Gardiner - Randolph - Pittston - West Gardiner

Maine School Administrative District No. 11
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MERLE E. PEACOCK, JR. BOARD ROOM
POLICY COMMITTEE MEETING
August 6, 2026
5:30 pm

AGENDA

The meeting will also be live streamed and available for viewing at www.msad11.org.

I. Call to Order

II. Discussion/Vote

A. Job Description Review
- Ed Tech III – MTSS Behavior Interventionist

B. Policy Review
- BEDH Public Comment and School Board Meetings – Current
- BEDH Public Comment and School Board Meetings - MSMA
- JKAA Use of Physical Restraint and Seclusion – Current
- JKAA Use of Physical Restraint and Seclusion – MSMA
- IHBAC Child Find – Current
- IHBAC Child Find - MSMA
- BHC Board Communications with Staff
- BIA New Board Member Orientation
- BIB Board Member Development Opportunities
- BIC Board Member Freedom of Access
- BIC-E Certification of Completion
- BID Board Member Compensation and Expenses
- CB School Superintendent
- CBI Evaluation of Superintendent – Current
- CBI Evaluation of Superintendent – MSMA
- CB-R Superintendent Job Description – Current
- CB-R Superintendent Job Description – MSMA
- DJ Bidding and Purchasing

III. Adjourn

MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 11

JOB DESCRIPTION

TITLE: DISTRICT EDUCATIONAL TECHNICIAN III – MTSS Behavior Interventionist

QUALIFICATIONS:

Required:

1. High School Diploma or equivalent;
2. Documentation of at least three years of post-secondary education or a combination equivalent to 90 hours of approved study; and
3. Maine Department of Education authorization as Educational Technician III Certificate 023.

Additional Skills Preferred:

1. Understanding of the diverse needs of students as it relates to behavior and regulation;
2. Possession of strong oral and written communication skills;
3. Strong organizational and interpersonal skills;
4. Strong technology skills;
5. Willingness and ability to work collaboratively with others;
6. Ability to work independently with little direct supervision; and
7. Ability to work positively and collaboratively with administration, staff, students, and parents.
8. Ability and interest in becoming Safety Care trained.

REPORTS TO: Building Administrator and Director of Curriculum

JOB GOAL: To provide targeted interventions with students to meet their MTSS goals focused on regulation, stamina, and executive function.

DUTIES AND RESPONSIBILITIES:

1. Works under the directions of and in cooperation with educators designated by the building administrator or Director of Curriculum to assist with:
    a. Providing tier 3 instructional interventions and support focused around the identified MTSS goal(s) to individual and/or small groups of students.
    b. Reinforcing positive student behavior and offering feedback around both individual and classroom behavior management.
    c. Supporting implementation of tier 3 behavior plans and maintaining progress monitoring data.
    d. Planning of specialized curriculum for individual and/or small groups of students.
    e. Communication between home and school by participating in parent conferences, family engagement activities, MTSS meetings, IEPs, and 504 meetings, as requested.
2. Performs duties assigned by the principal and/or Director of Curriculum to assist with the general operations of the educational system, such duties may include but not be limited to:
    a. Meeting with the supervisor on a regular basis to review the progress of individual students with whom they are working and to assist in planning and receiving instructional direction.

b. Participating as a member of the building MTSS team.
c. Supervising students participating in outdoor or indoor non-academic activities.
d. Perform routinely assigned duties (e.g. supervision duties, attendance) understanding that duties will be assigned in an equitable fashion. At times, when needed, a district ed technician III may substitute in classrooms.
e. Monitoring students as they move from one place to another; i.e., classroom to lunchroom.
f. Participating in educational in-service activities when required.

PHYSICAL REQUIREMENTS/ENVIRONMENTAL CONDITIONS:

1. Requires stooping, bending, sitting, walking, reaching, squatting, carrying, pushing, climbing, and kneeling;
2. Must be able to work with students;
3. May be exposed to human waste and body fluids;
4. May be required to administer basic medical procedures;
5. May require some travel;
6. Must have the ability to handle emotional/physical stress;
7. Must work indoors and outdoors year-round;
8. Must work in noisy and crowded environments; and
9. Ability to lift 25-50 lbs.

LEGAL AND ETHICAL DUTIES:

1. Maintains confidentiality about all aspects of student and staff information;
2. Demonstrates a respect for the legal and human rights of students;
3. Meets and follows all laws and regulations at both the State and Federal levels;
4. Follows health and safety procedures established by the district;
5. Arrives and departs punctually, notifying appropriate personnel about absences and coverage;
6. Demonstrates loyalty, dependability, integrity, and other ethical standards;
7. Follows the chain of command for various administrative procedures for student or program concerns; and
8. Observes all School Board Policies and Procedures.

TERMS OF EMPLOYMENT: In accordance with the contract as negotiated by the School Board.

EVALUATION: Building Administrator and/or Director of Curriculum/designee in accordance with School Board policy.

The above job description reflects the general requirements necessary to describe the principle functions or responsibilities of the job identified and shall not be interpreted as a detailed description of all work requirements that may be inherent in the job, either at present or in the future.

To perform this job successfully, an individual must be able to perform each duty and responsibility satisfactorily. The requirements are representative of the knowledge, skill, and ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Approved by the MSAD 11 Board
Date: XXX

PUBLIC PARTICIPATION AT SCHOOL BOARD MEETINGS

The primary purpose of School Board meetings is to conduct the business of the Board related to Board policies, programs, and operations. The MSAD 11 Board encourages residents to attend Board meetings 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, the Board has established the procedure below for regular business meetings.

At special, emergency, or workshop meetings, public comments will be limited to the topic(s) of the particular meeting.

In addition to speaking during the designated public comment portion of the agenda at Board meetings, members of the public are welcome to submit written comments on school and educational matters to the Board and Superintendent, or to submit requests to have items placed on a Board agenda, in accordance with applicable Board policies.

1. The Board will include a public comment period, not to exceed 20 minutes on the agenda of its regular business meetings. Comments by individuals are limited to a minimum of two (2) 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.

2. The Board will hear public comments from residents and employees of the school unit first. If there is time remaining in the public comment period once all residents have had the opportunity to speak, the Board will permit comments from non-residents. Individuals who wish to speak are required to fill out the sign-in form available at each Board meeting, prior to the beginning of the public comment period, and review a copy of this policy. Each individual will be required to state their name and town/city of residence before beginning their remarks.

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

    a. Speakers will be recognized by the Board Chair, and comments should be addressed to the Board Chair. Requests for information or concerns that require further research may be referred to the superintendent for further action, if necessary.

    b. Speakers are expected to follow rules of common etiquette and decorum, including refraining from using vulgar and/or obscene language, yelling, threatening others using words or by other actions, making defamatory comments, or otherwise engaging in any activity that disrupts orderly meeting progress. Examples of disruptive conduct include, but are not limited to, exceeding the allotted time limits,

talking over or interrupting others, offering repetitive comments, and offering comment on matters unrelated to the school unit's programs, policies, or operations.

c. 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 of job performance or conduct of a school unit employee, including complaints about them.

d. 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.

e. Any concerns about personnel matters and/or student matters should be directed to the Superintendent or another appropriate administrator outside of Board meetings so that they can be addressed through an alternative channel and in a manner consistent with privacy, confidentiality, and due process rights of the individuals involved.

f. The Board Chair will stop any public comment that is contrary to these rules.

g. Individuals who disrupt a Board meeting may be asked to leave in order to allow the Board to conduct its business in an orderly manner. The Board Chair may request the assistance of law enforcement if necessary to address disruptions or safety concerns.

Legal Reference: 20-A MRSA § 1001(20)
20-A MRSA § 6101
1 MRSA § 405

Cross Reference: BE – School Board Meetings
BEDB – Agenda
BEDB-R – Agenda Format
BEC – Executive Sessions
KE – Public Concerns and Complaints

Adopted: September 7, 2017

Revised: May 7, 2020; August 17, 2023

[NOTE: School Boards are required by current law to provide an opportunity for public comment, limited to school and education matters, at full meetings of the Board (20-A MRSA § 1001(20). Boards may impose reasonable time, place and manner restrictions on expressive activity during the public comment period to ensure that the Board's business meeting is not disrupted and to ensure compliance with confidentiality and privacy laws.

Boards should check other related policies (such as those pertaining to agenda preparation, Board meetings, agenda format, etc.) to ensure that there are no inconsistencies with revisions to this policy, and update those policies and all cross references, as necessary.]

PUBLIC COMMENT AT SCHOOL BOARD MEETINGS

The primary purpose of School Board meetings is to conduct the business of the Board related to school policies, programs, and operations. The Board encourages residents to attend Board meetings so that they may become acquainted with the operations and programs of the schools and cordially invites any interested member of the public to attend and participate as provided in this policy.

