

ENVIRONMENTAL AND SAFETY PROGRAM

Accidents are undesirable unplanned occurrences that may result in significant consequences including bodily harm or death, loss of school or work time, property damage and/or legal action.

It is the Board's intent to avoid such occurrences by promoting a safe environment for students, employees and visitors to the schools.

To that end, each building principal shall be responsible for the supervision of a safety program for his/her school, and the Superintendent shall have overall responsibility for the safety program. General areas of emphasis shall include, but not be limited to in-service training, accident record-keeping, facilities inspection, driver and vehicle safety programs, fire prevention, traffic and parking on school grounds, and emergency procedures.

The practice of safety shall also be included in instructional programming, with attention to traffic, bicycle and pedestrian safety, driver education, fire prevention, and emergency procedures, as appropriate to students at different grade levels.

Adopted: Date of manual adoption (Unknown)

Revised: November 17, 2016

CHEMICAL HAZARDS

The RSU 58/MSAD 58 Board is committed to providing a safe environment for students and employees. It is the policy of the school unit to follow safe practices in regard to the storage and handling of hazardous chemicals in its schools. RSU 58/MSAD 58 will comply with all applicable Maine and federal laws and regulations concerning hazardous chemicals.

The school unit will comply with Hazard Communication Standards pertaining to listing of hazardous chemicals present in the schools; labels and warnings; the posting/availability of materials safety data sheets (MSDS); and information and training.

School employees will be required to participate in such training in regard to hazardous chemicals as may be mandated by applicable Federal and/or State regulations.

The Superintendent/designee will be responsible for developing a Chemical Hygiene Plan that includes procedures relevant to the identification, purchase, storage, inventory, handling, and disposal of hazardous chemicals, maintenance of material safety data sheets (MSDS), and for ensuring that employees are provided required training and information concerning hazardous chemicals used in the schools. The Superintendent may delegate responsibilities associated with Plan development to school system staff, as appropriate.

The Superintendent/designee will appoint a Chemical Hygiene Officer for the school unit. The Chemical Hygiene Officer will have the primary responsibility for implementing the school unit's Chemical Hygiene Plan. The person appointed Chemical Hygiene Officer should be familiar with State and federal regulations pertaining to laboratory and chemical safety and the chemicals used in the schools.

The Chemical Hygiene Office shall achieve such certification and/or attend such training as may be mandated by the Maine Department of Education or other State agencies.

Legal Reference: 29 C.F.R. §§ 1910.1200, 1910.1450
26 M.R.S.A. § 565
Ch. 2 § 179 (Dept. of Prof. Regulation Rule)
Ch. 161 (Me. Dept. of Ed. Rule)
Commissioner's Administrative Letter No. 33, June 9, 2005
(Chemicals in Schools)

Cross Reference: EBCA – Comprehensive Emergency Management Plan

Adopted: November 17, 2016

ACCIDENT REPORTS

Accurate and prompt accident reporting is essential for the filing of insurance claims and the efforts to promote the safety of the District's students and employees and others present on school property or at school sponsored events.

The Board requires that reports be filed for all accidents involving personal injury or property damage that occur on school property (including school buses), at school-sponsored activities or on school-sponsored trips, or when a staff member is using his/her private vehicle for authorized school business.

All personal injury of property damage accidents must be reported immediately to the building principal/supervisor.

All accidents involving injury to students must be reported first to the building principal and then to parents by telephone as soon as possible.

When the accident involves a District employee, the employee must file an accident report (a first report of injury) with the principal or department supervisor the same day.

Persons other than students and district employees should file an accident report with the building principal the day of the incident.

When the incident involves serious personal injury to a student or employee, the principal or supervisor must notify the Central Office immediately and follow with a written report.

The Superintendent/designee will be responsible for making accident report forms available in each school and in the central office.

Each building principal and department supervisor will maintain a log of reported accidents occurring within his/her area of responsibility.

