

REGIONAL SCHOOL UNIT 19

TO: RSU 19 Board of Directors
FR: Celia Demos / Mike Hammer
DT: October 21, 2021
RE: **Policy Committee Meeting Agenda**



DAY: **Tuesday**
DATE: **October 26, 2021**
TIME: 6:30 PM
PLACE: **Old Nokomis, 266 Williams Road**

AGENDA

- I. **Public Comment**

- II. **Policy Review**
 - A. **BCB** Board Member Conflict of Interest

 - B. **BCC (BCBC)** Nepotism

 - C. **IHBAC** Child Find

- III. **New Policies**
 - A. **BHC** Board Relationships and Communications With Staff
 - 1. **BDD** *Board Superintendent Relationship - Recommend to Abolish (Covered in new BHC)*

- IV. **Other**

- V. **Adjournment**

A.D.A. Notice: If you have a special need that must be met to allow you to fully participate in this meeting, please contact the Office of the Superintendent at least two (2) days prior to this meeting.

BOARD MEMBER CONFLICT OF INTEREST

~~A board member shall not have any direct or indirect pecuniary interest (as defined by law) in a contract with the school unit, nor shall he/she furnish directly any labor, equipment, or supplies to the unit.~~

~~In the event that a board member is employed by a corporation or business, or has a secondary interest in a corporation or business which furnishes goods or services to the schools, the board member shall declare his or her secondary interest and refrain from debating or voting upon the question or contracting with the company.~~

Board service is a matter of public trust. In making decisions that affect RSU 19 schools, Board members have the duty to act in the interest of the common good and for the benefit of the people they represent.

A conflict of interest may arise when there is an incompatibility between a Board member's personal interest and his/her responsibilities as an elected official in a matter proposed or pending before the Board. Board members have a legal and ethical responsibility to avoid not only conflict of interest, but the appearance of conflict of interest as well.

Financial Interest

A Board member has a financial interest in a question or contract under consideration when he/she or a member of his/her immediate family may derive some financial or other material benefit or loss as a result of the Board action. The vote of the Board is voidable if a Board member has a financial interest and votes on that question or is involved in the discussion, negotiation, or award of a contract or other action in which he/she has a financial interest.

In order to prevent the vote on a question or contract from being voidable, a Board member who has a financial interest must:

A. Make full disclosure of his/her interest before any action is taken; and

B. Abstain from voting, from the negotiation or award of the contract and from otherwise attempting to influence the decision.

The Secretary of the Board shall record in the minutes of the meeting the member's disclosure and abstention from taking part in the decision in which he/she has an interest.

It is not the intent of this policy to prevent a Board member from voting or the school unit from contracting with ~~corporations or~~ a businesses because a Board member is an employee of ~~the firm~~ that business or has another, indirect interest. The policy is designed to prevent the placing of Board members in a position where their interest in public the schools and their interest in their places of employment (or other indirect interest) might may conflict, and to avoid appearances of conflict of interest. ~~even though such conflict may not exist.~~

Code of Conduct for Federally Funded Projects

When a Board member participates in the selection, award or administration of a contract that is supported by a federal award, the Board member shall also comply with the Board's policy DJH – Purchasing and Contracting: Procurement Staff Code of Conduct.

Appearance of Conflict of Interest

A Board member should do nothing to give the impression that his/her position or vote on an issue is influenced by anything other than a fair consideration of all sides of a question.

Board members shall attempt to avoid the appearance of conflict of interest by disclosure and/or by abstention.

Appointment to Office and Other Employment

A Board member may not, during the time the member serves on the Board and for one year after the member ceases to serve on the Board, be appointed to any civil office of profit or employment position which has been created or the compensation of which has been increased by the action of the Board during the time the member servesd on the Board.

Employment

A member of the Board or spouse of a member may not be an employee in a public school within the jurisdiction of the Board to which the member is elected, or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

A member of the Board or spouse of a member may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular or extracurricular program or activity and reports directly to the superintendent, principal, athletic/activities director or other school administrator in a public school within the jurisdiction of the Board to which the member is elected, or in a contract high school or academy located

1st Reading 06/16/09

Adopted: 08/10/09; Re-Affirmed: 12/16/14; Revised:

within a supervisory union in which the member is a representative on the school committee.

Board Members as Volunteers

A member of the Board, or spouse of a member, may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular or extracurricular program or activity and reports directly to the Superintendent, principal, athletic director or other school administrator in a public school within the jurisdiction of the Board to which the member is elected, or in a contract high school or academy located within a supervisory union in which the member is a representative on the school committee.

Volunteer activities of a member of the Board or member's spouse, other than in roles that are prohibited by this section, may be prescribed by policies developed and approved by the Board.

