

STUDENT SCHOOL BOARD REPRESENTATIVE

The Cape Elizabeth School Board supports the concept of up to two high school student representatives to the school board each year. These representatives would serve in a nonvoting capacity, although their "vote" by a show of hands would be encouraged and documented in formal minutes on each action item at monthly school board meetings.

Student representatives will attend business meetings and be invited to workshop and committee meetings. They will act as liaisons between the school board and the student body. They will be excluded from executive sessions.

The terms for these representatives would be for one complete school year, with no more than two consecutive terms to be served.

Process and procedures for nomination and election onto the school board is outlined in the attached guidelines.

Legal Reference: 20-A MRSA § 1001 (1A)

Cross Reference: BBAB-R - Student School Board Representative Policy Guidelines
JIB – Student Involvement in Decision Making

ADOPTED: April 10, 2007

Revised:

SCHOOL BOARD CODE OF ETHICS

I will abide by the following code of ethics during my term as a Cape Elizabeth School Board Member:

1. I will abide by the laws of the United States, the State of Maine, the regulations of the Department of Education, and the Cape Elizabeth Town Charter.
2. I will work to provide high quality public education for the children of Cape Elizabeth in accordance with the Mission and Vision Statement.
3. I will consider the educational needs of children and how they will be affected in all my deliberations and decisions.
4. I will treat fellow Board members, school staff, students, and citizens with respect.
5. I recognize that the School Board's responsibility is to set educational policy and not to manage the schools day-to-day. I will not undermine or usurp the authority of the Superintendent or school administrators.
6. I recognize that I have no legal authority as an individual outside of School Board meetings and will conduct myself with sensitivity to that fact.
7. I will encourage the input of school staff, students, and citizens on educational issues and will consider such input in my deliberations.
8. I will refer any citizen complaints to the proper authority within the school department.
9. I will endeavor to attend and be prepared for every School Board meeting. If personal circumstances prevent me from attending regularly, I will consider resigning my position.
10. I will not make promises about how I will vote on matters before the Board, and will vote based on the available facts and my own judgment.
11. I understand that I have an obligation to vote on all matters before the Board unless I have a direct conflict of interest on a particular issue.
12. I will support all Board decisions, regardless of my vote.
13. I will not discuss confidential information outside of School Board meetings.
14. I will not use my School Board position for personal gain.

ADOPTED: December 10, 1996

Recoded: June 1998

REVISED: March 8, 2005

Reviewed: _____

BOARD MEMBER CONFLICT OF INTEREST

This policy addresses Board member conflicts of interest.

A. Contracts

The Board and the School Department shall not enter into any contract in which a Board member (i) has a direct or indirect pecuniary interest (as defined by law),¹ (ii) or is employed by, contracts with or has any other financial interest in an entity which furnishes goods or services to the schools, except as follows:

1. The Board member having the interest makes full disclosure of interest before any action is taken and abstains from voting, negotiating or award of the contract and from otherwise attempting to influence the decision (with disclosure and abstention recorded in the minutes of the Board), or
2. The contract is obtained through properly advertised bid procedures in accordance with state law and Board policy.

B. Employment

1. 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 action of the Board during the time the member serves on the Board.
2. A Board member or spouse of a member may not be an employee in the Cape Elizabeth School Department. The Board has also adopted a policy on Nepotism (code BCC) which includes additional restrictions on the employment of Board members' family and the family members of School Department employees.

C. Volunteer Activities of Board Members and Spouses

1. 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, Athletic Director, principal or other administrator in the School Department. "Volunteer means a person who performs personal services for a school unit without monetary payments or benefits of any kind or amount."

¹ 30-A MRSA § 2605.

BOARD MEMBER CONFLICT OF INTEREST

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

Cross Reference: BCC – Nepotism
 DJ – Bidding/Purchasing Requirements (suggested policy)

Legal Reference: 20-A MRSA §§ 1002(1)(A), (1)(B), (2), (2-A), (3)

ADOPTED: January 14, 1992
Recoded: June 1998
REVISED April 9, 2004
Reviewed: May 9, 2006

NEPOTISM

For the purposes of this policy, the following definitions shall be used:

- A. “Employee” means a person who receives monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for the School Department.¹ (This does not include part-time and/or seasonal employees of Community Services who do not report directly to the Director of Community Services.)
- B. “Administrators and Supervisors” includes the Special Education Director, Athletic Administrator, Director of Community Services, and School Principals, Assistant Principals, Business Manager, Facilities Manager, Professional Development and Curriculum Facilitator, Technology Coordinator, Custodial Supervisor and Food Service Supervisor.
- C. “Immediate Family” includes spouse, brother, sister, parent, son, daughter, or domestic partner.
- D. “Extended Family” includes grandparent, grandchild, uncle, aunt, niece, nephew or in-law.

1. **Board Members**

Immediate and extended family members of Board members shall not be employed by the School Department, subject to the following exemptions:

- a. Immediate and extended family members, except spouses, who are employed as of the date of policy adoption, for as long as they remain continuously employed.
- b. Employees who are employed on the date that an immediate or extended family member of theirs is elected to the Board.
- c. Board members are expected to recuse themselves from participating in any personnel action involving an immediate or extended family member employed by the School Department.

2. **Superintendent**

Immediate and extended family members of the Superintendent shall not be employed by the School Department, subject to the following exemptions:

- a. Employees who are employed on the date that an immediate or extended family member of theirs is elected to the Superintendentcy.
- b. If a member of the Superintendent’s immediate or extended family is employed under paragraph (a), appropriate measures shall be taken by the Board to avoid a conflict.

¹ 20-A MRSA § 1002(1)(A).

NEPOTISM

3. Administrators and Supervisors

No person shall be employed in a position within the jurisdiction of an administrator or supervisor who is a member of that person's immediate or extended family. Nor shall any person be employed in a position in which a member of the immediate or extended family of that person is responsible, in whole or in part, for his/her supervision or evaluation. This provision is subject to the following exemption:

- a. Employees who are employed as of the date of policy adoption, for so long as they remain continuously employed. In such cases, appropriate measures shall be taken to avoid a conflict.

4. All School Employees

The Board shall be notified if an employee has an immediate or extended family relationship with any other School Department employee or Board member before the Board takes any employment action affecting that employee.

5. Exceptions to Policy

The Board may approve an exception to this policy (except for the statutory prohibition against employment of Board members' spouses) if there is a determination that it is in the best interest of the School Department and appropriate measures can be taken to avoid a conflict. It is the intent of the Board that this provision be narrowly construed and used only in rare circumstances.

