Section B – Governance – Board BYLAWS

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MSAD 35 BYLAWS: ARTICLE I - Name and Charter

Board of Directors - BYLAWS - MSAD #35/RSU35

STATEMENT OF PURPOSE

As a school district board of directors, we endeavor to hire and support the Superintendent, develop and adopt policies, and approve the allocation of a fiscally -responsible budget in order to forward the mission of the school district.

ARTICLE I - Name and Charter

Sec. 1 Name

The name of the group is to be School Administrative District No.35, (MSAD 35/RSU 35) Board of Directors (The Board).

The municipalities of Eliot and South Berwick are constituted to be and have been since May 11, 1964, a School Administrative District, known as School Administrative District No. 35, with all of the powers, privileges and franchises granted to School Administration Districts according to the Revised Statutes of 1964, Title 20, and Sections 211 to 307. The proceedings taken in the town meetings held in the municipalities of Eliot and So. Berwick, wherein it was voted to join in the formation of a School Administrative District, are validated and made effective.

Sec. 2 Mission

The mission of Marshwood School District is to provide a place where students, parents, staff and community members work together to foster a life-long passion for learning and engage all students in developing the skills and knowledge they need to be successful; live healthy lives; and become ethical, kind, compassionate, responsible citizens who thrive in an ever-changing world.

Our school community strives to:

- Create a safe, inclusive, differentiated learning environment in which all students feel safe, heard, and supported in the development of their whole selves - social, emotional, physical and cognitive.
- Ensure all students are challenged, motivated and inspired by innovative learning

opportunities that meet or exceed standards.

● Advance sustainability practices and programs in district operations and infrastructure, and encourage environmental stewardship.

● Empower students to become strong, independent, growth-minded, critical thinkers who have the courage to act on their own beliefs.

● Create a districtwide culture of kindness in which students develop compassion for others and a commitment to practicing good citizenship.

Article I Revised: October 20, 2021

MSAD 35 BYLAWS: ARTICLE II - School Board of Directors

ARTICLE II - School Board of Directors

Sec. 1 - Board of Directors

A. Members: The Board shall consist of three elected members from Eliot and three elected members from South Berwick.

B. Election: For the purpose of nominations, School Directors shall be considered municipal officers and shall be nominated in accordance with Title 30-A Chapter 121 or with a municipal charter, whichever is applicable. (MRSA Title 20-A §1253 p.25.)

C. Term of Office: Each member will be elected for a three-year term.

D. Oath of Office: Each newly elected Board member shall take an oath of office or an alternative affirmation before beginning any MSAD 35/RSU 35 duties.

E. Qualifications: Board members shall be registered voters and reside in the town where they were elected.

F. Vacancy: When a vacancy occurs before a term is completed, due to resignation, moving from town elected in, death, or removal from office due to conviction of a felony, a new member shall be appointed by the municipal officers of that town to serve until the next regular scheduled municipal election. At that time a member will be elected to fulfill the term of the vacancy. (MRSA 20-A §1254).

G. Any two students from Marshwood High School, one junior and one senior, will be recognized by the School Board as non-voting representatives to the School Board and will be invited to participate on selected standing committees, as appointed by the School Board.

Sec. 2 - Powers and Duties of School Board Directors

The School Board shall have general charge of all the public schools of this unit and shall exercise such other responsibilities as specifically provided by law (1001 et. seq.).

The Board is to concern itself primarily with broad questions of policy rather than with administrative details. The application of policies is an administrative task to be performed by the Superintendent and his/her staff, who are to be held responsible for the effective administration and supervision of the entire school system. The Board, functioning within the framework of laws,

A. Shall elect and discharge the Superintendent, whose term shall be determined by the Board. (MRSA T20-A §1051, 1052).

B. The Board or Superintendent shall annually choose an auditor who will conduct an annual audit.

C. Shall base decisions on MSAD 35/RSU 35 Adopted Policies.

D. Shall consider for approval all nominations submitted by the Superintendent.

E. Shall approve and enact policy for the management of the District.

F. Shall be responsible for the preparation of the budget. (MRSA T 20-A §1302)

G. Shall provide for the planning, expansion, improvement, financing, construction, and maintenance of the physical plant of the school system.

H. Shall prescribe the standards needed for the efficient operation and improvement of the school system.

I. Shall require the establishment and maintenance of records, accounts, archives, management methods and procedures incidental to the conduct of school business.

