

Devens Educational Advisory Committee

DEAC GUIDELINES

SEPTEMBER, 2012

DEVENS EDUCATIONAL ADVISORY COMMITTEE

DEAC Guidelines

September, 2012

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Mission Statement

The Devens Educational Advisory Committee (DEAC) is committed to reviewing the educational issues and concerns of persons residing in Devens and providing advice to MassDevelopment (MDFA) on matters relating to its educational contract for the provision of public education to Devens residents.

1. The Committee

The Devens Educational Advisory Committee (the “DEAC”), is a legally constituted governmental body, created by Section 26 of Chapter 498 of the Acts of 1993 (“Chapter 498”). Chapter 498 charges DEAC with providing advice and consultation to MassDevelopment regarding education and education-related issues and concerns pertaining to person residing in Devens. Specifically, the DEAC is to advise MassDevelopment on matters related to its contract(s) for the provision of education and education-related services to persons residing in Devens.

DEAC membership is also specified by Chapter 498 and consists of three (3) representatives, one each appointed by the School Committee of the towns of Ayer, Harvard and Shirley, and four (4) elected representatives who are residents of Devens, two (2) of whom must have school age children. DEAC members are elected at a public meeting among all Devens residents and serve for a two year term. To the extent reasonably practical, the terms of DEAC members should be staggered. The intent of this balance in membership is to ensure representation of all parties interested and impacted by the issues related to the education of Devens residents.

2. The Role of DEAC

For purposes of providing advice and consultation regarding educational and education-related issues and concerns pertaining to persons who reside at Devens, DEAC is charged by Chapter 498 to make non-binding recommendations to the MDFA Board of Directors. On behalf of all Devens residents and resident students, DEAC must advise MDFA on matters related to education contracts covering Devens residents.

Individual schools attended by Devens residents have School Councils constituted separately under provisions of Chapter 71, Section 59C. Devens residents are eligible for participation on these councils.

MGL Chapter 498 of the Act of 1993, Section 26 (1)

¹ Ibid, Section 26 (6)

DEAC may not: (1) be involved in the day to day process of management of the schools; (2) permit special interests to dominate the agenda; (3) go beyond an advisory role; nor (4) assume authority on matters covered by Chapter 150E of the General Laws. *

- Chapter 150E governs labor relations and collective bargaining for public employees including teacher contracts, and procedures subject to collective bargaining.

3. Inclusive Decision-Making

Inclusive decision-making refers to a way of doing business that provides for continual contact between the committee and the school community it represents. Advisory committees can become more inclusive by:

- Exceeding the requirements of the open meeting law by giving more notice of the time and place than the law requires (48 hours) and including the agenda in such posted notice.
- Providing for a public comment period at every committee meeting. During this period, committee members and the school community at large may bring their issues to the attention of the entire committee. The ground rules for such sessions should rule out individual grievances (e.g., a parent's complaint about a class placement) and personnel issues requiring confidentiality. In these cases, the individual should be directed to the contracting school's policy.
- Investigating and practicing collaborative decision-making that encourages all DEAC members to be fully engaged and open to the free and productive exchange of information, ideas and solution of issue of concern to DEAC and Devens residents.
- Setting aside the last few minutes of each Committee meeting to develop the agenda for the next meeting. In this way, Committee members can informally canvass the thoughts and opinions of the constituents they represent in between meetings.

Under the Public Records Law*, documents made or received by a state or local government agency, including a school council, are public records, unless they fall within one of the exemptions specified in the law. For example, memos or letters relating to policy positions still being developed by the agency are exempt, but "reasonably completed factual studies or reports on which the development of such policy positions has been or may be based" are public records. The final survey results would be a public record, available to any person upon request.

*For more information on the Public Records Law, including a definition of "public records" see G.L. c. 4, s. 7 and c. 66, s. 10, at www.state.ma.us/law.

A. General Expectations of DEAC Membership

1. Responsibilities of Committee membership

In order to work in consultation with the Devens District administration (MassDevelopment) the advisory committee members are reasonably expected to:

- focus on the interests of the schools and all Devens students;
- stay informed on issues of student success and achievement;
- attend and participate regularly in committee meetings;
- communicate regularly with the population they represent (parents, community and residents, students);
- promote the participation of the school community;
- seek to reach consensus in the decision making process of the Committee;
- understand that authority rests with the committee as a whole and not with individual members.

2. Advisory committee members are "public officials" and, as such, they are subject to conflict of interest provisions?

Yes. According to the State Ethics Commission's advisory committee members are considered municipal agencies and their members, although they serve without compensation, are considered municipal employees for purposes of the conflict of interest law.