Cross Reference: BCB – Board Member Conflict of Interest

Legal Reference: 20-A MRSA SECTION 1002

ADOPTED: January 14, 1992

Recoded: June 1998

REVISED: April 9, 2004

Reviewed:

BOARD OFFICERS

Duties of the Chair

The Chair shall preside at all meetings of the Board and shall perform other duties as directed by law, Maine Department of Education rules, and by board policy, procedures, practice and/or other board agreement. In carrying out these responsibilities, the Chair shall:

- A. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
- B. Consult with the Superintendent in the planning of the Board meeting agendas;
- C. Confer with the Superintendent on crucial matters that may occur between Board meetings;
- D. Appoint all standing committee chairs and members, subject to final Board approval. Make appointments to school, district and regional committees, subject to Board approval. Appoint School Board members to serve on board advisory committees subject to Board approval.
- E. Call special meetings of the Board as necessary;
- F. Be the public spokesperson for the Board at all times except as this responsibility is specifically delegated to others; and
- G. Preside at and be responsible for the orderly conduct of all Board monthly meetings.

As presiding officer at all meetings of the Board, the Chair shall:

- A. Call the meeting to order at the appointed time;
- B. Announce the business to come before the Board in its proper order;
- C. Enforce the Board's policies relating to the order of business and the conduct of the meeting;
- D. Explain, as appropriate, what the effect of a motion would be;
- E. Restrict discussion when a motion is before the Board;
- F. Put motions to a vote and announce the vote result.

The Chair shall have the right, as other Board members have, to offer motions, discuss questions, and vote.

BOARD OFFICERS

Duties of the Vice-Chair

In the absence of the Chair, the Vice-Chair shall perform all the duties of the Chair. The Vice-Chair will assist the Chair and Superintendent in setting the monthly business and workshop agendas.

Duties of the Secretary

The Superintendent shall serve as Secretary of the Board, with the right to speak on all questions and offer recommendations. The Secretary shall be responsible for ensuring that records are kept of all business transacted by the Board at both regular and appropriately called special meetings, and shall perform such other functions as are ordinarily functions of this office.

Legal Reference: *20-A 1MRSA § 1055 (ALL)*

ADOPTED: September 13, 2005

Reviewed:

BOARD APPOINTMENTS

The School Board may be asked to provide member representation on various school, district or regional committees. The Board does not create these committees but their purpose may be such that school board representation contributes to the effectiveness of the committee in achieving its mission and/or provides an important communication link to the Board. These committees may include administrative search committees, Portland Arts and Technology High School "PATHS" Board, Cape Elizabeth Volunteer Advisory Committee, etc.

The Chairman of the School Board will appoint specific School Board members to these committees, subject to final approval by the School Board. The appointment shall be for one year. After two consecutive appointments of the same member, all efforts will be made to afford other interested Board members an opportunity to serve on a particular committee.

Adopted: September 13, 2005
Reviewed: May 9, 2006

BOARD-SUPERINTENDENT RELATIONSHIP

The Board believes that exercising its legislative function through policymaking is its most important responsibility. The Board is also responsible for setting the direction for the school district and evaluating progress towards goals.

The management of the schools is the function of the Superintendent. The Board holds the Superintendent responsible for complying with all applicable laws, rules and regulations; for administering Board policies and decisions; for operation of the schools and educational program; for the system of supervision and evaluation of staff; and for keeping the Board informed about school operations, problems and opportunities. The Board recognizes that the Superintendent may delegate certain responsibilities to other personnel. Such delegation does not relieve the Superintendent of the final responsibility for actions taken.

The Board, collectively and as individual members, shall:

- A. Recognize the Superintendent as the educational leader of the school district;
- B. Provide direction for the Superintendent through written policies, objectives and goals for the school district;
- C. Give the Superintendent full administrative authority and support for properly discharging his/her professional duties, while holding him/her responsible for acceptable results;
- D. Hold all Board meetings in the presence of the Superintendent, except as otherwise permitted by law or when the Superintendent voluntarily excuses him/herself at the request of the Board;
- E. Refer complaints, criticisms, and requests to the Superintendent or other appropriate personnel and discuss them at Board meetings only after administrative solutions have been exhausted; and
- F. Evaluate the Superintendent and provide appropriate opportunities for the Superintendent to share his/her perceptions regarding the working relationship between the Board and Superintendent.

Legal Reference: 1 MRSA § 401 et seq.
20-A MRSA ¶¶ 1001 et seq.; 1051 et seq.; 13201; 13301

Cross Reference: BBA – School Board Powers and Responsibilities
BCA – Board Member Code of Ethics
CB – School Superintendent
CB-R – Superintendent Job Description
CBI – Evaluation of the Superintendent

ADOPTED:

STUDENT SCHOOL BOARD REPRESENTATIVE POLICY GUIDELINES

Application Process:

Goal: Board member selected by March (for every year after 2007).

- I. 1st step: Submission of a nomination sheet with 25 student signatures.
- II. 2nd step: All students who submit their sheet on time and with acceptable signatures must attend an informational meeting held by the superintendent, members of the school board, and members of the student council.
- III. 3rd step: There is a school-wide assembly (minus seniors) in which current SAC members conduct a question and answer session including the candidates.
- IV. 4th step: After the assembly, there is a school-wide vote (minus seniors) to select the students to sit on the board for the next school year.

Responsibilities:

1. School board student-elect are encouraged to attend school-board meetings and educate themselves on the purpose in the months after they are elected before the end of the school year.
2. Beginning at the start of the school year, a school board student will attend monthly business meetings, and be invited to attend all workshops and committee meetings. Any school board meetings will take precedence over all other extra-curricular activities.
3. School board students are responsible for preparing any needed materials for all meetings and responding to and sending the necessary emails. This could include formalized speeches, essays, research, or statements.
4. School board students must attend all student advisory council meetings and give updates on what is going on within the school board and what they have recently accomplished.

Impeachment Consequences:

The rules of the substance abuse policy and academic eligibility apply.

Legal Reference: 20-A MRSA ¶ 1001 (1A)

Cross Reference: BBAB: Student School Board Representative

ADOPTED: April 10, 2007

Revised:

BOARD STANDING COMMITTEES

~~[NOTE: Many school boards make use of either ongoing standing committees or temporary advisory committees or both to facilitate the work of the board. Some boards, though, particularly those with five or fewer members, prefer to work as a committee "of the whole" because they believe it is more efficient or that use of committees fragments the governance process.]~~

~~The standing committee system recognizes that many board members simply do not have the time to become as thoroughly knowledgeable in all aspects of board responsibilities and school system operations as they might like to be. By allowing standing committees to research issues in depth and to make recommendations, a board can better focus its energy and make informed decisions more efficiently and effectively.~~

~~Standing committees are created to perform a continuing function and remain in existence indefinitely, although the individual members of the committee may change. Typically, appointments to standing committees are made at the board's annual organizational meeting or shortly thereafter so that committee work can continue with minimal interruption.~~

~~Standing committees are comprised solely of school board members and must be less than a majority of the board. Although the superintendent may serve in an ex-officio capacity and standing committees may seek input from administrators, staff and others, only standing committee members may vote or otherwise agree upon recommendations to be made to the full board.~~

~~In contrast to standing committees, advisory committees are appointed to perform a specific task. Advisory committees may include administrators, staff, parents, students, and/or community representatives as well as board members. When it has made its final report or recommendations to the board, the advisory committee ceases to exist.~~

~~The objective of this policy is to provide a framework for those school boards that appoint standing committees. A separate MSMA sample policy, BDF, addresses advisory or temporary committees.]~~

The Board believes that standing committees can be useful to its decision-making process and in the transaction of Board business. The Board may establish such standing committees as it deems necessary to facilitate school unit governance and address ongoing school unit needs. A standing committee has only such authority as specified by the Board.