J. Shall approve the budget, financial reports, audits, major expenditures, payment of obligations, and policies whereby the Administration may formulate procedures, regulations, and other guides for the orderly accomplishment of business.

K. Shall issue orders to the assessors of the member municipalities requiring them to assess taxes for the operation, support, maintenance, improvement and extension of the school system.

L. Shall adopt courses of study.

M. Shall provide staff and instructional materials and equipment.

N. Shall evaluate the educational program to determine the effectiveness with which the schools are achieving the educational purposes of the school system.

O. Shall provide for the dissemination of information relating to the school that is necessary for creating a well-informed public.

P. Members of the Board have authority only when acting as a board legally in session. 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 a statement or action is authorized by specific instructions of the Board (20-A MRSA § 1001).

Sec. 3 - Board Member Code of Ethics

School Board members will uphold the highest standards of personal ethics and integrity when dealing with all matters related to the governance of the district. These standards will include the following:

A. Board action will be confined to policymaking, planning, appraisal, and other duties as defined by law.

B. Board members will recognize that their responsibility is not to operate the schools but to see that they are well operated.

C. Board members will think of children first and seek to provide education for all children in the community commensurate with their needs and abilities.

D. Board members will refrain from disparaging remarks, in or out of Board meetings, about other members of the Board or their opinions.

E. The confidential business of the Board will not be discussed outside the confines of the Board Executive Session.

F. Board members will not criticize District employees publicly; instead, such concerns should be directed to the Superintendent for investigation and action, if necessary.

G. Board decisions will be supported graciously once made by a majority of the Board.

H. Board members will listen to and respect the opinions of citizens. All complaints will be referred to the proper authorities.

I. Board members will remember at all times that as an individual they have no legal authority outside the meetings of the Board and that they will conduct their relationship with the school staff, the local citizenry, and all media on the basis of this fact.

J. Board members will make decisions openly after all facts bearing on a question have been presented and discussed.

K. Board members will refuse to make promises as to how they will vote on a matter that should properly come before the Board as a whole.

L. Board members will welcome and encourage cooperation and participation by teachers, administrators, and other personnel in developing policies that affect the welfare of employees and that of the children they serve.

M. Board members will resist every temptation and outside pressure to use their position as a School Board member to benefit them or any individual or agency apart from the total interest of the school administrative district.

N. Board members will recognize at all times that the School Board is an agent of the State, and as such, will abide by the laws of the State and the regulations formulated by the Maine Department of Education and the State Board of Education.

Sec. 4 - Conflicts of Interest

School Board members must be constantly alert to their responsibilities and potential conflicts, and take care to avoid even the appearance of self-interest through disclosure or abstention (Title 30-A § 2605). A Board member shall not have any direct or indirect pecuniary interest (as defined by law as some financial benefit which may somehow come to the board member) in a contract or in other dealings with MSAD 35/RSU 35, 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/her secondary interest and refrain from debating or voting upon the question of contracting with the company.

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 has served on the Board.

A member of the Board or spouse of a member may not be an employee of MSAD 35/RSU 35. 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 MSAD 35/RSU 35. To avoid the appearance of nepotism, other immediate family members of the Board will not be hired, unless the Board approves an exception to this policy when determined to be in the best interests of the District. (20-A MRSA §1002)

Sec. 5 – Code of Conduct for Federally Funded Procurements

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 Policy DJH – Purchasing and Contracting: Procurement Staff Code of Conduct.

Sec. 6 – Infractions

If any infraction of the Board Code of Ethics or Conflict of Interest occurs, the Board Chair is authorized to take whatever action is necessary, including but not limited to, censure or reprimand, with the advice and consent of the majority of the Board. Action will be taken by the Vice-Chair, with the advice and consent of the majority of the Board, when the infraction is committed by the

Board Chair.

Article II Revised: May 16, 2007, September 3, 2008, August 27, 2014, and August 26, 2015, February 28, 2018, July 15, 2020

MSAD 35 BYLAWS: ARTICLE III - Officers

ARTICLE III - Officers

Sec. 1 - The Chairperson - BEDD Rules of Order

The Chairperson is to be elected by the Board at the annual organizational meeting, whose duties are to:

A. Prepare the agenda with the Superintendent.

B. Sign the Superintendent’s contract, all graduation diplomas, referendum ballots, and all contracts.

C. Run all meetings according to Robert's Rules of Order.

D. Call special meetings, in conjunction with the Superintendent.

E. Ensure the Board is provided supporting documentation and information in a timely manner such that they may be well prepared for meeting discussions and voting on topics on, or anticipated to be on, an upcoming agenda.

