

BOARD MEMBER AUTHORITY AND RESPONSIBILITIES

Members of the Board have authority only when acting as a board legally in session and/or in an appointed capacity. The Board shall not be bound in any way by any action or statement on the part of any individual board member; ~~except when such statement or action is in pursuance of specific instructions from the Board~~ provided however, a member or members of the Board shall have authority to act on behalf of the Board when such authority has been delegated to such member(s) by the Board.

Legal Reference: 20-A M.R.S.A. § 1001-1003

Adopted: _____

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 ~~meetings and also be assigned to a standing 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

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 ~~50~~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: Application composed of an essay, some short answer questions, and a resume must be submitted.~~
- IV. ~~4th step: All applications must be reviewed by a committee composed of the four class presidents and the SAC president. If a class president is running for the school board position then the vice president of that class represents them on the committee, and so forth (followed by secretary, treasurer, then the representative with the most seniority). The committee includes 2 faculty members, 2 school board members, an administrator, and the superintendent. The Committee will send forth to a school vote, all of those candidates who have met the Committee's approval.~~
- V. ~~III.~~ 5th-3rd step: There is a school-wide assembly (minus seniors) in which current SAC members conduct a question and answer session including the candidates.
- VI. ~~IV.~~ 6th-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. ~~Each student will serve on one standing committee, as determined by mutual agreement between the student and the school board.~~ 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

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 MRS § 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 Superintendency.

¹ 20-A MRSA § 1002(1)(A).

NEPOTISM

- 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.

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 MRS 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

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 unit 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 unit;
- B. Provide direction for the Superintendent through written policies, objectives and goals for the school unit;
- 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: