of votes to seal executive session minutes in the cases where the committee chairperson reported that the vote took place in executive session. That vote should be revealed in the regular minutes after the committee reconvenes in open session, but in the relevant districts the vote was not mentioned.

Of the committees that vote in executive session, seven (41%) do not disclose all of the votes they take. These committees, East Greenwich, Foster-Glocester, Lincoln, Newport, North Kingstown, Scituate, and Warwick, are failing to fully comply with the law. Perhaps the committees are unaware of the 1998 amendment, but when votes are not disclosed and minutes of executive session are either sealed or uninformative, the public is denied its right to know what decisions were made during the closed meeting.

Making decisions in closed session includes taking formal votes, but it also includes coming to a consensus, or an agreement during the session. This issue is not addressed in the law, but according to an unofficial opinion issued by the Attorney General in 1995, "[I]t is the opinion of this department that 'arriving at a consensus' to

### Are School Committees Treated Differently?

**D**uring the course of our interviews, some committee chairpersons commented that the Open Meetings Law is too restrictive, and that discussions flow more freely and are more productive in closed session. The chairman of the Foster-Glocester School Committee believes that members are less likely to give all of the input that they would like to give because certain discussions must take place in open session. The Smithfield chairwoman also explained that the rigidity of law has sometimes caused uncomfortable debates in public such as ones concerning the superintendent; it appears to the public that the committee is struggling during open session.

The chairman of the Scituate school committee commented that although the Open Meetings Law is commendable in that it causes a committee to identify what will be discussed in closed versus open session, problems that arise during the period between the posting of an agenda and the date of the meeting cannot be added to the agenda. The Open Meetings Law states that, "Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by a majority vote of the members" (R.I.G.L. 42-46-6 (b)). Committee chairs, such as those representing Johnston, Newport, North Providence, and South Kingstown raised a concern that the Open Meetings Law is stricter with school committees than it is with other public bodies because there are some clauses of the law, such as this one, that put restrictions specifically on school committees. The North Smithfield chairman made this observation as well, but felt that all municipal bodies should be held to this stricter standard.

The Open Meetings Law also states that "In the case of school committees, the required public notice shall be published in a newspaper of general circulation in the district" (R.I.G.L. 42-46-6 (c)). This clause translates into costly advertising fees for school committees, but not for other public bodies. Not only does this requirement use funds from an already tight education budget, it uses tax dollars to post meetings that are also advertised in town halls, public libraries, and administrative buildings for a much lower cost.

Why is the law stricter with school committees than with other public bodies? Since schools account for a large percentage of a municipality's general funds, one possible explanation is that extra caution is taken to monitor how the committee spends it. Also, because the decisions they make affect the communities' children, school committees are held to a higher standard of accountability.

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### Public Comment

From the minutes and the interviews, we found that all of the committees allow members of the public to speak at regular meetings. Many have formal procedures, like a sign-up sheet or designated times to speak, such as an "open forum" or an "audience of citizens," at the beginning and/or end of the meeting.

If an issue that is not on the agenda is raised during public discussion there are some differences in the way the committees handle the question or concern. Some districts take caution that discussion does not stray from that meeting's agenda by restricting comments to issues on the agenda. Others allow the person to speak on any issue, but give little response on non-agenda items. Others may offer some advice or suggestions even on non-agenda items that would lead to a more rapid correction of the situation. In most cases, committees opt to defer non-agenda items to the next meeting.

do a certain action is in most circumstances tantamount to voting. Regardless of what the process is called, the public body implements it to reach a *decision*, or to authorize action. Thus, to call the process 'reaching a consensus' as opposed to 'voting' is mere semantics" (Unofficial Opinion #OM95-20). The idea of consensus is important because without taking a vote, committees can by-pass the requirement to disclose votes and can, in effect, make decisions relating to public policy without making the public immediately aware of the decision and how each member voted. Any decision, whether taken by a roll call vote or through the reconciliation of opinions of those on the committee, should be available to the public so that citizens can be "aware of...the deliberations and the decisions that go into the making of public policy" (R.I.G.L. 42-46-1).

### *District Summaries*

*What follows are summaries highlighting the ways in which school districts comply with, and fail to comply with, the Open Records and Open Meetings Laws. The results of our requests for written information on professional development and teacher evaluations, both public records, are noted along with any unusual experiences surrounding the requests. Also noted is whether each school committee complies with the Open Meetings Law. Points examined include: citing the Open Meeting Law in the minutes when recessing into executive session; recording a statement specifying the nature of the discussion in the minutes when recessing into executive session; and revealing in open session minutes any votes taken in executive session. Failure to do any of these three things is in violation of the law. Finally, each district summary includes information about the committee's practices regarding sealing executive session minutes, comments from school committee chairpersons about the purpose of executive session, as well as any other notable points from our research. Information derived from the five to six months of school committee minutes that we examined (July 1998-January 1999) is marked with a (M). Information derived from the interviews we conducted with school committee chairpersons in February 1999 is marked with an (I).*

**BARRINGTON**

*Open Records Law*

• We obtained both written professional development information and teacher evaluation forms.