F. Call special meetings, workshops or executive sessions, as needed, in conjunction with the Superintendent.

Sec. 2 - The Vice-Chairperson

The Vice-Chairperson is to be elected at the annual organizational meeting, whose duties are:

A. In absence of the Chairperson, to assume those duties.

B. Support the Chairperson, as needed, with facilitation, coordination and communication to ensure Board members are successful in fulfilling their duties as Board and committee members.

Article III Revised: October 20, 2021

MSAD 35 BYLAWS: ARTICLE IV - Meetings

ARTICLE IV - Meetings

Sec. 1 - Meetings

All meetings shall be run in accordance with the Maine Freedom of Access Act. (MRSA T 1 Chapter 13 §401)

Sec. 2 - Quorum

Quorum: A majority of the School Board Members shall constitute a quorum. Each member shall have one vote. A quorum is required to pass any motion.

Sec. 3 - Board Organizational Meeting

Board Organizational Meeting: The annual organizational meeting shall be the second regular Board meeting in June. At that meeting, a Board Chair and Vice-Chair shall be elected to serve a one year term of office.

A. Three Board members shall be elected by the Board to serve on the Facilities and Finance Committee for one year.

B. Three Board members shall be elected by the Board to serve on the Negotiations Committee for one year.

C. Three Board members shall be elected by the Board to serve on the Educational Policy Committee for one year and school administrators will serve as advisors.

D. Three Board members shall be elected by the Board to serve on the Wellness / SEL Committee for one year and school administrators will serve as advisors.

Sec. 4 - Regular Meetings

Regular meetings: Shall be held the first and third Wednesday of the month unless otherwise agreed upon. Meetings which fall during school vacations will be rescheduled. Normal meetings will be held in the Learning Center at Marshwood High School unless otherwise planned in order to accommodate safety, or other needs or requirements. Meetings will usually begin at 7:00 pm. All

meetings shall cease at 10 PM unless the majority of the Board votes in the affirmative to suspend this rule.

Sec. 5 - Special Meetings

Special meetings may be called at the discretion of the Superintendent of Schools and the Chair of the Board. Public notice is required as provided by the Maine Freedom of Access Act.

Sec. 6 - Workshops

Workshops may be called as needed, a quorum is not necessary, and no binding decisions can be made. Public notice is required. The public is welcome, but no public participation is allowed.

Sec. 7 - Executive Sessions - BEC

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. The Board may hold executive sessions upon recorded vote of 3/5 of the members present and voting. Any motion to go into executive session shall indicate the precise 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 for that business. Deliberations may be conducted in executive sessions only on those matters defined in the law. No final action shall be taken in executive session.

By its very nature, the subject matter of executive sessions is highly confidential. It is expected that all parties to such discussions will respect the need for confidentiality.

Legal Reference: 1 MRSA § 401 et seq.

Sec. 8 - Executive Session Procedures - BEC-R

I. To Enter Executive Session, the Board Must:

A. Start with a public meeting;

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

C. State in a motion the precise nature of the business of the executive session and include in the motion a citation of one or more sources of statutory or other authority that permits an executive session for that business. If more than one matter is to be discussed, the nature of each matter and the source(s) of authority for each must be stated. When labor contracts are the subject of an executive session, the parties must be named.

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 employment, appointment, assignment, duties, compensation, evaluation, resignation, disciplining, promotion, demotion or dismissal of public officials, appointees or employees or the investigation of charges or complaints against persons, subject to the following conditions:

1. Only when public discussion could be reasonably expected to cause damage to the reputation or violate the individual's right to privacy;

2. Person charged or investigated has right to be present;

3. Person charged or investigated may request in writing that the investigation be conducted in open session. Such requests must be honored; and

4. Any person bringing charges shall be permitted to be present (does not specify participation).

B. Discussion or consideration of suspension or expulsion of a student, the cost of whose education is paid from public funds. The student and legal counsel (and parents or guardian if student is a minor) shall be permitted to be present if student, parents or guardian so desire.

C. Discussion or consideration of the condition, acquisition or the use of real or personal property only if premature disclosure would prejudice the bargaining position of the body or agency.

D. Board discussion of labor contracts and proposals and meetings may be held in executive session. (Negotiations between the representatives of a public employer and public employees are closed unless opened by agreement of both parties.)

E. Consultations between a body or agency and its attorney concerning legal rights, pending litigation, and settlement offers, when premature public knowledge would give the Board substantial disadvantage.

