

# MODEL POLICIES

FOR MAINE SCHOOL BOARDS

# BOARD-SUPERINTENDENT ROLES AND RESPONSIBILITIES

## Why Adopt This Policy?

School boards and boards of directors should consider adopting a policy to set the expectation that there will be efficient and transparent communication between board members and the Superintendent and to establish an effective relationship between the Superintendent and the Board. The policy outlines the essential duties and powers of both the Superintendent and the Board. Clear expectations ensure timely information exchange, allowing the board and superintendent to address issues promptly and collaboratively, ultimately benefiting students, families, and the school community.

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## Policy

The Board believes a strong, effective relationship between the Superintendent and Board requires frequent communication in and out of official settings.

## Role and Duties

The Board acknowledges its powers and duties essential for effective governance of the District. Duties of the Board include adoption of policies governing the District, selection of the superintendent, adoption of a policy governing the selection of educational materials, oversight of purchasing of insurance, consideration of discipline policies, regular communication with school employees and members of the public who reside within the boundaries of the District, and more, as outlined in Title 20-A M.R.S.A. §1001. In addition to these duties, the Board has authority in several other areas, including, but not limited to adjustment of District personnel salaries, paying insurance premiums, providing employee benefits, and approving educational materials. These discretionary actions can further enhance operational efficiency and support for District personnel.

The Superintendent of the District serves as the primary administrator responsible for the ongoing management and implementation of policies and rules adopted by the School Board and in accordance with state law. This includes acting as the ex officio secretary of the Board, performing duties as directed by the Board, maintaining records, as well as inspecting schools, reviewing operating rules, evaluating student discipline and proficiency, and more, as outlined in Title 20-A M.R.S.A. §1055.

Additionally, the Superintendent oversees tasks such as visiting schools, reporting annually on the comprehensive education plan, providing accurate accounts of school finances and facilities to the Board, reporting on student attendance, and supervising and evaluating District employees. These responsibilities contribute to the efficient functioning and overall success of the District.

# Superintendent Communications with the Board

It is expected the Superintendent provide information to the Board as follows:

1. If an issue surfaces, the Superintendent will make every effort to inform the Board as soon as possible.
2. Each Board member will conduct a bi-annual one-on-one interview with the Superintendent to discuss progress towards District mission and goals.
3. Communicate electronically (i.e. e-mail, text message, etc.) in a timely manner when items of importance arise.
4. Make phone calls to the Board on urgent items.
5. Respond to Board members' questions in a timely manner.
6. Propose meetings and/or agenda items with input and approval of Board President.

## Board Communications to the Superintendent

The School Board may communicate with the Superintendent as follows:

1. The Board, as an entity, may communicate with the Superintendent through the Board President. The Superintendent shall respond to such communication on a timely basis.
2. In addition, individual Board members may call, email, or text the Superintendent with questions, which the Superintendent will respond to in a timely manner. If the Superintendent believes that a question from an individual Board member is inappropriate the Superintendent shall inform the Board member and the Board President of that fact and Board may take action as appropriate.
3. A reasonable amount of time will be given to process questions and responses (depending on the question and request, 1 to 3 business days). Every effort will be made to process the request as soon as possible.
4. On Board matters, the Board President, and not the Superintendent, serves as the public spokesperson for the Board. At any time, the Board may decide to conduct a monthly (informal) check-in between the Superintendent and Board members. If necessary, the Board may establish a standing Board agenda item to review progress and success of communication protocols.

Nothing in this policy shall be construed to conflict with applicable open records and open meetings laws.

## Legal Analysis — Maine

School boards shall select a superintendent. 20-A M.R.S.A. § 1001(3). In school unions, the union committee shall establish a policy to guide the relative amount of service to be performed by the superintendent in each unit. 20-A M.R.S.A. § 1053(1). In community school districts, the district school committee shall also establish a policy to guide the relative amount of service to be performed by the superintendent in each school administrative unit. 20-A M.R.S.A. § 1053(2). A school board shall regularly communicate with school employees in the school board's administrative unit. 20-A M.R.S.A. § 1001(21). The superintendent is responsible for ensuring that the operation of the schools conforms to policies and rules as adopted by the school board. 20-A M.R.S.A. § 1055. See generally 20-A M.R.S.A. §§ 1001, 1256, and 1055.

