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

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