All standing committees shall be comprised of less than a majority of the Board.

All standing committee meetings are open to the public except as provided by the Freedom of Access Law and the Municipal Public Employees Labor Relations Law.

Establishment and Functions of Standing Committees

BOARD STANDING COMMITTEES

The following provisions apply to the establishment and functions of standing committees:

- A. All standing committees shall be established by vote of the Board. A motion to establish a standing committee shall state the purpose and responsibilities of the committee (the "charge") and set the number of members comprising the committee.
- B. The Board Chair will appoint members to a standing committee from among the membership of the Board. For existing standing committees, appointments will be made at or as soon as practicable after the School Board's annual organizational meeting.

~~[NOTE: Some boards use more informal means of assigning board members to standing committees, such as soliciting volunteers or arriving at a consensus through board discussion. For Boards of SADs: 20-A M.R.S.A. § 1256(1) states that a board of directors "may elect a 3-member finance committee whose members shall be directors."]~~

- C. ~~The Board Chair may [or: shall] also make appointments to standing committee vacancies on standing committees that occur prior to the Board's next organizational meeting.~~
- ~~D. Except as authorized by law or Board action, a standing committee may research issues and make recommendations for Board action, but may not act for the Board.~~
- ~~D. The term of appointment to a standing committee shall be until the next organizational meeting.~~
- ~~I. A standing committee may be abolished at any time by a vote of the Board.~~

- D. Each standing committee will elect its own chair.

- E. A standing committee may be abolished at any time by a vote of the Board.

- F. The Board Chair and Superintendent shall be ex officio (non-voting) members of all standing committees.

- ~~G. The term of appointment to a standing committee shall be until the next organizational meeting.~~

- ~~G. H. Any Board member may attend standing committee meetings, but only appointed members of the committee may vote.~~

- H. ~~Except as authorized by law or Board action, a standing committee may research issues and make recommendations for Board action, but may not act for the Board.~~

- ~~I. A standing committee may be abolished at any time by a vote of the Board.~~

BOARD STANDING COMMITTEES

II. The number of members on a standing committee and/or the responsibilities of a standing committee may be modified at any time by a vote of the Board.

Authorization/Appointment of Standing Committees

~~The Board shall have the following standing committees:~~

~~[NOTE: Some examples of standing committees that Maine school boards have established include: 1) Budget; 2) Finance; 3) Policy; 4) Curriculum; 5) Negotiations; 6) Facilities; 7) Long-range Planning.]~~

The Board may establish other standing committees it deems necessary in accordance with this policy.

Legal Reference: 1 M.R.S.A. § 401 et seq.

Cross Reference: BEDB - Agenda

ADOPTED: November 12, 1991

Recoded: June 1998

REVISED: April 12, 2005

September 13, 2005

BOARD ADVISORY COMMITTEES

The Board may establish advisory committees to perform specific functions. Advisory committees may study particular problems or issues and make reports and/or recommendations to the Board, but may not act for the Board.

Advisory committees may include individuals who are not elected members of the Board but each advisory committee shall have at least one Board representative.

The Board will consult with the Superintendent before establishing or dissolving any advisory committee. The number of members, the composition of each advisory committee, and the selection of members will be determined by the Board, in consultation with the Superintendent based upon the purpose of the committee.

~~[NOTE: The number of members and the constituencies that should be represented on an advisory committee are issues separate from the appointment of particular individuals as members. A board typically establishes a committee and then invites applications or recruits individuals to serve and ratifies the membership by vote. Some advisory committees may need expertise in specific areas. If parents, students, or community members are to be involved, the Board may wish to encourage representation of diverse populations and/or interests.]~~

The scope and authority of any advisory committee shall be limited to that assigned to it by the Board. The Board is in no way obligated to follow advisory committee recommendations.

Unless given a new assignment by the Board, an advisory committee shall be dissolved promptly upon completion of its task ~~(OR: shall automatically dissolve after the Board has received the committee's final report or recommendations)~~. An advisory committee may be dissolved at any time by Board action. No advisory committee shall continue for a prolonged period without a specific assignment.

Instructions to Board Advisory Committees:

~~[NOTE: These instructions are frequently referred to as the "charge" to the committee.]~~

So that the Board's intent and expectations are clear, each advisory committee shall be instructed in writing concerning:

- A. The purpose of the committee, the specific issue(s) for study, and/or the scope of the committee's activity;
- B. The composition of the committee, including designation of voting and non-voting members, if applicable;

~~NOTE: The Board should specify whether the advisory committee chair is to be appointed by the Board Chair or selected by the members of the committee.]~~

BOARD ADVISORY COMMITTEES

- C. The length of time each member is expected to serve;

~~[NOTE: Because of timing of committee establishment or complexity of task, the Board may anticipate an advisory committee's work continuing from the current board year to the next. The Board should specify whether members must be appointed/re-appointed to the committee at the Board's annual organizational meeting or whether the "term" of membership is the duration of the committee's work.]~~

- D. The role of the committee as being advisory only;
- E. The resources the Board will provide to assist the committee in completing its task;
- F. The expectations regarding the committee's relationship with the Board, the Superintendent and school system personnel;
- G. The designation of the individual who will be responsible for providing information to the public concerning the committee and its work;
- H. The time and place of the first meeting;
- I. The timeline for progress reports to the Board and/or other activities;
- J. The date on which the Board expects to receive a final report or recommendations and dissolve the committee.

All advisory committee meetings are open to the public except as may otherwise be provided by law. Committee reports and minutes of advisory committee meetings, if prepared, are public information subject to the Freedom of Access Law.

Notice of advisory committee meetings shall be provided in a manner consistent with the Board's policy and practice concerning notification of Board meetings.

The Board recognizes that any advisory committee mandated by state law or Department of Education regulations may require deviation from any or all of the provisions of this policy. Any such deviations shall be identified when the Board establishes such a committee and reflected in the Board's instructions to the committee.

Legal Reference: 1 M.R.S.A. § 401 et seq.