Cross Reference: JLCE – First Aid and Emergency Medical Care

Adopted: Date of manual adoption (Unknown) (EBB)

Revised: November 17, 2016

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

The Board hereby adopts the RSU 58/MSAD 58's Comprehensive Emergency Management Plan. The Superintendent and building administrators shall be responsible for developing, in consultation with staff and persons or agencies with expertise in planning for and responding to emergencies, a comprehensive emergency management plan that identifies and addresses all hazards and potential hazards that could reasonably be expected to affect the school unit and school facilities.

The Superintendent and building administrators shall be responsible for ensuring that the plan is implemented in each school and evaluated on an annual basis and after each incident when the plan is used. It is understood that specific procedures may vary from school to school due to differences in school facilities and the ages of students.

As required by law, the Board will approve the plan annually. Any substantive changes in the plan shall be subject to the approval of the Board.

The following information pertaining to the RSU 58/MSAD 58's Comprehensive Emergency Management Plan is considered public information:

- A. A description of the scope and purpose of the Plan and the process used for developing and updating it;
- B. General information on auditing for safety and preparedness;
- C. Roles and responsibilities of school administrators, teachers and staff and the designated chain of command during an emergency; and
- D. Strategies for conveying information to parents and the general public during an emergency.

Except as specified in paragraphs A through D above, those portions of the Comprehensive Emergency Management Plan and any other records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism shall not be considered public information under the Freedom of Access Act but only to the extent that the release of such information could reasonably be expected to jeopardize the physical safety of school unit personnel or the public. For the purpose of this policy, "terrorism" is defined as in 1 M.R.S.A. § 402(3)(L) as "conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple

structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.”

Legal Reference: 20-A MRSA § 1001(16)

Adopted: November 17, 2016

EMERGENCY EVACUATION DRILLS

In order to protect the safety of students and school personnel and in compliance with Maine Department of Education regulations, schools at all levels K-12 are required to hold two emergency evacuation drills during the first two weeks of school. Schools enrolling grades K-4 will hold an additional eight emergency evacuation drills during the year; schools enrolling grades 5-8 an additional six emergency evacuation drills; and schools enrolling grades 9-12 an additional four emergency evacuation drills. Schools enrolling any combinations of these grade levels will hold the additional number of emergency evacuation drills required of the lowest grade level within the span, except that the local fire chief may increase the number of drills required. Results shall be recorded and deficiencies noted and corrected.

Emergency evacuation procedures will be incorporated into the school unit's emergency management plan. Building principals may seek the advice of local fire, emergency management and law enforcement officials to identify routes that will accomplish the evacuation of their individual school buildings as quickly and efficiently as possible.

Principals shall keep a record of all emergency evacuation drills held in their schools, stating the date and time the drill was held and the time required for evacuation of the building. This information will be reported to the Superintendent or his/her designee after each drill. Fire officials will be notified before each drill.

Written procedures for emergency evacuation drills shall be posted in each classroom and in the building principal's office.

The Superintendent/designee will be responsible for ensuring that school personnel receive an annual orientation concerning emergency evacuation procedures. The building principal will be responsible for ensuring that teachers familiarize students with designated evacuation routes prior to the first emergency evacuation drill of the school year.

LOCKDOWN DRILLS

Some high-risk situations may result in a lockdown of the school rather than an evacuation. Each school will hold at least one lockdown drill during the school year. A lockdown drill should be held during the first two weeks of school to familiarize students with the procedure.

BUS EVACUATION DRILLS

Maine Department of Education regulations require that, at least twice a year, students who are transported in school buses be instructed in safe riding practices and participate in emergency evacuation drills. The building principal will be responsible for arranging the times and locations of such drills. Bus evacuation drills must be conducted in the school parking lot or other safe location. The principal, in consultation with the Special Services Director and/or Section 504 Coordinator, will determine appropriate evacuation procedures for students with disabilities. The first bus evacuation drill will occur within the first 4 weeks of the school year.

