

SCHOOL BOARD LEGAL STATUS

Recognizing that “a general diffusion of the advantages of education [is] essential to the preservation of rights and liberties of the people,” the Constitution of the State of Maine declares that the Legislature has the duty to require communities to provide for the support and maintenance of public schools in order to further this objective. Maine law establishes a State Department of Education to supervise a coordinated system of public education, a Commissioner to enforce regulatory requirements and to provide technical assistance and educational leadership, and a State Board of Education to act as a body with certain policymaking, administrative and advisory functions, but places the responsibility for control and management of public schools with locally elected School Committees, School Boards or Boards of Directors. Thus, the Augusta Board of Education derives its legal authority from the State’s Constitution, state statutes and regulations of the State Board of Education, and the Charter of the City of Augusta, as well as Federal laws and regulations.

By custom and tradition, local school boards have responsibilities to the local citizenry they serve and which elect them to office. Recognizing this parallel concept of authority and responsibility, the Board of Education becomes a policy-making body for the school district serving within the framework provided by law and responding to the will of the local citizenry.

Composition of the Board of Education

As established by the Charter of the City of Augusta, the Board of Education shall be composed of nine (9) members, one (1) member from each of the four (4) wards of the city, four (4) at-large members and the chairperson (hereinafter referred to as “the Chair”).

The Chair shall be elected by and from the qualified voters of the city. The ward members shall be elected by and from the qualified voters of the ward, and the candidate for each ward receiving the largest number of votes cast in each ward shall be elected to represent that ward. The at-large members shall be elected by and from the qualified voters of the city and the candidate(s) receiving the largest number of votes cast city wide shall be elected Board member(s).

The terms of all members shall be for three (3) years or until their successors are elected and qualified. Including the office of Chair, no person may serve as a member of the Board for more than three (3) consecutive three (3) year terms, unless he/she was elected

to an initial term of eighteen (18) months or less, in which case he/she may still be elected to three (3) consecutive three (3) year terms.

Vacancy before the expiration of a member's term shall be filled in accordance with Article II, section 5 of the Charter of the City of Augusta, except that vacancy in the office of Chair shall be filled in accordance with Article III, section 2 of the Charter.

Each Board member will have one vote, except that the Chair shall have the right to vote only when there is a tie vote of the Board.

In the absence of the Chair, the most senior at-large Board member shall open the meeting and preside until the Board elects from the members present a Chair pro tem. While presiding, the Chair pro tem shall have the right to vote on all matters.

Legal Reference: 20-A MRSA §§ 1001, 1251 et seq.
Maine Const. Art. VIII
Charter of the City of Augusta, Art. IV §§ 1, 5, 6

Cross Reference: BDB - Board Officers

Adopted: March 9, 2011