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July 13, 2026

OML 2026 – 85

VIA EMAIL ONLY

Alexandra H. Kalkounis
City Solicitor
Law Department
455 Main Street, Room 301
Worcester, MA 01608
law@worcesterma.gov

RE: Open Meeting Law Complaints

Dear Attorney Kalkounis:

This office received a complaint from Robert Contois (the "Complainant") on April 3, 2026, alleging that the Worcester School Committee (the "Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Committee on February 11[1] and alleges that the Committee violated the Open Meeting Law on January 22 and February 5 by denying access to the open sessions that preceded executive sessions. After requesting and receiving an extension from the Attorney General's Office, you responded to the complaint by letter on March 15.

Following our review, we find that the Committee violated the Open Meeting Law in the way alleged. In reaching this determination, we reviewed the Open Meeting Law complaint, the Committee's response to the complaint, and the recordings,[2] notices, and minutes[3] of the Committee's January 22 and February 5 meetings.

[1] All dates are in 2026, unless otherwise stated.
[2] The recording of the Committee's January 22 meeting may be found at the following link: https://www.youtube.com/watch?v=BZHcb71ieus. The recording of the February 5 meeting may be found at the following link: https://www.youtube.com/watch?v=bId88MulVyI.
[3] Notices and minutes of Committee meetings can be found at the following link: https://www.worcesterschools.org/o/wps/page/agenda-and-minutes.

FACTS

We find the facts as follows. The Committee held meetings on January 22 and February 5. The notice of each of these meetings stated that an executive session would precede an open session. The notices included the following language.

January 22:

The School Committee will hold an in-person meeting with a virtual option:

on: **Thursday, January 22, 2026**
at: 5:00 p.m., Executive Session; 5:30 p.m. Open Session

February 5:

The School Committee will hold an in-person meeting with a virtual option:

on: **Thursday, February 5, 2026**
at: 5:00 p.m., Executive Session; 6:00 p.m. Open Session

Following the schedule portion, each notice contained the same disclaimer regarding remote access and an "order of business" that followed the same order:

**This meeting/hearing of the Worcester School Committee will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and /or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.*

ORDER OF BUSINESS

A. General Business Items taken in Executive Session

[A listing of items taken in executive session]

B. Call to Order

On both meeting dates, the Committee met in open session prior to convening in executive session.[4] On February 5, the Complainant attempted to attend the meetings remotely at 5:00 p.m., using the Zoom link included on the notices. However, he was unable to access the open sessions that preceded the executive sessions. The minutes do not record the chair

[4] In its response, the Committee maintains that it first met in open session. Absent sufficient evidence to the contrary, we credit a public body's account of the facts. See OML 2023-121; OML 2017-93; OML 2016-141.

convening in open session, the roll call vote to enter executive session, or the announcement of whether the open session would reconvene following the executive session.

DISCUSSION

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based." Ghiglione v. Sch. Comm. of Southbridge, 376 Mass. 70, 72 (1978). The Law requires a public body to post notice of a meeting at least 48 hours in advance, including a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b). Public bodies are required to list topics on a notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b).

The law further requires that a public body first convene in open session prior to entering executive session. G.L. c. 30A, § 21(b)(1). The public has a right to witness the procedural steps to learn the purpose for the executive session and observe the body's vote to convene in executive session. See G.L. c. 30A, §§ 21(b) (1)-(3); OML 2026-10; OML 2023-236; OML 2013-195.[5] Moreover, the vote could fail, in which case the body may choose to discuss the matter in open session. See, e.g., OML 2013-856 (Committee, realizing that it had posted notice for an improper executive session topic, chose to hold the meeting in open session). The public has the right to attend the open session discussion under such circumstances. See OML 2025-201; OML 2020-104; OML 2013-856.

When the only business of the open session is the procedure for entering executive session, we have explained that public bodies must list "Open Session" on the meeting notice. See OML 2026-10; OML 2020-47; OML 2012-68. Without such notice, members of the public are essentially denied the opportunity to attend and learn the reasons for the executive session. See OML 2026-10; OML 2023-68; OML 2013-195. Where additional open session topics are included in a meeting notice, we generally have not required that a public body list "Open Session" as a distinct topic. See OML 2025-157; OML 2023-140; OML 2015-105.