The Board recognizes the value of public comments on school and educational matters. To permit fair and orderly expression of public comments at Board business meetings, while still allowing the Board to conduct its business efficiently, the Board has established the procedure below for regular business meetings.

At special, emergency, or workshop meetings, public comments will be limited to the topic(s) of the particular meeting.

[NOTE: The public comment law simply refers to "full meetings of the board," without making a distinction between the various kinds of meetings that are typically held. MSMA/DWM believe that it is acceptable to limit public comment at special, emergency, and workshop meetings to the topic(s) for which the meeting is held. Boards may delete the above sentence if they wish to allow general comments. The law makes it clear that public comment is not required at subcommittee meetings.]

In addition to speaking during the designated public comment portion of the agenda at Board meetings, members of the public are welcome to submit written comments on school and educational matters to the Board and Superintendent.

[NOTE: The law does not specify where the public comment period should be placed on the agenda or how much public comment should be allowed. For efficiency, it may make sense to place the public comment early in the agenda.

The following rules apply to public participation in Board business meetings:

1. The Board includes a public comment period, not to exceed 30 minutes **[Or:___ minutes]** on the agenda of its regular business meetings. Individual speakers will be given equal amounts of time to speak during public comment period, limited to a maximum of three (3) minutes **[OR: ____ minutes]** per speaker. Individuals may not relinquish a portion of their allotted time to another speaker. The time limits in this paragraph may be modified at a particular meeting at the discretion of the Board Chair.

[NOTE: Boards have the option of prioritizing comments from residents of the school unit. There are two options below that Boards may wish to consider. MSMA/DW suggest having a sign-in form for individuals to speak, which includes the individual's name and town/city of residence. Boards may also choose not to have a sign-in form, or only to use one in circumstances where there are many individuals wishing to speak at a regular meeting.]

2.**[OPTION 1 – No prioritization]** Individuals who wish to speak during the public comment period are required to fill out the sign-in form available at each Board meeting, prior to the beginning of the public comment period, and to review a copy of this policy. Each individual will be required to state their name and town/city of residence before beginning their remarks.

[OPTION 2 – Prioritization of residents] The Board will hear public comments from residents of the school unit first. If there is time remaining in the public comment period once all residents have had the opportunity to speak, the Board will permit comments from non-residents. Individuals who wish to speak are required to fill out the sign-in form available at each Board meeting, prior to the beginning of the public comment period, and review a copy of this policy. Each individual will be required to state their name and town/city of residence before beginning their remarks.

3. In order to make efficient use of meeting time, the Board requests that groups or organizations be represented by designated spokespersons.

[NOTE: There will be a need to consider reasonable accommodations for individuals with disabilities who are not able to stand]

4. 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.

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

[NOTE: In a limited public forum, school boards can enforce reasonable time, place, and manner restrictions, but they cannot, as a general rule, censor speech based on the speaker's viewpoint, even if that speech is unpopular. The following rules are crafted to align with these requirements. School units can consider adjustments to particular rules but should review such adjustments with their counsel prior to adoption]

a. Speakers are expected to follow rules of common etiquette and decorum for the forum – a school business meeting at which students may be present – and are required to refrain from (i) using indecent and/or obscene language, (ii) engaging in disruptive conduct, including but not limited to inciting criminal conduct, shouting, threatening others using words or by other actions, making defamatory comments, exceeding the allotted time limits, talking over or interrupting others, offering repetitive comments, and offering comments on matters unrelated to school or education matters. For purposes of this policy, the following definitions apply:

   Indecent – the remark is uttered before 10:00 p.m. and describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards.

   Obscene – the remark appeals to the prurient (i.e., shameful, morbid, or unwholesome fascination with sex, nudity, or excretory functions) interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political or scientific value.

b. Discussion of personnel matters is not permitted during the public comment period due to the privacy, confidentiality and due process rights of 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).

   [OPTION - Narrower Alternative]
   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 named school unit employee.

c. 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.

d. 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.

e. The Board Chair will stop any public comment that is contrary to these rules.

f. Individuals who disrupt a Board meeting may be asked to leave in order to allow the Board to conduct its business in an orderly manner. The Board Chair may request the assistance of law enforcement if necessary to address disruptions or safety concerns.

Legal Reference: 20-A MRSA § 1001(20)
20-A MRSA § 6101
1 MRSA § 405

Cross Reference: BE – School Board Meetings
BEDB – Agenda
BEDB-R – Agenda Format
BEC – Executive Sessions
KE – Public Concerns and Complaints

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

USE OF PHYSICAL RESTRAINT AND SECLUSION

The MSAD 11 Board has adopted this policy and the accompanying procedures to implement the standards for use of physical restraint and seclusion with students, as required by state law and regulations, and to support a safe school environment. Physical restraint and seclusion, as defined by this policy, may only be used as an emergency intervention when the behavior of a student presents an imminent risk of serious physical injury to the student or others.

State law and MDOE Rule Chapter 33 do not restrict or limit the protections available to school officials under 20-A M.R.S.A. § 4009, but those protections do not relieve school officials from complying with this policy/procedure.

The Superintendent has overall responsibility for implementing this policy and the accompanying procedure, but may delegate specific responsibilities as they deem appropriate.

1. Definitions

The following definitions apply to this policy and the accompanying procedure:

A. 1. **Physical restraint:** A personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, or head freely.

2. **Physical restraint does not include any of the following:**

a. Physical escort: A temporary, voluntary touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location.

b. Physical prompt: A teaching technique that involves voluntary physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.

c. Protective Physical Interventions: Brief physical contact with a student in response to potentially harmful student action that serves to deflect, block, or redirect the student's actions or disengage from a student's inappropriate grip, but from which the student could freely move away.

d. The use of adaptive devices or mechanical supports to achieve proper body position, balance, or alignment to allow greater freedom of movement than would be possible without the use of such devices or supports.

e. The use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

B. 1. **Seclusion:** The involuntary isolation or confinement of a student alone in a room or clearly defined area from which the student does not feel free to go or is physically denied exit.

2. Seclusion does not include: A timeout, an intervention where a student requests, or complies with an adult request for, a break.

2. Procedures for Implementing Physical Restraint and Seclusion

The requirements for implementing physical restraint and seclusion, as well as incident notices, documentation and reporting are included in the accompanying procedure, JKAA-R.

3. Annual Notice of Policy/Procedure

MSAD 11 shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee.

4. Training Requirements

A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.

B. MSAD 11 will ensure that there are a sufficient number of administrators/designees, special education and other staff who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff shall be updated annually and maintained in the Superintendent's Office, in each school office and in the school unit's Comprehensive Emergency Management Plan.

5. Parent/Legal Guardian Complaint Procedure

A parent/legal guardian who has a complaint concerning the implementation of this policy/procedure must submit it in writing to the Director of Special Services as soon as possible. The Superintendent/designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days of receiving the complaint, if practicable.

A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the results of the local complaint process and may initiate its own investigation at its sole discretion. The Department shall issue a written report with specific findings to the parent/legal guardian and the school unit within 60 calendar days of receiving the complaint.

Legal References: 20-A M.R.S.A. §§ 4014, 4502(5)(M); 4009
Me. DOE Reg., ch. 33

Cross References: JKAA-R – Procedures on Physical Restraint and Seclusion
JK – Student Discipline
KLG/KLG-R – Relations with Law Enforcement
KLGA/KLGA-R – Relations with School Resource Officers
EBCA – Comprehensive Emergency Management Plan

Adopted: December 2, 2021

Reviewed: February 1, 2024

[NOTE: Local school boards are required to adopt a policy and procedure to implement 20-A MRSA § 4014 and MDOE Rule Chapter 33. Because the sample policy and procedure closely follow the language in the law and in the revised Rule Chapter 33, any modification of these samples should be made only with the advice of legal counsel.]

USE OF PHYSICAL RESTRAINT AND SECLUSION

The **[School unit name]** Board has adopted this policy and the accompanying procedures to implement the standards for use of physical restraint and seclusion with students, as required by state law and regulations, and to support a safe school environment. Physical restraint and seclusion, as defined by this policy, may only be used as an emergency intervention when the behavior of a student presents an imminent risk of serious physical injury to the student or others, and less intrusive interventions have failed or been deemed inappropriate.

State law and MDOE Rule Chapter 33 do not restrict or limit the protections available to school officials under 20-A MRSA§ 4009, but those protections do not relieve school officials from complying with this policy/procedure.

The Superintendent has overall responsibility for implementing this policy and the accompanying procedure, but may delegate specific responsibilities as they deem appropriate.

I. DEFINITIONS

[NOTE: These definitions are contained in state law and should not be changed.]