Because the circumstances of each case are different, the Department of Education suggests that conflict of interest questions be directed to the State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108. Telephone: (617) 727-0060.

B. Conducting Meetings

1. Requirements of Meetings

- Conduct the business of the committee in an open and ethical manner.
- Conduct business in compliance with the "open meeting" law (M.G.L. C. 39, sec 23 A-C).
- Adopt and comply with the rules and procedures approved by the committee.
- Develop and approve a "Code of Conduct" for meetings

2. Characteristics of effective advisory committee meetings

Experience shows that the most effective advisory committees do the following:

- Determine the dates and time of meetings at the beginning of each year to assure the attendance and participation of council members. *Some committees meet on a regular monthly schedule. Others hold regular meetings at the beginning of the school year and then convene on an "as-needed" basis to conserve time and energy and avoid meeting "for the sake of meeting."* DEAC is required by law to meet at least quarterly.
- Develop agendas that are focused and to the point. Distribute materials in advance of the meetings. *Concise agendas keep meetings focused and provide continuity from meeting to meeting. Members receive the agenda, minutes, and materials in advance to ensure that members are prepared and time is not spent reviewing materials.*
- Invite the public to attend meetings. Input is encouraged through a public comment period. *Posted committee schedules and agendas can serve as invitations for other interested members of the school and community to provide input to the committee.*
- Keep minutes. Post and distribute copies (e. g., at meetings, on school web-sites). *This practice provides continuity from meeting to meeting and informs others about committee activity. Note: this is also a requirement under the open meeting law*
- View conflict as a natural part of shared decision-making. Each member's views are respected even when opposing. *This attitude encourages an honest exchange of ideas and opinions. Note: Advisory Committees are encouraged to establish ground rules and a code of conduct for meetings.*

3. DEAC Regular Meeting Procedures

- **Open Meeting Law:** Governmental body such as DEAC must comply in all respects with the "Open Meeting Law", Chapter 39 Section 23.
- **Quorum:** A quorum shall consist of a simple majority of committee members
- **Meetings are posted** as required and agendas are received by members and available at MDFA Office, 33 Andrews Parkway, Devens, MA.
 - Meetings shall be open to the public and any person may attend.
 - The meeting must be posted at least 48 hours in advance as to its date, time and place/location.
 - Minutes of meetings, including subcommittee meetings must be kept, reflecting the date, time and place of the meeting, who was in attendance, and forwarded to the committee as a whole.

- No person shall address a governmental body, including a subcommittee, without permission of the presiding officer who is designated as “Chair”.
- **Agendas** indicate date, time and place of the meeting, and all the business to be considered by DEAC at the meeting.
- **Order of Business for Normal Advisory Committee Meeting**
 - Call to Order by Chair
 - Introduction of members present, Devens and MDFA representation, and invited guests.
 - Review and approval of minutes of previous meeting(s)
 - Contracted School District Update
 - Member or Subcommittee Reports
 - Public Comment Period
 - Public comment on any matter that is before DEAC is invited from the audience.
 - All comments are directed through the Chair.
 - Comment period is ten minutes unless extended at the discretion of the chair.
 - Public comment period may be allowed by the Chair or by consensus of the members present at another time in the meeting, again with specific time limitations to expedite the business of the committee.
 - **Old Business**
 - **New Business**
 - **Setting of next meeting date** and business to be conducted
 - **Adjournment**

C. Specific Tasks of the Devens Educational Advisory Committee:

1. Mission Statement Describes Means by Which DEAC Meets Its Defined Tasks

Mission Statement

The DEAC is committed to reviewing the educational issues and concerns of persons residing in Devens and providing advice on matters relating to the educational contract to MDFA.

- Defined Tasks are
 - To provide advice and consultation to the Board regarding educational and education-related issues and concerns pertaining to persons who reside at Devens
 - To provide advice to the Board on matters related to contract or contracts for the provision of educational and educational-related services to persons residing at Devens.

2. Annual Needed Determinations

- Define or review responsibilities of committee and its members
- Schedule, time and frequency of meetings

3. Leadership Duties

Chair: *Works collaboratively with the committee to expedite responsibilities of Chair:*

- Calls meetings to order
- Approves the agenda in advance
- Facilitates discussion and consensus for items on the agenda at a meeting convened and open to the public
- Recognizes motions or points to be made, allows discussion by all members, calls for a vote and/or announces a vote or consensus
- Adjourns the meeting

Vice Chair: *Acts as Chair in the absence of the Chair*

Secretary

- Assists Devens Ex-Officio member in recording proceedings of the committee

- Approves draft minutes in time for distribution to all members of the committee before the next meeting
- Oversees the posting meeting notice in accord with the convening of a public body (receives support for these responsibilities through the Devens Ex-officio member)
- Convenes the committee in the absence of the both Chairs

School Committee Liaison

- DEAC Members will designate representation to the School Committee of the district contracted to provide and administer educational and education-related services to Devens residents as allowed by any contract or contracts approved by the Board.
- Devens Ex-Officio Member will inform School Superintendent of designated representation in a timely manner.