Cross Reference: [BEDB – Agenda](#)

ADOPTED: May 10, 2005

SCHOOL BOARD MEETINGS

All Board meetings will be announced publicly in accordance with this policy and applicable law. Except in the event of rare emergencies, such announcement will be made in ample time to allow public and media attendance and shall be disseminated in a manner reasonably calculated to notify the general public.

Regular Meetings

The Board will hold its regular business meetings ~~[number]~~once a month on the ~~[day]~~second Tuesday of ~~[month]~~ unless otherwise set by action of the Board.

Special Meetings

A special meeting of the Board is a meeting that is held to address important matters that arise between regular meetings and/or require Board action before the time set for the next regular meeting, or to consider a single subject in one session.

A special meeting may be called at any time at the discretion of the Chair or at the request of the Superintendent. A special meeting shall be called at the written request of four members of the Board ~~{or: a majority of the Board}~~.

The Superintendent shall be responsible for providing notice of a special meeting to Board members and the media at least 72 hours in advance of the meeting. The notice or agenda shall indicate the subject(s) of the meeting and action to be taken.

No business other than that stated in the notice of the meeting shall be transacted ~~{Optional: unless the Board agrees by a majority (or: _____) vote to consider other business}~~.

Emergency Meetings

An emergency meeting of the Board is a meeting that is called because a matter is so urgent that it must be addressed immediately and the advance notice required for a special meeting cannot reasonably be provided.

An emergency meeting may be called by the Chair or at the request of the Superintendent.

The Superintendent shall notify the media of an emergency meeting by the same or faster means as used to notify Board members. Whenever practicable, 24-hour advance notice will be provided. The notice shall indicate the purpose ~~{or: subject}~~ of the meeting.

No business may be transacted other than that related to the purpose for which the emergency meeting is called.

Executive Sessions

SCHOOL BOARD MEETINGS

Executive sessions of the Board shall be called and conducted in accordance with state law. Only the matter(s) stated in the motion to enter executive session shall be considered. No final action may be taken in executive session.

Workshops and Informational Meetings

The Board, at its discretion, may schedule workshops and other meetings to discuss a particular subject or proposal or to gather input from staff, students, the community, or other groups.

No formal action shall be taken by the Board at any meeting other than a regular meeting, special meeting, or emergency meeting.

Legal References: 1 M.R.S.A. § 403 et seq.
 20-A M.R.S.A. § 1001

Cross References: BEC – Executive Session
 BEDB – Agenda Preparation and Dissemination

ADOPTED: October 9, 1984

REVISED: January 14, 1992

Recoded: June 1998

REVISED: March 8, 2005

SCHOOL BOARD USE OF ELECTRONIC MAIL

Use of electronic mail (e-mail) by school board members should conform to the same standards of judgment, propriety and ethics as other forms of school board-related communication. Board members shall comply with the following guidelines when using e-mail in the conduct of board responsibilities:

- A. The School Board shall not use e-mail as a substitute for deliberations at Board meetings ~~or~~ for other communications or business properly confined to Board meetings, or in any way to defeat the purposes of the Freedom of Access Act.
- B. Board members should be aware that e-mail and e-mail attachments received or prepared for use in board business or containing information relating to board business are likely to be regarded as public records which may be inspected and copied by any person upon request, unless otherwise made confidential by law.
- C. Board members shall avoid reference to confidential information about employees, students or other matters in e-mail communications because of the risk of improper disclosure. Board members should comply with the same standards as school employees with regard to confidential information.

~~[DWM NOTE: Local school units which provide school e-mail accounts for Board members may want to consider requiring that they use these accounts for all Board-related business. In addition, we suggest adding any related requirements concerning passwords, Internet use, etc.]~~

Legal Reference: 1 MRSA § 401 et seq.
20-A MRSA §§ 6001-6002
20 USC § 1232g

Cross Reference: GBJ - Personnel Records and Files
JRA - Student Educational Records

ADOPTED: March 8, 2005

EXECUTIVE SESSIONS

~~Except as provided by law, All meetings of the School Board shall be open to the public, and all persons shall be permitted to attend the meetings.~~ except as provided by law. The Board may hold executive sessions upon recorded vote of 3/5 of the members present and voting, ~~and any motion to go into executive session shall indicate the nature of the business of the executive session.~~ session Deliberations may be conducted in executive sessions only on those matters defined in the by law, or other authority. No final action shall be taken in executive session.

By its very nature, the subject matter of executive sessions is highly confidential. It is Board members and other persons present are expected that all parties to such discussions will to respect the need for confidentiality of all matters discussed in executive session.

A motion to go into executive session must indicate the nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session. Failure to state all authorities justifying the executive session does not constitute a violation of the Freedom of Access Act if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate the Freedom of Access Act if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

Legal Reference: 1 MRSA § 401 et seq. (Freedom of Access Act)
1 MRSA § 405 (Executive Sessions)

Cross Reference: BEC-E – Executive Session Law

Adopted REPLACING PREVIOUS BEC: March 8, 2005

Revised: _____

AGENDA

Agenda Preparation and Dissemination

The Superintendent, in consultation with the Chair, shall prepare an agenda for each meeting of the Board. Board members, school district staff, groups or organizations, and members of the public may submit written requests to the Board through the Chair or the Superintendent for items to be placed on the agenda. The request must be received a minimum of ~~ten~~ 7 days prior to the meeting at which the group or individual wishes the item to be addressed by the Board in order for it to be considered for the agenda of that meeting. The Chair and Superintendent shall make the final decision regarding placement of items on the agenda.

The agenda of regular business meetings will be distributed to Board members five days prior to a regular meeting of the Board and, whenever possible, two days in advance of a special meeting. Copies of the agenda will be posted. Anyone desiring additional information regarding an agenda item should direct inquiries to the Office of the Superintendent. Copies of the agenda will also be available at the Board meeting.

Additions and Adjustments to the Agenda

After the meeting has been called to order, the Superintendent or Board Chair may recommend additions and/or adjustments to the agenda of a regular meeting or, in an emergency, to the agenda of a special meeting.

Any Board member who wishes to add an item to the agenda may offer a motion to that effect. All additions to the agenda must be approved by a majority vote of the members present and voting. In general, items which can reasonably be deferred to the next regularly scheduled meeting will not be added to the agenda at a Board meeting.

In order to facilitate its business or to accommodate groups in attendance, the Board may adjust the agenda by changing the order of business. Such adjustments shall require the consent of the Board by majority vote.

Cross Reference: BE – School Board Meetings
BEDB-R—Agenda Format
[BEDBA – Agenda Format](#)

ADOPTED TO REPLACE ORIGINAL BEDB: March 8, 2005

AGENDA FORMAT

In order to provide reasonable notice of the business to be conducted and to achieve consistency in the order of its meetings, the Board has adopted the following agenda format for its regular and special meetings. Additions and/or adjustments to the agenda for a particular meeting may be made during that meeting in accordance with Board policy. The agenda format may be altered only by vote of the Board and in a manner consistent with its policy adoption process.