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# ACADEMIC TRANSPARENCY AND ASSESSMENT OF EDUCATIONAL GOALS

## Why Adopt This Policy?

Boards should consider adopting this policy, which establishes how to make student academic standards known to families, ensures that there is clarity and consistency in educational expectations, and establishes that teacher evaluations will be conducted with student achievement at the forefront. The adoption of a policy like this is crucial for ensuring transparency and accountability within the district and fostering a culture of continuous improvement and academic excellence.

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## Policy

Annually, prior to the beginning of the school year, the Board shall provide parents and guardians notice of the system of learning results that will be in effect for the school year. Boards should review the standards established by the system of learning results, and determine annually, consistent with those standards, what the academic standards will be for the district. The Board may provide the notice required under this paragraph electronically, including by posting the notice or a link to the system of learning results and student academic standards on the website for the school district. The superintendent is also responsible for implementing a performance evaluation and professional growth system for all teachers and principals. Evaluation of teachers and principals shall include discussion of student academic achievement. For teachers employed by the district for more than one school year, this shall include discussion of student proficiency over time. Annually, prior to the beginning of the school year, the superintendent shall give a status report to the Board on teacher and principal effectiveness in furthering the schools' academic goals and student proficiency. This status report shall also be provided to parents and guardians.

At least once every two months, the Board shall include, as an agenda item for board meetings, an assessment of student achievement in relation to the system of learning results in effect for the district which includes a summary of student proficiency over time. The superintendent shall give a report on the progress of the comprehensive education plan and the proficiency of students. If the District is using anything in addition to required statewide assessments to measure student proficiency, the superintendent shall inform the public of the method being used as part of this report. The Board shall first prioritize assessment of student achievement in English language arts and math. If the Board determines student achievement is not meeting the accountability standards established by the system of learning results, the Board shall take appropriate action in an effort to meet such standards.

Nothing in this policy shall be construed to conflict with applicable open records and open meetings laws or to require the disclosure of information otherwise deemed confidential by law.

## Legal Analysis — National

The Every Student Succeeds Act (ESSA) requires that all students in America be taught to high academic standards that will prepare them to succeed in college and careers. 20 U.S.C. § 6311.

## Legal Analysis — Maine

20-A M.R.S.A. §6209 establishes a statewide system of learning results which establishes a core of accountability standards in several subject areas. Boards must adopt a policy governing the selection of educational materials and may approve educational materials. 20-A M.R.S.A. § 1001(10-A). The superintendent is responsible for inspecting the schools and reviewing the operating rules, the discipline and the proficiency of students and at least annually reporting progress on the comprehensive education plan. 20-A M.R.S.A. § 1055(2). The superintendent is also responsible for implementing a performance evaluation and professional growth system for all teachers and principals. 20-A M.R.S.A. § 1055(10). Evaluations of teachers and principals are confidential personnel records. CMR 05-071-180, Section 12.

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# FISCAL TRANSPARENCY

## Why Adopt This Policy?

Boards and Superintendents should understand District finances in order to manage funds responsibly. It is also imperative that families and community members have access to information about school finances. The Board should be mindful that every financial decision is made through the lens of student achievement and academic excellence. This policy ensures regular updates on the District's finances and empowers the Board to make informed decisions. It also promotes transparency and accountability by outlining procedures for reviewing and approving school finances, establishing public comment periods, and publishing approved financial reports.

*Note: This model policy contains bracketed text for Boards to select details about an appropriate threshold amount which will trigger the notice requirement for updates on expenditures. Our recommendation would be to set an amount that is appropriate based on the overall budget levels of the district.*

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## Policy

This policy is not meant to replace the annual budget process, but rather, to give status updates on District finances for the benefit of Board members and the community. Status updates shall be provided in an effort to ensure that the budget is responsibly managed. Each financial decision for the District shall be made in an effort to enhance student achievement and academic excellence.

For purposes of this policy, "Operational costs" refer to the ongoing expenses incurred in the day-to-day running of educational facilities and programs. These costs include expenditures related to utilities, maintenance and repairs of buildings, technology infrastructure, and other necessities essential for the functioning of the District.