Definitions

For the purposes of this policy, the following statutory definitions apply:

- A. "Employee" means a person who receives monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for a school administrative unit.
- B. "Stipend employee" means a person who receives limited monetary payment of benefits, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring, or coaching capacity for a school administrative unit.
- C. "Volunteer" means a person who performs personal services for a school administrative unit without monetary payments or benefits of any kind or amount.

Legal Reference: 20-A M.R.S.A. § 1002-1004
20-A M.R.S.A. § 1315 (SADS's)
30-A M.R.S.A. § 2604-2606

Cross Reference: BCA Board Member Code of Ethics
BCC Nepotism
DJH Purchasing and Contracting: Procurement Staff Code of Conduct

NEPOTISM

It is the intent of this policy to ensure that employment practices comply with Maine's "prohibited appointments and employment" statute, 20-A §MRSA 2002 and to avoid favoritism and the appearance of favoritism in employment practices.

Definitions:

For the purpose of this policy:

A. "Immediate family" means spouse, brother, sister, parent, son, or daughter.

B. "Administrative supervision" refers to the authority of a person in the position of principal or higher.

Employment

It shall be the policy of the RSU 19 school Board not to elect employ personnel to the school unit staff of the school unit when the candidate may be the next of kin (spouse, parent, sibling, child) of a member of the board any person who is a member of the immediate family of a Board member or of the Superintendent.

By Maine law (20-A MRSA § 1002(2)), a Board member's spouse is precluded from employment under any circumstances in any public school within the jurisdiction of the Board to which the member is elected.

Supervision and Evaluation

No person shall be employed in or assigned to a position which is within the jurisdiction of an administrative officer supervision who is of a member of the his/her immediate family, of such person, nor in a position in which he/she is supervised or evaluated shall any person be employed in a position where a member of the immediate family is responsible, in whole or in part, for the supervision and/or evaluation of the employee by a member of his/her immediate family.

Exceptions

~~Whenever a member of the immediate family of any employee is hired, the board shall be notified of the relationship.~~

~~The board may approve an exception to this policy where the board determines that granting of such exception is in the best interest of the school system.~~

1st Reading 06/16/09

Adopted: 08/10/09; Re-Affirmed: 11//18/14

In extraordinary circumstances, the Board may approve an exception to the prohibitions on the employment of immediate family so long as the candidate is qualified for the position to which he/she has applied, the hiring is in the best interest of the school system and its students, and the candidate is not the spouse of a Board member.

Volunteers

Under Maine law (20-A MRSA § 1002(2-A)), a board member or a board member's spouse may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular, or extracurricular program or activity and reports directly to the superintendent, principal, athletic director, or other school administrator within the jurisdiction of the Board.

~~For the purpose of this section, the following definitions shall apply:~~

~~“Administrative officer” shall mean any person who holds a supervisory position of principal or higher rank; and~~

~~“Member of immediate family” shall mean spouse, brother, sister, parent, son or daughter.~~

Legal Reference: Title 20A MRSA Section 1002

Cross Reference: BCB Board Member Conflict of Interest
GAB Job Descriptions
GDA Support Staff Positions

CHILD FIND

RSU 19 seeks to ensure that all children within its jurisdiction are identified, located and evaluated who are school-age 5 ~~through the school year in which they turn 20~~ and under the age of 22 and who are in need of special education and supportive assistance.— This includings homeless children, state wards, state agency clients, students who have been suspended or expelled, children attending private schools or receiving home instruction, children incarcerated in county jails, children who have the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year, highly mobile children (including migrant or homeless), and children who are suspected of being disabled and in need of special education and supportive assistance even though they are advancing from grade to grade.

RSU 19 shall provide child find during the first 30 days of the school year or during the first 30 days of enrollment for transfer children, in addition to other Child Find activities provided by RSU 19. ~~If evidence of child find activities and a statement of the results can be found in a child's cumulative record or RSU 19 has reason to believe the child has previously been identified as a child with a disability by another SAU, in state or out of state, child find is not necessary.~~

~~RSU 19 is responsible for child find for resident students attending private or public schools through public tuition payments or public contract and shall meet this duty either through appropriate arrangements with the receiving unit or school or through direct child find services by unit personnel or contracted personnel.~~

The school unit's child find responsibility shall be accomplished through a unit-wide process which, while not a definitive or final judgment of a student's capabilities or disability, is a possible indicator of special education needs. Final identification of students with disabilities and programming for such students occurs only after an appropriate evaluation and a determination by the IEP Team.

This child find process shall include obtaining data on each child through multiple measures, direct assessment, and parent information regarding the child's academic and functional performance, gross and fine motor skills, receptive and expressive language skills, vision, hearing and cognitive skills. RSU 19 may schedule child find activities during its annual kindergarten enrollment to assist in planning for necessary special education and related service at the start of the school year. If screening occurs in the spring prior to school entry, RSU 19 will refer the child to the regional CDS site within 10 school days.

If the child find process indicates that a student may require special education and supportive services in order to benefit from regular education, the student shall be referred to the IEP Team to determine the student's eligibility for special education services.