F. Discussion of records made, maintained or received by the body or agency, when access by the general public is prohibited by statute.

Article Revised: July 14, 2010; August 29, 2012; August 28, 2013; October 20, 2021; November 15, 2023

Cross Reference:

KDB - Public’s Right to Know/Freedom of Access

MSAD 35 BYLAWS: ARTICLE IX - Bylaws

ARTICLE IX - Bylaws

Sec. 1- Amendments:

These Bylaws may be amended by voting at any regular or special meeting provided that previous notice of the first reading of the amendment was given to all members one meeting prior to the vote.

Sec. 2 - Bylaw Review:

These Bylaws shall be reviewed annually at the Board organizational meeting. If there are no changes warranted or recommended, the Bylaws shall be accepted as written.

Policy Adopted: December 20, 1995

Policy Revised: August 14, 2002 and August 27, 2014

Board BYLAWS reviewed: October 20, 2021

MSAD 35 BYLAWS: ARTICLE V - Superintendent

ARTICLE V - Superintendent

Sec. 1 - **Powers and Duties:**

A. Duties shall include but not be limited to MRSA T20-A §1055.

B. As the Board's Secretary, the Superintendent shall be responsible for the accurate preparation of the minutes. Minutes shall be circulated to the Board members, press, schools, and other citizens who request them. In the event one or more Board members either abstains or votes in the minority all Board names shall be noted along with their vote.

C. The Superintendent shall nominate for School Board approval all employees of MSAD 35/RSU 35 in accordance with MRSA T20-A.

D. The Superintendent shall inform the Board of change in the law which would affect current Board Policy. They shall recommend new policies required by State and Federal law.

Sec. 2 - **Agenda Preparation and Dissemination:**

A. The Superintendent will prepare the agenda for the meeting following consultation with the Chair. The agenda will be published and the Chair or acting Chair may note that no action is permissible on items not on the published agenda.

B. An opportunity for public input shall be part of every regular meeting of the Board of Directors, in accordance with policy BEDH Public Participation Policy and BEDH-R Public Participation at Board Meetings - Procedures.

C. On the Friday prior to the Board meeting, in addition to sharing the agenda with the Board every attempt will be made to post the established agenda on the district website and distributed to town offices, libraries, schools and appropriate social media.

D. Outside of urgent hiring recommendations or other time-sensitive issues, no substantial changes to an agenda should occur once an agenda is published. If an update or addition is necessary, the updated agenda will be immediately reshared with the Board and reposted to the public.

Article V Revised: August 27, 2014, August 26, 2015, July 15, 2020, October 20, 2021

MSAD 35 BYLAWS: ARTICLE VI - Policy

ARTICLE VI - Policy

Sec. 1 - Policy Adoption

Policy Adoption: Policies will be adopted and/or amended only by the affirmative vote of a majority of the Board of Directors when such action has been scheduled on the agenda of a regular or special meeting. Insofar as possible, the Board of Directors desires a broad input into the development of policies for the system. To ensure this input takes place, the Board will adhere to the following procedure in considering and adopting new policies or amending existing policies.

A. First Meeting: the policy will be presented for the first reading and discussion.

B. Second Meeting: the policy shall be presented for second reading and adoption.

Sec. 2 - Amendments

Amendments: Amendments may be presented at either meeting. An amendment will not require that the policy go through an additional reading unless the Board determines by vote that further study is desirable and an additional reading is necessary.

Sec. 3 - Review

After a period of six years from the date of Board approval, each policy will be reviewed and revised if necessary because of changing conditions, statutes, or court decisions. Board action will be required to extend the authority of a policy for another period of six years.

Sec. 4 - Policy Deletion

Policies may be deleted from the Policy Book upon majority vote of the Board.

Article VI Revised: October 16, 2013, August 27, 2014, October 20, 2021

MSAD 35 BYLAWS: ARTICLE VII - Budget

ARTICLE VII - Budget

Sec. 1 - The Fiscal Year

The Fiscal Year is July 1 through June 30 of the following year.

Sec. 2 - Budget Deadlines and Schedules:

A. The Board of Directors shall review the budget document in public work sessions.

B. After review and tentative approval, the Superintendent shall submit a budget document in legally prescribed form to the Board a week prior to the scheduled budget adoption, for final approval.

C. The complete budget document will be available for public scrutiny in the Superintendent's Office and online on the district website: www.rsu35.org at least 7 days prior to any hearings held on the budget.