Legal Reference: Ch. 125 § 10.2 (Me. Dept. of Ed. Rule)
Ch. 81 § 2(B) (Me. Dept. of Ed. Rule)
Resolve Ch.2, 127th Leg., 1st Sess. (Me 2015)

Cross Reference: EBCA – Comprehensive Emergency Management Plan
(Crisis Response Plan)

Adopted: Date of manual adoption (Unknown)

Revised: November 17, 2016

BOMB THREATS

The RSU 58/MSAD 58 Board recognizes that bomb threats are a significant concern to the school unit. Whether real and carried out or intended as a prank or for some other purpose, a bomb threat represents a potential danger to the safety and welfare of students and staff and to the integrity of school property. Bomb threats disrupt the instructional program and learning environment and also place significant demands on school financial resources and public safety services. These effects occur even when such threats prove to be false.

Any bomb threat will be regarded as an extremely serious matter and treated accordingly. The Board directs the Superintendent to react promptly and appropriately to information concerning bomb threats and to initiate or recommend suitable disciplinary action.

A. Conduct Prohibited

No person shall make, or communicate by any means, whether verbal or non-verbal, a threat that a bomb has been, or will be, placed on school premises. Because of the potential for evacuation of the schools and other disruption of school operations, placement of a bomb or of a “look-alike” bomb on school premises will be considered a threat for the purpose of this policy.

It is also a violation of School Board policy to communicate by any means that any toxic or hazardous substance or material has been placed, or will be placed, on school premises with the intent to endanger the safety and welfare of students or staff and/or to disrupt the operations of the schools. For the purpose of this policy, “toxic or hazardous substance or material” means any material or substance, including biomedical materials or organisms, that, when placed as threatened, could be harmful to humans.

B. Definitions

1. A “bomb” means an explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, “Molotov cocktail” or other destructive device.
2. A “look-alike bomb” means any apparatus or object that conveys the appearance of a bomb or other destructive device.

3. A “bomb threat” is the communication, by any means, whether verbal or non-verbal, that a bomb has been, or will be, placed on school premises, including possession or placement of a bomb or look-alike bomb on school premises.
4. “School premises” means any school property and any location where any school activities may take place.

C. Development of Bomb Threat Procedures

The Superintendent/designee shall be responsible for developing and implementing procedures specific to bomb threats as part of the school unit’s Emergency Management Plan. These procedures are intended to inform administrators and staff of appropriate protocols to follow in the event that a bomb threat is received and should include provisions to address:

1. Threat assessment (for the purpose of identifying a response that is in proportion to the threat, in light of what is necessary to ensure safety);
2. Building evacuation and re-entry (including selection of potential alternative sites for those who are evacuated);
3. Incident “command and control” (who is in charge, and when);
4. Communications contacts and mandatory bomb threat reporting;
5. Parent notification process;
6. Training for staff members; and
7. Support services for students and staff.

The initial bomb threat procedure will be subject to approval by the School Board. The Superintendent/designee will be responsible for overseeing a review or evaluation of bomb threat procedures prior to the Board’s required annual approval of the school unit’s Emergency Management Plan, or following implementation of the procedure in response to a specific threat.

D. Reporting of Bomb Threats

A student who learns of a bomb threat or the existence of a bomb on school premises must immediately report such information to the building principal, teacher or other employee in a position of authority.

An employee of the school unit who learns of a bomb threat shall immediately inform the building administrator. The building administrator shall immediately take appropriate steps to protect the safety of students and staff in accordance with the school unit's bomb threat procedure, as developed under Section C, and inform the Superintendent of the threat.

All bomb threats shall be reported immediately to the local law enforcement authority, as provided in the bomb threat procedures.

The Superintendent shall be responsible for reporting any bomb threat to the Department of Education within two business days of the incident. Reports will include the name of the school, the date and time of the threat, the medium used to communicate the threat, and whether or not the perpetrators have been apprehended.

E. Student Disciplinary Consequences

Making a bomb threat is a crime under Maine law. Any student suspected of making a bomb threat shall be reported to law enforcement authorities for investigation and possible prosecution. Apart from any penalty imposed by law, and without regard to the existence or status of criminal charges, a student who makes a bomb threat shall be subject to disciplinary action by the school.

