B. School Board Governance and Operations

The School Board - how it is elected; how it is organized; how it conducts meetings, and how the board operates. This section includes policies establishing the board's internal operating procedures.

- BBAA - School Board Powers and Responsibilities
- BBAB - Student School Board Representative
- BBAB-R - STUDENT SCHOOL BOARD REPRESENTATIVE POLICY GUIDELINES
- BCA - SCHOOL BOARD CODE OF ETHICS
- BCB - BOARD MEMBER CONFLICT OF INTEREST
- BCC - NEPOTISM
- BDB - BOARD OFFICERS
- BDC - BOARD APPOINTMENTS
- BDD - BOARD-SUPERINTENDENT RELATIONSHIP
- BDE - BOARD STANDING COMMITTEES
- BDE-R - STANDING COMMITTEE OPERATING PROCEDURES
- BDF - BOARD ADVISORY COMMITTEES
- BE - SCHOOL BOARD MEETINGS
- BEA - SCHOOL BOARD USE OF ELECTRONIC MAIL and OTHER ELECTRONIC COMMUNICATIONS
- BEC - EXECUTIVE SESSIONS
- BEC- E - EXECUTIVE SESSION LAW
- BED - REMOTE PARTICIPATION IN SCHOOL BOARD MEETINGS

- BEDB - AGENDA
- BEDBA - AGENDA FORMAT
- BEDD - RULES OF ORDER
- BEDF - VOTING METHOD AND QUORUM
- BEDG - MINUTES
- BEDH - PUBLIC PARTICIPATION AT BOARD MEETINGS
- BG - SCHOOL BOARD POLICIES
- BEDJ - BROADCASTING, TAPING, RECORDING of SCHOOL BOARD MEETINGS
- BG-R - POLICY ADOPTION AND AMENDMENT PROCEDURES
- BHC - BOARD RELATIONSHIPS AND COMMUNICATIONS WITH STAFF
- BIA - NEW BOARD MEMBER ORIENTATION
- BIB - BOARD MEMBER DEVELOPMENT

BBAA - School Board Powers and Responsibilities

SCHOOL BOARD POWERS AND RESPONSIBILITIES

The School Board shall have general charge of all the public schools of the Cape Elizabeth School Department and shall exercise such other responsibilities as specifically provided by law.

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 an individual Board member except when such statement or action is in pursuance of specific instructions from the Board.

The Board shall concern itself primarily with high level policy rather than with administrative details. The application of policies is an administrative task to be performed by the Superintendent and their staff, who shall be held responsible for the effective administration and supervision of the entire school system.

The Board, functioning within the framework of laws, court decisions, attorney general's opinions, and similar mandates from the state and national levels of government, and recognizing the authority of the state, fulfills its mission as the governing body of a political subdivision by acting as follows in the execution of its duties:

I. Enacts policy;

II. Selects, employs, and evaluates the Superintendent;

III. Provides for the planning, expansion, improvement, financing, construction, and maintenance of the physical plant of the school system;

IV. Prescribes the minimum standards needed for the efficient operation and improvement of the school system;

V. Requires the establishment and maintenance of records, accounts, archives, management methods, and procedures incidental to the conduct of school business;

VI. Approves 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;

VII. Estimates the funds necessary from taxes for the operation, support, maintenance, and improvement of the school system;

VIII. Adopts courses of study;

IX. Provides staff and instructional aids;

X. Evaluates the educational program to determine the effectiveness with which the schools are achieving the educational purposes of the school system;

XI. Provides for the dissemination of information relating to the schools necessary for creating a well informed public; and

XII. Approves/disapproves personnel nominations from the Superintendent and determines (where appropriate via collective bargaining) compensation and working conditions of all staff.

Legal References:

- 20-A MRSA § 1001 - 1003
- 20-A MRSA § 1476 (RSU)

Adopted:

- January 8, 2019

Revised:

- October 10, 2023

BBAB - Student School Board Representative

The Cape Elizabeth School Board recognizes the impact that its decisions have on the students who attend Cape Elizabeth schools. The School Board also recognizes the value of student voice in the governance of the school department. In order to provide for student input and involvement, the School Board may appoint up to two high school student representatives to the School Board each year. These representatives will serve in a nonvoting capacity. In order to serve as a student representative to the School Board, the student must be enrolled full time at Cape Elizabeth High School.

Student representatives shall serve two consecutive years (defined as two complete school years) starting in the Junior (11th grade) year. The terms shall overlap so that one new representative is appointed each school year. At its discretion, the School Board may, at the recommendation of the selection committee, appoint a student representative to a one year term. Student representatives shall be selected in accordance with procedures approved by the School Board.

Student representatives will attend business meetings and be invited to workshop and committee meetings. They will be excluded from executive sessions. Student representatives will act as liaisons between the School Board and the student body and shall adhere to the rules for participation established by the School Board.

Legal Reference:

- 20-A MRSA ¶ 1001 (1A)

Cross Reference

- BBAB-R Student School Board Representative Guidelines
- JIB - Student Involvement in Decision Making

ADOPTED:

- April 10, 2007

Revised:

- March 8, 2022

BBAB-R - STUDENT SCHOOL BOARD REPRESENTATIVE POLICY GUIDELINES

Selection Process:

The following procedure shall be used in the selection and participation of student representatives to the School Board.

I. Each April the Principal will notify sophomore students of the process for Student School Board Representative selection through advisory or other appropriate means.

II. Applicants will submit a brief essay expressing their reasons for applying and the contribution they hope to make.

III. All applications shall be reviewed by a selection committee composed of the Principal, the Superintendent, the School Board Chair and/or Vice Chair, one or both current Student Board members and a faculty member or members.

IV. The selection committee may, in its discretion, choose to interview finalists before their decision is made.

V. The selection committee may, in its discretion, choose to leave the position vacant.

School board students-elect are encouraged to attend School Board meetings and educate themselves on the role of board members in the months after they are elected before the end of the school year.

Responsibilities:

I. Beginning at the start of the school year, a School Board Student Representative will attend monthly business meetings and other workshops and committee meetings as designated and applicable.

II. School Board student representatives are responsible for preparing any needed materials meetings, and for responding to and sending necessary emails. This could include presentations, research, or statements.

III. School Board student representatives are responsible for keeping the student advisory council updated as to give updates on what is going on within the School Board and what the School Board has recently accomplished.

The rules of the substance abuse policy and academic eligibility apply. Student representatives will adhere to School Board rules for conduct and board policy and procedure.

Legal Reference:

- 20-A MRSA ¶ 1001 (1A)

Cross Reference:

- BBAB: Student School Board Representative

ADOPTED:

- April 10, 2007

Reviewed:

- March 8, 2022

BCA - SCHOOL BOARD CODE OF ETHICS

I will abide by the following code of ethics during my term as a Cape Elizabeth School Board Member:

I. 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. I will view service on the School Board as an opportunity to serve my community, state, and nation because I believe public education is the best means to promote the welfare of our people and to preserve our democratic way of life.

II. I will work to provide high quality public education for all children and students of Cape Elizabeth in accordance with the Mission and Vision Statement.

III. I will consider the educational needs of all children in our community and students in our schools, and how they will be affected in all my deliberations and decisions.

IV. I will treat fellow Board members, school staff, students, and citizens with respect.

V. I recognize that the School Board's responsibility is to set educational policy and not to manage the schools day-to-day; my responsibility is not to operate the schools but to see that they are well operated. I will confine my Board action to policy making, planning, and appraisal, leaving the administration of the schools to the Superintendent.

VI. I will remember at all times that as an individual I have no legal authority outside the meetings of the Board, and that I will conduct my relationship with the school staff and the public accordingly.

VII. I will encourage the input of school staff, students, and citizens on educational issues and will consider such input in my deliberations.

VIII. I will refer any citizen complaints to the proper authority within the school department.

IX. 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.

X. 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.

XI. 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.

XII. I will support all Board decisions, regardless of my vote.

XIII. I will not discuss confidential information outside of School Board meetings.

XIV. I will not use my School Board position for personal gain.

ADOPTED:

- December 10, 1996

Recoded:

- June 1998

REVISED:

- March 8, 2005

Reviewed:

- May 14, 2013
- May 13, 2025

BCB - BOARD MEMBER CONFLICT OF INTEREST

Board Service is a matter of public trust. In making decisions that affect the Cape Elizabeth School Department schools, Board members have the duty to act in the interest of the common good and for the benefit of the people they represent.

A conflict of interest may arise when there is an incompatibility between a Board member's personal interest and the responsibilities as an elected official in a matter proposed or pending before the Board. Board members have a legal and ethical responsibility to avoid not only conflict of interest, but the appearance of conflict of interest as well.

I. Financial Interest & Material Benefit

A Board member has a financial interest in a question or contract under consideration when the Board member or member of the immediate family of a Board member may derive some financial or other material benefit or loss as a result of the Board action. The vote of the Board is voidable if a Board member has a financial interest and votes on that question or is involved in the discussion, negotiation, or award of a contract or other action in which the Board member has financial interest.

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. In order to prevent the vote on a question or contract from being voidable, a Board member who has a financial interest must take the following action.

I. 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).

The minutes of the meeting shall reflect the member's disclosure and abstention from taking part in the decision in which there is an interest.

It is not the intent of this policy to prevent a Board member from voting or the school department from contracting with a business because a Board member is an employee of that business or has another, indirect interest but is designed to prevent the placing of Board members in a position where their interest in the schools and their interest in their places of employment may conflict and to avoid appearances of conflict of interest.

II. Employment

III. 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.

IV. A Board member or spouse of a member may not be an employee in the Cape Elizabeth School Department.

V. The spouse of a Board member may be permitted to serve as a stipend employee on a contractual basis when this action is in the best interest of students and a summation of potential conflicts of interests is documented and mitigations are described in the signed contract. This exception is for school years 2021-2022, 2022-2023, and 2023-2024 as permitted by 20-A MRSA 1002(2)(A) and Board Policy BCC - Nepotism.

III. Volunteer Activities of Board Members and Spouses

IV. 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."

V. 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.

VI. The spouse of a Board member may be permitted to serve as a volunteer in any capacity, the same as other school volunteers. This exception is for school years 2021-2022, 2022-2023, and 2023-2024 as permitted by 20-A MRSA 1002(2)(A) and Board Policy BCC - Nepotism.

IV. 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.

V. Appearance of Conflict of Interest

A Board member should do nothing to give the impression that the position or vote on an issue is influenced by anything other than a fair consideration of all sides of a question. Board members shall attempt to avoid the appearance of conflict of interest by disclosure and/or by abstention.

VI. Appointment to Office and Other Employment

A Board member may not, during the time the member services on the Board and for one year after the member ceases to serve on the Board, be appointed to any civil office or 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 served on the Board.

Definitions

For the purposes of this policy, the following statutory definitions apply:

I. “Employee” means a person who receives monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for a school administrative unit.

II. “Stipend employee” means a person who receives limited monetary payment of benefits, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring, or coaching capacity for a school administrative unit.

III. “Volunteer” means a person who performs personal services for a school administrative unit without monetary payments or benefits of any kind or amount.

Legal Reference:

20-A MRSA §§ 1002 - 1004

30-A MRSA § 2605

Cross Reference:

BCA - Board Member Code of Ethics

BCC - Nepotism

DJH - Purchasing and Contracting: Procurement Staff Code of Conduct

IJOC - School Volunteers

ADOPTED:

January 14, 1992

Recoded:

June 1998

REVISED:

April 9, 2004

Reviewed:

May 9, 2006

REVISED:

March 12, 2013

December 12, 2017

April 12, 2022

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.

I. For the purposes of this policy, the following definitions shall be used:

I. "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.

II. "Stipend employee" means a person who receives limited monetary payment or benefits, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring or coaching capacity for the School Department.

III. "Volunteer" means a person who performs personal services for the School Department without monetary payment or benefits of any kind or amount.

IV. "Administrative supervision" refers to the authority of a person in the position of principal or higher.

V. "Immediate Family" includes spouse, sibling, parent, child/adult child or domestic partner.

VI. "Extended Family" includes grandparent, grandchild, sibling, parent's sibling or in-law.

II. Board Members

It shall be the policy of the Cape Elizabeth School Board not to employ as school department staff any person who is a member of the immediate family of a Board member.

I. Immediate and extended family members of Board members shall not be employed by the School Department, subject to the following exemptions:

1. Employees who are employed on the date that an immediate or extended family member of theirs is elected to the Board.

2. In accordance with20-A MRSA § 1002(2A), 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 their school administrator, with exception when 20-A MRSA § 1002 (2A) and (2B) applies.

3. In accordance with 20-A MRSA § 1002 (2A) and (2B), spouses of Board members may serve as stipend employees or volunteers under the following conditions. These exceptions will sunset on July 1, 2024.

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

b. 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.

II. 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.

II. Superintendent

I. Immediate and extended family members of the Superintendent shall not be employed by the School Department, subject to the following exemption: employees who are employed on the date that an immediate or extended family of theirs is elected to the position of Superintendent.

I. If a member of the Superintendent's immediate or extended family is employed under paragraph IIIA, appropriate measures shall be taken by the Board to avoid a conflict.

III. Administrators

I. No person shall be employed in or assigned to a position within the administrative supervision of 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 their supervision or evaluation.

IV. 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.

V. Volunteers

Under Main 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, with the following exception:

I. A Board member's spouse may serve as a volunteer when such service is deemed to be in the best interest of students and the School Department. Approval of such volunteers must be made without favoritism and political patronage; consider the needs of the School Department; and provide that all volunteers have a fair and equal opportunity to be selected on merit, with priority consideration given to the best interest of students without restrictions based solely on daily association. This exception applies only through June 30, 2024, unless extended by the Maine legislature.