The following definitions apply to this policy and the accompanying procedure:

A.

i. **Physical restraint:** A personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, or head freely.

ii. **Physical restraint does not include any of the following:**

a. Physical escort: A temporary~~, voluntary~~ touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location.

b. Physical prompt: A teaching technique that involves voluntary physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
c. Protective physical interventions: Brief physical contact with a student in response to potentially harmful student action that serves to deflect, block, or redirect the student's actions or disengage from a student's inappropriate grip, but from which the student could freely move away.
d. The use of adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement than would be possible without the use of such devices or supports.
e. The use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

B.

i. **Seclusion**: The involuntary isolation or confinement of a student alone in a room or clearly defined area from which the student does not feel free to go or is physically denied exit.
ii. **Seclusion does not include**: A timeout, an intervention where a student requests, or complies with an adult request for, a break.

II. PROCEDURES FOR IMPLEMENTING PHYSICAL RESTRAINT AND SECLUSION

The requirements for implementing physical restraint and seclusion, as well as incident notices, documentation and reporting are included in the accompanying procedure, JKAA-R.

III. ANNUAL NOTICE OF POLICY/PROCEDURE

[School unit name] shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee.

[NOTE: Local boards should consider how best to provide notice to parents/legal guardians. For parents, suggestions include providing the policy/procedure in the first-day packet or inclusion in student handbooks. Information can also be provided on the school unit's website, but we do not recommend that the website be the sole method of disseminating information to families.]

IV. TRAINING REQUIREMENTS

All school staff and contracted providers shall receive an annual overview of this policy/procedure.

[School unit name] will ensure that there are a sufficient number of administrators/ designees, special education and other staff who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff shall be updated annually and maintained in the Superintendent's Office, in each school office and in the school unit's Comprehensive Health and Safety and Emergency Management Plan.

[NOTE: Local boards should ensure that this information is included in the school unit's comprehensive emergency management plan and in any specific safety/emergency plans for individual schools.]

V. PARENT/LEGAL GUARDIAN COMPLAINT PROCEDURE

A parent/legal guardian who has a complaint concerning the implementation of this policy/procedure must submit it in writing to the Superintendent **[or insert other appropriate administrator]** as soon as possible. The Superintendent/designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days of receiving the complaint, if practicable.

[**NOTE: Chapter 33 does not contain a specific time limit for local school units to respond to parental complaints. A time limit has been inserted for discussion purposes, but local boards should discuss what makes sense for their school unit. For ease of administration, it may make sense to make the deadline consistent with other complaint procedures, such as the employee and student discrimination/ harassment complaint procedures.]**

A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the results of the local complaint process and may initiate its own investigation at its sole discretion. The Department shall issue a written report with specific findings to the parent/legal guardian and the school unit within 60 calendar days of receiving the complaint.

Legal References: 20-A MRSA §§ 4014, 4502(5)(M); 4009
Me. Dept. of Educ. Rule Ch. 33

Cross References: JKAA-R — Procedures on Physical Restraint and Seclusion
JK — Student Discipline

KLG/KLG-R — Relations with Law Enforcement OR
KLGA/KLGA-R — Relations with School Resource Officers
EBCA — Comprehensive Health and Safety and Emergency Management Plan

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

CHILD FIND

MSAD #11 seeks to ensure that all children within its jurisdiction are identified, who are school-age five through the school year in which they turn 22 and who are in need of special education and supportive assistance, including homeless children, state wards, state agency clients, students who have been suspended or expelled, children attending private schools, receiving home instruction, children incarcerated in county jails, children who have the equivalent of 10 full days of unexcused absences or seven consecutive school days of unexcused absences during a school year, highly mobile children (including migrant or homeless), and children who are suspected of being disabled and in need of special education and supportive assistance even though they are advancing from grade to grade.

MSAD 11 shall provide child find during the first 30 days of the school year or during the first 30 days of enrollment for transfer children. If evidence of child find activities and a statement of the results can be found in a child's cumulative record, or MSAD 11 has reason to believe the child has previously been identified as a child with a disability by another SAU, in state or out of state, child find is not necessary.

MSAD #11 is responsible for Child Find for resident students attending private or public schools through public tuition payments or public contract and shall meet this duty either through appropriate arrangements with the receiving school unit or through direct child find services by district personnel or contracted personnel.

MSAD #11's Child Find responsibility shall be accomplished through a unit wide process which, while not a definitive or final judgment of a student's capabilities or disability, is a possible indicator of special education needs. Final identification of students with disabilities and programming for such students occurs only after an appropriate evaluation and a determination by the IEP team.

This Child Find process shall include obtaining data on each child through multiple measures, direct assessment, and parent information regarding the child's academic and functional performance, gross and fine motor skills, receptive and expressive language skills, vision, hearing and cognitive skills. MSAD #11 may schedule child find activities during its annual kindergarten enrollment to assist in planning for necessary special education and related service at the start of the school year. If screening occurs in the spring prior to school entry, MSAD #11 will refer the child to the regional Child Development Services (CDS) site within 10 school days.

If the Child Find process indicates that a student may require special education and supportive services in order to benefit from regular education, the student shall be referred to the Individual Educational Plan (IEP) Team to determine the student's eligibility for special education services.

School staff, parents, or agency representatives or other individuals with knowledge of the child may refer children to the IEP team if they believe that the student, because of a disability, may be in need of special education and supportive services in order to benefit from regular education. Such a referral should follow the school unit's pre-referral and referral policy.

Legal Reference: 34 C.F.R. § 300.111 (2012); MUSER IV(2) (2017)

Adopted: April 7, 1994

Revised: November 4, 2004; May 3, 2007; December 3, 2009; February 4, 2016
February 7, 2019; August 5, 2021

CHILD FIND

[School unit name] seeks to ensure that all children within its jurisdiction are identified, located and evaluated who are school-age 5 and under the age of 22 and who are in need of special education and supportive assistance. This includes homeless children, state wards, state agency clients, students who have been suspended or expelled, children attending private schools receiving home instruction, children incarcerated in county jails, children who have the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year, highly mobile children (including migrant or homeless), and children who are suspected of being disabled and in need of special education and supportive assistance even though they are advancing from grade to grade.

[For school units that tuition or contract for educational services for some or all of its students, add the following paragraph:

(School unit name) is responsible for Child Find for resident students attending private or public schools through public tuition payments or public contract and shall meet this duty either through appropriate arrangements with the receiving unit or school or through direct child find services by unit personnel or contracted personnel."]

The school unit's Child Find responsibility shall be accomplished through a unit-wide process which, while not a definitive or final judgment of a student's capabilities or disability, is a possible indicator of special education needs. Final identification of students with disabilities and programming for such students occurs only after an appropriate evaluation and a determination by the IEP Team.

The school unit shall provide Child Find during the first 30 days of the school year or during the first 30 days of enrollment for transfer children, in addition to other Child Find activities provided by the school unit.

[NOTE: School units should consider adding to any information sheets sent out to all parents at the start of the year a statement to this effect: "Please let us know on this form if you have any disability concerns regarding your child that you think should be addressed."]

This Child Find process shall include obtaining data on each child through multiple measures, direct assessment, and parent information regarding the child's academic and functional performance, gross and fine motor skills, receptive and expressive language skills, vision, hearing and cognitive skills. **[School unit name]** may schedule Child Find

activities during its annual kindergarten enrollment to assist in planning for necessary special education and related services at the start of the school year. If screening occurs in the spring prior to school entry, **[School unit name]** will refer the child to the regional CDS site within 10 school days.

If the Child Find process indicates that a student may require special education and supportive services in order to benefit from regular education, the student shall be referred to the IEP Team to determine the student's eligibility for special education services.

School staff, parents, or agency representatives or other individuals with knowledge of the child may refer children to the IEP team if they believe that the student, because of a disability, may be in need of special education and supportive services in order to benefit from regular education. Such a referral should follow the school unit's pre-referral and referral policy.

Legal Reference: 34 C.F.R. § 300.111 (2006)
Me. Dept. of Educ. Rule Ch. 101, IV 2(A), (C) (2015)
Me Dept. of Educ. Administrative Letter 1 (January 21, 2021)

Adopted: _____

BOARD RELATIONSHIPS AND COMMUNICATIONS WITH STAFF

A clear understanding of responsibilities and relationships between and among the MSAD 11 Board and school personnel is essential for a smoothly running and efficient school system. It should be remembered that the ~~MSAD #11~~ 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 ~~MSAD #11~~ Board's considerations and decisions.

Board and Superintendent

The relationship of the ~~MSAD #11~~ 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 ~~MSAD #11~~ Board is the ~~legislative~~ governing body of the school unit and has the responsibility for adopting policies and providing for the care and management of the schools. ~~It exercises its mandated management of the schools through the formation of policies.~~

The Superintendent is the ~~executive officer~~ 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 ~~MSAD #11~~ Board recognizes this and wishes to make this clear to all staff members and to all citizens.