The administration may suspend and/or recommend for expulsion any student who makes a bomb threat. The making of a bomb threat will be considered deliberately disobedient and deliberately disorderly within the meaning of 20-A M.R.S.A. § 1001(9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school.

In addition, a student who is found after hearing by the School Board to have brought a bomb to school shall be expelled from school for at least one year in accordance with 20-A M.R.S.A. § 1001(9-A) and Policy JICIA, except that the Superintendent may modify the requirement for expulsion based on individual circumstances.

A student who has been identified through the IEP process as having a disability and whose conduct in violation of this policy is related to the disability shall be disciplined as provided in Policy JKF.

F. Aiding Other Students in Making Bomb Threats

Any student who knowingly encourages, causes, aids or assists another student in making or communicating a bomb threat shall be subject to the disciplinary consequences described in Section E of this policy.

G. Failure to Report a Bomb Threat

A student who fails to report information or knowledge of a bomb threat or the existence of a bomb or other destructive device in a school building or on school property may be subject to disciplinary consequences, which may include suspension and/or expulsion.

H. Staff Disciplinary Consequences

A school system employee who makes or communicates a bomb threat will be reported to appropriate law enforcement authorities and will be subject to disciplinary action up to and including termination of employment. Disciplinary action taken shall be consistent with collective bargaining agreements, other employment agreements and School Board policies.

A school system employee who fails to report information or knowledge of a bomb threat or the existence of a bomb on school premises will be subject to discipline up to and including termination of employment.

I. Civil Liability

The school unit reserves the right to bring suit against any individual responsible for a violation of this policy and to seek restitution and other damages as permitted by law.

J. Lost Instructional Time

Instructional time lost as a result of a bomb threat will be rescheduled at the earliest practicable opportunity, as determined by the Superintendent in consultation with the Board.

Time lost may be rescheduled on a weekend or vacation day, or after what would normally be the last day of the school year, except on days when schools must be closed as required by law.

K. Notification Through Student Handbook

All student handbooks shall address the school unit's bomb threat policy and procedures and explain the educational consequences of bomb threats. In addition, student handbooks shall notify students and parents that bomb threats violate School Board policy and civil and criminal law.

Legal References: 18 U.S.C. §§ 921; 8921
17-A M.R.S.A. § 210
20-A M.R.S.A. §§ 263; 1001(9); 1001(9-A); 1001(17); 1001(18)
Ch. 125 § 10.06 (Me. Dept. of Ed. Rules)

Cross References: EBCA – Comprehensive Emergency Management Plan
JKD – Suspension of Students
JKE – Expulsion of Students
JKF – Suspension/Expulsion of Students with Disabilities
JIC/Student Code of Conduct
JICIA – Weapons, Violence and School Safety

Adopted: September 10, 2002

Revised: November 17, 2016

PEST MANAGEMENT IN SCHOOL FACILITIES AND ON SCHOOL GROUNDS

The Board recognizes that structural and landscape pests can pose significant problems for people and school unit property, but that use of some pesticides may raise concerns among parents, students, and staff. It is therefore the policy of this Board that the RSU 58/MSAD 58 incorporates Integrated Pest Management (IPM) principles and procedures for the control of structural and landscape pests. A copy of this policy shall be kept in every school and made available upon request to staff, parents, students, and the public.

IPM is a systematic approach to pest management that combines a variety of methods for managing pests, including monitoring; improved horticultural, sanitation, and food storage practices; pest exclusion and removal; biological control; and pesticides.

The objective of the school unit's IPM program is to provide effective pest control while minimizing pesticide use. The goals of the IPM program include managing pests to reduce any potential hazards to human health; preventing loss or damage to school structures or property; preventing pests from spreading beyond the site of infestation to other school property; and enhancing the quality of life for students, staff and others.

Pesticides may periodically be applied in school buildings and on school grounds and applications will be noticed in accordance with Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools.