D. Each school shall have a complete revised budget available for that school, indicating changes made from the document originally sent to the Superintendent.

Sec. 3 - Budget Adoption:

A. District budget meetings are conducted by referendum with each member municipality. In accordance with MRSA T20-A §1305-1308 except in extreme mitigating circumstances, district budget meetings are held. MRSA T20-A §1305-1308.

B. The conduct of the budget meetings is to be run according to MRSA T20-A §1305-1308.

C. The Maine Moderator's Guide shall be used in the conduct of District Budget Meetings.

Sec. 4 - Audit:

A. Each Board member shall receive a copy of the audited financial statements and a copy shall be on file in the Office of the Superintendent. MRSA T20-A §6051.

Article VII Revised: August 27, 2014

MSAD 35 BYLAWS: ARTICLE VIII - Committees

ARTICLE VIII - Committees

Sec. 1 - Standing Committees:

Standing Committees shall be formed at the Board's yearly organizational meeting. Membership of the Standing Committees shall consist of the Superintendent, and Board members. Committee membership shall be discussed and elected by the Board.

MSAD 35/RSU 35 currently has four Standing Committees:

A - Facility and Finance Committee:

Facility and Finance Committee: Shall review facilities needs of the District, review and approve warrants and make financial recommendations.

1. A monthly financial statement shall be prepared by the Superintendent after the close of the last warrant of the month. This report shall contain reports of expenditures in all codes, all receipts and a justification of balances.
2. A member of the Finance Committee and the District Treasurer shall sign all warrants.
3. Members who will serve on the Facility and Finance Committee as advisors may include others designated by the Superintendent.

B - Negotiations Committee:

Negotiations Committee: Shall represent the Board in all negotiations with contracted employees of the District.

1. Members who will serve on the Negotiations Committee as advisors may include others designated by the Superintendent.

Negotiations Committee: Shall represent the Board in all negotiations with contracted employees of the District.

C - Educational Policy Committee:

Educational Policy Committee: Shall review policies and make recommendations to the full Board regarding revisions or new policy adoptions.

1. Members who will serve on the Educational Policy Committee as advisors may include staff representatives, a representative from the QEA, administrators and others designated by the Superintendent.

D - Wellness / SEL Committee

Wellness / SEL Committee: Shall represent the Board and provide updates and recommendations to the full Board regarding Wellness and Social and Emotional Learning initiatives in the district.

1. Members who will serve on the Wellness / SEL Committee advisors may include staff representatives, administrators and others designated by the Superintendent.

Sec. 2 - Advisory Committees:

A - Formation:

Advisory Committees may be formed from time to time as the Board wishes as special needs arise. At the time of the Advisory Committee's inception the Board shall determine:

1. Its purpose;
2. Duration;
3. Role;
4. The resources the Board intends to provide;
5. Approximate dates for reporting to the Board Chair or liaison, if necessary or able to determine at inception; and
6. Membership of the Committee, if necessary.

B - Role of Advisory Committee:

1. Advisory committees should serve at the pleasure of the Board.
2. Advisory committees should be appointed primarily to advise the Board. In general, individual members of such committees should not be requested to perform specific services for the Board.
3. The Board should seek the advice of the Superintendent before establishing or dissolving any advisory committee.
4. Specific topics for study or well-defined areas of activity should be assigned in writing to each committee immediately following its appointment.
5. Upon completing its assignment, each advisory committee should either be given new charges or be dissolved promptly. No committee should be allowed to continue for prolonged periods without a definite assignment.
6. Each advisory committee should be instructed as to:

    a. The role of the committee being advisory only;

    b. The resources the Board intends to provide in order to help it complete its task;

    c.The approximate dates on which the Board wishes reports to be submitted;

d. The time and place of the first meeting;

e. Its relationships with the Board as a whole and with members of the professional staff; and

f. The approximate date on which the Board wishes to dissolve the committee.

Article VIII Revised: September 6, 2006, July 14, 2010, August 29, 2012, August 27, 2014, October 20, 2021

MSAD 35 BYLAWS: Article X - Addenda

Article X - Addenda

Sec. 1 - New Board of Directors Orientation - BIA

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 new members to attend meetings, except those held in executive session, and will provide new 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 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.

D. 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:

1. 1. 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;
   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 with the media; and
13. Other relevant topics.

Policy Adopted: August 14, 2002

Policy Revised: December 7, 2005

Sec. 2 - Policy Review - CHB

The Board and Superintendent will work together to keep Board policies and the Board's policy manual up to date.