Here, the Committee met in open session prior to convening in executive session on the two dates that are the subject of the complaint. Additionally, the notices included open session topics other than a vote to enter executive session. Absent other factors, the presence of open session topics on the notice might have eliminated the need to list "Open Session" as a distinct topic. Moreover, on other occasions, we have found that listing "call to order" on a notice prior to the executive session provided sufficient notice to the public that an executive session would be preceded by an open session. See OML 2026-45; OML 2018-38; OML 2016-127.

Here, however, the subject notices each listed the executive session as occurring 30 to 60 minutes prior to the "call to order" for open session. As such, the notices gave the impression that there was no open session prior to the executive session during which the public could witness the procedure to enter executive session. The language of the notice risked discouraging public attendance. See OML 2025-71 (language on notice stating that the "Zoom link provided is

[5] Open Meeting Law determinations may be found at the Attorney General's website, https://www.mass.gov/the-open-meeting-law.

for the open session of the Council meeting beginning at or about 7PM upon the conclusion of the executive session of Council" raised concern that Council either did not convene in open session first or that even if it did, the notice deterred public attendance); OML 2015-157 (finding that notice did not comply with the Open Meeting Law where it failed to "clearly indicate when the public portion of the meeting would occur;" executive sessions were listed at 6:00 p.m. and 6:40 p.m., a call to order was listed at 6:15 p.m., and the notice also stated that the meeting would begin at 7:00 p.m.); OML Declination 6-2-14 (Lenox Town Manager Search Committee) ("When noticing a meeting that includes an executive session, a public body must make clear in the notice that the meeting will first convene in open session"). In short, notices must expressly state an "open session" or "call to order" preceding every executive session. Because a reasonable reading of the notices suggested that the Committee would convene in executive session prior to meeting in open session on the two dates referenced in the complaint, we find that the Committee violated the Open Meeting Law.

Next, we review the Complainant's allegation that he was unable to access the open sessions that preceded the executive sessions. The Open Meeting Law requires that all meetings of a public body be open to the public, except for executive sessions. We have consistently held that a public body violates the Open Meeting Law when a meeting cannot be viewed with the remote access platform provided in the notice. See OML 2026-56; OML 2025-71; OML 2023-156. We note, however, that in the past we have found no violation where the language of a meeting notice clearly cautions the public that the remote access may not function, and the in-person meeting went forward regardless of technical difficulties. See OML 2023-225 (music on phone line did not violate Open Meeting Law even if it made it difficult to hear meeting, where notice provided phone line "as a courtesy" to the public, stated that "the meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast" and urged in-person attendance for those with a "particular interest" in a topic to be discussed); OML 2023-52 (notice included language "Please note that the in-person meeting will not be suspended or terminated if technological problems interrupt the remote connection").

Here, the Committee's notice for both January 22 and February 5 clearly cautioned the public that the remote access may not function. Each notice stated that the option for remote attendance would be provided "as a courtesy to the public" and advised members of the public that, "the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law." Because a reasonable reading of the notices suggested that in-person attendance would be the best option for those with a "particular interest" in a topic to be discussed, we find the Committee did not violate the Open Meeting Law. See OML 2026-38.

CONCLUSION

For the reasons stated above, we find that the Committee violated the Open Meeting Law on January 22 and February 5 by posting notices for hybrid meetings that implied that the Committee would go directly into executive session without a vote from open session. We therefore order immediate and future compliance with the Open Meeting Law. The Committee did not violate the Open Meeting Law by including in the notices a link that did not provide remote access to the first open sessions. As minutes of the January 22 and February 5 meetings

do not reflect that the Committee first met in open session and voted by roll call to enter executive session, we recommend that the Committee amend the minutes of those meetings.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Committee or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Matthew Lindberg
Assistant Attorney General
Division of Open Government

Assisted by Andrew Guay, Legal Intern

cc: Robert Contois [redacted]
Worcester School Committee Clerk (via email: turgeonk@worcesterschools.net)
Worcester City Clerk (via email: clerk@worcesterma.gov)
Mayor of Worcester (mayor@worcesterma.gov)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.