II. Exceptions to Policy
In extraordinary circumstances, the Board may approve an exception to the prohibitions on the

employment of immediate or extended family so long as the candidate is qualified for the position, 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. It is the intent of the Board that this provision be narrowly construed and used only in rare circumstances.

Legal Reference:

- 20-A MRSA § 1002

Cross Reference:

- BCB-Board Member Conflict of Interest
- IJOC - School Volunteers

Adopted:

- January 14, 1992

Recoded:

- June 1998

Revised:

- April 9, 2004
- March 12, 2013
- January 8, 2019
- May 10, 2022

BDB - 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:

I. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board;

II. Consult with the Superintendent in the planning of the Board meeting agendas;

III. Confer with the Superintendent on crucial matters that may occur between Board meetings;

IV. 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. The Chair shall serve as an ex-officio member of all such committees, allowing the chair the rights and responsibilities of committee membership as defined by School Board policies and procedures.

V. Call special meetings of the Board as necessary;

VI. Be the public spokesperson for the Board at all times except as this responsibility is specifically delegated to others; and

VII. 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:

I. Call the meeting to order at the appointed time;

II. Announce the business to come before the Board in its proper order;

III. Enforce the Board’s policies relating to the order of business and the conduct of the meeting;

IV. Explain, as appropriate, what the effect of a motion would be;

V. Restrict discussion when a motion is before the Board;

VI. 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.

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 MRSA § 1055 (ALL)

Cross Reference: BB - School Board Legal Status

ADOPTED: September 13, 2005

Reviewed:

- March 12, 2013
- December 10, 2024

BDC - 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 Chair 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

March 12, 2013

November 8, 2022

BDD - 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 district 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:

I. Recognize the Superintendent as the educational leader of the school district;

II. Provide direction for the Superintendent through written policies, objectives and goals for the school district;

III. Give the Superintendent full administrative authority and support for properly discharging their professional duties, while holding them responsible for acceptable results;

IV. Hold all Board meetings in the presence of the Superintendent/designee, except as otherwise permitted by law or when the Superintendent voluntarily excuses themself at the request of the Board;

V. 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

VI. Evaluate the Superintendent and provide appropriate opportunities for the Superintendent to share their 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:

- BBAA – 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:

- March 12, 2013

Updated:

- October 8, 2024

BDE - BOARD STANDING COMMITTEES

The Board believes that standing committees can be useful to its decision-making process and in the transaction of Board business. The Board may establish such standing committees as it deems necessary to facilitate school unit governance and address ongoing school unit needs. A standing committee has only such authority as specified by the Board.

All standing committees shall be comprised of less than a majority of the Board.

All standing committee meetings are open to the public except as provided by the Freedom of Access Law and the Municipal Public Employees Labor Relations Law.

Establishment and Functions of Standing Committees

The following provisions apply to the establishment and functions of standing committees:

I. All standing committees shall be established by vote of the Board. A motion to establish a standing committee shall state the purpose and responsibilities of the committee (the "charge") and set the number of members comprising the committee.

II. The Chair of the School Board will appoint specific School Board members to these committees, subject to final approval by the School Board.

For existing standing committees, appointments will be made at or as soon as practicable after the School Board's annual organizational meeting.

III. The Board Chair shall also make appointments to standing committee vacancies on standing committees that occur prior to the Board’s next organizational meeting.

IV. The term of appointment to a standing committee shall be until the next organizational meeting.

V. Each standing committee will elect its own chair.

VI. The Board Chair and Superintendent shall be ex officio (non-voting) members of all standing committees.

VII. Any Board member may attend standing committee meetings, but only appointed members of the committee may vote.

VIII. Except as authorized by law or Board action, a standing committee may research issues and make recommendations for Board action, but may not act for the Board.

IX. A standing committee may be abolished at any time by a vote of the Board.

X. The number of members on a standing committee and/or the responsibilities of a standing committee may be modified at any time by a vote of the Board.

Authorization/Appointment of Standing Committees

The Board shall have the following standing committees:

I. Finance;

II. Policy;

III. Buildings and Grounds; and

IV. Negotiations.

The Board may establish other standing committees it deems necessary in accordance with this policy.

Legal Reference:

1 M.R.S;A. § 401 et seq.

Cross Reference:

BEDB - Agenda

ADOPTED:

November 12, 1991

Recoded:

June 1998

REVISED:

April 12, 2005

September 13, 2005

May 14, 2013

November 8, 2022

BDE-R - STANDING COMMITTEE OPERATING PROCEDURES

STANDING COMMITTEE OPERATING PROCEDURES

A. Each standing committee shall meet at the call of its chair at a time and place to be designated in the call of the meeting. Standing committee meetings shall meet as deemed appropriate and necessary by the Committee Chair for the committee to do its business.

B. The chair of a standing committee, in collaboration with the Superintendent/designee, will establish the agenda for each meeting to promote the orderly flow of information and the effective operations of the Board and its standing committees.

C. Notice to the public of the date, time and place of a standing committee meeting and the agenda for the meeting shall be provided at least three days in advance and in a manner consistent with the Board's policy and practice concerning notification of Board meetings.

D. The Superintendent may designate administrators or staff to serve in a liaison or advisory capacity and/or to provide information and/or resources.

E. Any member of the Board, staff or public may attend a standing committee meeting, except as may otherwise be provided by Law, and may speak only at the discretion of the chair.

F. The presence of a majority of the members of a standing committee shall constitute a quorum for voting purposes. Only the members of the standing committee may vote on agenda items.

G. In the event that the chair of a standing committee is unavailable for a scheduled committee meeting, the members of the standing committee will elect one of the members in attendance to act as chair for the duration of the meeting.

H. For any matter on its agenda, a standing committee may by majority vote of members present, or by consensus, agree to make recommendations to the full Board. Recommendations may be in the form of a proposed motion and/or a report. A standing committee may also forward a matter under discussion to the full Board with no recommendation.

I. Standing committee reports will be included as an agenda item for all regular Board meetings.

J. Any item referred to a standing committee by the Board shall be reported on at the next regular Board meeting. The standing committee's report should indicate work completed or progress made to date. The report may include the recommendation for continued standing committee study.

K. Standing committee minutes, if prepared, are public information, subject to the Freedom of Access Law.

L. When practicable, allowable by law, and technology is available, standing committee meetings shall be recorded for public access and posted along with the meeting minutes.

Legal Reference:

- 1 M.R.S.A. § 401 et seq.

Adopted: December 13, 2022

Revised: October 10, 2023

BDF - BOARD ADVISORY COMMITTEES

The Board may establish advisory committees to perform specific functions. Advisory committees may study particular problems or issues and make reports and/or recommendations to the Board, but may not act for the Board.