The Devens Ex-Officio Member

The Devens Ex-Officio (non-voting) member provides liaison between:

- DEAC and MassDevelopment
- MassDevelopment and contracted school district administration

Responsibilities of Devens Ex-Officio Member

1. The first and annual organizational meeting of DEAC the Devens Ex-Officio Member shall:
 - Act as Chair, Pro-Tem, of DEAC and shall carry out the following responsibilities:
 - Allow for the introduction of each elected and appointed member at the annual organizational meeting
 - Convey the policies of the Devens School Board and transmit the charge for DEAC as defined by law.
 - Call for nomination(s), second(s) and conduct the vote for the election of a Chair to serve through to the next annual organizational meeting.
2. Other responsibilities of the Devens Ex-Officio Member:

- Meets with the committee / any constituted sub-committee / or leadership in planning the annual program of work.
- Provides for the committee by attending to the following (as approved by DEAC and with the approval of MassDevelopment ;
- Distribution of invitations, agendas and necessary materials in advance of meetings to members, and invited guests.
- Assures the provision of necessary materials (agenda, list of members, file folder, file space, and other approved items) to members at meetings.
- Guides the committee at each annual organizational meeting and in process of electing a chair.
- Serves as a resource to DEAC.
- Provides information requested by the committee that is resident in the Devens administrative offices and that is appropriately germane to the responsibilities of DEAC.
- Maintains close communication among the committee, Devens and school administration, and MDFA Board that serves as the Devens School Committee.
- Provides assistance to the committee and its secretary in preparing minutes, posting meetings and reports, as appropriate.

4. Subcommittee Meeting and Hearings of the Devens Educational Advisory Committee:

All meetings and hearings must comply with the Open Meeting Law: Chapter 39 Section 23.

- Meetings shall be open to the public and any person may attend.
- The meeting must be posted at least 48 hours in advance as to its date, time and place/location. All members of the committee at large must be notified of all subcommittee meetings.
- Minutes of meetings, including subcommittee meetings must be kept, reflecting the date, time and place of the meeting, who was in attendance, and forwarded to the committee as a whole.

- No person shall address a governmental body, including a subcommittee, without permission of the presiding officer at the subcommittee meeting.

A. Subcommittee:

A governmental body may, if it so desires, form a subcommittee structure. The need for a subcommittee structure may be related to the scope of the responsibilities of the committee as a whole. The committee as a whole must make all decisions of advice and consultation.

DEAC is an advisory committee to MDFA Board with specific and limited scope and responsibility. DEAC has determined that the committee as a whole be engaged in the information gathering, discussion, and formulation of policy or recommendations to MDFA serving as the Devens School Committee. DEAC may determine that subcommittee(s) could best accomplish some of the work.

When DEAC determines to form one or more subcommittees, DEAC will designate one or more of the following:

- **Standing Subcommittee** on a specific area of committee responsibility
- **Specific Purpose Subcommittee** on a particular issue for a specific period of time that may be expanded to include additional members of the larger community with particular expertise in the topic who are appointed to the subcommittee by the committee as a whole.
- ❖ Example: “Criteria for Selection of Educational Provider(s) 10-03

Role of a Subcommittee:

To investigate and report back for action by the committee as a whole.

Guidelines for Subcommittee(s) when formed:

- A subcommittee must include in its membership less than a majority of the committee as a whole, (3 or fewer), so that its actions will not be interpreted as action by the committee as a whole.

- A subcommittee should reflect balanced representation of the committee as a whole, (both resident and school committee)
- A subcommittee has a defined task and reports protocol back to the committee as a whole.
 - Subcommittee routinely is included on full committee agendas or requests specific reporting time.
 - Subcommittee selects spokesperson, usually the Chair.
- Decision Making:

A subcommittee has no decision making power. Its work is information gathering and analysis that may lead to recommendations to the committee as a whole DEAC. Actions by DEAC are in the form of advice and consultation to the MDFA Board acting as the school committee.

