

# MSAD 35 BYLAWS: ARTICLE

## II - School Board of Directors

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#### **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.

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