At least *[quarterly / monthly]*, District administration shall send an accurate account of school finances to the Board in a sortable spreadsheet such as .csv or .xlsx format. This account and report shall include the following:

1. Each expenditure exceeding *[Insert threshold amount here. See note above.]*. Expenditures include categories such as:

- Leases;
- Staff, administration, and employee contracts (including benefits);
- Staff, administration, and employee anticipated retirement benefits;
- Contracts and contracted services with vendors or consultants (including rates and what good or service vendor/consultant is providing);
- Changes in any contract for vendors or employees;
- Educational materials purchased;
- Transportation;

- Co-curricular activities;
- Special Education;
- Title I and Title IV;
- Board, Staff, and Administrative Personnel travel costs and professional dues;
- Bonds;
- Operational costs;
- Facilities;
- Interest;
- Rentals;
- Legal costs;
- Settlement costs;
- Temporary loans.

2. Incoming revenue by source and projections of when the revenue will be expected to be available throughout the year. Each category of revenue should include information about whether it is ongoing or one-time. Revenue includes categories such as:

- State Revenue – General
- State Revenue – Categorical
- Local Revenue
- Federal Funds
- Grants (including State, Federal, and private)
- Scholarships
- Other

3. If the expenditures are greater than available revenue at any time, the district shall state their plan and report to the community.

Within two weeks of the *[quarterly / monthly]* account and report being provided to the Board, the Board shall review to determine if the school finances need to be adjusted. When a draft of the school finances is complete, it shall be added as an agenda item for discussion and approval at the next Board meeting. The Board shall provide the opportunity for the public to comment on school finances. Nothing in this policy restricts the Board from establishing reasonable standards for the public comment period, including time limits and conduct standards. When the school finances have been approved, the Board shall publish a copy of the approved school finances along with the meeting minutes. This copy shall not be edited to exclude any of the expenditures or revenue sources. This copy shall not contain any identifying or personal information regarding employment contracts.



## Legal Analysis — Maine

In Maine, the superintendent is statutorily tasked with keeping track of school finances and is required to report it to the Board. At least annually, the superintendent shall send an accurate account of school finances and an accurate report on the condition of school facilities to each board member. 20-A M.R.S.A. § 1055(3). Boards are responsible for the management of the schools and shall provide for their custody and care, including repairs and insurance on buildings and property. 20-A M.R.S.A. § 1001(2). The superintendent is required to place all orders for materials and supplies purchased for the schools, keeping all financial records and accounts for the schools, and issuing vouchers showing the correctness of bills contracted on account of school appropriations. 20-A M.R.S.A. § 1055(1). The superintendent is responsible for inspecting the schools. 20-A M.R.S.A. § 1055(2). The superintendent is also responsible for ensuring all necessary apparatus and supplies are distributed to each school, accurately accounted for and economically used. 20-A M.R.S.A. § 1055(5). Boards are also in charge of preparing and presenting an annual budget. 20-A M.R.S.A. § 1302.

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# POLICY REVIEW AND UPDATE

## Why Adopt This Policy?

It is important that Board members know what policies are in place for the District and whether they are still relevant and appropriate. Having a clear understanding of existing policies enables Board members to address issues consistently and in accordance with established guidelines. In adopting this policy, the Board sets the expectation for regular review, revision, and understanding of District policies, ultimately aiming to enhance student academic achievement. Maine law dictates that superintendents are responsible for the ongoing administration of the schools in the district and for ensuring that the operation of the schools conforms to the policies and rules as adopted by the Board and to state laws and regulations.

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## Policy

Since the Superintendent is responsible under Maine law for the ongoing administration of the schools in the district and for ensuring that the operation of the schools conforms to the policies and regulations as adopted by the Board and established by state laws and rules, this policy is intended to be part of the duties accomplished by the Superintendent. The Board values the input of the Superintendent in reviewing and revising its policies.