*Open Meetings Law*

• The Barrington School Committee both cites the law and gives a reason correctly when going into closed session. (M)

• Executive session is used mainly for discussion, but votes are taken. (I)

• According to the chairperson, the school committee immediately reports out the executive session votes when they go back into open session. (I) However, an example of this was not evident during the five months of minutes analyzed.

• The school committee seals executive session minutes in executive session. (I)

• The school committee chairperson reports, "I think that the main purpose of executive session is to conduct issues that, if held in open session, might be detrimental to either the school district, individual, or group that is entitled to have the matter remain confidential."

*Other Notable Points*

• In 1997, the Barrington School Committee was held in violation of the Open Meetings Law, the first school board to be fined for

obstruction of this law (Pine vs. Barrington School Building Committee, No. 96-5909 April 1997).

• Barrington now rarely goes into executive session and always explicitly states the reason.

• When asked how the committee was kept apprised of the law, the chairperson provided documents and binders of information, including the most recently amended copy of the law.

**BRISTOL-WARREN**

*Open Records Law*

• We were given the "Professional Assessment and Development System," a 56-page document that outlines teacher evaluation and professional development information.

*Open Meetings Law*

• The committee always cites the law and a reason before entering into closed session, but sometimes "personnel" is given as a reason for executive session. (M)

• Votes are not taken in executive session. However, the school committee members reach a consensus during the closed period. (I)

• The committee seals executive session minutes in open session. (M,I)

• The former school committee chair reports on the purpose of executive session: "It is to protect the rights of the individuals,

teachers, and students."

*Other Notable Points*

• The chairman was exceptionally helpful during the interview, offering a good deal of written information from the school district and the Rhode Island Association of School Committees.

**BURRILLVILLE**

*Open Records Law*

• We received a teacher evaluation form. We were told that there was no information available on professional development policy.

*Open Meetings Law*

• The committee cites the law and a reason when entering executive session, but sometimes "personnel" is given as a reason for executive session. (M)

• Votes that are taken in executive session are disclosed upon resuming open session. (I)

• Minutes are never sealed, and anyone should be able to get copies of the executive minutes. These minutes are general explanations of the discussion, not verbatim accounts. (I)

• The chairman reported that the goal of executive session is "to discuss sensitive issues in private that might impact students and staff members, and to discuss negotiations and keep them confidential."

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### *Other Notable Points*

- In 1996, the committee was found to be in violation of the Open Meetings Law by voting on a non-agenda item (OM96-02).

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## CENTRAL FALLS

### *Open Records Law*

- Our volunteer was sent written information about teacher evaluations after meeting with the principal of the high school. He told her that the school did not have a written policy on professional development. Our volunteer found the principal helpful and eager to answer any questions she had.

### *Open Meetings Law*

- As Central Falls has a school district advisory board instead of a school committee, the privilege of executive session is never exercised. The superintendent listens to the opinions of the board members, but ultimately, she has the final say on all policy decisions for the school district. (I)

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## C H A R I H O (CHARLESTOWN, HOPKINTON, RICHMOND)

### *Open Records Law*

- The vice-principal of the high school provided a blank teacher evaluation form.
- When our volunteer asked for information on

professional development, he was told, "It's in the hands of the [teachers'] union," and that he would have to ask the teachers' union for the information.

### *Open Meetings Law*

- The law is always cited and a reason is always given when the committee enters executive session, although "collective bargaining" is used as a reason to recess to executive session. (M)
- The chairman said the committee does vote in executive session and that votes are revealed by being recorded into the minutes of the open meeting. However, we did not find any votes from executive session recorded in the five months of minutes we examined. (I, M)
- The motion to seal the minutes of the executive session is included in the motion to go into executive session. Thus, the school committee simultaneously votes to go into executive session and keep the minutes sealed. (M)
- The chairman responded that the main purpose of executive session is "to be able to speak freely without influencing parties."

### *Other Notable Points*

- The superintendent's secretary was helpful when we sought minutes from school committee meetings and information from the district policy manual during our preliminary research.

- The chairman has only been on the committee since November 1998 and was immediately elected chairman.

- Chariho charges \$0.10 per page for copies, which is within the legal amount. Chariho was one of six towns to charge for copies.

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## COVENTRY

### *Open Records Law*

- The Coventry School Department has a Teacher Evaluation Handbook that is open to the public and that discusses in detail both the evaluation process as well as professional development.

