MSAD 35 BYLAWS: ARTICLE IV - Meetings

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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

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