RESPONSIBILITIES OF THE IPM COORDINATOR

The Superintendent/designee will appoint an IPM Coordinator for the district. The IPM Coordinator will act as the lead person in implementing the school unit's IPM policy. He/she will be responsible for coordinating pest monitoring and pesticide applications; and making sure that all notice requirements set forth in Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools, are met; keeping records of pesticide applications as required by rule; authorize any pesticide applications that are not exempted by rule; and implementing the notification provisions required by rule.

The IPM Coordinator will complete the training requirements established in Board or Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools.

The school unit will provide the Board of Pesticides Control with the identity and contact information for any person appointed as IPM Coordinator in the schools.

NOTIFICATION OF PESTICIDE APPLICATIONS

When school is in session the school shall provide notification of each application not exempted by rule, whether inside a school building or on school grounds, to all school staff and parents/guardians of students. Such notices shall state, at a minimum: a) the trade name and EPA registration number of the pesticide to be applied; b) the approximate date and time of the application; c) the location of the application; d) the reasons for the application; and e) the name and phone number of person to whom further inquiry regarding the application may be made. Notices must be provided at least five days prior to the planned application. In addition, signage will be posted at each point of access to the treated area and in a common area of the school at least two working days prior to the application and for at least 48 hours following the application.

When school is not in session, signage will be posted at each point of access to the treated area and in a common area of the school at least two working days prior to the application and for at least 48 hours following the application.

In accordance with Board of Pesticides Rule Chapter 27, school is considered to be in session during the school year including weekends. School is not considered to be in session during any vacation of at least one week.

The IPM Coordinator for RSU 58/MSAD 58 is: Timothy Sorel, who may be contacted at **678-2731**.

This IPM policy and Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Public Schools is available for inspection and copying at every school.

Legal Reference: 7 MRSA §§ 601-625
22 MRSA §§ 1471-A-1471-X
Ch. 27 Me. Dept. of Agriculture Board of Pesticides Control Rules
(Standards for Pesticide Applications and Public Notification in
Schools)

Cross Reference: EBAA - Chemical Hazards

Adopted: November 17, 2016

MATERIALS LOST OR DAMAGED BY STUDENTS OR STAFF

Basic to this policy are the following principles:

- materials must be available for use;
- district funds should be used to expand and develop the collection, not to replace lost or damaged materials;
- users must be responsible for the proper use and return of materials.

STAFF

Staff members signing out classroom collections have the same responsibility for these collections as they do for textbooks. They must keep accurate records of students taking this material from the class to facilitate student responsibility for materials.

STUDENTS

Students are responsible for materials that they have signed out or that have been assigned to them for use. They must pay replacement or repair costs for materials and equipment lost or damaged due to neglect or willful improper use.

Students will not be allowed to charge out library media center materials until:

- lost materials are returned;
- a replacement cost is paid for lost or damaged items; or
- after receiving a notice mailed home, the student's parents have contacted the school and resolved the problem with the librarian or principal.

However, students may be permitted to use materials in the library or through classroom collections under the supervision of teachers.

Students who willfully damage equipment will not be allowed the use of such materials until the repair or replacement costs are paid.

Students and staff who habitually lose, damage or do not return materials when due, can be denied access to materials.

COSTS-CHARGES

Repair costs will be charged once the material has been repaired and invoiced. Users will be charged only for repairs to damage they caused. The charge for lost library materials will be the full replacement cost.

Adopted: date of manual adoption

Revised: June 15, 2017

STUDENT TRANSPORTATION SERVICES

The Board will provide transportation, through school owned buses or contracted services, for all students living beyond a reasonable distance from their school or from a scheduled bus stop as the Board has determined. This distance is defined as one mile.

Distance shall be measured by the shortest public road from the residence to the bus stop or school door. In cases questioned, distance will be measured and established by the Superintendent.

Exceptions to the above distance shall be made for the following reasons only:

A. Health

Exceptions to established walking distances may be made for students with disabilities as required by their IEP or Individual Health Plan (504 Plan). Exceptions may also be made to accommodate a student's need for transportation with written documentation from the student's physician.