### *Open Meetings Law*

- The committee always cites the law and a reason for entering executive session, though they often cite "personnel matters" as a reason. (M)
- The committee does not vote in executive session. (I)
- The committee votes to seal executive session minutes in open session prior to the session, and then again at the following regular meeting. (I, M)
- The chairman stated that the main purpose of executive session is to discuss issues relating to personnel, litigation, and contracts.

**CRANSTON**

*Open Records Law*

• Our volunteer was unable to obtain information about teacher evaluations or professional development. She was directed to the superintendent's office, which she called several times, leaving messages each time, before she was called back. She was asked by both the principal's office and superintendent's office why she wanted the information if she was not a parent or teacher. She was then told to send in a written request, which she did, but she never received a response.

*Open Meetings Law*

• The committee never cites the law when recessing into executive session. In the five months of minutes we examined, the only reasons given for entering executive session were "personnel" and "litigation." (M)

• The Cranston School Committee never votes in executive session. (I)

• Minutes from executive session are sealed at the next open session, after they are approved. They are usually never unsealed unless subpoenaed. (I)

*Other Notable Points*

• The chairwoman of the school committee commented, "The more information you give to the public, the better off we all are."

• The chairwoman was helpful and informative during the interview.

• Cranston charges \$0.15 per page for copies, which is the maximum legal amount. Cranston was one of six towns to charge for copies.

**CUMBERLAND**

*Open Records Law*

• The principal was difficult to reach. Eventually, he provided vocal information on professional development. The principal told us that he believed teacher evaluation forms were public, but that he would consult with the Superintendent before sending the information. This information was never received.

*Open Meetings Law*

• The committee does not cite the law and a reason for recessing into executive session in the minutes. (M)

• Votes are sometimes taken in executive session, but they are never disclosed in the open meeting. The chairman believes that the executive votes are recorded in the open minutes, but upon inspection of these minutes, we did not see any record of votes. (I, M)

• According to the chairman, the committee always seals executive minutes in open session, but this is not always noted in the minutes. (I, M)

• The chairman reported that the goal of executive session is

secrecy and to protect against damaging one's character, however, "the law only makes executive session apply when it is necessary."

*Other Notable Points*

• The secretary at the superintendent's office was accommodating when we requested the policy manual and teachers' contract.

**EAST GREENWICH**

*Open Records Law*

• We were provided with a particularly comprehensive teacher evaluation plan in response to our volunteer's request. This plan also included information on professional development.

*Open Meetings Law*

• The committee always cites the law and a reason when recessing into executive session. (M)

• The committee sometimes votes in executive session on matters such as contract proposals and discipline. Such votes are not directly revealed in open session. (I)

• The committee seals the executive session minutes immediately after the session as a matter of course, according to the chairman, although this is not recorded

## SCHOOL DISTRICTS

in the open session minutes we examined. (I, M)

- The chairman commented that executive session serves two important purposes: 1) closed sessions allow for a freer flow of discussion on matters such as contract negotiations, and 2) closed sessions protect the privacy of teachers and students under discussion.

### *Other Notable Points*

- The East Greenwich Superintendent's Office was helpful in providing copies of school committee meeting minutes as well as a teachers' contract during our preliminary research.

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## EAST PROVIDENCE

### *Open Records Law*

- We received a teacher evaluation form and vocal information on professional development.

- The assistant superintendent took an hour out of his schedule in order to explain professional development and the teacher evaluation process to the volunteer, even though the volunteer did not have an appointment.

### *Open Meetings Law*

- The majority of the five months of minutes analyzed begin with the school committee adjourning from executive session. It appears that they do not start the meeting in open session, thus

never stating the Open Meetings Law nor a reason for entering executive session. (M)

- The committee takes votes in executive session. The vote is either directly reported out or, if it relates to a later section on the agenda, disclosed at that point. This information, given to the public during the Chairman's Report to the open session, is noted in the minutes. (I, M)

- The school committee seals executive session minutes at the beginning of the public meeting. (M)

- The chairwoman reported that, "Executive session exists primarily for reasons of privacy and protection of individuals and the protection of individual rights."

### *Other Notable Points*

- The new school committee chairwoman strives for openness. In 1996, she complained to the press about East Providence's violations of the Open Meetings Law. She charged that the superintendent and fellow school committee members come to consensus on the budget behind closed doors.

- The board recently reorganized the form of public participation, allowing comments before each vote. In the past the public was only allowed to speak at the end of a meeting.

## EXETER-WEST GREENWICH

### *Open Records Law*

- Our volunteer was given a large amount of information in response to her request for information about professional development. A blank teacher evaluation form was also provided.