[SCHOOL BOARD NAME]

[TYPE OF MEETING]

[DATE]

[TIME]

[PLACE]

A. Call to Order

~~J.~~ Committee Reports

B. Pledge of Allegiance

~~K.~~ Old Business

C. Attendance/Roll Call

1. _____
2. _____
3. _____

D. Adjustments to the Agenda

E. Approval ~~for: Consideration~~ of the Minutes

~~L.~~ New Business

1. _____
2. _____
3. _____

F. Comments by Student Representatives

G. Public Participation*

H. Communications/Correspondence including Superintendent's Report

K. Committee Reports

L. Board Agenda Requests

~~G. Public Participation*~~

~~H. Superintendent's Report~~

~~M.~~ Calendar/Announcements

~~I. Board Chair's Report~~

~~N.~~ Adjournment

AGENDA FORMAT

The order of business may be altered or items added or deleted from the agenda by a majority [or 2/3] vote of the Board members present and voting.

Cross Reference: BEDB – Agenda
 BEDH – Public Participation at Board Meetings

ADOPTED:

~~[NOTE: The Board may choose to limit public participation to items on the agenda listed under “old” or “new” business.~~

~~Some Boards may wish to have one period for public comment rather than to ask for public or individual action items. If so, it may be more beneficial for the public participation period to occur before the Board takes up its old or new business so that public comments can be taken into consideration, rather than after the Board has finished its business.~~

~~Boards may also choose to offer opportunities for public participation prior to Board consideration of individual agenda items and, in addition, during a period set aside for more general public comment related to the operations of the schools. If so, we suggest that the “open” participation period occur after the Board has finished its business to enable the Board to complete its “action agenda” in a timely manner.~~

~~MSMA is not recommending that public participation be placed on the agenda in any particular location. We have inserted it here to remind boards that there should be at least some opportunity for constructive public input.]~~

RULES OF ORDER

Except as otherwise provided by law, by Maine Department of Education regulations, or by Board policy, *Robert's Rules of Order, Revised* (latest edition available) shall be used to resolve procedural uncertainties.

~~The Board may wish to consider one of the options that appear below.~~

~~[OPTION 1: The Chair will rule on all questions pertaining to rules of order/parliamentary procedure that may arise during a meeting of the Board.]~~

~~[OPTION 2: The superintendent, as Secretary to the Board, shall function as Parliamentarian and advise the Chair and Board, as necessary, regarding parliamentary procedure [or: interpretation of *Robert's Rules*].]~~

The Chair will rule on all questions pertaining to rules of order/parliamentary procedure that may arise during a meeting of the Board.

~~[OPTION 3: The Chair shall appoint a member of the Board to serve as Parliamentarian. The appointment shall be subject to Board approval. The Parliamentarian should be familiar with *Robert's Rules* and able to advise the Board, as necessary, regarding parliamentary procedure [or: interpretation of rules of order].]~~

~~The role of the Parliamentarian shall be advisory only.~~

~~The Chair will rule on all questions pertaining to rules of order/parliamentary procedure that may arise during a public meeting of the Board.~~

~~[NOTE: Although a Parliamentarian may be appointed for a single meeting, we suggest that for the purpose of continuity and efficiency boards exercising Option 3 may wish to appoint an individual to serve in the capacity of Parliamentarian for the duration of the Board's organizational year.]~~

~~[NOTE: When meeting in executive session, the Board should rely on the advice of its attorney concerning procedural issues.]~~

~~[NOTE: The following paragraph is not related to the optional language that appears above. It should be considered independently.]~~

Procedural rules may be suspended at any time for the duration of any one meeting by a majority ~~[or: number]~~ vote of the Board members present.

VOTING METHOD AND QUORUM

Voting shall ordinarily be by show of hands. Voting shall be done by roll call at the direction of the Chair, or at the request of any Board member. When voting by roll call, the names of the members shall be called alphabetically, and each member shall respond “yes” or “no” or “abstain.” All votes shall be recorded in the minutes.

A motion shall be declared “carried” upon the affirmative vote of a majority of the members present, unless otherwise required by law or Board policy.

A quorum exists whenever a majority of the Board members are present at a duly called meeting. No votes shall be taken unless a quorum exists.

Legal Reference: 1 M.R.S.A. § 401 et seq.

MINUTES

The Superintendent, functioning as Board Secretary, shall keep, or cause to be kept, complete records of all regular and special meetings of the board. These minutes shall include:

- A. A record of all actions taken by the Board, with the vote of each member recorded except in cases of unanimous votes;
- B. Resolutions and motions in full. Reports and documents referred to in formal motion need not be attached to the minutes provided that reference is made to where such materials are located;
- C. A record of the disposition of all matters which the Board considered but did not take action; and
- D. The names of the members present; and those absent ~~with excuse (if any);~~ and those absent ~~without excuse (if any).~~

Copies of the minutes shall be sent to all Board members. The town manager, building principals, president of the Cape Elizabeth Education Association, student representatives, and the news media shall receive copies of minutes of regular and special meetings of the Board.

The minutes shall become permanent records of the Board, and shall be in the custody of the Superintendent who shall make them available to interested citizens upon request.

ADOPTED: October 9, 1984

Reviewed: December 4, 1991

Recoded: June 1998

Revised: March 8, 2005

PUBLIC PARTICIPATION AT BOARD MEETINGS

Regular, special and emergency meetings of the Board are open to the public. The Board wishes to provide opportunities for citizens to express their interests, concerns and suggestions related to matters under consideration by the Board. The public is cordially invited to attend and participate in these meetings as set forth in this policy.

In order that the Board may fairly and adequately discharge its overall responsibilities, citizens or groups wishing to address the Board on a topic not otherwise on the agenda must submit a request in writing to the Superintendent at least one full week in advance of the scheduled meeting. The Superintendent and/or Board Chair may add the item to the agenda at their discretion.

As the elected representative body of the school unit, the Board conducts meetings to carry out the official business of the schools. These meetings are not public forums, but are meetings at which the Board does its business in public. An agenda is prepared and published in advance of each meeting in accordance with Board policy. Anyone desiring additional information about any item on the agenda should direct inquiries to the Superintendent's Office.

Generally, opportunities for the public to speak on agenda items will take place prior to the Board's vote on those items.