All communications or reports to the ~~MSAD #11~~ Board, or to any committee of the ~~MSAD #11~~ Board from 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 ~~MSAD #11~~ Board. ~~His/her~~ Their relations to the ~~MSAD #11~~ 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 ~~MSAD #11~~ Board. At all times the Principal must remember that all matters which require Board action must be presented to the ~~MSAD #11~~ Board by the Superintendent.

Board and Teachers

The relationship of the teacher to the ~~MSAD #11~~ Board is indirect. The teacher is directly responsible to the Principal/Assistant Principal and through ~~him/her~~ the Principal/Assistant Principal to the Superintendent, and then to the Board. ~~However, this does not mean that the teacher does not have access to the Superintendent or to the MSAD #11 Board. Conditions may arise when direct access may be obtained through channels established for grievances.~~

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

Adopted: June 15, 2006

Revised: December 3, 2015; March 4, 2021

NEW BOARD MEMBER ORIENTATION

In order that newly elected MSAD 11 Board members may cast informed votes and function effectively as board members, the Board and Superintendent will extend to them the fullest measures of courtesy and cooperation, and will make every reasonable effort to assist newly elected Board members in understanding the Board's functions, policies, procedures and current issues.

A. In the interim between a new member's election or appointment and ~~his/her~~ their 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.

B. The Board, through the Superintendent, will ensure new members know how to access Board policies, student handbooks and all appropriate publications relevant to their committee assignment(s).

C. 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 that ~~he/she has~~ they have 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 Access Training form.

D. 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.

E. The Chair and Superintendent will schedule and arrange for an orientation session for new Board members as soon as practicable after election or appointment. A reasonable amount of time will be provided for discussion of:

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

2. Basic operational procedures of the ~~MSAD #11~~ Board;

3. Placement of items on the agenda;

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

5. How and why executive sessions may be held;

6. What is considered confidential or privileged information;

7. Appropriate responses of an individual member when a request or complaint is made directly to ~~him/her~~ them by a student, parent or member of the community;

8. How the Board responds to complaints involving personnel;

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

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

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

12. Protocol for dealing with the media; and

13. Other relevant topics.

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 MRSA § 412

Cross Reference: BIC – Board Member Freedom of Access Law Training

Adopted: November 6, 2008

Revised: January 7, 2016; April 1, 2021

BOARD MEMBER DEVELOPMENT OPPORTUNITIES

Recognizing the value of continuous and life-long learning, the MSAD 11 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 district 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 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 school unit'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 school unit.

At Board meetings 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: Prior to 1985

Revised: June 5, 1986; October 1, 1992; June 15, 2006; January 7, 2016; April 1,2021

BOARD MEMBER FREEDOM OF ACCESS LAW TRAINING

In accordance with Maine law every Board member, whether elected or appointed, must complete a course of training on the requirements of Maine's Freedom of Access law as it relates to public records and proceedings not later than the 120th day after the date he/she takes the oath of office to assume ~~his/her~~ their duties as an elected official.

Freedom of Access training must be repeated within 120 days of taking the oath of office each time a Board member is elected to serve a new term.

At a minimum, the training course must include instruction in:

A. The general legal requirements of the Freedom of Access law regarding Public records and public proceedings;

B. Procedures and requirements regarding complying with a request for a public Record under the Freedom of Access law; and

C. Penalties and other consequences for failure to comply with the Freedom of Access law.

A Board member may meet the training requirement by conducting a thorough review of all the information made available by the State of Maine on the Frequently Asked Questions portion of its Freedom of Access website, or by completing any other training course that includes all of this information.

The Frequently Asked Questions portion of the State's Freedom of Access website may be found at www.maine.gov/foaa/faq/

Each Board member shall attest by means of a written or electronic record that ~~he/she has~~ they have 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 Certificate of Completion of Freedom of Access Training form.

Legal Reference: 1 MRSA §§ 411, 412

Cross Reference: BID New Board Member Orientation
KDB Public's Right to Know/Freedom of Access

Adopted: November 6, 2008

Revised: December 3, 2015; March 4, 2021

CERTIFICATION OF COMPLETION OF FREEDOM OF ACCESS TRAINING REQUIRED BY 1 MRSA § 412

I, _____, hereby certify that I have met the
(*Name of elected official, Superintendent, or Asst. Superintendent)*

Training requirements set forth in MRSA § 412 on _____ by
(Date of training)

Completing the following training.

☐ A thorough review of all of the information made available on the Frequently Asked Questions portion of the State Freedom of Access website, www.maine.gov/foaa/faq

☐ Another training course that includes this information, identified as follows:

_____
(Title of course)

_____
(Name of course provider)

Dated this _____day of _____, 20___.

_____
(Signature)

_____
(Printed name)

_____
(Elected office or Public Official Role)

NOTE: Training must be completed within 120 days after an elected official takes the oath of office.

Adopted: November 6, 2008

Revised: January 7, 2016; April 1, 2021; December 2, 2021

BOARD MEMBER COMPENSATION AND EXPENSES

A stipend of $25.00 per Regular Board and $15.00 for Bimonthly and Special Board meetings for each MSAD 11 Board member is authorized. This payment will be made for attendance at all regular meetings and for attendance at special meetings when minutes are prepared and subsequently accepted. For the school board members serving on the Board's Negotiations Committee, a stipend of $250.00 will be paid annually, when staff contracts are negotiated.

Legal Reference: 20-A MRSA § 1251(4)

Adopted: Prior to 1985

Revised: June 5, 1986; October 1, 1992; June 15, 2006; January 7, 2016; April 1, 2021

SCHOOL SUPERINTENDENT

A primary function of the MSAD 11 School Board is to select a Superintendent of Schools. To select a Superintendent, a majority vote of all members of the Board shall be required. ~~He/she~~ They may be appointed to a contract of up to five years in accordance with the laws of the state of Maine.

The Superintendent shall be executive officer of the Board. In addition, under Maine Statutes ~~he/she~~ they shall serve as secretary ex officio to the Board. ~~He/she~~ They shall attend all meetings and have the right to speak on all subjects, but shall have no vote.

The Superintendent shall administer and supervise the public educational system of the District. ~~He/she~~ They shall have discretionary authority, subject to later approval by the Board, to act upon all emergency matters and those as to which ~~his/her~~ their power and duties are not specifically set forth or limited.

The Superintendent shall devote ~~his/her~~ their entire working time to the duties of the position. ~~He/she~~ They may, without violation of the provisions of this section, perform educational functions outside the city/town with the approval of the Commissioner of Education and the Board.

Legal Reference: 20-A MRSA §§ 1001, 1053

Cross Reference: CB-R – Superintendent of Schools Job Description
CBI - Evaluation of the Superintendent

Adopted: November 6, 2008

Reviewed: April 1, 2010; January 7, 2016; April 1, 2021

EVALUATION OF THE SUPERINTENDENT

The MSAD 11 School Board will evaluate the performance of the Superintendent no less than once every three years. The primary purposes of the evaluation will be to continually improve administrative leadership, to strengthen the working relationship of the Board and Superintendent governance team, and to assist the Board in reviewing issues associated with the Superintendent's employment.

Guidelines

A. The Superintendent should be involved in developing the evaluation form and standards or reviewing the existing evaluation form and standards.

B. The evaluation(s) should be at a regularly scheduled time and place, in an executive session in which all Board members are present.

C. The Superintendent should prepare for the evaluation by conducting a self-evaluation.

D. The ~~MSAD #11~~ School Board should prepare for the evaluation as follows:

1. Board members will submit individual written assessments to the Chair, using the evaluation form and standards, with supporting comments giving specific examples related to conduct and/or performance.

2. The Chair will develop a composite evaluation from members' written opinions.

3. The Board will meet in executive session to review the composite evaluation and materials related to the Superintendent's performance. The Superintendent may be invited to, or excluded from, this session at the Board's discretion. [Note: The Superintendent must be present for any discussion that may lead to or result in allegations, charges, or investigation of misconduct.]

E. The ~~MSAD #11~~ School Board will meet with the Superintendent in executive session to review the evaluation:

1. The Board as a whole will meet with the Superintendent to discuss the evaluation, which should include the composite of individual ~~MSAD #11~~ School Board members' written assessments as agreed upon by the ~~MSAD #11~~ School Board.

2. The evaluation should include a discussion of strengths as well as areas identified for improvement.

3. As no form or set of guidelines can encompass the totality of the Superintendent's responsibilities, the evaluation discussion may include items not described in the evaluation form.

4. The Board's evaluation should be supported by specific examples of the Superintendent's conduct/performance and should represent the perspective of the majority of the Board.

5. The Superintendent shall be given the opportunity to provide feedback to the Board regarding ~~his/her~~ their perceptions of the working relationship between the Superintendent and the Board and other issues the Superintendent identifies as relevant to ~~his/her~~ their job responsibilities and performance.

F. The Board will meet in executive session to discuss issues such as compensation, benefits, and extension of contract which are directly related to the Superintendent's evaluation and employment. The Superintendent may be invited to, or excluded from, this session at the Board's discretion.