Advisory committees may include individuals who are not elected members of the Board but each advisory committee shall have at least one Board representative.

The Board will consult with the Superintendent before establishing or dissolving any advisory committee. The number of members, the composition of each advisory committee, and the selection of members will be determined by the Board, in consultation with the Superintendent based upon the purpose of the committee. The Chair of the School Board will appoint specific School Board members to these committees, subject to final approval by the School Board.

The scope and authority of any advisory committee shall be limited to that assigned to it by the Board. The Board is in no way obligated to follow advisory committee recommendations.

Unless given a new assignment by the Board, an advisory committee shall be dissolved promptly upon completion of its task. An advisory committee may be dissolved at any time by Board action. No advisory committee shall continue for a prolonged period without a specific assignment.

Instructions to Board Advisory Committee

So that the Board' s intent and expectations are clear, each advisory committee shall be instructed in writing concerning:

I. The purpose of the committee, the specific issue(s) for study, and/or the scope of the committee' s activity;

II. The composition of the committee, including designation of voting and non- voting members, if applicable;

III. The length of time each member is expected to serve;

IV. The role of the committee as being advisory only;

V. The resources the Board will provide to assist the committee in completing its task;

VI. The expectations regarding the committee's relationship with the Board, the Superintendent and school system personnel;

VII. The designation of the individual who will be responsible for providing information to the public concerning the committee and its work;

VIII. The time and place of the first meeting;

IX. The timeline for progress reports to the Board and/or other activities;

X. The date on which the Board expects to receive a final report or recommendations and dissolve the committee.

All advisory committee meetings are open to the public except as may otherwise be provided by law. Committee reports and minutes of advisory committee meetings, if prepared, are public information subject to the Freedom of Access Law.

Notice of advisory committee meetings shall be provided in a manner consistent with the Board's policy and practice concerning notification of Board meetings.

The Board recognizes that any advisory committee mandated by state law or Department of Education regulations may require deviation from any or all of the provisions of this policy. Any such deviations shall be identified when the Board

establishes such a committee and reflected in the Board's instructions to the committee.

Legal Reference:

1 M.R.S.A. § 401 et seq.

Cross Reference:

BEDB - Agenda

ADOPTED:

May 10, 2005

Revised:

May 14, 2013

November 8, 2022

BE - SCHOOL BOARD MEETINGS

All Board meetings will be announced publicly in accordance with this policy and applicable law. Except in the event of rare emergencies, such announcement will be made with ample time to allow public and media attendance and shall be disseminated in a manner reasonably calculated to notify the general public. It is the intention of the Board to maintain transparency in and accessibility to its meetings. Therefore, when practicable, allowable by law, and technology is available, Board meetings will be recorded and posted to the district website.

Regular Meetings

The Board will hold its regular business meetings once a month on the second Tuesday unless otherwise set by action of the Board.

Special Meetings

A special meeting of the Board is a meeting that is held to address important matters that arise between regular meetings and/or require Board action before the time set for the next regular meeting, or to consider a single subject in one session.

A special meeting may be called at any time at the discretion of the Chair or at the request of the Superintendent. A special meeting shall be called at the written request of four members of the Board.

The Superintendent shall be responsible for providing notice of a special meeting to Board members and the media at least 72 hours in advance of the meeting. The notice or agenda shall indicate the subject(s) of the meeting and action to be taken.

No business other than that stated in the notice of the meeting shall be transacted.

Emergency Meetings

An emergency meeting of the Board is a meeting that is called because a matter is so urgent that it must be addressed immediately and the advance notice required for a special meeting cannot reasonably be provided.

An emergency meeting may be called by the Chair or at the request of the Superintendent.

The Superintendent shall notify the media of an emergency meeting by the same or faster means as used to notify Board members. Whenever practicable, 24-hour advance notice will be provided. The notice shall indicate the purpose of the meeting.

No business may be transacted other than that related to the purpose for which the emergency meeting is called.

Executive Sessions

Executive sessions of the Board shall be called and conducted in accordance with state law. Only the matter(s) stated in the motion to enter executive session shall be considered. No final action may be taken in executive session.

Workshops and Informational Meetings

The Board, at its discretion, may schedule workshops and other meetings to discuss a particular subject or proposal or to gather input from staff, students, the community, or other groups.

No formal action shall be taken by the Board at any meeting other than a regular meeting, special meeting, or emergency meeting.

Legal Reference:

- 1 MRSA § 403 et seq.
- 20-A MRSA § 1001

Cross Reference:

- BEC – Executive Sessions
- BEDB – Agenda Preparation and Dissemination

ADOPTED:

- October 9, 1984

REVISED:

- January 14, 1992

Recoded:

- June 1998

REVISED:

- March 8, 2005
- April 9, 2013
- November 14, 2023

BEA - SCHOOL BOARD USE OF ELECTRONIC MAIL and OTHER ELECTRONIC COMMUNICATIONS

Use of electronic mail (e-mail) and other electronic communications (including but not limited to texts, chat programs and social media) 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:

I. The School Board and its members shall not use e-mail or other electronic communications as a substitute for deliberations at official 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.

II. Board members should be aware that e-mail, including attachments, and other electronic communications 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. In some cases, such communications may be subject to state record retention requirements. for these reasons, Board members are well-advised to use the email address issued by the school unit for their official communications.

III. Board members shall avoid discussing information about employees, students or other confidential matters in e-mail or other electronic communications because of the risk of improper disclosure. Board members are expected to comply with the same standards as school employees with regard to confidential information.

IV. Board members shall have no authority to speak on behalf of the Board unless specifically designated by the Board to do so. When posting, responding, or otherwise engaging in other social media activity, a Board member shall make it clear by posting in a clear and conspicuous place that they are speaking in their individual capacity and that their views or other expressive activities are their own and are not being undertaken on behalf of the Board or School Department, and have not been endorsed or approved by the Board or School Department. This applies to a Board member's own social media pages, the social media pages of others where a Board Member is posting or otherwise engaging in expressive activity related to school business, and the district's social media pages.

Legal Reference:

- 1 MRSA § 401 et seq.
- 20-A MRSA §§ 6001-6002
- 20 USC § 1232g

Cross Reference:

- GBJ - Personnel Records and Files
- IJND/IJND-R - School Website and Social Media
- JRA - Student Educational Records

ADOPTED:

- March 8, 2005

Revised:

- April 9, 2013
- November 12, 2024

BEC - EXECUTIVE SESSIONS

All meetings of the School Board shall be open to the public, except as provided by law, and all persons shall be permitted to attend public 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 prescise 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. Deliberations may be conducted in executive session only on those matters defined by law. No final action shall be taken in executive session. By its very natures, the subject matter of executive sessions is highly confidential. Board members and other persons present will respect the confidentiality of all matters discussed in executive session.