The Board Chairperson is responsible for ensuring the orderly conduct of Board meetings. The following ground rules shall guide public participation at Board meetings:

- A. Citizens, employees, students and others with a legitimate interest in the Board's business are welcome to participate as provided in this policy.
- B. Orderly conduct of a meeting does not permit spontaneous discussion from the audience. Speakers are to identify themselves by name before they begin speaking and to direct their comments and questions to the Board Chairperson. Board members wishing to address a speaker are asked to direct their comments through the Board Chairperson.
- C. In order to make the most efficient use of meeting time, groups or organizations are asked to designate spokespersons to present their comments. Speakers are also requested to avoid duplication or repetition of remarks made by others. The Board Chairperson has the prerogative to limit the time allotted for comments on a particular topic as well as the time each individual may speak.
- D. Gossip, defamatory comments, and abusive, vulgar, or threatening language are not permitted. The Board Chairperson has the prerogative to stop any presentation which violates this rule or which would violate the privacy interests of any individual

PUBLIC PARTICIPATION AT BOARD MEETINGS

- E. Complaints concerning individual students or employees will not be aired in public at Board meetings, but will be referred to the administration for resolution as appropriate.
- F. Employees and employee groups may not discuss matters at Board meetings for which other, more appropriate forums are provided by law or contract.

Legal Reference: 1 M.R.S.A. Section 401 et seq.
20-A M.R.S.A. Section 1001

Cross Reference: [BEDB – Agenda](#)

ADOPTED: March 8, 2005 (Replaced original BEDH)
Revised: June 14, 2011

SCHOOL BOARD POLICIES

The development and adoption and review of policies that govern the school ~~unit~~ district is one of the School Board's most important functions. Board policies establish the goals, direction and structure of the school unit under the authority of state law. In addition to policies required by state and federal laws and regulations, the Board adopts policies to provide direction to the Superintendent and other administrators in the management of the school unit, to guide the education program, and to provide clear expectations for school staff, students and parents.

Board policies are intended to provide the framework for school ~~unit~~ district operations and the educational system. In general, the operational details as to how policies will be implemented are contained in administrative procedures developed by the administration. However, the Board will adopt administrative procedures concerning its own operations and when the Board decides that an issue is of sufficient legal, educational and community importance to warrant a Board-level procedure.

Policy Procedure

- A. The Policy Committee is responsible for recommending policy actions to the Board for its consideration, including adopting new policies, revising existing policies and deleting obsolete policies.
 1. Individual Board members, Board standing or advisory committees, the Superintendent or other interested persons may submit policy suggestions and concerns to the Board Chair, who will forward them to the Policy Committee.
 2. The Policy Committee, with the assistance of the Superintendent, will review and research policy suggestions and prepare draft policies, as appropriate.
 3. The Superintendent shall notify the teachers' association of any new, proposed or revised educational policy, and the Superintendent and Policy Committee shall meet and consult with the association upon request.
 4. As appropriate to the particular topic, the Policy Committee may also seek input from other affected persons and/or groups.
- B. Recommended new and revised policies and recommendations for policy deletions shall be placed on the agenda of a regular Board meeting for a first reading. Board members shall receive the policy and the Policy Committee's recommendations in advance of the meeting date.
- C. Any changes agreed upon by the Board during the first reading shall be made by the Policy Committee prior to the second reading.

SCHOOL BOARD POLICIES

- D. At the next regular Board meeting (or a later meeting if so agreed by the Board), the policy shall be placed on the agenda for a second reading and action. Amendments may be made and acted upon. If the policy is not approved by majority vote, the process for that policy is ended unless the Board agrees to table consideration of the policy to a specific date.
- E. Approved policies become effective immediately unless the motion to approve the policy includes a specific implementation date.
- F. Notice of new and revised policies will be provided to affected groups (i.e., school staff, students, parents) through a means determined by the Superintendent.
- G. The Superintendent shall retain copies of all policies deleted from the Board policy manual for future reference.
- H. An up-to-date policy manual shall be maintained in the Superintendent's Office ~~{add other locations if desired}~~ and on the school unit's district's website.

Legal Reference: 20-A M.R.S.A. § 1001

Cross Reference: ~~BED~~ BDE – Board Standing Committees
BEDB – Agenda

ADOPTED:

POLICY ADOPTION AND AMENDMENT - PROCEDURES

The procedure for proposing the adoption, review, revision or deletion of a school board policy shall be:

1. The Policy Committee is charged with reviewing, developing, and recommending policies, amendments, and revisions.
 - a. Individual board members, other standing committees, members of the public, and the superintendent should submit policy suggestions and concerns to the Policy Committee. The Policy Committee shall have the responsibility to review and research each suggestion in accordance with board policies, procedures and guidelines. If deemed necessary and appropriate, the Committee will prepare drafts and make recommendations to the entire board.

Any school board member may enter the adoption, revision, or deletion of a policy on the agenda of any regular meeting when the Policy Committee, after having had full opportunity to consider the member's submitted suggestion, fails to recommend action satisfactory to the member.

- b. At an appropriate stage in the policy consideration, the Policy Committee shall initiate contact with the representative teacher organization to provide opportunity to meet and consult regarding any proposed new or changed educational policy, in accordance with Title 26 MRSA, section 965.1, C.

Upon recommendation by the Policy Committee, a regular meeting agenda shall include the first reading of a new proposal, revision, or deletion of policy. Discussion may take place on the substance of the policy proposal. Any changes agreed to by consensus shall be made prior to the second reading.

2. At a subsequent regular meeting, the policy shall be placed on the agenda for second reading and action. Amendments may be introduced and acted upon. If a main motion to approve the policy is not passed at such a meeting by a majority vote of the whole board, the process for that policy is ended unless limited additional time is requested to obtain further information for further consideration by adoption of a motion to table the policy.
3. Upon approval, policies/revisions/deletions shall be disseminated.

ADOPTED: January 14, 2003

Revised: March 8, 2005

NEW BOARD MEMBER ORIENTATION

In order that newly elected Board members may cast informed votes and function effectively as board members, the Board and Superintendent will extend to them the fullest measures of courtesy and cooperation, and will make every reasonable effort to assist newly elected Board members in understanding the Board's functions, policies, procedures and current issues.

- A. In the interim between a new member's election or appointment and his/her assuming office, the Board, through the Superintendent, will invite newly elected members to attend meetings, except those held in executive session, and provide newly elected members with agenda, minutes and reports applicable to those meetings. During the time between election or appointment and the assumption of office, the status of the future-member remains that of a private citizen and not that of an elected or appointed official.
- B. The Board, through the Superintendent, will provide new members with copies of appropriate publications, such as the Board policy manual, student handbook(s), collective bargaining agreements, and current budget documents.
- C. The Board Chair or **Superintendent** will remind Board members of their obligation to complete, not later than the 120th day after the date of taking the oath of office, training on the requirements of Maine's Freedom of Access Law. The Chair or **Superintendent** will provide Board members with information regarding available training options. Each Board member shall attest by means of a written or electronic record that he/she has completed the training and provide a copy of such record to the Superintendent's Office. To facilitate documentation of training, the Superintendent will make available to Board members copies of the State's sample Certification of Completion of Freedom of Access Training form.
- D. The Board will encourage new members to attend appropriate in-district and out-of-district orientation and/or boardsmanship workshops. Reimbursement for such activities must be approved in advance by the Board Chair, in consultation with the Superintendent, and is subject to the availability of funds.
- E. The Chair and Superintendent will schedule and arrange for an orientation session for new Board members as soon as practicable after election or appointment. A reasonable amount of time will be provided for discussion of the following possible topics:
 - 1. The roles and responsibilities of the Board and individual members;
 - 2. Basic operational procedures of the Board;
 - 3. Placement of items on the agenda;
 - 4. The role of committees, subcommittees and advisory committees;

NEW BOARD MEMBER ORIENTATION

5. How and why executive sessions may be held;
6. What is considered confidential or privileged information;
7. Appropriate responses of an individual member when a request or complaint is made directly to him/her by a student, parent or member of the community;
8. How the Board responds to complaints involving personnel;
9. General information about the school system and its resources;
10. How Board members, in fulfilling their duties, may request information concerning schools and District operations, finances and personnel;
11. How Board members may make arrangements to visit schools and the protocol for such visits;
12. Protocol for ~~dealing~~interacting with the media; and
13. Other relevant topics.