G. The Board will meet with the Superintendent in executive session to discuss compensation, benefits, extension of contract and other matters relevant to the Superintendent's employment.

H. Following the completed evaluation process, the Board Chair shall provide the Superintendent with a written summary of the key elements of the evaluation review.

Performance Objectives

Using the Superintendent's evaluation(s) for the year and the priorities established by the Board, the Board and the Superintendent will establish mutually agreed upon and clearly understood performance goals for the ensuing year. Progress toward these goals will be included as part of the next Board evaluation of the Superintendent.

Cross Reference: BDD - Board-Superintendent Relationship
CB - School Superintendent
CB-R - Superintendent Job Description

Adopted: August 6, 1992

Revised: November 6, 2008; April 1, 2010; August 3, 2017; December 2, 2021

SUPERVISION AND EVALUATION OF THE SUPERINTENDENT

The School Board employs and evaluates one person—the Superintendent—holding that person accountable for the school unit's performance and compliance with applicable laws, regulations, and Board policy.

Having hired the Superintendent as its chief executive officer, the Board delegates to him/her the authority to operate the schools, implement board policy, and provide leadership to staff. This delegation of authority empowers the Superintendent to pursue the mission, visions, and goals set by the Board.

The Board, in its oversight role, is responsible for ensuring that a plan is in place for effective transition for an incoming Superintendent, supporting the Superintendent's continued success, and monitoring the Superintendent's performance to ensure that the school unit is progressing toward its goals. The evaluation process culminates in the annual performance evaluation.

The Board believes that a successful employment relationship—and ultimately, the success of the school unit—depends on mutual respect and a clear understanding of the roles, responsibilities, and expectations of both the Superintendent and the Board. The Board sees evaluation as an opportunity to facilitate communication, enhance the Board-Superintendent relationship, and improve the performance of the school unit.

Evaluation of the Superintendent begins with the process of defining how success in the position will be demonstrated. Based on the Superintendent's job description, professional standards for the position, and knowledge of the school unit, the Superintendent in consultation with the Board will identify annual goals to lead and enhance the work of the school unit.

Supervision/monitoring of the Superintendent should be thoughtfully planned. The Board will engage with the Superintendent in an informal semi-annual evaluation. This is intended to provide the Superintendent with an update on their progress toward the goals and expectations agreed to and to determine whether there has been any change in the school unit's priorities. This will also be an opportunity for the Board to express any concerns about the Superintendent's performance to date so that adjustments can be made if necessary, and for the Superintendent to communicate their own concerns to the Board.

ANNUAL EVALUATION

Annually, the Board will evaluate the performance of the Superintendent as a regular and scheduled activity. The primary purpose of the evaluation will be to continually improve

administrative leadership, to strengthen the working relationship of the Board and Superintendent governance team, and to assist the Board in reviewing issues associated with the Superintendent' employment.

The following guidelines apply to the annual evaluation:

A. The Superintendent should be involved in developing the evaluation form and standards or reviewing the existing evaluation form and standards.

B. The evaluation(s) should be at a regularly scheduled time and place, **[Optional language: with no other items on the agenda]** in an executive session in which all Board members are present.

C. The Superintendent should prepare for the evaluation by conducting a self-evaluation based on the job description, mutually agreed to and previously developed goals, and knowledge of the district. This self-evaluation is to be prepared prior to individual Board members completing their superintendent evaluation documents.

D. The Board should prepare for the evaluation as follows:

1. Board members will submit individual written assessments to the Chair, using the evaluation form and standards, with supporting comments giving specific examples related to conduct and/or performance. Board members will have access to the superintendent self-evaluation prior to completing their individual evaluation forms.

2. The Chair may seek individual assessment information from other sources within the district, such as but not limited to Central Office Administrators and Directors, Building Administrators, and Teacher Leadership.

3. The Chair **[OR: Chair and Vice-Chair]** will develop a composite **[OR: summary]** evaluation from members' written opinions.

4. The Board will meet in executive session to review the composite **[OR: summary**] evaluation and materials related to the Superintendent's performance as prepared by the Chair. The Superintendent may be invited to, or excluded from, this session at the Board's discretion.

[NOTE: The Superintendent must be present for any discussion that may lead to or result in allegations, charges or investigation of misconduct.]

5. Adjustments, if any, to the summary evaluation will be made before a final copy is shared with the Superintendent. The importance of the Board speaking with one voice in the summary evaluation cannot be over-emphasized.

E. The Board will meet with the Superintendent in executive session to review the evaluation:

1. The Board as a whole will meet with the Superintendent to discuss the evaluation, which should include the composite **[OR: summary]** of individual Board members' written assessments, and other assessment information, as agreed upon by the superintendent and the Board.

2. The evaluation should include a discussion of strengths as well as areas identified for improvement.

3. As no form or set of guidelines can encompass the totality of the Superintendent's responsibilities, the evaluation discussion may include items not described in the evaluation form.

4. The Board's evaluation should be supported by specific examples of the Superintendent's conduct/performance, and should represent the perspective of the majority of the Board.

5. The Superintendent shall be given the opportunity to provide feedback to the Board regarding their perceptions of the working relationship between the Superintendent and the Board and other issues the Superintendent identifies as relevant to their job responsibilities and performance.

6. Adjustments, if any to the summary evaluation will be made before a final copy is shared with the Superintendent. The importance of the board speaking with one voice in the summary evaluation cannot be over-emphasized.

F. The Board will meet in executive session to discuss issues such as compensation, benefits, and extension of contract that are directly related to the Superintendent's evaluation and employment. The Superintendent may be invited to, or excluded from, this session at the Board's discretion.

G. The Board will meet with the Superintendent in executive session to discuss compensation, benefits, extension of contract and other matters relevant to the Superintendent's employment.

H. Following the completed evaluation process, the Board Chair shall provide the Superintendent with a written summary of the key elements of the evaluation review.

Performance Objectives

Using the Superintendent's evaluation(s) for the year and the priorities established by the Board, the Board and the Superintendent will establish mutually agreed upon and clearly understood performance goals for the ensuing year prior to **[insert date]**. Progress toward these goals will be included as part of the next Board evaluation of the Superintendent.

Cross Reference: BDD - Board-Superintendent Relationship
CB - School Superintendent
CB-R - Superintendent Job Description

Adopted: _____

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

SUPERINTENDENT OF SCHOOLS JOB DESCRIPTION

I. JOB GOAL

To provide leadership in developing and maintaining the best possible educational programs and services for the students of ~~our school system~~ MSAD 11. To lead, guide, and direct every member of the administrative, instructional, and support services teams in setting and achieving the highest standards of excellence in educational programs and operating systems. To be responsible for a system of supervision and evaluation for all staff designed to meet the goals of the school system. To oversee and administer the use of all facilities, property, and funds in the best interests of students and the school system.

II. MINIMUM JOB REQUIREMENTS

A. Superintendent Certification (010) Maine Department of Education (or certifiable).
B. Minimum of Certificate of Advanced Study
C. Minimum of Five Years of Administrative Experience
D. Such alternatives to the qualifications listed in B. and C. as the Board may find appropriate and acceptable.

REPORTS TO: MSAD 11 School Board

SUPERVISES: All administrative and supervisory personnel of the school system.

PERFORMANCE RESPONSIBILITIES AND CRITERIA

The criteria for performing the job responsibilities of the Superintendent include the ability to function effectively in the following categories: A) Communication; B) Community Relations; C) Curriculum; D) School/Community Involvement; E) Leadership; F) Organizational Management; G) Personnel Management; H) School Facility Management; I) School Finance/Budgeting; J) School Improvement; K) Staff Development; L) Superintendent/Board Relations; and M) Supervision/ Evaluation.

A. Communication—Able to communicate clearly with staff, parents, students, and community, both verbally and in writing.

1. Keeps the public informed of the status of the schools.

2. Conducts meetings of administrators, teachers, and other staff members as necessary for the discussion of matters concerning the improvement and welfare of the schools.

3. Communicates to all staff members, directly or through delegation, actions of the Board relating to personnel matters and receives from employees communications to be made to the Board.

4. Confers as appropriate with professional and lay groups concerning the school program and transmits suggestions to the Board and others, as appropriate.

B. Community Relations—Recognizes the importance of both stimulating and reflecting community needs/wants regarding education. Demonstrates ability to involve the community in developing and implementing goals. Views the community/school relationship as a partnership.

1. Establishes and maintains a program of public relations to keep the public well informed of the activities and needs of the school system, effecting a wholesome and cooperative working relationship between the schools and the community.

2. Communicates with and understands the needs and perspectives of various community groups.

3. Attends, or delegates a representative to attend, meetings of municipal agencies at which matters pertaining to the school system appear on the agenda or are expected to be raised.