Legal Reference:

- 1 MRSA § 401 et seq. (Freedom of Access Act)
- 1 MRSA § 405 (Executive Sessions)

Cross Reference:

- BE - School Board Meetings
- BEC-E – Executive Session Law

Adopted

- REPLACING PREVIOUS BEC: March 8, 2005

Revised:

- April 9, 2013
- May 13, 2025

BEC- E - EXECUTIVE SESSION LAW

I. To Enter Executive Session, the Board Must:

I. Start with a public meeting.

II. Have a public recorded vote of 3/5 of members, present and voting.

III. The motion shall state the precise nature of the business of the executive session. The nature of each matter must be stated if there is more than one.

II. Restrictions During Executive Session:

I. Only matters stated in the motion may be considered.

II. No official actions shall be finally approved.

III. No public record shall be kept.

III. Items Which May Be Discussed In Executive Session:

I. Discussion or consideration of employment, appointment, assignment, duties, compensation, evaluation, resignation, discipline, promotion, demotion, or dismissal of an individual or group of public officials, appointees, or employees, or the investigation or hearing of charges or complaints against a person or persons, subject to the following conditions:

1. An executive session may be held only if public discussion could be reasonably expected to cause damage to a person’s reputation or the person's right to privacy would be violated;

2. Any person charged or investigated shall be permitted to be present at an executive session if that person desires;

3. Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against the person be conducted in open session. A request, if made, must be honored;

4. Any person bringing charges, complaints, or allegations of misconduct against the person under discussion shall be permitted to be present.

II. Discussion or consideration by the Board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, provided that:

1. The student and legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present at an executive session if the student, parents, or guardians so desire.

III. Discussion or consideration of the condition, acquisition, or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the Board or school department;

IV. Discussion of labor contracts and proposals and meetings between the Board and its negotiators. The parties must be named before the Board may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

V. Consultations between the Board and its attorney concerning the legal rights and duties of the Board or school department, pending or contemplated litigation, settlement offers, and matters where the duties of the Board's counsel to the client clearly conflict with the Freedom of Access Act or where premature general public knowledge would clearly place the Board or school department at a substantial disadvantage.

VI. Discussions of information contained in records made, maintained, or received by the Board or school department when access by the general public to those records is prohibited by statute.

Legal Reference:

- Title 1 MRSA, Section 405

Cross Reference:

BEC - Executive Sessions

Recoded:

- June 1998

Revised:

- March 8, 2005

BED - REMOTE PARTICIPATION IN SCHOOL BOARD MEETINGS

The Cape Elizabeth School Board allows members of the Board to participate in a public meeting of the Board by remote methods in limited circumstances as provided in 1 MRSA §403-B.

For the purpose of this policy, "remote methods" means telephonic or video technology allowing simultaneous reception of information and may also include other means necessary to provide reasonable accommodations to individuals with disabilities. Remote participation by board members cannot be by text-only means such as email, text messages, or chat functions.

Members of the Board are expected to be physically present for board meetings except when being physically present is not practicable.

Circumstances in which physical presence for public meetings is not practicable include:

I. The existence of an emergency or other issue that requires the Board itself to meet by remote methods.

An emergency may be a State-declared emergency, where there has been a declaration of a state of emergency by the Governor that applies to the school unit, or a local emergency (e.g., adverse weather conditions) or urgent issue requiring Board action.

The Board Chair, in consultation with the Superintendent, will determine whether there is a local emergency or urgent issue that requires a remote meeting of the Board.

I. Illness, or other physical condition, or temporary absence from the area governed by the Board that causes a Board member to face significant difficulties traveling to and attending in person at the designated physical location of the Board meeting.

Prior notice of the Board member's absence and the reason for it, with the indication that the Board member plans to participate remotely, should be communicated to the Board Chair as far in advance of the meeting as practicable.

The opportunity for the public to comment at Board meetings (20-A MRSA §1002(20)) applies to remote public meetings. If the Board allows or is required to provide an opportunity for public participation/public input during the meeting, an effective means of communication between the members of the Board and the public must be provided (e.g., submitting comments or questions by chat, raising hand on Zoom, submitting written comments to the Superintendent's office at least 24 hours in advance). Individuals with disabilities seeking a reasonable accommodation should contact the Board Chair as far in advance of the Board meeting as practicable.

Members of the public participating in public meetings of the board are expected to comply with the guidelines for public participation provided in the Board's policy BEDH, or in such rules as the Board may develop specifically for remote meetings.

Notice of all Board meetings is required (1 MRSA §406). When the public may attend by remote methods, notice must include the means by which members of the public may access the meeting using remote methods. The notice must also identify a location for members of the public to attend in person The Board may not determine that public attendance at a meeting will be limited solely to remote methods except under the conditions in subparagraph A above (emergency or urgent issue meetings).

A member of the Board who participates remotely in a public meeting of the Board is considered present for purposes of a quorum and voting.

All votes taken during a public meeting of the Board using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the Board and the public.

The Board will make all documents and other materials to be considered by the Board available, electronically or otherwise, to members of the public who attend remotely to the same extent customarily available to the members of the public who attend public meetings of the Board in person, as long as additional costs are not incurred by the Board.

Remote participation is not permitted for meetings where voters of the School Administrative Unit meet to vote as a legislative body, such as budget meetings.

Legal Reference:

- 1 MSRA §403-B, 406
- 20 MRSA §1001(20)

Cross Reference:

- BEC - Executive Session
- BE - School Board Meetings
- BEDA - Notification of Board Meetings
- BEDB - Agenda
- BEDD - Rules of Order
- BEDH - Public Participation at Board Meetings
- BIC - Board Member Compensation
- KE - Public Concerns and Complaints

Adopted:

- September 14, 2021

BEDB - AGENDA

Agenda Preparation and Dissemination

The Superintendent, in consultation with the Chair, shall prepare an agenda for each meeting of the Board. Board members, school district staff, groups or organizations, and members of the public may submit written requests to the Board through the Chair or the Superintendent for items to be placed on the agenda. To be considered for placement on the agenda, an item must be within the scope of the Board's duties, timely, and appropriate for consideration under all applicable laws and Board policies. The request must be received a minimum of seven days prior to the meeting at which the group or individual wishes the item to be addressed by the Board in order for it to be considered for the agenda of that meeting. The Chair and Superintendent shall make the final decision regarding placement of items on the agenda.

The agenda of regular business meetings will be distributed to Board members five days prior to a regular meeting of the Board and, whenever possible, two days in advance of a special meeting. Copies of the agenda will be posted. Anyone desiring additional information regarding an agenda item should direct inquiries to the Office of the Superintendent. Copies of the agenda will also be available at the Board meeting.

Dissemination of Supporting Materials

As an accompaniment to the agenda, the Superintendent will provide to the Board such background materials and data that in the Superintendent's judgment are necessary for the Board to give informed consideration to agenda items. The Superintendent will also provide to the Board the draft minutes of Board meetings that will be presented for approval. Documents containing information that is exempt from disclosure under the Freedom of Access Act or other laws shall be marked "confidential." Such information shall not be disclosed by Board members or the Superintendent or provided to the media or the public. Requests for disclosure of materials received by Board members should be referred to the Superintendent.

