

## **Board Member Authority and Responsibilities**

The RSU 40 Board (Board), derives its legal authority from the State Constitution, state statutes, and regulations of the State Board of Education.

The Board functions within the framework of laws, court decisions, attorney generals' opinions, and similar mandates from the state and national levels of government.

The Board "acts as a public board. It in no sense represents the town(s). Its members are chosen by voters of the town(s), but after election they are public officers deriving their authority from the law and responsible to the State for the good faith and rectitude of their acts."<sup>1</sup>

"It is important to keep community involvement in the [Board's] decision making processes in context. The Board must ensure that it retains its statutory policy making authority and that the public clearly understands this up-front. The Board should make it clear through its policies that community input is both welcomed and appreciated but that this input is considered advisory."<sup>2</sup>

When dealing with public issues outside official Board sessions, Board members should always strive to represent the Board to the public in a professional manner. The following suggestions are offered to help individual Board members maintain this posture:

1. If questioned by someone about a matter on which policy has been clearly defined, an individual Board member should answer based on policy.
2. If approached by someone about a matter on which the Board has not established policy, individual Board members should not commit themselves to any position or promise other than to discuss the matter with the Superintendent or to present it to the Board for consideration.
3. Individual Board members will refer all complaints or requests relating to instruction, personnel, or services to the Superintendent who is chief executive officer and is charged with the responsibility of correcting deficiencies in these areas.

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<sup>1</sup> Maine Supreme Court; *Shaw v. Small*, 1124 Me. 36, 41 (1924); cited in *Maine School Law: Fifth Edition*, Drummond Woodsum & MacMahon (pp. 21, 22.)

<sup>2</sup> MSBA Handbook: A Guide for Maine School Board Members and Maine School Superintendents, 2011 edition (pp. 8-3, 8-4.)

4. No Board member, by virtue of the office, will exercise any administrative responsibilities with respect to the schools or direct the services of any school employee.

The Board fulfills its mission as the governing body of RSU 40 by acting as follows in the execution of its duties:

1. Adopts policies that govern the school administrative unit;
2. Selects the Superintendent;
3. Is responsible for the management of school property and providing for its custody and care;
4. Provides for the planning, expansion, improvement, financing, construction, and maintenance of the physical plant of the school system;
5. Prescribes the minimum standards needed for the efficient operation and improvement of the school system;
6. Requires the establishment and maintenance of records, accounts, archives, management methods, and procedures incidental to the conduct of school business;
7. Prepares 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;
8. Adopts courses of study and policy governing selection of educational materials;
9. Provides staff and instructional materials and equipment;
10. Evaluates the educational program to determine the effectiveness with which the schools are achieving the educational purposes of the school system; and
11. Provides for the dissemination of information relating to the schools necessary for creating a well-informed public.

As confirmed by letter of the Commissioner of Education dated May 21, 2012 there will be sixteen (16) members on the RSU 40 Board of Directors; two from Friendship, three from Union, five from Waldoboro, four from Warren and two from Washington. Each Board

member will serve for three years and cast weighted votes in regular and special Board meetings as follows:

Each Director from Friendship	42 Votes
Each Director from Union	55 Votes
Each Director from Waldoboro	73Votes
Each Director from Warren	69 Votes
Each Director from Washington	55 Votes

The Board has the authority to act only when a quorum (defined as a majority in number and voting power) is present at a duly called regular or special meeting.

An individual Board member exercises the authority and responsibility of their position only when the Board is in legal session. The Board will not be bound in any way by any statement or action on the part of any individual Board member except when such statement or action is in pursuance of special instructions (authorization) by the Board.

Within the capacity of Board membership, individual Board members will represent the best interests of all the schools in the district.

Board members will suggest issues for Board consideration, inform themselves on school matters, take part in Board deliberations, arrive at opinions independently, and vote as they choose.

Each Board member will be committed to reaching and supporting group decisions that represent the best judgments of the Board as a whole. This does not preclude a Board member from voicing a minority viewpoint, but such should be indicated as personal, not Board, opinion.

To arrive at decisions, Board members recognize the need for information and materials. All formal requests for information should be directed to the Superintendent. However, it is understood that certain informal lines of communication exist between the staff and Board members; this policy is not meant to interfere with these lines of communication.

Board members who are going to be absent from any meeting will inform the Superintendent or the committee chair before the scheduled meeting time.

Attendance for meetings including regular, special and subcommittee meetings will be reported to member's town quarterly.

Board members who are going to be absent from the district for prolonged periods will inform the Superintendent.

This policy will be reviewed and made part of the orientation of every new Board member.

Legal Reference:    CONSTITUTION OF THE STATE OF MAINE  
                          20-A M.R.S. §§ 1001-1003  
                          20-A M.R.S. §1475, 10  
                          20-A M.R.S. § 1(28)  
                          Rule Chapters for the Department of Education

Cross Reference:    Board Policy BEDF-Voting Methods and Quorums

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