4. Keeps the public informed about current educational practices, educational trends, and the policies, practices, successes, and challenges of the schools.

C. Curriculum—Strong commitment to leading the effort to define and deliver an effective, consistent curriculum PK-12.

1. Administers the development and maintenance of educational programs designed to meet the needs of the community and to carry out the policies of the MSAD #11 Board.

2. Conducts reviews of the total school program and advises the Board on recommendations for the educational advancement of the schools.

3. Recommends to the Board, through the use of appropriate personnel, adoption of courses of study, curriculum, teaching materials, etc.

4. Oversees timely revisions of curriculum and courses of study.

D. School/Community Involvement—Visible in the schools, aware of current issues and activities in the schools and shows an interest in community affairs.

1. Visits schools and classrooms as appropriate. Attends a reasonable number of student/staff events.

2. Seeks to stay informed about issues and activities in the schools.

3. Has a reasonable level of knowledge of administrators, staff, and students.

4. Has a reasonable level of knowledge about community events, concerns, accomplishments, and direction.

E. Leadership—Able to motivate, lead, guide and direct people. Committed to implementing the Mission and Vision Statement of the school system.

1. Facilitates the development of and implements a collaborative educational vision and assists the Board in setting priorities for the school unit.

2. Serves as the educational leader of the school unit. Performs job responsibilities using the Mission and Vision Statement as a guide.

3. Communicates the educational vision and priorities effectively to staff, students, and community.

4. Attend conventions and conferences to keep abreast of latest educational trends.

5. Ensures that policies, procedures, and school rules promote a safe, respectful, and healthy school environment.

F. Organizational Management—Uses a systematic approach to managing and improving the schools. Excellent organizational skills, working knowledge of school law, and proven ability to resolve organizational conflicts.

1. Administers, as chief school executive, the development, maintenance, and improvement of the educational program.

2. Maintains, directly or through delegation, such personnel records, pupil accounting records, business records and other records as required by law and/or Board policy.

3. Files, or causes to be filed, all reports required by state or federal laws/regulations.

4. Advises the Board of the need for new and revised policies and ensures that all policies of the Board are implemented.

5. Makes administrative decisions necessary for the effective and efficient operations of the schools. Acts on own discretion when emergency action is necessary in matters not covered by Board policy. Reports such

emergency actions to the Board and recommends policy for future guidance.

6. Develops and implements rules and procedures for staff and students as necessary to comply with Board policies, and state and federal laws/regulations.

7. Delegates to other staff, at own discretion, the exercise of any powers and duties, with the knowledge that such delegation does not relieve the Superintendent of final responsibility for any actions taken.

8. Recommends attendance boundaries for all schools and the transfer of students from one building to another in the interest of good administration of the instructional program. Implements Board policies and state laws/regulations for the promotion, retention, and acceleration of students.

9. Makes recommendations to the Board concerning the transportation of students in accordance with Board policies, state laws/regulations, and student safety considerations.

G. Personnel Management—Excellent people skills. Ability to recruit and retain high quality staff. Strong personnel management practices and understanding of collective bargaining issues.

1. Develops and implements a hiring process that complies with applicable state and federal laws and attracts the most qualified candidates.

2. Nominates to the Board for employment the most qualified and competent teachers and administrators.

3. Employs the most qualified and competent support staff.

4. Develops job descriptions for all staff, subject to Board review and approval.

5. Assigns and transfers employees as the interests of the school system require and reports such actions to the Board for information and record.

6. Participates, as deemed appropriate by the Board, in negotiations with recognized employee bargaining units.

7. Handles employee grievances or problems in accordance with applicable Board policies, collective bargaining agreements, and/or state/federal laws and regulations.

8. Establishes and implements personnel policies and procedures for non-union staff.

9. Ensures that the Board complies with meet and consult requirements on educational policy issues.

10. Establishes personnel procedures that provide information that may be used to advance the quality of the school unit, such as exit interviews for departing employees, employee focus group discussions on specific aspects of job performance and duties, questionnaires and/or other means of eliciting staff member feedback.

H. School Facility Management—Good understanding of facilities management, including development of long-term maintenance plans, and budgeting/planning for future building needs.

1. Makes recommendations to the Board on the location and size of new school sites and additions to existing sites; the location and size of new buildings on sites; plans for new school buildings; appropriates for sites and buildings; and improvements, alterations and changes in buildings and equipment.

2. Develops and implements short and long-term maintenance plans for school buildings and grounds, delegating particular duties as the Superintendent deems appropriate.

3. Includes maintenance and other facilities/equipment needs in budget planning.

4. Develops and implements guidelines and procedures governing the use and care of school facilities and property.

5. Recommends to the Board sales of surplus property no longer needed and authorizes the proper execution of such sales.

I. School Finance/Budgeting—Strong working knowledge of school finance, including budget development and management. Ability to effectively communicate with the Board, staff, community, and local municipal officials. Clear understanding of federal, state, and local funding issues.

1. Demonstrates the ability to perform effective financial forecasting and long and short-term financial planning.

2. Supervises the preparation and presentation of the annual budget and recommends it to the Board for approval.

3. Establishes and maintains efficient procedures and effective controls for all expenditures of school funds in accordance with the adopted budget.

4. Clearly explains proposed budgets, needs and priorities to the Board, community, and local municipal officials.

5. Conducts all financial operations and purchasing within Board policies and applicable state/federal laws/regulations.

6. Maintains appropriate financial accounts and ensures that audits are performed on an annual basis.

7. Provides prior notice to the Board when there is a need to depart from Board policy in any financial matter.

J. School Improvement—Commitment to supervise and evaluate school programs in the spirit of continuous improvement; understanding of educational practices, research, and national/state/local initiatives, including Maine's Learning Results; and ability to frame issues for discussion, reach timely decisions, and implement change.

1. Develops, implements, and monitors the change process to improve the educational program.

2. Is familiar with current research and educational issues.

3. Involves the staff and community in plans to improve the educational program.

4. Ensures that there is a comprehensive system of student assessment in place.

5. Informs and advises the Board about educational programs and instructional practices in the schools.

6. Communicates effectively with staff, students and the community about educational trends, curriculum needs and instructional programs.

7. Ensures that the educational program complies with Board policies and applicable state and federal laws/regulations.

8. Ensures that administrators and teachers communicate student progress and school curricula to parents on a regular basis.

K. Staff Development—Committed to and fosters continuous staff improvement. Emphasizes both system-wide and individual development.

1. Fosters an environment that encourages continuous learning and improvement on the part of school staff.

2. Develops and implements an effective system of staff development focused on improving the educational and operational programs of the schools, with appropriate input from the Board, administration, and staff.

3. Provides reasonable opportunities for staff to participate in conferences, visitations, and coursework within the framework of the school unit's budget.

4. Ensures that all staff are involved in the school unit's staff development opportunities.

5. Informs the Board of staff development priorities, needs, and activities.

L. Superintendent/Board Relations—Understands that the Superintendent is responsible for management of the schools under the Board's policies and is accountable to the Board. Supports and facilitates the work of the Board. Maintains open communication with the Board.

1. Supervises and ensures compliance with all laws, regulations, and Board policies.

2. Keeps the Board informed about programs, activities, accomplishments, problems, and needs of the schools.

3. Presents information and recommendations necessary to assist the Board in performing its duties effectively, including the need for policy on particular subjects.

4. Schedules and attends meetings of the Board.

5. Serves as Secretary to the Board as required by law.

6. Serves as an ex officio member of all Board committees, attending meetings as specified by the Board.

7. Advises and recommends action by the Board as appropriate concerning student and staff disciplinary issues.

8. Assists the Board in developing annual and long-range goals for the school system.

9. Represents the school unit with the media and other groups as deemed appropriate by the Board.

10. Performs such other tasks as may be assigned by the Board.

M. Supervision/Evaluation—Understands the importance of accountability for staff and self. Uses an evaluation process that establishes clear performance standards and follows through to resolve performance issues.

1. Develops and implements an effective system of supervision and evaluation for all staff, based on Board policies and with appropriate input from administration and staff.

2. Oversees methods of teaching, supervision, evaluation and administration in the schools.

3. Disciplines employees as necessary and reports such actions to the Board as appropriate.

4. Recommends salary changes or dismissal/nonrenewal of administrators and teachers to the Board for final action.

TERMS OF EMPLOYMENT

Work year shall be twelve (12) months. Length of contract, salary, and benefits shall be determined by the Board and Superintendent under the Superintendent's individual contract.

EVALUATION

Performance shall be evaluated in accordance with the provisions of the ~~MSAD #11~~ Board's policy on evaluation of the Superintendent.