### *Open Meetings Law*

- The law and a reason were always cited when recessing into executive session, although "personnel" and "collective bargaining" were used as reasons to go into the closed session. (M)

- Although votes are not always taken in executive session, the committee sometimes comes to a consensus. (I)

- The motion to recess into executive session includes a motion to keep the executive minutes sealed, so the minutes of executive sessions are always sealed. (M)

- The committee usually only goes into executive session for student disciplinary hearings or collective bargaining. (I)

### *Other Notable Points*

- Exeter-West Greenwich was the only district in which we had some difficulty obtaining minutes from the regular school committee meetings. The secretary called us back twice to ask why we were requesting minutes from school committee meetings. The first time, we told her we

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### JAMESTOWN

were doing research. She called back again to ask what kind of research we were doing, and we explained that we were doing a project on education. This, apparently, was an acceptable answer, as we finally received the minutes. (The secretary kindly mailed them to us.)

• As of February 1999, the committee had not gone into executive session in five months.

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### FOSTER-GLOCESTER

#### *Open Records Law*

• The high school principal's responses to requests for teacher evaluation and professional development policy information were contradictory. On the phone, we were told that the evaluation form was not a public document, but during a meeting with the same principal we were told there was no written form. We received a vocal explanation of the teacher evaluation process. We were also given written information on the teacher mentoring plan along with a document listing topics that could be discussed at professional development events.

#### *Open Meetings Law*

• The committee always cites the law and reasons for going into executive session. However, they routinely cite sections 4 (investigative

proceedings regarding allegations of misconduct either civil or criminal) and 5 (acquisition or lease of real property) of the exemptions in the Open Meetings Law for issues such as "administrative contracts." These sections of the law do not correspond to these reasons for entering executive session; the law is cited incorrectly. They often cite "personnel matters" as a reason for executive session. (M)

• The committee does not usually take votes in executive session. When they do vote, all votes except for those on grievance decisions are reconfirmed in open session. (I)

• The chairman reported that executive minutes are not sealed unless an issue is pending. In the five months of minutes examined, the minutes of all of the executive sessions were sealed. (I, M)

• The chairman stated that the purpose of executive session is to protect the privacy of employees, but that most issues are ultimately discussed in open session since votes are reconfirmed there.

• The chairman feels that the committee's procedure on sealing executive minutes in their entirety can prohibit members of the public from viewing the parts of the minutes that are not pending or sensitive. He believes that the public should be able to access these sections and to be aware of the issues.

#### *Open Records Law*

• The superintendent supplied a teacher evaluation form and information on professional development from the teachers' contract upon request.

#### *Open Meetings Law*

• The committee always cites the law and a reason when going into executive session. In all of the meeting minutes examined, the committee cited exceptionally specific reasons for going into executive session (for example, "grievance: length of school day; grievance: teacher reassignment" (August 6, 1998)).

• The committee never votes in executive session. (I)

• The committee seals the executive session minutes in open session. (I, M)

• The chairwoman commented that executive sessions serve the purpose of allowing the committee to discuss sensitive issues which must be dealt with but contain names or incidents which should not be made public.

#### *Other Notable Points*

• The Jamestown School Office was particularly helpful in providing access to school committee minutes, a policy manual, and teacher contracts during our preliminary research.

• In 1997, the Attorney General's office issued a

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warning to the Jamestown School Committee's Administrative Search Committee for violating the Open Meetings Law by "failing to take an open call to go into executive session and setting forth at such open call the nature of the business to be discussed" (OM97-01).

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### JOHNSTON

#### *Open Records Law*

- Each section of the written evaluation form we received was detailed and comprehensive. The principal told us that professional development is not required of teachers, but it is encouraged and that opportunities for development are provided.

#### *Open Meetings Law*

- The committee always cites the law and a reason for executive session, but they cite "personnel" as a reason. (M)
- The committee rarely takes votes in closed session. In the instances when they do, votes are reconfirmed in open session. The committee may reach a consensus in executive session. (I)
- Minutes from executive session are always sealed and the vote occurs in open session when the regular meeting reconvenes. (I, M)
- The chairwoman reported that the main purpose of executive session is to update the committee members on

ongoing issues before the regular meeting. Since the five members may have very different ideas, a specific strategy is planned in order to have a unified presentation to bring to the public. If they do not know where the other members stand on an issue, the public can perceive the disunity as a weakness.

#### *Other Notable Points*

- During a meeting within the five months of minutes examined (October 14, 1998) the chairwoman prevented the committee from voting on a non-agenda item by explaining that it is an Open Meetings Law violation to do so.
- In 1996, the committee was cautioned for holding an informal meeting between the superintendent and two committee members who had a conversation about school committee business outside of a noticed meeting (OM96-34).

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### LINCOLN

#### *Open Records Law*

- The teacher evaluation instrument was received, but it was simply a single page with check boxes and a few lines for additional comments. Some written information on professional development was also received.