Additions and Adjustments to the Agenda

After the meeting has been called to order, the Superintendent or Board Chair may recommend additions and/or adjustments to the agenda of a regular meeting or, in an emergency, to the agenda of a special meeting.

Any Board member who wishes to add an item to the agenda may offer a motion to that effect. All additions to the agenda must be approved by a majority vote of the members present and voting. In general, items that can reasonably be deferred to the next regularly scheduled meeting will not be added to the agenda at a Board meeting.

In order to facilitate its business or to accommodate groups in attendance, the Board may adjust the agenda by changing the order of business. Such adjustments shall require the consent of the Board by majority vote.

Cross Reference:

- BE – School Board Meetings
- BEDBA – Agenda Format

Adopted:

- March 8, 2005 (TO REPLACE ORIGINAL BEDB)

Revised:

- April 9, 2013
- April 4, 2019

BEDBA - AGENDA FORMAT

In order to provide reasonable notice of the business to be conducted and to achieve consistency in the order of its meetings, the Board has adopted the following agenda format for its regular and special meetings. Additions and/or adjustments to the agenda for a particular meeting may be made during that meeting only by majority vote of the members in attendance. The order of business may be altered or items added or deleted from the agenda by majority vote of the Board members present and voting. The Board may choose to limit public participation to items on the agenda. The agenda format may be altered only by vote of the Board and in a manner consistent with its policy adoption process.

CAPE ELIZABETH SCHOOL BOARD
[TYPE OF MEETING]
[DATE]
[TIME]
[PLACE]

I. Call to Order/Pledge of Allegiance

II. Adjustments to Agenda

III. Approval of Minutes

IV. Awards & Recognitions

V. Comments by Student Representatives

VI. Comments by the Public on Agenda Items

VII. Presentations and Administrative Reports

VIII. New Business

IX. Committee Reports and Upcoming Meetings

X. Request for Future School Board Meeting Items

XI. Consideration to Adjourn

Cross Reference:

- BEDB – Agenda
- BEDH – Public Participation at Board Meetings

ADOPTED:

- April 9, 2013

REVISED:

- April 4, 2019
- June 10, 2025

BEDD - RULES OF ORDER

Except as otherwise provided by law, by Maine Department of Education regulations, or by Board policy, *Robert's Rules of Order, Revised* (latest edition available) shall be used to resolve procedural uncertainties.

The Chair will rule on all questions pertaining to rules of order/parliamentary procedure that may arise during a meeting of the Board.

Procedural rules may be suspended at any time for the duration of any one meeting by a majority vote of the Board members present.

ADOPTED:

- April 9, 2013

REVIEWED:

- February 11, 2025

BEDF - VOTING METHOD AND QUORUM

Voting shall ordinarily be by show of hands. Voting shall be done by roll call at the direction of the Chair, or at the request of any Board member. When voting by roll call, the names of the members shall be called alphabetically, and each member shall respond “yes” or “no” or “abstain.” All votes shall be recorded in the minutes.

A motion shall be declared “carried” upon the affirmative vote of a majority of the members present and voting, unless otherwise required by law or Board policy.

Maine public officials are obligated to vote openly; thus, secret ballots are not to be used by the School Board.

A quorum exists whenever a majority of the Board members are present at a duly called meeting. No votes shall be taken unless a quorum exists.

Legal Reference:

- 1 M.R.S.A. § 401 et seq.

ADOPTED:

- April 9, 2013

Reviewed/Revised:

- March 11, 2025

BEDG - MINUTES

The Superintendent, functioning as Board Secretary, prepare and maintain, complete and accurate minutes of all regular and special meetings of the board. These meetings are distinct from the rules that govern executive sessions, which can be found in policy BEC. The regular and special meeting minutes shall include:

I. The type of meeting (regular, special, or emergency);

II. The date, time and location of the meeting;

III. The names of the members present, those absent with excuse (if any), and those absent without excuse (if any);

IV. A record of all actions taken by the Board, the wording of motions and resolutions, the name of the Board member making the motion; the name of the Board member seconding the motion (if a second is required); the action taken; and the vote, with the vote of each member recorded except in cases of unanimous votes;

V. When a Board member abstains from voting because of a conflict of interest as defined by law, his/her abstention and reason for doing so shall be recorded in the minutes;

VI. Resolutions and motions in full. Reports and documents referred to in formal motion need not be attached to the minutes provided that reference is made to where such materials are located;

VII. A record of the disposition of all matters which the Board considered but did not take action; and

VIII. The names of the members present and those absent.

Draft (unapproved) minutes of meetings will be distributed to all Board members prior to the meeting at which they are to be presented for approval. Draft (unapproved) minutes will be made available to the media upon request and may be inspected and copied by members of the public at the Office of the Superintendent and shall be stamped "draft" to indicate their status. Copies of the minutes of regular and special meetings of the Board shall be sent to the town manager, building principals, president of the Cape Elizabeth Education Association, student representatives, and the news media.

Board meeting minutes shall be acted upon by the Board at its next regular meeting. The Board's action on the minutes will be reflected in the minutes of the meeting at which they are approved.

The minutes shall become permanent records of the Board, and shall be permanently filed in the Office of the Superintendent. Approved minutes shall be available to the public for inspection and copying during normal business hours.

Legal Reference:

- 1 MRSA §§ 402(3), 408
- 20-A MRSA §§ 1004, 1055
- 30-A MRSA § 260

Cross Reference:

- BEDJ - Broadcasting, Taping, Recording of School Board Meetings
- BEC - Executive Sessions
- BE - School Board Meetings

ADOPTED:

- October 9, 1984

Reviewed:

- December 4, 1991

Recoded:

- June 1998

Revised:

- March 8, 2005
- April 9, 2013
- October 14, 2025

BEDH - PUBLIC PARTICIPATION AT BOARD MEETINGS

Regular, special and emergency meetings of the Board are open to the public. The primary purpose of School Board meetings is to conduct the business of the Board related to school policies, programs, and operations. The public is encouraged to attend and participate in these meetings as set forth in this policy so that they may become acquainted with the operations and programs of the schools. The Board also 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, for regular business meetings. At special, emergency, or workshop meetings, public comments will be limited to the topic(s) of the particular meeting.

In order that the Board may fairly and adequately discharge its overall responsibilities, citizens or groups wishing to address the Board on a topic not otherwise on the agenda must submit a request in writing to the Superintendent at least one full week in advance of the scheduled meeting. The Superintendent and/or Board Chair may add the item to the agenda at their discretion.

The Board Chairperson is responsible for ensuring the orderly conduct of Board meetings and for ensuring compliance with this policy, including the following rules of order:

A. Citizens, employees, students and others are welcome to offer their comment(s) on school and education matters during the public participation portion of the agenda, as provided in this policy.