Cross Reference: CBI - Evaluation of Superintendent

Adopted: November 6, 2008

Reviewed: April 1, 2010; August 3, 2017; December 2, 2021

SUPERINTENDENT OF SCHOOLS

I. JOB GOAL

To provide leadership in developing and maintaining the best possible equitable educational programs and services for all students of [School unit name]. To lead, guide, and direct every member of the administrative, instructional, and support services teams in setting and achieving the highest standards of excellence, equity and diversity in hiring, educational programs, and operating systems. To be responsible for a system of supervision and evaluation for all staff designed to meet the goals of the school system, including academic growth of students and professional growth of employees. To utilize the adopted policies of the district and state and federal laws to oversee and administer the use of all facilities, property, and funds in the best interests of students and the school system.

II. MINIMUM JOB REQUIREMENTS

A. Superintendent Certification (010) Maine Department of Education (or certifiable).

B. **[Local Unit Insert: Degree(s) required and major area of study.]**

C. **[Local Unit Insert: Type and amount of prior job experience required.]**

[Sample language: ____ years as central office administrator; strong elementary and/or secondary school administrator experience; strong knowledge of *Maine's Learning Results.*]

D. Such alternatives to the qualifications listed in B. and C. as the Board may find appropriate and acceptable.

III. REPORTS TO: School Board

IV. SUPERVISES: Directly or indirectly, every school system employee

V. DUTIES AND RESPONSIBILITIES

MISSION, VISION, AND CORE VALUES:

As an educational leader, develops, advocates, and enacts a shared mission, vision, and core values of high-quality education and academic success and well-being of each student.

a) Develops an educational mission for the schools to promote the academic success and well-being of each student.

b) In collaboration with members of the schools and the community and using relevant data, develops and promotes a vision for the schools on the successful learning and development of each child and on instructional and organizational practices that promote such success.

c) Articulates, advocates, and cultivates core values that define school culture and stresses the imperative of child-centered education; high expectations and student support; equity, inclusiveness, and social justice; openness, caring, and trust; and continuous improvement.

d) Strategically develops, implements, and evaluates actions to achieve the vision for the schools.

e) Reviews the mission and vision of the schools and adjust them to changing expectations and opportunities for the schools and changing needs and situations of students.

f) Develops shared understanding of and commitment to mission, vision, and core values within the schools and the community.

g) Models and pursues the school unit's mission, vision, and core values in all aspects of leadership.

ETHICS AND PROFESSIONAL NORMS:

Acts ethically and according to professional norms to promote each student's academic success and well-being.

a) Acts ethically and professionally in personal conduct, relationships with others, decision-making, stewardship of the school's resources, and all aspects of school leadership.

b) Acts according to and promote the professional norms of integrity, fairness, transparency, trust, collaboration, perseverance, learning, and continuous improvement.

c) Places children at the center of education and accept responsibility for each student's academic success and well-being.

d) Safeguards and promotes the values of democracy, individual freedom and responsibility, equity, social justice, community, and diversity.

e) Leads with interpersonal and communication skill, social-emotional insight, and understanding of all students' and staff members' backgrounds and cultures.

f) Provides moral direction for the school and promotes ethical and professional behavior among faculty and staff.

EQUITY AND CULTURAL RESPONSIVENESS:

Strives for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being.

a) Ensures that each student is treated fairly, respectfully, and with an understanding of each student's culture and context.

b) Recognizes, respects, and employs each student's strengths, diversity, and culture as assets for teaching and learning.

c) Ensures that each student has equitable access to effective teachers, learning opportunities, academic and social support, and other resources necessary for success.

d) Develops student policies and addresses student misconduct in a positive, fair, and unbiased manner.

e) Confronts and alters institutional biases of student marginalization, deficit-based schooling, and low expectations associated with race, class, culture and language, gender and sexual orientation, and disability or special status.

f) Promotes the preparation of students to live productively in and contribute to the diverse cultural contexts of a global society.

g) Acts with cultural competence and responsiveness in their interactions, decision making, and practice.

h) Addresses matters of equity and cultural responsiveness in all aspects of leadership.

CURRICULUM, INSTRUCTION, AND ASSESSMENT

Develops and supports intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being.

a) Implements coherent systems of curriculum, instruction, and assessment that promote the mission, vision, and core values of the school, embody high expectations for student learning, align with academic standards, and are culturally responsive.

b) Aligns and focuses systems of curriculum, instruction, and assessment within and across grade levels to promote student academic success, love of learning, the identities and habits of learners, and healthy sense of self.

c) Promotes instructional practice that is consistent with knowledge of child learning and development, effective pedagogy, and the needs of each student.

d) Ensures instructional practice that is intellectually challenging, authentic to student experiences, recognizes student strengths, and is differentiated and personalized.

e) Promotes the effective use of technology in the service of teaching and learning.

f) Employs valid assessments that are consistent with knowledge of child learning and development and technical standards of measurement.

g) Uses assessment data appropriately and within technical limitations to monitor student progress and improve instruction.

COMMUNITY OF CARE AND SUPPORT FOR STUDENTS:

Cultivates an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student.

a) Builds and maintains a safe, caring, and healthy school environment that meets the academic, social, emotional, and physical needs of each student.

b) Creates and sustains a school environment in which each student is known, accepted and valued, trusted and respected, cared for, and encouraged to be an active and responsible member of the school community.

c) Provides coherent systems of academic and social supports, services, extracurricular activities, and accommodations to meet the range of learning needs of each student.

d) Promotes adult-student, student-peer, and school-community relationships that value and support academic learning and positive social and emotional development.

e) Cultivates and reinforces student engagement in school and positive student conduct.

f) Infuses the school's learning environment with the cultures and languages of the school's community.

PROFESSIONAL CAPACITY OF SCHOOL PERSONNEL:

Develops the professional capacity and practice of school personnel to promote each student's academic success and well-being.

a) Recruits, hires, supports, develops, and retains effective and caring teachers and other professional staff and form them into an educationally effective faculty.

b) Plans for and manages staff turnover and succession, providing opportunities for effective induction and mentoring of new personnel.

c) Develops teachers' and staff members' professional knowledge, skills, and practice through differentiated opportunities for learning and growth, guided by understanding of professional and adult learning and development.

d) Foster continuous improvement of individual and collective instructional capacity to achieve outcomes envisioned for each student.

e) Delivers actionable feedback about instruction and other professional practice through valid, research-anchored systems of supervision and evaluation to support the development of teachers' and staff members' knowledge, skills, and practice.

f) Empowers and motivates teachers and staff to the highest levels of professional practice and to continuous learning and improvement.

g) Develops the capacity, opportunities, and support for teacher leadership and leadership from other members of the school community.

h) Promotes the personal and professional health, well-being, and work-life balance of faculty and staff.

i) Tends to their own learning and effectiveness through reflection, study, and improvement, maintaining a healthy work-life balance.

PROFESSIONAL COMMUNITY FOR TEACHERS AND STAFF:

Fosters a professional community of teachers and other professional staff to promote each student's academic success and well-being.

a) Develops workplace conditions for teachers and other professional staff that promote effective professional development, practice, and student learning.

b) Empowers and entrusts teachers and staff with collective responsibility for meeting the academic, social, emotional, and physical needs of each student, pursuant to the mission, vision, and core values of the school.

c) Establishes and sustains a professional culture of engagement and commitment to shared vision, goals, and objectives pertaining to the education of the whole child; high expectations for professional work; ethical and equitable practice; trust and open communication; collaboration, collective efficacy, and continuous individual and organizational learning and improvement.

d) Promotes mutual accountability among teachers and other professional staff for each student's success and the effectiveness of the school as a whole.

e) Develops and supports open, productive, caring, and trusting working relationships among leaders, faculty, and staff to promote professional capacity and the improvement of practice.

f) Designs and implements job-embedded and other opportunities for professional learning collaboratively with faculty and staff.

g) Provides opportunities for collaborative examination of practice, collegial feedback, and collective learning.

h) Encourages faculty-initiated improvement of programs and practices.

MEANINGFUL ENGAGEMENT OF FAMILIES AND COMMUNITIES:

Engages families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being.

a) Is approachable, accessible, and welcoming to families and members of the community.

b) Creates and sustains positive, collaborative, and productive relationships with families and the community for the benefit of students.

c) Engages in regular and open two-way communication with families and the community about the school, students, needs, problems, and accomplishments.

d) Maintains a presence in the community to understand its strengths and needs, develop productive relationships, and engage its resources for the schools.

e) Creates means for the school community to partner with families to support student learning in and out of school.

f) Understands, values, and employs the community's cultural, social, intellectual, and political resources to promote student learning and school improvement.

g) Develops and provides the schools as a resource for families and the community.

h) Advocates for the school and district, and for the importance of education and student needs and priorities to families and the community.

a) Advocates publicly for the needs and priorities of students, families, and the community.

j) Builds and sustains productive partnerships with public and private sectors to promote school improvement and student learning.