#### *Open Meetings Law*

- The law and reasons for entering executive session are

cited in the minutes, but sometimes "personnel" is given as a reason for executive session. (M)

- Votes that are taken in executive session are not disclosed. The chairwoman commented that, "[Members of the public] never know, unless they are told by a school committee member or they guess." (I)

- The chairwoman reported that minutes from executive session are always sealed at the next regular meeting when the regular minutes of the preceding meeting are approved. However, upon inspection of the open minutes, there was no record of this. (I, M)

- The chairwoman reported that the goal of executive session is "to protect people and to preserve the secrecy of the identification of students, employees, and personnel matters." Furthermore "it is important that municipal bodies are allowed to continue to have executive session because as open as the public may want the committee to be, there are pieces of information that would be dangerous if handled in an open fashion. Executive session should not be curtailed more than it is. You have to trust the elected officials to stick to the agendas and not take advantage of the situation. That is what people are uncomfortable with. We try to be extremely open and extremely accessible to the public."

*Other Notable Points*

• We had no problem acquiring information during our preliminary research, and assistants at both the superintendent's and the principal's offices were friendly and polite.

(When asked about deciding which matters to discuss in closed session, the chairperson replied, "We basically follow the guidelines [of the Open Meetings Law] and stay within them."

**LITTLE COMPTON**

*Open Records Law*

• We did not obtain a teacher evaluation form. The school principal told us, "We can try to dig it up for you," and suggested coming in the following week. When we called back and visited the office, the principal still did not have a copy. The principal promised to send a teacher evaluation form soon, but we never received a copy in the mail. During the initial phone call the principal provided vocal information on professional development.

*Open Meetings Law*

• The committee cites the law when going into executive session, but sometimes gives "collective bargaining" as a reason for the session. (M)  
 • Executive session is used for discussion only. The board may reach a consensus on an issue, but it is then put on the agenda for the next meeting. (I)  
 • The school committee regularly seals closed session minutes in executive session. (I,M)

**MIDDLETOWN**

*Open Records Law*

• The superintendent refused to provide the requested information on teacher evaluation policy because the individual requesting the information was not from Middletown and could not provide a "good reason" for wanting the information. After being refused the teacher evaluation form, we did not continue the conversation to ask for professional development information.

*Open Meetings Law*

• The committee cites the Open Meetings Law when entering executive session, but does not give a reason for the session. (M)  
 • The committee never votes in executive session. (I)  
 • In the open session minutes examined, the committee never voted to seal executive session minutes. The chairwoman commented that the committee does not usually seal executive session minutes since the minutes are not specific enough to name any individuals. (M, I)  
 • When asked for minutes of

school committee meetings from a specified period of time, the Middletown Superintendent's Office provided copies of unsealed executive session minutes as well as regular session minutes. Middletown was one of only two school districts which supplied executive session minutes during our preliminary research.

• The chairwoman commented that executive sessions are an important means of allowing the committee to discuss student discipline, personnel matters, and contract negotiations in private.

**NARRAGANSETT**

*Open Records Law*

• The superintendent's office supplied teacher evaluation forms and supplemental written information on teacher evaluation policy from the teachers' contract upon request. In addition, the superintendent explained to our volunteer the opportunities for teachers to engage in professional development.

*Open Meetings Law*

• Although the meeting agendas indicate when an executive session is to be held and cite both the Open Meetings Law and the reasons for going into executive session, the committee cites

## SCHOOL DISTRICTS

neither the Open Meetings Law nor a reason for entering executive session in their open session minutes. (M)

- The committee never votes in executive session. (I)
- The committee routinely seals the minutes of executive sessions. (M)
- The chairwoman commented that executive sessions serve the purpose of allowing the school committee to maintain confidentiality.

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## NEWPORT

### *Open Records Law*

- The high school principal provided particularly extensive written information on both teacher evaluation policy and professional development policy.

### *Open Meetings Law*

- The committee always cites the Open Meetings Law and a reason for entering executive session. However, the committee gives "personnel matters" (or "personal matters") and "collective bargaining and litigation" as the reason for each executive session. (M)
- The committee votes in executive session on matters relating to collective bargaining, disciplinary actions, and lawsuits. Since the 1998 addition to the Open Meetings Law, the committee repeats such votes in open session "unless it is detrimental

to the public interest" to do so. (I)

- The committee sometimes votes to seal executive session minutes. Such votes are taken in executive session. (I)
- The chairwoman commented that executive sessions serve the purpose of allowing discussion of sensitive personal or legal issues to take place privately; they help to protect individuals' privacy and to ensure that negotiations will not be placed in jeopardy.

### *Other Notable Points*

- In 1998, the Attorney General issued a warning to the Newport School Committee for "using a series of one-to-one conversations to arrive at a decision to deny a request by the members-elect. Such a series of one-to-one discussions cannot be used to circumvent the requirements of the Law. . ." (OM98-11)

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## NORTH KINGSTOWN

### *Open Records Law*

- The administrative office supplied teacher evaluation forms and supplemental written information on teacher evaluation policy upon our request. In addition, we received vocal information on professional development policy.