All Board members will be invited to the orientation session and encouraged to attend. The orientation is intended to serve as a useful review of basic boardsmanship concepts for experienced members, as well as an opportunity to provide information and counsel to new Board members.

Legal Reference: 1 M.R.S.A. § 412

Cross Reference: ~~BIC—Board Member Freedom of Access Law Training~~

ADOPTED: January 14, 1992
Recoded: June 1998
Revised: September 14, 1999
Revised: March 8, 2005
Revised: January 13, 2009

BOARD MEMBER DEVELOPMENT OPPORTUNITIES

Recognizing the value of continuous and life-long learning, the School Board places a high priority on the development of its members' "boardsmanship" skills and on supporting opportunities for in-service education. The purpose of board development is to enhance the quality of education in the school unit and the effectiveness of school unit governance.

Board members need to be well informed and to expand their knowledge of trends and issues affecting education and school governance. In addition, Board members need to develop and reinforce the skills required for effective policy-making, budget planning and communications.

Board members are encouraged to participate in district-sponsored training sessions and/or workshops and in school board or related conferences, seminars, workshops and conventions sponsored by the Maine School Boards Association, the Maine School Management Association, the National School Boards Association and other recognized leaders in education. Board members are also encouraged to be active in leadership opportunities that may be available within regional, state and national associations.

Adequate funds shall **[OR: should]** be budgeted annually to support Board member development, including participation at meetings, subscriptions to publications that address the concerns of Board members and memberships in school boards associations.

Upon Board approval and within budgetary limitations, reimbursement for travel and necessary expenses will be provided to individual members for activities related to Board development. The Board, on a case-by-case basis, will determine the number of Board members authorized to attend specific meetings, conferences, conventions or other events at the school unit's expense, as warranted by budgetary limitations. Board members may use their own discretion regarding attendance at meetings, conferences, conventions or other events where reimbursement will not be provided by the school unit.

At a Board meeting subsequent to attendance at an educational event, members are encouraged to ~~{OR should OR may be requested to}~~ report briefly to the Board and to the public to share knowledge gained and thoughts on implications for local school governance. Board members are also encouraged to ~~{OR should OR will}~~ study and share with the Board and Superintendent materials of interest they have collected.

~~{Optional Language: Finally, Board members are encouraged to submit reports or articles to school and community publications, as appropriate, as part of the school unit's public relations or public information program.}~~

Adopted: _____

SCHOOL SUPERINTENDENT

A primary function of the School Board is to select a Superintendent of Schools. To select a Superintendent, a majority vote of all members of the Board shall be required. He/she may be appointed to a contract of up to five years in accordance with the laws of the state of Maine.

The Superintendent shall be ~~the chief executive officer of the school system and shall have~~ Board. In addition, ~~under the direction of the board, general supervision of all of the public schools and of all the personnel and departments of~~ Maine statutes he/she shall serve as secretary ex officio to the Board. He/she shall be expected to attend all Board meetings and have ~~the school system. right to speak on all subjects, but shall have no vote.~~

The Superintendent is ~~responsible for the management of the schools under the board's policies and is accountable to the board~~ shall administer and supervise the public educational system of the town. He/she shall have discretionary authority to act upon all emergency matters and those as to which his/her power and duties are not specifically set forth or limited.

~~The superintendent, at his/her discretion, may delegate to other school personnel specific functions and duties that are not reserved specifically to the Superintendent by Board policies, statutes or regulations. The delegation of any function or duty, however, shall not relieve the superintendent of responsibility for action taken as a result of such delegation.~~

The Superintendent shall devote his/her entire working time to the duties of the position. He/she may, without violation of the provisions of this section, perform educational functions outside the town with the approval of the Commissioner of Education and the Board.

Legal Reference: ~~TITLE 20A~~ 20-A MRSA SEC. ~~§§~~ 1001
~~TITLE 20A MRSA SEC. 1053~~

Cross Reference: CBI – Evaluation of the Superintendent
CHD – Administration in the Absence of Policy

ADOPTED: October 9, 1984
REVIEWED: January 23, 1992
REVISED: February 13, 2007

EVALUATION OF THE SUPERINTENDENT

The Board's primary purposes in evaluating the Superintendent are to provide strong leadership and management for the school unit; to strengthen the working relationship and communication between the Board and Superintendent; and to assist the Board in judging the effectiveness of the Superintendent's performance.

Guidelines

1. The Board will evaluate the Superintendent on a schedule determined by the Board.
2. The evaluation criteria and schedule will be made available to the Superintendent in advance of the evaluation process. The Superintendent shall also conduct a self-evaluation in advance of the formal evaluation by the Board.
3. Board members will be asked to submit individual written evaluations to the Board Chair.
4. The Board Chair will draft an evaluation that will include a summary of all individual evaluations submitted.

NOTE: If desired, the Board could meet to review the evaluation form prior to meeting with the Superintendent, but this is an optional step. The Board may meet without the Superintendent in executive session unless the meeting involves "charges" against or an "investigation" of the Superintendent. In such an event, 1 M.R.S.A. § 405(6)(A)(2) allows the Superintendent to be present. The Board Chair should resolve any questions in this regard by prior counsel with the Board's attorney.

5. The Board will meet with the Superintendent to review the evaluation, including relevant issues that may not be specifically included on the evaluation form. The Superintendent will be provided with a copy of the written evaluation.

The Superintendent will be given the opportunity to provide feedback to the Board regarding his/her evaluation, job responsibilities, and working relationship with the Board. Specific matters related to the terms of the Superintendent's contract may be discussed at this meeting or a subsequent meeting.

6. The Board will use the Superintendent's evaluation and the Board's priorities/goals to establish performance goals for the Superintendent. The next evaluation will include the Board's assessment of the Superintendent's progress toward these performance goals.