B. Orderly conduct of a meeting does not permit spontaneous remarks from the audience. Speakers are to identify themselves by name and address before they begin speaking and must direct their comments and questions to the Board Chairperson. If Board members require clarification about a comment during public session, they are to direct their comments, question or remarks through the Board Chairperson.

C. The Board will include a public comment period, not to exceed 20 minutes, on the agenda of its regular business meetings of the full board (not committee 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. Comments by individuals are limited to a maximum of three (3) minutes at a meeting. Individuals may not relinquish a portion of their allotted time to another speaker. The time limits in this paragraph may be modified at a particular meeting at the discretion of the Board Chair, including extending the time period for public comment.

D. The Board will hear public comments from residents of the Town of Cape Elizabeth 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. Each individual will be required to state their name and town/city of residence before beginning their remarks as well as to review a copy of this policy.

E. Individuals shall stand behind the podium 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.

F. In order to make the most efficient use of meeting time, groups or organizations are asked to designate spokespersons to present their comments. Speakers are also requested to avoid duplication or repetition of remarks made by others.

G. 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. For purposes of this policy, the following definitions apply:
Indecent – the remark 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.

H. Discussion of personnel matters is not permitted during the public comment period due to the privacy, confidentiality and due process rights of school unit 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 school unit employee (whether the employee is named directly or, in the judgment of the Board Chair, the identity of the employee can be reasonably identified due to the content of the remarks).

I. Discussion of matters involving individual students are also not permitted during the public comment period due to the privacy, confidentiality, and due process rights of the school unit's students.

J. All 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 privacy, confidentiality, and due process rights of the individuals involved.

K. Employees and employee groups may not discuss matters at Board meetings for which other, more appropriate forums are provided by law or contract.

L. The Board Chair will stop any public comment that is contrary to this policy. The Chair also has the authority to call a recess of the Board and/or to adjourn the meeting.

M. Persons who disrupt the Board meeting may be asked to leave in order for the Board to conduct its business in an orderly manner. The Board Chair may request the assistance of law enforcement as necessary to address disruptions and/or safety concerns, and to restore order.

The Board Chairperson and the Superintendent will develop procedures for remote public participation when remote participation is offered.

Legal Reference:

- 1 M.R.S.A. Section 405
- 20-A M.R.S.A. Section 1001(20)
- 20-A M.R.S.A. Section 6101

Cross Reference:

- BE - School Board Meetings
- BED - Remote Participation in School Board
- BEDB - Agenda
- BEC - Executive Sessions
- KEB - Public Complaints About School Personnel

ADOPTED:

- March 8, 2005 (Replaced original BEDH)

Revised:

- June 14, 2011
- April 9, 2013
- December 14, 2021
- October 10, 2023
- November 10, 2026

BG - SCHOOL BOARD POLICIES

The development, adoption and review of policies that govern the school district is one of the School Board’s most important functions. Board policies establish the goals, direction and structure of the school unit under the authority of state law. In addition to policies required by state and federal laws and regulations, the Board adopts policies to provide direction to the Superintendent and other administrators in the management of the school unit, to guide the education program, and to provide clear expectations for school staff, students and parents.

Board policies are intended to provide the framework for school district operations and the educational system. In general, the operational details as to how policies will be implemented are contained in administrative procedures developed by the administration. However, the Board will adopt administrative procedures concerning its own operations and when the Board decides that an issue is of sufficient legal, educational and community importance to warrant a Board-level procedure.

The Cape Elizabeth School Board considers policy development its most important governance function.

It is the intent of the Board to develop written policies that will serve as the foundation for the successful and efficient operation of Cape Elizabeth School Board and its schools.

The Board accepts the definition of policy set forth by the National School Boards Association:

> School Board policies are statements that set forth the purposes and prescribe in general terms the organization and program of a school system. They create a framework within which the Superintendent and the staff can discharge their assigned duties with positive direction. They tell what is wanted. They may also indicate why and how much. Policies should define clearly the goals and objectives of the school system, allow for the flexibility that is vital in day-to-day operations, reflect the Board's vision, define roles and responsibilities (who is supposed to do what), and include measurable outcomes.

The Board's policies are framed and meant to be interpreted in terms of federal laws and regulations, state statutes and the rules of the Maine Department of Education, State Board of Education, and other regulatory agencies at various levels of government. The Board's policies are also intended to reflect the Board's educational philosophy and instructional objectives and practices and procedures that are supported by research and generally accepted by leaders and authorities in the field of public education.

It is the Board's intent that its policies set goals and provide direction and guidance for administrators, staff, and students and serve as sources of information for parents, community members, and others who are interested in or connected with the schools.

The Board regards policy development and review as an ongoing process. The need for a new policy or revision or deletion of an existing policy may arise from a change in law and/or regulations, modification of the school unit's vision or goals, educational research or trends, the occurrence of a significant incident or a recommendation or request from Board members, school administrators, staff, parents, students, or other interested persons.

Adoption of new or revised policies and repeal of existing policies is solely the responsibility of the Board. Policies will be adopted, amended, or repealed only by the affirmative vote of a majority of members present and voting.

Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

The Superintendent/designee will be responsible for distributing new or revised policies to Board members and for making policies accessible to school personnel, students, and the public.

Legal Reference:

20-A M.R.S.A. § 1001 (A)

Cross Reference:

- BDE – Board Standing Committees
- BEDB – Agenda
- BEDF - Voting Method and Quorum
- BG-R Policy Adoption and Amendment Procedures

ADOPTED:

- October 9, 1984

Revised:

- October 11, 1994
- March 8, 2005
- April 9, 2013
- February 8, 2022

BEDJ - BROADCASTING, TAPING, RECORDING of SCHOOL BOARD MEETINGS

Members of the public may use their cell phones or other electronic devices to record Board meetings or portions of public Board meetings so long as the person engaged in recording does not change position frequently, or interfere with the view of others in attendance.

The following guidelines will govern the public use of other recording devices, such as those used for television broadcasting at the public meetings of the Board and subcommittees of the Board.

Any such device may be used by a member of the public so long as it does not:

A. Require the occasional or frequent relocation of a microphone or microphones in such a manner as to be disruptive to speakers or other persons present;

B. Require excessive space in the meeting room so that any participants or observers at the meeting are displaced, excluded or cannot see because of the device;

C. Produce continuous or periodic sounds that interfere with speakers or with the ability of all persons present to hear the proceedings; and/or

D. Require the use of power cords and microphone cords that would interfere with the free movement of traffic into, out of, and within the meeting room.

The Chair has the authority to request that any person using a cell phone or other recording device comply with the provisions of this policy when, in their judgment, the activity is interfering with the orderly conduct of the meeting and/or the ability of the public to observe the proceedings. If the problem persists, the Chair may direct that the recording be discontinued and, if necessary, that the recording device be removed from the meeting room.