In connection with the Board's goal of optimizing student academic achievement, the Board shall conduct a yearly review of Board policies. To facilitate such review, the Superintendent shall, at least once per year, suggest any changes to district policies which the Superintendent believes appropriate. This includes, but is not limited to, any update to or adoption of educational materials, the student code of conduct, the amount of service to be performed by the superintendent, and a code of ethics for the Board. The Board shall update policies as it determines appropriate and in accordance with existing law, and shall update parents and students at least yearly, at the beginning of the school year.

## Legal Analysis — National

Local school boards have broad discretion in the management of school affairs. *Epperson v. State of Ark.*, 393 U.S. 97, 104, 89 S. Ct. 266, 270, 21 L. Ed. 2d 228 (1968); *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 102 S. Ct. 2799, 73 L. Ed. 2d 435 (1982); *Meyer v. Nebraska*, 262 U.S. 390, 43 S. Ct. 625, 67 L. Ed. 1042 (1923); *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (U.S. 1925). Public education in our Nation is committed to the control of state and local authorities. *Tinker v. Des Moines School Dist.*, 393 U.S. 503, 507, 89 S.Ct. 733, 736, 21 L.Ed.2d 731 (1969).

## Legal Analysis — Maine

School Boards are responsible for adopting policies for the District. See 20-A M.R.S.A. § 1001. Superintendents are responsible for the ongoing administration of the schools in the District and ensuring that the operation of the schools conforms to the policies and rules as adopted by the Board and to state laws and rules. 20-A M.R.S.A. § 1055.

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# AUDIT AND TRANSPARENCY IN CONTRACTS

## Why Adopt This Policy?

Boards should consider adopting a policy ensuring transparency and accountability in District contracts. This policy sets up a regular review process for the Board to inspect contracts that have already been entered into and allows the Board to review new contracts of a specified financial threshold before they begin. By adopting this policy, the Board can demonstrate responsible stewardship of public funds and mitigate the risk of financial mismanagement.

*Note: This model policy contains bracketed text for Boards to select details about an appropriate threshold amount and/or particular subject areas which will trigger the notice requirement when district administration enters into a new contract with a vendor. Our recommendation would be to set an amount that is appropriate based on the overall budget levels of the district.*

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## Policy

This policy is established to ensure transparency and accountability in the financial transactions, contractual relationships, and memorandums of understanding (MOUs) between the district and its respective vendors.

At least once per year, the Board will conduct a review of all contracts and MOUs between the district and its respective vendors. This policy applies to all contracts and MOUs entered into between the district and its respective vendors, whether or not financial considerations are involved.

If district administration enters into a new contract or MOU of greater than *[Insert threshold amount and/or subject areas here. See note above.]*, the District Administrator shall report to the Board and provide a copy of the contract or MOU within 30 days of entering into the new contract.

The district shall publicly post, at least once per year at the beginning of the school year, a full list of contracts and MOUs between the district and its respective vendors. If the district contracts for services that require the district to share student information, parents shall be provided effective notice that student information will be shared by the district and have an opportunity to object to the information of their child(ren) being included in the information shared. See legal analysis. District administration shall ensure to the fullest extent possible that the vendor complies with all state and federal laws regarding confidentiality of student personal information. If the district shares student information with external researchers, the district shall notify parents and share research findings and identify if the district made any changes to curriculum, policies, or programs as a result.

## Legal Analysis — National

Federal law limits the disclosure of personally identifiable student information from educational records without parental consent. 20 U.S.C. § 1232g; 34 C.F.R. § 99 (Family Educational and Privacy Rights Act). Except as authorized by federal law, any personally identifiable information collected in an audit or evaluation shall be protected in a manner which will not permit the personal identification of students and their parents other than by officials designated by law. *Id.* See also 20 U.S.C. § 1232h (Protection of Pupil Rights Amendment)

## Legal Analysis — Maine

Boards are responsible for the management of the schools and shall provide for their custody and care, including repairs and insurance on school buildings and all property in the schools. 20-A M.R.S.A. §§ 1001(2) and 1301(1). The Board shall annually prepare a budget that includes charges in a contract, operational costs, leases, loans, etc. 20-A M.R.S.A. § 1302(1). At least annually, the superintendent shall send an accurate account of the school finances to the Board. 20-A M.R.S.A. § 1055(3).

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