Legal Reference: 1 M.R.S.A. § 405

EVALUATION OF THE SUPERINTENDENT

As a regular and scheduled activity, the board will evaluate the performance of the superintendent. The primary purposes of the evaluation will be to effect improvements in administrative and educational leadership of the school district.

Guidelines:

- A. The superintendent should be involved in the development of the standards with which he/she will be evaluated.
- B. Evaluation should be at a regularly scheduled time and place, in an executive session with all Board members present.
- C. Both parties should prepare for the evaluation--the superintendent by conducting a rigorous self-evaluation, the Board by examining various sources of information relating to the superintendent's performance.
- D. Board members will submit individual written assessments to the Chair, using the evaluation form and standards, with supporting comments and specific examples related to the Superintendent's conduct and/or performance.
- E. The Chair will develop a summary evaluation from members' written opinions and meet with the Board in executive session prior to the evaluation session, if necessary, to review the summary evaluation materials related to the Superintendent's performance, as well as issues directly related to the Superintendent's employment such as compensation, benefits and extension of contract.
- F. The Board will meet with the Superintendent in executive session to discuss the evaluation. The evaluation should include a discussion of strengths as well as areas identified for improvement.
- G. The Board should not limit itself to the items that appear on the evaluation form as no form or set of guidelines can encompass the totality of the superintendent's responsibilities.
- H. The superintendent shall be given the opportunity to discuss the performance of the Board and the working relationship between the Board and the Superintendent.

Performance Objectives

Using the Superintendent's evaluation for the year and new priorities established by the Board, the Board and the Superintendent will mutually establish a new set of specific performance goals and standards for the Superintendent for the ensuing year. These will then become the primary criteria for the next Board evaluation of the Superintendent at the end of the designated year.

ADOPTED: December 10, 1991

Recoded: June 1998

UPDATED: October 11, 2011

APPROVAL OF HANDBOOKS AND DIRECTIVES

Principals have the authority to issue staff and student handbooks.

It is essential that the contents of all handbooks are consistent with current Board policies, administrative procedures, and applicable laws and regulations. Handbooks shall be reviewed and revised each school year. All handbooks must be approved by the Superintendent prior to publication. Copies of all handbooks shall be available to Board members.

Notification will be sent to parents and students early in the school year that handbooks are available on the school web site. Parents needing a paper copy may request such from one of the school offices.

Approved: March 13, 2007

Reviewed:

ADMINISTRATION IN POLICY ABSENCE

The Superintendent is authorized to act in the best interest of the District in the absence of School Board policy or guidance. It shall be the duty of the Superintendent to inform the Board promptly of such action and of the possible need for policy or administrative procedure.

ADOPTED: January 14, 1992

Recoded: June 1998

REVISED: January 14, 2003

January 9, 2007

Reviewed:

EXECUTIVE SESSION LAW

I. To enter executive session, the a school board must:

A. Start with a public meeting;

B. Have a public recorded vote of 3/5 of members, present and voting.

~~C. The motion shall state the precise nature of the business of the executive session. The nature of each matter must be stated if more than one.~~

C. The motion to go into executive session must indicate the nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session. Failure to state all authorities justifying the executive session does not constitute a violation of the Freedom of Access Act if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate the Freedom of Access Act if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

D. When labor contracts or negotiations are the subject of an executive session, the parties must be named in the motion.

II. Restrictions during executive session:

A. Only matters stated in the motion may be considered.

B. No official actions shall be finally approved.

C. No public record shall be kept.

III. Items Which May Be Discussed in Executive Session:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, ~~resignation~~, disciplining, ~~promotion~~, ~~demotion~~ resignation, or dismissal of ~~an individual or group of~~ public officials, appointees or employees, of the school unit or the investigation or hearing of charges or complaints against ~~a person or persons~~, subject to the following conditions:

1. An executive session may be held only if public discussion could be reasonably expected to cause ~~damage~~ damages to the reputation or the individual's right to privacy would be violated;

EXECUTIVE SESSION LAW

2. Any person charged or investigated shall ~~be~~ is permitted to be present ~~at an executive session if that person~~ he/she so desires;
3. Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against him /her be conducted in open session. ~~A request, if made;~~ Such requests must be honored; and
4. Any person bringing charges, complaints or allegations of misconduct against the individual under discussion shall be permitted to be present.

B. Discussion or consideration by ~~the Board of~~ suspension or expulsion of a ~~public school student or a student at a private school,~~ the cost of whose education is paid from public funds, ~~provided that:~~

- ~~1. The student and legal counsel (and, if the student be a minor, the student's parents or legal /guardians~~ if student is a minor shall be permitted to be present ~~at an executive session if the student, parents or /guardians so desire.~~
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real reach property ~~or interests therein or, disposition of publicly held~~ public property, or economic development, but only if premature disclosures disclosure of the information would prejudice the competitive or bargaining position of the ~~Board or school department;~~ public body.
- D. Discussion of labor contracts and proposals and meetings between the board and its negotiators. ~~The parties must be named before the Board may go into executive session. (Negotiations between the representatives of a public employer and public employees may be open to the public if~~ are closed unless opened by agreement of ~~both parties are to conduct negotiations in open sessions;)~~
- E. Consultations between the board and its attorney concerning the board's legal rights and duties ~~of the Board or school department,~~ pending or contemplated litigation, settlement offers and , or other matters ~~where the duties of the Board's counsel to his/her~~ protected by the attorney/client ~~clearly conflict with the Freedom of Access Act~~ privilege, or where premature general public knowledge of the matter would clearly place the board ~~or school department~~ at a substantial disadvantage.

EXECUTIVE SESSION LAW

F. ~~Discussions~~ Discussion of information contained in records made, maintained or received by the ~~Board or school department~~ public body, when access by the general public to these records is prohibited by statute.

Legal Reference: ~~TITLE-1 MRSA, SECTION § 405~~
 1 MRSA § 401 et seq. (Freedom of Access Act)

Cross Reference: BEC – Executive Sessions

Recoded: June 1998
REVISED: March 8, 2005

ADMINISTRATIVE GOALS

The purpose of school administration is to help create and foster an environment in which pupils can learn most effectively. All administrative duties and functions shall be appraised in terms of the contribution that they make to better instruction and to high student motivation and achievement.

The board shall rely on its chief executive officer, the superintendent of schools, to provide the professional administrative leadership that such a goal demands.

The design of the administrative organization shall be such that all divisions of the School Department and all schools are part of a single system subject to the policies set forth by the board and implemented through a single chief administrator, the superintendent. The principals of all schools and the administrators of all divisions are expected to administer in accordance with board policy and administrative regulations. The execution of directives cannot and could not, by itself, be construed as good administration. Vision, initiative, resourcefulness, leadership and consideration and concern for staff members, students, and parents are essential in effective administration of the schools.

ADOPTED: October 9, 1984
REVIEWED: January 23, 1992
REVISED: February 13, 2007