The Superintendent is given the continuing commission of calling to the Board's attention any policy that is inadequate, not working, out of date, or appears to need revision for other reasons.

Various actions of the Board and changes in state and federal laws may require minor revisions or editorial changes in certain policies and regulations of the Board. The Superintendent is authorized to make these changes and present them to the Policy Committee for review, and potentially to the Board, as a new business item. Acceptance will constitute positive Board action.

After a period of six years from the date of Board approval, each policy will be reviewed and revised if necessary because of changing conditions, statutes, or court decisions. All policies will remain in effect until Board action is taken.

Policy Adopted: September 2, 1992

Policy Revised: December 3, 2003; December 7, 2005; June 19, 2013; June 21, 2023

Sec. 3 - Public Participation at Board Meetings (BEDH)

The primary purpose of School Board meetings is to conduct the business of the Board related to school policies, programs, and operations. The Board encourages residents to attend Board meetings so that they may become acquainted with the operation and programs of the schools and cordially invites any interested member of the public to attend and participate as provided in this policy.

The Board recognizes the value of public comments on school and educational matters. To permit fair and orderly expression of public comments at Board business meetings, while still allowing the Board to conduct its business efficiently, the Board has established the procedure below for regular business meetings.

At special, emergency, or workshop meetings, public comments will be limited to the topic(s) of the particular meeting.

In addition to speaking during the designated public comment portion of the agenda at Board meetings, members of the public are welcome to submit written comments on school and educational matters to the Board and Superintendent.

The following rules apply to public participation in Board business meetings:

1. The Board includes a public comment period, not to exceed 30 minutes, on the agenda of regular business meetings. Individual speakers will be given equal amounts of time to speak during public comment period, limited to a maximum of three (3) minutes per speaker. Individuals may not relinquish a portion of their allotted time to another speaker. The time limits in this paragraph may be modified at particular meetings at the discretion of the Board.
2. The Board will hear public comments from residents of the school unit first. If there is time remaining in the public comment period once all residents have had the opportunity to speak, the Board will permit comments from non-residents. Individuals who wish to speak are required to fill out the sign-in form available at each Board meeting, prior to the beginning of the public comment period, and review a copy of this policy. Each individual will be required to state their name and town/city of residence before beginning their remarks.
3. In order to make efficient use of meeting time, the Board requests that groups or organizations be represented by designated spokespersons.
4. Individuals shall stand behind the designated public comment location during their allotted time for comment. Speakers will not be permitted to approach the Board or walk or stand elsewhere around the room during their comment period. Speakers must be recognized by the Board Chair, and all public comments should be addressed to the Board Chair.
5. The Board Chair is responsible for ensuring the orderly conduct of Board meetings and for ensuring compliance with this policy, including the following rules of order:

    a. Speakers are expected to follow rules of common etiquette and decorum for the forum - a school business meeting at which students may be present - and are required to refrain from (i) using indecent and/or obscene language, (ii) engaging in disruptive

conduct, including but not limited to, inciting criminal conduct, shouting, threatening others using words or by other actions, making defamatory comments, exceeding the allotted time limits, talking over or interrupting others, offering repetitive comments, and offering comments on matters unrelated to school or education matters.

Indecent – the remark is uttered before 10:00 p.m. and describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards.

Obscene – the remark appeals to the prurient (i.e., shameful, morbid, or unwholesome fascination with sex, nudity, or excretory functions) interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political or scientific value.

b. Discussion of personnel matters is not permitted during the public comment period due to the privacy, confidentiality, and due process rights of District employees. For purposes of this policy, "discussion of a personnel matter" means any discussion, whether positive or negative, of the job performance or conduct of a District employee (whether the employee is named directly or, in the judgement of the Board Chair, the identity of the employee can be reasonably identified due to the content of the remarks).

c. Discussion of matters involving individual students is also not permitted during the public comment period due to the privacy, confidentiality, and due process rights of District students.

d. Any concerns about personnel matters and/or student matters should be directed to the Superintendent or another appropriate administrator outside of Board meetings so that they can be addressed through an alternative channel and in a manner consistent with confidentiality, privacy, and due process rights of the individuals involved.

e. The Board Chair will stop any public comment that is contrary to these rules.

f. Individuals who disrupt a Board meeting may be asked to leave in order to allow the Board to conduct Board business in an orderly manner. The Board Chair may request the assistance of law enforcement if necessary to address disruptions or safety concerns.