B. Pre-Kindergarten and Kindergarten Students

Pre-Kindergarten Kindergarten bus service will include pick-up and delivery to the home, provided a suitable bus turn around is available.

C. Hazardous Walking Conditions

Hazardous walking conditions shall be defined as those that would place a child of a given age in a situation of greater than normal or average danger.

Authorized bus stops will be located so as to load and unload students with the most safety allowed by road conditions. The distance between stops may vary according to safety factors. If possible, students will be loaded and unloaded so that it is not necessary for them to cross a main highway to reach their homes.

Bus transportation will not be provided on private roads or any road not maintained by the State or one of the RSU 58/MSAD 58 member towns.

It will be the responsibility of the parent/guardian to transport the student to the designated bus stop.

Students assigned to a school bus are expected to ride from their designated bus stop to school and from school to their designated bus stop. Any exception to this paragraph requires written permission signed by the parent and approved by the principal after consulting with the Transportation Director. Parents should submit requests to the principal's office at least 24 hours prior to the requested change. All pick-up and drop-off points must be along existing bus routes.

Legal Reference: 20-A MRSA § 5401

Cross Reference: JICC - Student Conduct on School Buses

Adopted: August 11, 2005 (EEAD)

Revised: November 17, 2016

DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS

In accordance with the federal Omnibus Transportation Employee Testing Act of 1991, in addition to other pertinent state and federal laws promulgated to effectuate a drug and alcohol free workplace, the Board is committed to the establishment of an alcohol and controlled substance testing program for school bus drivers, in addition to any other employees who drive vehicles to transport sixteen (16) or more passengers, including the driver.

The purpose of the testing program shall be to help prevent accidents, injuries and deaths resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions. The Superintendent shall be responsible for the implementation of an alcohol and drug-testing program consistent with federal regulations and shall implement additional administrative procedures to assist and further the implementation of the federal mandates regarding alcohol and controlled substances testing as he/she deems necessary.

Legal References: 49 CFR Part 382
26 MRS §§ 681(8)(B); 685(2); 689

Adopted: August 21, 1997
Reviewed: November 17, 2016

DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS ADMINISTRATIVE PROCEDURE

The RSU 58/MSAD 58 Board of Directors is committed to the establishment of an alcohol and controlled substance testing program that meets all applicable requirements of the federal Omnibus Transportation Employee Testing Act of 1991, in addition to pertinent state laws and regulations. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions.

The following administrative procedure represents a summary of the main provisions found in federal regulations promulgated to effectuate drug and alcohol testing of bus drivers. The following procedure in no way attempts to modify said regulations, which should always be referred to when questions as to implementation of this policy/procedure arise.

I. APPLICABILITY

All persons operating a commercial motor vehicle in commerce in any state and subject to the commercial driver's license requirements mandated under both federal and state laws, including the Omnibus Transportation Employee Testing Act of 1991, shall be subject to the drug and alcohol testing provisions herein contained.

II. IMPLEMENTATION

The Superintendent shall be responsible for implementing a drug and alcohol-testing program, which complies with procedures set forth in Title 49 Parts 40, 382, 390 and 395 of the Federal Code of Regulations. Such testing program shall include pre-employment/pre-duty drug testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty and follow-up testing. This school unit shall provide parties subject to testing with written notice of materials and information available to them as required by Part 382.

III. CONTROLLED SUBSTANCES

Controlled substances in this policy/procedure refer to those covered by the Omnibus Transportation Employee Testing Act of 1991, including marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), MDMA (Ecstasy) and 6-Acetylmorphine (heroin).

IV. SAFETY-SENSITIVE FUNCTION

Safety-sensitive function(s) in this policy/procedure refer to functions defined in 49 CFR §382.107 and §395.2 (On-Duty Time, paragraphs (1) through (6)).