### *Open Meetings Law*

- The committee always cites

the Open Meetings Law and a reason for entering executive session, although sometimes "personnel matters" or "personnel issues" is given as the reason for the session. (M)

- The committee uses executive session mainly for discussion, but sometimes votes are taken. Votes are not revealed in open session, but they are recorded in unsealed executive session minutes. (I, M)

- The committee seals executive session minutes only when the session involves a performance evaluation or a child's name. The committee seals these executive session minutes by a vote during the executive session. (I)

- When asked for minutes of school committee meetings from a specified period of time, the superintendent's office provided copies of unsealed executive session minutes in addition to open session minutes. North Kingstown was one of only two school districts to provide executive session minutes during our preliminary research.

- The chairwoman commented that executive sessions serve the purpose of allowing people who feel wronged to present their grievances without sacrificing their privacy.

### *Other Notable Points*

- In 1998, the Attorney General's office found that the committee violated the Open Meetings Law by "failing to

properly and fully identify the subject matters to be discussed in closed session, by failing to properly convene in executive session by making an open call and by failing to record such open call and the nature of business to be discussed in the minutes of its meetings" (OM98-17).

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## NORTH PROVIDENCE

### *Open Records Law*

- Several phone calls were required for the records request, and the school department would not give us any information until we submitted a name and our request in writing. The evaluation form and supplementary information were eventually received.
- The request for information on professional development could not be included in the study.

### *Open Meetings Law*

- The committee always cites the law and a reason for executive session, but they cite "personnel" as a reason. (M)
- The committee does not vote in executive session. The superintendent often makes a recommendation as a result of a hearing in executive session and the vote is made in open session. (I)
- Executive minutes are sealed at the following meeting during open session. (I, M)

- The chairman reported that the main purpose of executive session is to protect the rights of the individual and confidentiality.

### *Other Notable Points*

- The chairman remarked that there seems to be a double standard in terms of the Open Meetings Law and public bodies. For example, both school committees and the general assembly are elected bodies, but the latter can vote to go into caucus without posting notice 48 hours in advance in a newspaper.
- The school department does not charge for the first five pages of photocopied materials, but charges \$0.15 per page thereafter, which is within the legal limit.
- A written request is required in order to obtain public information.

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## NORTH SMITHFIELD

### *Open Records Law*

- Both a teacher evaluation form and vocal information on professional development were received.

### *Open Meetings Law*

- This committee always cites the law and provides reasons for recessing into executive session. The reasons are clear and detailed, and all relevant subsections of the law are listed. (M)
- No votes are taken in

executive session; however, a consensus is often reached in executive session via head nods. The consensus, which functions like taking a vote, is not disclosed.

- Minutes are always sealed in open session immediately after the executive session. If someone has a reason to believe a portion of the minutes should not be sealed then this can be discussed and amended. (I, M)
- The chairman reported that the goal of executive session is "to discuss personnel matters. Names are used, and we want to avoid slander, ensure confidentiality, and protect reputations. Certain issues are not the business of the public and only the individual in question can make a case public business by requesting that it be discussed in open session."

### *Other Notable Points*

- North Smithfield was one of six towns to charge for copies of minutes. The cost was \$0.15 per page which is within the limit of the law.
- The chairman has written a letter of inquiry to the Attorney General concerning town councils and the fact they are not bound to the same stringent agenda laws as school committees. He feels that they should be more open.

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### PAWTUCKET

#### *Open Records Law*

- When we requested information from the high school principal's office, we were referred to the superintendent. Three phone calls to the superintendent's office were not returned. As a result, information was never received.

#### *Open Meetings Law*

- The law is not always cited when the committee recesses into executive session. A reason is always given, and the detail exceeds that of most towns. (M)
- The chairman reported that votes taken in executive session, including the vote to seal the minutes, are retaken in open session. However, nowhere in the open minutes does it explicitly state "disclosure of executive votes," and it is therefore difficult to determine whether the votes from executive session are actually recast. (I, M)
- The committee always seals the executive session minutes and the chairman is under the impression that the law requires them to do so. (I)
- The chairman reported that purpose of executive session is to "protect people and people's rights. You can't negotiate in public and can't discuss buying and leasing property in public."

#### *Other Notable Points*

- There has been no new policy manual since 1965, and there is none to view at the superintendent's office.
- A written request was necessary to obtain copies of committee minutes, but all requested copies were received.

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### PORTSMOUTH

#### *Open Records Law*

- We received a copy of the school's "Professional Enhancement Plan," which outlines methods for educators to pursue professional growth in between their teacher evaluations. Included in this document is Portsmouth's teacher evaluation form.