Legal Reference:

20-A M.R.S.A. § 1001(20)

20-A M.R.S.A. § 6101

1 M.R.S.A. § 405

Cross Reference:

Board of Directors ByLaws

KE - Public Concerns and Complaints

Policy Adopted: December 19, 1990

Policy Revised: May 4, 1994; December 17, 2003; December 21, 2005; May 20, 2015; August 26, 2015; September 01, 2021; August 23, 2023; October 21, 2026

Sec. 4 - School Board Use of Electronic Mail - BEA

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:

1. The School Board shall not use email as a substitute for deliberations at Board meetings, for other communications or business properly confined to Board meetings, or in any way to defeat the purposes of the Freedom of Access Act.
2. Board members should be aware that email and email 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.
3. Board members shall avoid reference to confidential information about employees, students or other matters in email communications because of the risk of improper disclosure. Board members should comply with the same standards as school employees with regard to confidential information.

NOTE: Any copying fees are to be paid by the person requesting the copy.

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

Policy Adopted: April 16, 2008

Policy Revised: May 15, 2013

Sec. 5 - Student Representation to the School Board - BBBB

The MSAD # 35 Board of Directors endorses the concept of student access to the district decision-making process. The Board wishes to provide students with the opportunity to offer advice and opinions on matters of common interest, to enhance communication and, to contribute to the MSAD # 35 community.

To create the environment for interaction among and between student representatives, School Board members, and district administration, the School Board will encourage participation in the regular meetings of the School Board.

Any two full time Marshwood High School students, one junior and one senior, will be recognized by the School Board as honorary voting representatives to the School Board and will be invited to participate on selected standing committees, as appointed by the School Board. Students will vote first, with the opportunity to explain their votes. Student votes will be recorded, but will not be binding.

Both students will be selected by a method determined by the MHS Student Government organization and approved by the MSAD # 35 Board of Directors. The senior selected the first year will serve a one-year term expiring on June 30 of their senior year. The junior representative selected will serve a two-year term expiring on June 30 of their senior year. After the initial year, a junior will be selected every year after to serve a two-year term with terms expiring on June 30 of their senior year.

Student Representatives will be subject to the same by-laws and rules as the community representatives of the Board of Directors. Student Representatives must attend an orientation held by the Superintendent of Schools and Board Chair prior to participation in their first meeting.

Executive Sessions of the Board of Directors and its subcommittees are not open to student representatives. No confidential information or documents will be provided to student representatives.

Once adopted, this policy will be reviewed two years from the date of adoption.

Cross Reference: JIB

Policy Adopted: February 27, 2008

Policy Revised: May 20, 2013; July 15, 2020; July 15, 2026

Sec. 6 - School Attorney/Legal Services - BDG

The Board recognizes that the increasing complexity of school unit operations frequently requires procurement of professional legal services. Therefore, the Board shall designate an attorney and/or law firm to provide such services on an ongoing basis. The school attorney(s) shall be admitted to practice law in Maine. The Board reserves the right to obtain legal services outside of its designated attorney/law firm as deemed appropriate.

A decision to seek legal advice or assistance on behalf of the school unit shall normally be made by the Superintendent or Board Chair in accordance with Board policy and when an obvious need exists. Such services may also be obtained as a consequence of a formal vote of the Board.

Legal services required by the school unit may include, but not be limited to:

1. Providing general legal advice to the Board and/or administration;
2. Assisting with labor negotiations;
3. Assisting with personnel matters;
4. Assisting with expulsions and other student disciplinary matters;
5. Conduct and/or assist with pending or actual litigation involving the school unit;
6. Other specialized legal services; and
7. Attendance at Board meetings or other activities as appropriate.

Many types of legal services are considered routine and do not require specific Board approval. However, when the Superintendent concludes that the potential for significant legal expenditure exists or under other unusual circumstances, he/she shall inform the Board at an appropriate point in the process. The Board may take action on such matters as appropriate.

Adopted: April 25, 2018

BEC - Executive Sessions

BEC - 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. The Board may hold executive sessions upon recorded vote of 3/5 of the members present and voting. Any motion to go into executive session shall indicate the precise 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 for that business. Deliberations may be conducted in executive sessions only on those matters defined in the law. No final action shall be taken in executive session.

By its very nature, the subject matter of executive sessions is highly confidential. It is expected that all parties to such discussions will respect the need for confidentiality.

