



**DIGHTON-REHOBOTH**  
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(Together Everyone Achieves More)

### ***Dighton MA, 5/21/2020***

Yesterday the Attorney General's Office sent the Dighton-Rehoboth Regional School Committee (the Committee) their findings on the Open Meeting Law (OML) complaint filed by Gerald Schwall, Chair of the Town of Rehoboth Board of Selectman, about the district-wide "Tent Meeting" scheduled to approve the FY 2020 District Budget. As noted in the AG's response "...Mr. Schwall alleges that the Committee voted to hold a district-wide "tent meeting" to approve the school district's budget on either September 30th, 2019 or October 17th, 2019 without posting sufficient notice that such a potential "tent meeting" would be discussed. Mr. Schwall also alleges that the Committee deliberated outside an open meeting to create the letter and warrant notifying the two towns of the "tent meeting"".

The AG's office concluded that for the reasons stated in their investigation "they find the Committee did not violate the Open Meeting Law" and that they "...now consider the complaint considered by this determination to be resolved." The AG's office further explains this decision was made after reviewing "the original complaint, the Committee's response to the complaint, and the complainant's request for further review." They found in the July 18th, 2019 meeting minutes that the Committee discussed "the logistics of contacting legal to write the warrant language, needing a date and venue..." The AG continues with discussing that a motion was made at the July 18<sup>th</sup> meeting "to authorize a district wide meeting with the details/particulars to be determined by the School Committee Chair, Mrs. Cooper, and Vice Chair, Mrs. Dingus. The Committee voted seven to three in favor of the motion".

Concerning the complaint that the Committee deliberated outside of an open meeting to create the letter and warrant to notify the towns of the "tent meeting", the AG's office found that the School District's legal counsel drafted the warrant language, which was subsequently sent to the Committee Chair and District Superintendent. This is the language used for posting the district-wide tent meeting which, after being put on hold while further budget discussions took place, was ultimately scheduled for November 2nd. The AG's office also found that "...the Complainant, as Chair of the Rehoboth Board of Selectmen, was notified by letter from the Committee that a "tent meeting" would take place at the Dighton-Rehoboth Regional High School on November 2<sup>nd</sup>". At the scheduled and posted October 17<sup>th</sup> Committee meeting the Committee discussed several items in Executive Session, but returned to Open Session to discuss the one item on the notice, "Continued Discussion of the FY 20 Budget". The AG's office notes that the meeting minutes for October 17<sup>th</sup> discuss how the "...Chair informed the

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Committee that as the Committee has re-voted the budget assessment at the last meeting, and was operating on a 1/12<sup>th</sup> budget, any changes to the minimum local contribution must be adhered to. The Chair further explained that the State now required the Committee to hold the “tent meeting” and that details of that meeting would be forthcoming”.

The AG’s office determined that “The Committee did not discuss the “tent meeting” at either its September 30<sup>th</sup> or October 17<sup>th</sup> meeting without sufficient notice”. They go on to explain that Open Meeting Law requires meeting notices “shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the Chair reasonably anticipates will be discussed at the meeting”. The findings go on to explain that the AG’s office “reviews what the public body actually discussed at the meeting to determine if the notice was sufficiently detailed to make the public aware of the discussion topics.” Furthermore it’s noted when the public body does not discuss a topic, “the public body cannot violate the Open Meeting Law with respect to that topic, even if the notice was not sufficiently detailed” to cover the topic in the meeting. Additionally the Committee did not violate the Open Meeting Law as there was no vote on September 30<sup>th</sup> or October 17<sup>th</sup> to schedule a “tent meeting” because the Committee had previously voted to authorize the “tent meeting” at its July 18<sup>th</sup> meeting. The finding goes on to explain that the Committee’s October 17<sup>th</sup> meeting notice had the item “Continued Discussion on the FY20 Budget”, which sufficiently details to the public the topic discussed and the discussion that took place “naturally flowed from the topic of the FY 20 budget”. Because of this, and as the notice did detail to the public that the FY 20 budget would be discussed, the AG’s office found the notice was “sufficiently detailed to comply with the Open Meeting Law in this respect”.

The AG’s office concludes with saying that for the reasons stated in their investigation “they find the Committee did not violate the Open Meeting Law” and that they “...now consider the complaint considered by this determination to be resolved.”

Lastly, the Dighton-Rehoboth School Committee is happy to be able to put this behind us and that the Attorney General’s Office found what the Committee has known all along, that the Committee Chair, Vice Chair, and Committee as a whole adhered to the law. Much has changed since this complaint was filed; communication with the Town of Rehoboth has improved exponentially and our discussions about the future have been open and candid. We look forward to continued open dialogue with both member towns of our District, as our goal is to provide an exceptional educational experience to the youth of our communities.

If you require further information, please contact Thomas O’Connor, Dighton-Rehoboth Regional School Committee Chair at [toconnor@drregional.org](mailto:toconnor@drregional.org).

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