#### *Open Meetings Law*

- The committee always cites the law when going into executive session, but they use "personnel" as a reason. (M)
- The committee very seldom take votes in closed session. (I)
- Votes and topics of discussion are disclosed from executive session at the time of the approval of the minutes. (M,I)
- The school committee votes to seal their executive session minutes in executive session. (I)
- The chairman reported that, "Executive session is a method to really protect the confidentiality of the

individuals between staff or students -- information that if came out too early would be detrimental to what you are trying to accomplish, such as in litigation."

#### *Other Notable Points*

- The Superintendent's office requires a written request form for information and charges \$0.15 a page to photocopy. It was one of the only towns to do so.
- The clerk at the superintendent's office was incredibly helpful, remaining after the department's closing time to copy school committee minutes for us during our preliminary research.

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### PROVIDENCE

#### *Open Records Law*

- We had to call three times before receiving the telephone number of a school department employee who could service our requests, but in the end, we received a teacher evaluation form and written information on professional development.

#### *Open Meetings Law*

- Although the school committee chair stated that the board meets in closed session, typically before

SMITHFIELD

meeting on a regular basis, there is no mention in the minutes of going into executive session. (I, M)

- Executive session is used for purposes of discussion only; no votes are taken. (I)
- The committee seals executive session minutes in executive session. (I)
- The chairwoman commented that the purpose of executive session is to discuss "upcoming personnel matters and contractual issues."

*Other Notable Points*

- Appointed by the mayor, Providence school committee members make up the only non-elected school board in the state.
- During the meeting, only resolutions are voted upon. Resolutions will be considered by the school committee if backed by two members or the superintendent.

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SCITUATE

*Open Records Law*

- The principal asked if the volunteer making the request was a Scituate resident and when she replied that she was not, he asked her to put the request in writing. Although the principal told her that he would fulfill the request if she sent it to him in writing, nothing was ever received. The volunteer found the principal unhelpful and condescending.

*Open Meetings Law*

- In the minutes, the committee cites the law and reasons for executive session, and those reasons are often descriptive. (M)
- The committee sometimes takes votes in closed session, which are recorded in the sealed executive minutes. Votes are not disclosed to the public. (I)
- The chairman reported that minutes are not sealed with a vote, but they are closed to the public.
- The chairman reported that the purpose of executive session is to protect the rights and integrity of the individuals involved and to protect the bargaining process and strategies.

*Other Notable Points*

- The chairman was extremely helpful and he freely gave us information about the school, such as a copy of the strategic plan and letters and speeches presented by himself and the superintendent.
- The chairman reported that the Open Meetings Law is good in that it causes the committee to identify what will be discussed in closed versus open session and curtails a "back-room style" of local government.

*Open Records Law*

- We received a teacher evaluation form and vocal information about the professional development policy in the policy manual. In addition, we were told that this plan will soon be on the internet.

*Open Meetings Law*

- A reason is not always given when the committee recesses into executive session. When a reason is cited, the committee sometimes cites "collective bargaining." (M)
- The chairwoman reported that votes are almost never taken in executive session, and when they are, they are disclosed in open session as soon as the issue is closed. In minutes examined, there was no record of disclosed votes; however, this may be due to the infrequent voting in executive session. (I, M)
- Minutes of the executive session are sealed every time out of procedure. This is done when the committee comes back to open session. (I, M)
- The chairwoman reported that the goals of executive session would be better met if the committee were not so limited by the strict law. She noted that it is frustrating to not be allowed to reach a consensus because sometimes the committee appears to be indecisive and unsure on an issue in public.

## SCHOOL DISTRICTS

### *Other Notable Points*

- As long as we called ahead, there was no problem obtaining copies of the minutes.

## SOUTH KINGSTOWN

### *Open Records Law*

- We obtained written information about both teacher evaluation and professional development from the superintendent's office, as well as a blank teacher evaluation form.

### *Open Meetings Law*

- In the minutes we examined, the committee failed to cite the subsection of the law under which they were recessing into executive session. (M)
- The committee frequently listed "personnel" as a reason to recess into executive session. (M)
- The school committee sometimes comes to consensus in executive session, but votes are always taken in open session. (I)
- Executive sessions are usually held after all the items on the agenda for the public meeting are discussed. The committee members come back into open session after the executive session to close the meeting and seal the minutes of the closed session. They started doing so on recommendation from a representative of the Attorney General. (I)

## TIVERTON

### *Open Records Law*

- We obtained a teacher evaluation form and minimal written information on professional development. We were questioned by the three employees we encountered about why we wanted this information.