School staff, parents, or agency representatives or other individuals with knowledge of the child may refer children to the IEP team if they believe that the student, because of a disability, may be in need of special education and supportive services in order to benefit from regular education. Such a referral should follow the school unit's pre-referral and referral policy.

Legal Reference: 34 C.F.R. § 300.111 (2012); ~~MUSER IV(2) (2017)~~.
Me. Dept. of Educ. Rule Ch. 101, IV 2(A), (C) (2015)
Me. Dept. of Educ. Administrative Letter 1 (January 21, 2021)

BOARD RELATIONSHIPS AND COMMUNICATIONS WITH STAFF

A clear understanding of responsibilities and relationships between and among the Board and school personnel is essential for a smoothly running and efficient school system. It should be remembered that the Board, school administrators, teachers, and all others responsible for any phase of the work of the school system have a common and basic responsibility—the welfare of the children in the schools. This responsibility must guide all of the Board’s considerations and decisions.

RELATIONSHIPS

Board and Superintendent

The relationship of the Board and the Superintendent can best be described as one of teamwork. They must function cooperatively as some of their functions are not readily separable. However, the primary functions are separable and should be clearly understood by each. The Board is the governing body of the school unit and has the responsibility for adopting policies and providing for the care and management of the schools.

The Superintendent is the ex officio secretary of the Board and the chief administrative officer. The Superintendent is responsible for the day to day administration of the school unit and for ensuring that the operations of the school unit conform to Board policies and applicable law. The Board recognizes this and wishes to make this clear to all staff members and to all citizens.

All communications or reports to the Board, or to any committee of the Board, from school principals, supervisors, teachers, or other employees shall be submitted through the Superintendent.

Board and Principal

The School Principal has no direct administrative relations with the Board. His/her relations to the Board are through the Superintendent, for the Board recognizes that the Superintendent is the person to whom it must look for professional leadership within the schools. A spirit of cooperation and mutual helpfulness must prevail between the Superintendent and the Principal if the best results are to be realized. For instance, the Principal and the Superintendent

First Reading:

Adopted:

must cooperate in the selection of school staff because the Principal is in the best position to know the kind of person needed for a particular type of service in the school. However, the Principal must make recommendations to the Superintendent and not to the Board.

At all times the Principal must remember that all matters which require Board action must be presented to the Board by the Superintendent.

Board and Teachers and other School Employees

The relationship of the teacher to the Board is indirect. The teacher is directly responsible to the Principal/Assistant Principal and through the Principal/Assistant Principal to the Superintendent, and then to the Board.

Other school employees, depending on their position, are directly responsible to the Principal/Assistant Principal or to the supervisor to whom the employee reports, and through the Principal or supervisor to the Superintendent, and then to the Board.

Direct access between employees and the Board may be obtained through channels established for grievances or through applicable Board policies

BOARD COMMUNICATIONS WITH STAFF

The Board will communicate regularly with school staff on matters of current interest and importance to the school community at such times and through such methods as the Board deems appropriate.

Individuals employees and employee organizations are expected to utilize communication channels established through Board policies, administrative procedures, and collective bargaining agreements and not to circumvent the chain of command and their direct supervisors.

Communications with staff are the responsibility of the Board as a whole. Individual board members should refrain from initiating communications or conversations with staff members on their own.

Legal Reference: 20-A MRSA §§ 1(28); 1001(21); 1051; 13201-1320

First Reading:
Adopted:

Cross Reference: BEDH Public Participation in Board Meetings
KE- Public Concerns Complaints

First Reading:
Adopted:

BOARD SUPERINTENDENT RELATIONSHIP

~~The legislation of policies is the most important function of a school board and that the execution of the policies should be the function of the superintendent.~~

~~Delegation by the board of its executive powers to the superintendent provides freedom for the superintendent to manage the schools within the board's policies and frees the board to devote its time to policymaking and appraisal functions.~~

~~The board holds the superintendent responsible for the administration of its policies, the execution of board decisions, the operation of the internal machinery designed to serve the school program and for keeping the board informed about school operations and problems.~~

~~The board shall strive to procure, when a vacancy exists, the best professional leader available for the head administrative post. Then the board as a whole, and individual members, shall:~~

- ~~A. Give the superintendent full administrative authority for properly discharging his/her professional duties, holding him/her responsible for acceptable results;~~
- ~~B. Act only upon the recommendation of the superintendent in matters of employment or dismissal of school personnel;~~
- ~~C. Hold all meetings of the board in the presence of the superintendent;~~
- ~~D. Refer all complaints, criticisms, and requests to the superintendent, and discuss them only at a regular meeting after failure of administrative solution;~~
- ~~E. Strive to provide adequate safeguards around the superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis; and~~
- ~~F. Present personal criticisms of any employee directly to the superintendent.~~