OPERATIONS AND MANAGEMENT:

Manages school operations and resources to promote each student's academic success and well-being.

a) Institutes, manages, and monitors operations and administrative systems that promote the mission and vision of the schools.

b) Strategically manages staff resources, assigning and scheduling teachers and staff to roles and responsibilities that optimize their professional capacity to address each student's learning needs.

c) Seeks, acquires, and manages fiscal, physical, and other resources to support curriculum, instruction, and assessment; student learning community; professional capacity and community; and family and community engagement.

d) Is a responsible, ethical, and accountable steward of the school district's monetary and non-monetary resources, engaging in effective budgeting and accounting practices.

e) Protects teachers' and other staff members' work and learning from disruption.

f) Employs technology to improve the quality and efficiency of operations and management.

g) Develops and maintains data and communication systems to deliver actionable information for classroom and school improvement.

h) Knows, complies with, and helps the school community understand local, state, and federal laws, rights, policies, and regulations so as to promote student success.

a) Develops and manages relationships with feeder and connecting schools for enrollment management and curricular and instructional articulation.

j) Develops and manages productive relationships with the central office and School Board.

k) Develops and administers systems for fair and equitable management of conflict among students, faculty and staff, leaders, families, and community.

l) Manages governance processes and internal and external politics toward achieving the mission and vision of the schools.

SCHOOL IMPROVEMENT:

Acts as an agent of continuous improvement to promote each student's academic success and well-being.

a) Seeks to make school more effective for each student, teachers and staff, families, and the community.

b) Uses methods of continuous improvement to achieve the vision, fulfill the mission, and promote the core values of the schools.

c) Prepares the schools and the community for improvement, promoting readiness, an imperative for improvement, instilling mutual commitment and accountability, and developing the knowledge, skills, and motivation to succeed in improvement.

d) Engages others in an ongoing process of evidence-based inquiry, learning, strategic goal setting, planning, implementation, and evaluation for continuous school and classroom improvement.

e) Employs situationally appropriate strategies for improvement, including transformational and incremental, adaptive approaches and attention to different phases of implementation.

f) Assesses and develops the capacity of staff to assess the value and applicability of emerging educational trends and the findings of research for the school and its improvement.

g) Develops technically appropriate systems of data collection, management, analysis, and use, connecting as needed to the district office and external partners for support in planning, implementation, monitoring, feedback, and evaluation.

h) Adopts a systems perspective and promotes coherence among improvement efforts and all aspects of school organization, programs, and services.

i) Manages uncertainty, risk, competing initiatives, and politics of change with courage and perseverance, providing support and encouragement, and openly communicating the need for, process for, and outcomes of improvement efforts.

j) Develops and promotes leadership among teachers and staff for inquiry, experimentation and innovation, and initiating and implementing improvement.

BIDDING/PURCHASING REQUIREMENTS

The MSAD 11 Board (hereafter, the "school unit") expects all purchases made by the school unit to be consistent with applicable laws and sound business practices. The Superintendent shall be responsible for developing and implementing administrative procedures for bidding and purchasing consistent with this policy.

This policy is intended solely as an internal guide to purchasing by the school unit. It does not afford any vendor any property or contractual rights against the school unit. No vendor shall have any enforceable rights against the school unit based upon this policy or alleged violations of this policy. No vendor shall have any rights against the school unit until such time as a written contract between the vendor and the school unit is executed by the vendor and an authorized representative of the school unit.

I. Bidding/Purchasing Required by Law

A. Maine Law

Maine law requires the Board to competitively bid property and casualty insurance; school bus and transportation contracts in excess of $4,000; certain school building construction, alterations and repairs over $250,000 (except contracts for professional architectural and engineering services); bond anticipation notes for state-subsidized school construction projects; and lease purchase financings of buildings whose lease purchase costs qualify for state subsidy.

B. Procurement Methods for Federally Funded Contracts

The Superintendent or their designee shall be responsible for developing, updating as necessary, and implementing written administrative procedures (hereafter, the "Federal Procurement Manual") to govern the procurement and purchase of property, goods, and services using any federal award that is subject to the Uniform Grant Guidance, codified at 2 CFR Part 200 ("UGG Federal Award"). The Federal Procurement Manual shall be consistent with all applicable federal laws and rules.

A "federal award" is any federal financial assistance (including cost-reimbursement contracts) that a school unit receives either directly from a federal agency or indirectly from a pass-through entity such as the State education department (2 CFR § 200.38). Most, but not all, federal awards received by a school unit are subject to the Uniform Grant Guidance. To confirm whether a federal award is subject to the Uniform Grant Guidance,

it will be necessary to review the terms and conditions of the applicable grant agreement or cooperative agreement and the applicability provisions of the Uniform Grant Guidance, codified at 2 CFR § 200.101.

Notwithstanding any policy provision to the contrary, the procurement and purchase of property, goods, and services using a UGG Federal Award, in whole or in part, must comply with the Federal Procurement Manual. Wherever this policy or any of the school unit's administrative procedures are inconsistent with federal laws or rules, the provisions of the federal laws or rules shall control.

II. Bidding/Purchasing Not Required by Law

Where bidding/purchasing is not required by law, it shall be the policy of the school unit to competitively bid purchases of equipment, supplies, materials or services over $25,000 provided that it is practical and cost-effective to specify the materials or services with sufficient particularity to allow meaningful comparison of bids.

If competitive bidding is not utilized, the Superintendent may seek Requests for Proposals (RFP) for purchases equal to or over $25,000. An RFP identifies the need the school unit intends to meet but permits the vendor to propose the manner in which the work is to be performed and the materials to be used.

The Superintendent may forego the competitive bid or RFP process for purchases less than $25,000, or when they determine that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or requesting proposals. In each such case, the Board shall be informed of the Superintendent's decision and the reasons for it in advance of entering into a contract.

III. Procedures for Bidding and Requesting Proposals

The method of notification that the school unit uses to solicit bids and proposals shall be reasonably designed to attract qualified vendors. Depending upon the circumstances, such notification may include public advertising, mailing of notices to potential vendors, and/or telephone calls to potential vendors (in the case of RFPs).

Competitive Bid Procedures

Unless other bid procedures are required by law, the school unit shall use the following procedures when soliciting competitive bids:

A. **Solicitation.** The solicitation shall specify the deadline for submitting bids and the time and place of bid opening. Bid alternates shall be permitted at

the discretion of the Superintendent. The solicitation shall reserve the right of the school unit to reject any or all bids, and to waive technical or immaterial non-conformities in bids if in the best interest of the school unit, and to exercise judgment in evaluating bids.

B. **Written bids.** Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (insert appropriate date)," and mailed or filed with the Superintendent of the unit.

C. **Time of opening.** A School Board member or employee of the school unit may not open a bid until the appointed time.

D. **Public opening.** At the time and place stated in the public notice, and open to the public, all bids shall be opened by the Superintendent or, in the Superintendent's absence or disability, by any School Board member designated for the purpose by the Chair of the School Board.

E. **Reading.** If any members of the public who are not School Board members or employees of the school unit or if any representatives of the press are present, bids shall, at that time, either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.

F. **Awards.** In general, the School Board will award contracts to the lowest bidder which the Superintendent and School Board deem can satisfactorily fulfill the contract.

RFP Procedures

Unless other RFP procedures are required by law, the school unit shall use the following procedures when soliciting requests for proposals:

A. **Solicitation.** The solicitation shall specify the deadline for submitting responses to the RFP and the time and place of proposal opening. The solicitation shall reserve the right of the school unit to reject any or all proposals, and to waive technical or immaterial non-conformities in proposals if in the best interest of the school unit, and to exercise judgment in evaluating proposals.

B. **Written Proposals.** Proposals should be submitted in plain envelopes clearly marked "Proposal, not to be opened until (state time and date)." The RFP shall state the time and date that proposals shall be opened, and no proposals shall be opened before that time. Public opening is not required.

C. **Evaluation and Awards.** Proposals are to be evaluated based on criteria appropriate for the project in question, and the contract will be awarded to

the vendor whom the Superintendent and/or School Board deem best able to meet the requirements of the school unit.

Legal Reference:
- 5 MRSA § 1743-A (ALL)
- 20-A MRSA §§ 1001(14), 5401(13)(D); 5402 (ALL)
- 20-A MRSA § 1314 (MSAD)
- 20-A MRSA § 1492 (RSU)
- Me. DOE Rule Ch. 61 (Rules for Major Capital School Improvement Projects)
- Me. DOE Rule Ch. 64 (Rules for Maine School Facilities Program and School Revolving Renovation Fund Program)
- 34 CFR parts 74 and 80 (Education Department General Administrative Regulations ("EDGAR") (for federal awards made prior to 12/26/2014)
- 2 CFR part 200 (Uniform Administrative Requirements) (for federal awards made on or after 12/26/2014)

Cross Reference:
- DJ-R – Federal Procurement Manual
- DJH – Purchasing and Contracting: Procurement Staff Code of Conduct

Adopted: April 1, 2021