### *Open Meetings Law*

- The Tiverton School Committee both cites the law and gives a reason correctly when entering into closed session. (M)
- All votes are taken in open session; executive session is used only for discussion. (I)
- The motion to seal executive session minutes occurs during open session. In some cases the minutes are approved and sealed, but in others they are left open to the public. (M,I)
- The chairwoman reported that, "Executive session usually has to do with personal problems with both employees and children."

### *Other Notable Points*

- The chairwoman named collective bargaining as the most frequently cited reason for going into executive session, commenting that "the union will not sit, in most cases, for a discussion held in open session. The school board would rather have the discussion in public."
- The school department charges \$0.15 a page to photocopy. It was one of only six towns to do so.

## WARWICK

### *Open Records Law*

- The high school provided a teacher evaluation form upon request. In addition, the head of the English Department at the high school explained the school's informal professional development policy to us over the telephone.

### *Open Meetings Law*

- The Open Meetings Law is cited when the committee enters executive session, but the reason for holding the executive session is not recorded in the minutes. (M)
- The committee votes on matters such as grievances and disciplinary hearings in closed session. Such votes are not revealed in open session. (I)
- The committee seals executive session minutes by a vote during executive session. (I)
- The vice-chairman commented that executive sessions serve the purpose of allowing the committee to hold discussions in private when these discussions might adversely affect the schools if they were held in public. They also allow the committee to protect the privacy rights of students and teachers. (I)

### *Other Notable Points*

- The school committee minutes we examined were particularly clear in recording individual members' votes on

each motion, a notable improvement from the minutes analyzed in last year's study.

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## WEST WARWICK

### *Open Records Law*

- We received a vocal explanation of the evaluation process and professional development from a high school secretary. We were also referred to the teachers' contract, to get more information.

### *Open Meetings Law*

- The committee did not enter executive session during the five month period examined. Therefore, compliance with citing the law and a reason for executive session could not be checked. According to the chairman, the committee sometimes holds executive session on a night other than that of the regular meeting. (I, M)
- No votes are taken in executive session. Decisions may be made, largely by the superintendent as the result of a hearing, and then the vote is taken in open session. (I)
- Executive session minutes are sealed at the next regular meeting. (I)
- The chairman reported that executive session was only used twice this past year by the committee because there is almost no reason to have them. He said that he thought almost all business done by public officials should be done in public.

### *Other Notable Points*

- Twice in 1996, the committee violated the Open Meetings Law by convening into executive session to discuss agenda items that were not appropriate for closed session. In the second case, the Attorney General also found that the committee did not sufficiently specify the nature of the business to be discussed in closed session, using "personnel" and "collective bargaining" as the subject of the meeting. In 1997, an advisory committee also violated the Law in part by providing an inadequate statement in a meeting notice specifying the nature of the closed discussion (OM96-17, OM96-28, OM97-16).
- The chairman remarked that, as a result of the time and energy spent dealing with Open Meetings Law violations in the past, particularly in 1995-1997, the committee now has a desire to be open. To this end, the committee attended all-day seminars on the Open Meetings Law.
- During our preliminary research, the secretary was helpful and courteous, despite the fact that she appeared very busy, and that we came to request information at the end of the work day.
- The school department charged \$0.15 per page for photocopies of the minutes.

## WESTERLY

### *Open Records Law*

- We received a copy of the 20-page Pilot Evaluation Program when we asked for a blank teacher evaluation form. This extensive packet also included information about professional development.

### *Open Meetings Law*

- In the minutes we examined, a reason is never listed when the committee recesses into executive session, although the law is cited. (M)
- The school committee never votes in executive session. (I)
- Minutes from executive sessions are always sealed right after the committee comes out of the closed session. (M)

### *Other Notable Points*

- The general phone number for the Westerly superintendent's office always leads to an answering machine unless a specific extension is dialed. The outgoing message on the answering machine explicitly promises that the phone call will be returned, but we were never called back after we left a message requesting minutes. The superintendent's office provided copies of minutes without any problem when visited in person, though.
- When we requested information about teacher

## SCHOOL DISTRICTS

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evaluation and professional development, the superintendent asked our volunteer if he was doing a state-wide study on teacher standards.

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### WOONSOCKET

#### *Open Records Law*

- Written information on both teacher evaluation and professional development was received.

#### *Open Meetings Law*

- The law and reason are cited in the minutes, but sometimes "personnel" is given as a reason for executive session. (M)

- Executive session is primarily used for discussion, but votes are sometimes taken there. Legal counsel is often consulted because "there are varied opinions of what types of votes can be taken," the chairman pointed out. (I)

- Minutes from executive session are rarely sealed, but when they are, it is done in executive session and this vote is not disclosed. Therefore, a citizen has no way of determining whether executive minutes are sealed or not. (I)

- The chairman reported that the purpose of executive session is to discuss students and personnel, and he makes an effort to limit the number of executive sessions. They are held about twice per month, while the committee meets about once weekly.