RECORDING OF REMOTE MEETINGS

When the Board holds a remote meeting of the full Board or otherwise holds a meeting in which remote public participation must be permitted, members of the public must be permitted to record the meeting remotely using the same electronic platform that is used to conduct the meeting remotely provided that 1) the platform allows participants other than the host to record the proceeding remotely, 2) additional costs are not incurred by the Board, and 3) the recording of the proceeding does not interfere with the orderly conduct of the meeting.

Members of the public are not permitted to attend or record any executive session of the Board, whether the meeting is held in person or remotely.

Legal Reference:

1 M.R.S.A. §403-B

Cross Reference:

- BEDH - Public Participation and School Board Meetings

ADOPTED:

- November 12, 2024

BG-R - POLICY ADOPTION AND AMENDMENT PROCEDURES

The procedure for proposing the adoption, review, revision or deletion of a school board policy shall be:

I. The Policy Committee is responsible for recommending policy actions to the Board for its consideration, including adopting new policies, revising existing policies, and deleting obsolete policies.

   I. Individual Board members, Board standing or advisory committees, the Superintendent or other interested persons may submit policy suggestions and concerns to the Board Chair, who will forward them to the Policy Committee.

   II. The Policy Committee, with the assistance of the Superintendent/designee, will review and research policy suggestions and prepare draft policies, as appropriate.

   III. The Superintendent/designee shall notify the Cape Elizabeth Education Association (CEAA) of any new, proposed or revised educational policy, and the Superintendent/designee and Policy Committee shall meet and consult with the association upon request.

   IV. As appropriate to the particular topic, the Policy Committee may also seek input from other affected persons and/or groups.

II. Recommended new and revised policies and recommendations for policy deletions shall be placed on the agenda of a regular Board meeting for a first reading. Board members shall receive the policy and the Policy Committee's recommendations in advance of the meeting date.

III. Any changes agreed upon by the Board during the first reading shall be made by the Policy Committee prior to the second reading.

IV. At a subsequent business meeting of the Board within two business meetings (or a later meeting if so agreed by the Board), the policy shall be placed on the agenda for a second reading and action. Amendments may be made and acted upon. If the policy is not approved by majority vote, the process for that policy is ended unless the Board agrees to table consideration of the policy to a specific date.

V. Approved policies become effective immediately unless the motion to approve the policy includes a specific implementation date.

VI. Notice of new and revised policies will be provided to affected groups (i.e., school staff, students, parents) through a means determined by the Superintendent.

VII. The Superintendent shall retain copies of all policies deleted from the Board policy manual for future reference.

VIII. An up-to-date policy manual shall be maintained in the Superintendent's Office and on the school district's website.

Legal Reference:

- 26 MRSA § 965(1)(C)

Cross Reference:

- BEDB - Agenda
- BG - SCHOOL BOARD POLICIES
- CHD - Administration in the Absence of Policy

ADOPTED:

- January 14, 2003

REVISED:

- March 8, 2005
- February 8, 2022

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. His/her 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 on their own.

Legal Reference:

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

Cross Reference:

- BEDH – Public Participation in Board Meetings

Adopted:

- May 10, 2022

BIA - NEW BOARD MEMBER ORIENTATION

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.

I. In the interim between a new member's election or appointment and the member assuming office, the Board, through the Superintendent, will invite newly elected members to attend meetings, except those held in executive session, and provide newly elected 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.

II. 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.

III. The Board Chair or Superintendent will remind Board members of their obligation to complete, not later than the 120th day after the date of taking the oath of office, training on the requirements of Maine's Freedom of Access Law. The Chair or Superintendent will provide Board members with information regarding available training options. Each Board member shall attest by means of a written or electronic record to having completed the training and provide a copy of such record to the Superintendent's Office. To facilitate documentation of training, the Superintendent will make available to Board members copies of the State's sample Certification of Completion of Freedom of Access Training form.

IV. 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.

V. 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 the following possible topics:

    I. The roles and responsibilities of the Board and individual members;

    II. Basic operational procedures of the Board;

    III. Placement of items on the agenda;

    IV. The role of committees, subcommittees and advisory committees;

    V. How and why executive sessions may be held;

    VI. What is considered confidential or privileged information;

    VII. Appropriate responses of an individual member when a request or complaint is made directly to this member by a student, parent or member of the community;

    VIII. How the Board responds to complaints involving personnel;

    IX. General information about the school system and its resources;

    X. How Board members, in fulfilling their duties, may request information concerning schools and District operations, finances and personnel;

    XI. How Board members may make arrangements to visit schools and the protocol for such visits;

    XII. Protocol for interacting with the media; and

XIII. Other relevant topics.

All Board members will be invited to the orientation session and encouraged to attend. The orientation is intended to serve as a useful review of basic boardsmanship concepts for experienced members, as well as an opportunity to provide information and counsel to new Board members.

Legal Reference:

1 M.R.S.A. § 412

ADOPTED:

January 14, 1992

Recoded:

June 1998

Revised:

- September 14, 1999
- March 8, 2005
- January 13, 2009
- April 9, 2013

BIB - BOARD MEMBER DEVELOPMENT

Recognizing the value of continuous and life-long learning, the School Board places a high priority on the development of its members' "boardsmanship" skills and on supporting opportunities for in-service education. The purpose of board development is to enhance the quality of education in the school unit and the effectiveness of school unit governance.

Board members need to be well informed and to expand their knowledge of trends and issues affecting education and school governance. In addition, Board members need to develop and reinforce the skills required for effective policy-making, budget planning and communications, governance team decision-making, and efficient use of parliamentary procedure.

Board members are encouraged to participate in district-sponsored training sessions and/or workshops and in school board or related conferences, seminars, workshops and conventions sponsored by the Maine School Boards Association, the Maine School Management Association, the National School Boards Association and other recognized leaders in education. Board members are also encouraged to be active in leadership opportunities that may be available within regional, state and national associations.

Adequate funds shall be budgeted annually to support Board member development, including participation at meetings, subscriptions to publications that address the concerns of Board members and memberships in school boards associations.

Upon Board approval and within budgetary limitations, reimbursement for travel and necessary expenses will be provided to individual members for activities related to Board development. The Board, on a case-by-case basis, will determine the number of Board members authorized to attend specific meetings, conferences, conventions or other events at the Cape Elizabeth School Department's expense, as warranted by budgetary limitations. Board members may use their own discretion regarding attendance at meetings, conferences, conventions or other events where reimbursement will not be provided by the Cape Elizabeth School Department.

At a Board meeting subsequent to attendance at an educational event, members are encouraged to report briefly to the Board and to the public to share knowledge gained and thoughts on implications for local school governance. Board members are also encouraged to study and share with the Board and Superintendent materials of interest they have collected.

ADOPTED:

- April 9, 2013
- June 9, 2026

Word version