Legal Reference:

1 MRSA § 401 et seq.

Cross Reference:

BE - School Board Meetings

Policy Adopted: November 15, 2023

BEC-R - Executive Session Procedures

BEC-R - EXECUTIVE SESSION PROCEDURES

I. To Enter Executive Session, the Board Must:

A. Start with a public meeting;

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

C. State in a motion the precise nature of the business of the executive session and include in the motion a citation of one or more sources of statutory or other authority that permits an executive session for that business. If more than one matter is to be discussed, the nature of each matter and the source(s) of authority for each must be stated. When labor contracts are the subject of an executive session, the parties must be named.

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 employment, appointment, assignment, duties, compensation, evaluation, resignation, disciplining, promotion, demotion or dismissal of public officials, appointees or employees or the investigation of charges or complaints against persons, subject to the following conditions:

1. Only when public discussion could be reasonably expected to cause damage to the reputation or violate the individual's right to privacy;

2. Person charged or investigated has right to be present;

3. Person charged or investigated may request in writing that the investigation be conducted in open session. Such requests must be honored; and

4. Any person bringing charges shall be permitted to be present (does not specify participation).

B. Discussion or consideration of suspension or expulsion of a student, the cost of whose education is paid from public funds. The student and legal counsel (and parents or guardian if student is a minor) shall be permitted to be present if student, parents or guardian so desire.

C. Discussion or consideration of the condition, acquisition or the use of real or personal property only if premature disclosure would prejudice the bargaining position of the body or agency.

D. Board discussion of labor contracts and proposals and meetings may be held in executive session. (Negotiations between the representatives of a public employer and public employees are closed unless opened by agreement of both parties.)

E. Consultations between a body or agency and its attorney concerning legal rights, pending litigation, and settlement offers, when premature public knowledge would give the Board substantial disadvantage.

F. Discussion of records made, maintained or received by the body or agency, when access by the general public is prohibited by statute.

Legal Reference:

1 MRSA § 405

Cross Reference:

BEC - Executive Sessions

Policy Adopted: November 15, 2023

BCC - Nepotism

BCC - 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:

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

Employment

It shall be the policy of the MSAD #35 Board not to employ as school unit staff any person who is a member of the immediate family of a Board member.

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 that is within the direct supervision of a member of his/her immediate family, nor in a position in which he/she is supervised or evaluated, in whole or in part, by a member of his/her immediate family.

Exceptions

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.

Exceptions for spouses of Board members in stipend positions only:

For the purpose of this policy a "stipend employee" means a person who receives limited monetary payment of benefit, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring, or coaching capacity for s school administrative unit.

The Board authorizes the Superintendent to employ a spouse of the member of the Board as a stipend employee on a contractual basis when that action is in the best interest of the students and the needs of the school unit. Such a contract will summarize potential conflicts of interest and describe mitigations of such conflicts.

Such contract will be for one season or one year only, with no guarantee or expectation of continuation.

It is the Board's intent that hiring practices for stipend positions discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best interest without restrictions based solely on family association. To that end, the Superintendent/designee will be responsible for developing job descriptions for stipend positions, including relevant qualifications and duties/ responsibilities.

This exception applies only through June 30, 2024, unless extended by the Maine legislature.

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.

Exceptions for spouses of Board members in volunteer positions only:

Notwithstanding the preceding paragraph, the Board may permit a Board's member's spouse to serve as a volunteer in the same capacities as other school volunteers. In approving spouses of Board members as volunteers, the Superintendent/designee will ensure that practices applicable to approval of school volunteers discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best interest without restrictions based solely on family association. Board member spouses who volunteer in schools will be subject to the provision of the board's policy IJOC, School Volunteers.

This exception applies only through June 30, 2024, unless extended by the Maine legislature.

Legal Reference:

20-A M.R.S.A. § 1002

Cross Reference:

BCB – Board Member Conflict of Interest

GAB – Job Descriptions

GDA – Support Staff Positions

GDGF – Support Staff Employment

IJOC – School Volunteers

Policy Adopted: December 20, 2023

BHC - Board Relationships and Communications with Staff

BHC - 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. Their 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 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.

Individual 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 regarding district-related or board-related matters on their own. Individual board members who have children in our schools may engage with staff members, as parents, in matters pertaining to their children.

Legal Reference:

20-A MRSA §§ 1(28); 1001(21); 1051; 13201-13202

Cross Reference:

BEDH – Public Participation in Board Meetings

KE – Public Concerns and Complaints

Policy Adopted: February 28, 2024