

BOARD MEMBER FREEDOM OF ACCESS TRAINING

In accordance with Maine law, beginning July 1, 2008, every Board member 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 duties as an elected official. Board members serving in office on July 1, 2008, must complete the training by November 1, 2008. 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.

[NOTE: Maine's Freedom of Access law is ambiguous as to whether an elected official must complete the required training only the first time he/she is elected to office, or every time. Given the importance of this training and the potential for changes in law, MSMA recommends that a Board member complete Freedom of Access training each time he/she 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.

[NOTE: 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 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.

[NOTE: The obligation to complete training is on the individual Board member. 1 M.R.S.A. § 412(3) states, "The elected official shall keep the record or file it with the public entity to which the official was elected." The law does not specifically require the Board to collect documentation from Board members. However, MSMA recommends that training documentation be maintained at the Superintendent's Office for ease of complying with "right to know" requests.]

Although 1 M.R.S.A. § 411(6)(D) states that the Right to Know Advisory Committee “shall recommend a process for collecting the training completion records required . . . and for making that information publicly available,” there is no process in place yet to enable the State to monitor compliance, nor are there any provisions in law providing consequences for a public official’s noncompliance with the training mandate.]

Legal Reference: 1 M.R.S.A. §§ 411, 412

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

ADOPTED: December 4, 2008