B. Public Hearing Conducted by Devens Educational Advisory Committee

1. DEAC regular meeting is called to order as an open meeting

- a. Draft document(s) that are subject of a public hearing are reviewed by DEAC elected members.
- b. Clarification on any items is made by DEAC members
- c. When all portions are presented the regular business meeting is adjourned and the public hearing is opened by consensus of the elected DEAC membership

2. DEAC conducts a public hearing

a. Call Public Hearing to Order

- i. DEAC Chair serves as moderator for the public hearing.
- ii. Chair calls the hearing to order.

b. Introduction of DEAC Elected Members:

Members state their name and role on the elected Devens Education Advisory Committee.

c. Stated Purpose of the Hearing:

- i. Legal Role of DEAC.

- ii. Responsibilities of DEAC.
- iii. Purpose of the hearing is to gain information relative to advice and consultation of DEAC to be conveyed to the MDFA Board.

d. Chair Conducts Public Hearing:

- i. *Speakers* are recognized by the Chair serving as Moderator.
- ii. *Commentary* may be divided into various portions of the report or document under review.
- iii. *Written statements* are invited with a closing (date)
- iv. *Time Goals* are stated to complete the public hearing at an agreed to time.
- v. ***Audience Participation:***

Those in attendance are invited to make comments, provide information, advise, and make statements within the following guidelines:

- a. Speakers state their name and address.
- b. Commentary by any one speaker may be limited to 3 minutes unless the Chair allows extension.
- c. All of those in attendance have a right to speak on a topic before a speaker who has previously spoken may again be recognized to address the topic.

3. Role of DEAC members at public hearing

- a. To listen and gain public input on matters within the purview of DEAC.
- b. Through the Chair ask the speaker any clarifying questions.
- c. Not to engage in debate with members of the audience.

4. The Public Hearing is adjourned by the Chair acting for the DEAC and matters are taken into consideration at the next business meeting of DEAC.

D. DEAC Timelines

First Meeting(s) Following Election

- Receive information on the status of current education and education related services provided to Devens residents.
- Establish and develop operating procedures, including decision making methods.
- Define or review Mission & Goals
- Review current contract or contracts

Each May

- Prepare and make recommendations on contracted educational services
- Approve an Annual Report of the Devens Advisory Committee to the Board and for inclusion in the Devens Annual Report

Each June

- Meet with the Board (or its designee) to provide information concerning the advice and consultation related to the DEAC Annual Report.

Quarterly

- Meet with the Board (or its designee)

Before the Expiration, Renewal, or Awarding of Any Educational Contract

- Plan and conduct a public hearing(s) regarding educational and education-related issues and concerns pertaining to persons who reside at Devens.
- Provide to the Board (or its designee) advice and consultation before the awarding, renewal, extension, or solicitation of any contract or contracts related to education and education related services to be provided to residents of Devens.

E. Guidelines Updates and Revisions

DEAC reviews and updates its guidelines that also serve as operational policies.

- *Annual Review* each December and/or after election or appointment of new DEAC members.
- Subject to Review and Revision during a calendar year at a meeting posted and called, following a prior meeting where the changes were an agenda item, reviewed, discussed and *tentatively* approved.
- Procedures may be amended at a meeting by unanimous consensus provided that the procedure shall not become a permanent part of these guidelines without formal action described above.

F. Liaison with MDFA Board

MDFA Policy with Reference to DEAC

The Devens Educational Advisory Committee DEAC

- a.** “That the Board, acting as the Devens School Committee, hereby authorizes the President/CEO of the Agency, for and on behalf of and in the name of the Devens School Committee, to develop procedures and take actions as s/he deems appropriate to ensure that the Devens educational advisory committee DEAC is constituted and convenes for purposes of providing advice and consultation to the Board regarding educational and education-related issues and concerns pertaining to persons who reside at Devens.”¹¹
- b.** “ That the Board, acting as the Devens School Committee, annually, at the first meeting of each fiscal year, designate one or more of its members to meet quarterly with representation of the Devens educational advisory committee DEAC to review issues and concerns and receive the advice of this advisory committee on matters related to its contract or contracts for the provision of educational and educational-related services to persons residing at Devens, and that the said designee quarterly report to the entire Board on these education and education related matters.”
- c.** MDFA Designee(s) to DEAC shall receive agenda and minutes of all DEAC meetings and are invited to attend and participate in all meetings and hearings called by DEAC.
- d.** DEAC representation will present the DEAC Annual Report at the MDFA meeting conducted at Devens each year.

¹¹ MGL Chapter 498 of the Act of 1993, Section 26 (1)

¹ Ibid, Section 26 (6)