V. PROHIBITIONS

All drivers subject to this policy shall be prohibited from:

- A. Using any alcohol while on duty and four hours prior to going on duty;
- B. Possessing alcohol while on duty;
- C. Reporting for duty or remaining on duty while having an alcohol concentration of 0.02 or greater;
- D. Using any alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first;
- E. Refusing to submit to a required alcohol or controlled substance test(s);
- F. Reporting for duty or remaining on duty when using any controlled substance, except when use is pursuant to the instructions of a physician who advised the driver that the substance does not adversely affect the driver's ability to safely operate the vehicle; and
- G. Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for a controlled substance.

VI. REQUIRED TESTING

- A. **Pre-Employment Testing.** Prior to the first time a driver performs a safety-sensitive function for RSU 58/MSAD 58, the driver shall undergo testing for controlled substances. However, no driver shall be subjected to pre-employment controlled substance testing prior to having been offered a position. Employment is conditioned upon a verified negative controlled substance test result.

- B. **Post-Accident Testing.** As soon as practicable following an accident, each surviving driver will be subject to alcohol and controlled substance testing as follows:
1. Any driver performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life;
 2. Any driver who receives a citation under State or local law for a moving violation arising from the accident; and
 - a. Causes bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. Should one or more motor vehicles incurring disabling damage as a result of the accident, require a motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 3. In addition, the following provisions will also apply.
 - a. **Alcohol.** If a test required under this section is not administered within two hours following the accident, the school unit shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within eight hours following the accident, the school unit shall cease attempts to administer the test and shall prepare and maintain the same record. Records shall be submitted to the Federal Motor Carrier Safety Administration (FMCSA) upon request of the Associate Administrator.
 - b. **Controlled Substances.** If a test required by this section is not administered within 32 hours following the accident, the school unit shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.

- C. **Random Testing.** All drivers subject to this policy/procedure will be subject to random and unannounced alcohol and controlled substance testing throughout the year. The minimum annual percentage rate for testing of bus drivers is as follows:
1. Random alcohol testing shall be a minimum of 10 percent of the number of driver positions each selection period; and
 2. Random controlled substance testing shall be a minimum of 50 percent of the number of driver positions each selection period. If RSU 58/MSAD 58 conducts random testing for alcohol and/or controlled substances through a consortium, the number of drivers to be tested may be calculated for each individual school unit or may be based on the total number of drivers covered by the consortium who are subject to random testing at the same minimum annual percentage rate under 49 CFR Part 382 or any Department of Transportation random testing rule.
- D. **Reasonable Suspicion Testing.** All drivers subject to this policy/procedure shall submit to alcohol and controlled substance testing when the employer has reasonable suspicion to believe that the driver has violated the prohibitions found in Part V. of this procedure, with the exception of Part V. B. regarding alcohol possession. RSU 58/MSAD 58 shall base its determination that reasonable suspicion exists requiring the driver to undergo such testing on observations concerning appearance, behavior, speech or body odors of the driver. When controlled substances are at issue, observations may include indications of the chronic and withdrawal effects of controlled substances.

In addition, the following provisions also apply.

1. **Alcohol.** Alcohol testing will be performed only if the aforementioned observations are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this policy/procedure. If a test required under this section is not administered within two hours following the reasonable suspicion determination, the school unit shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required under this section is not administered within eight hours following a determination that reasonable suspicion exists, the school unit shall cease attempts to administer an alcohol test and shall state in the record reasons for not administering the test.

The school unit shall submit to the FMCSA records of tests required by this section that were not completed within eight hours according to the mandates of 49 CFR §382.307 (3).

2. **Controlled Substances.** The school unit shall, within 24 hours or before the results of the controlled substances test are released, whichever is earlier, create a written record of the observations leading to a controlled substances test which shall be signed by the supervisor or school unit official making said observations.
- E. **Return-to-Duty Testing.** Prior to returning to duty requiring the performance of safety-sensitive functions when a driver has engaged in conduct prohibited under this policy/procedure, the driver shall undergo a return-to-duty alcohol and/or controlled substances test(s) as appropriate.

Drivers found to have engaged in prohibited conduct under the alcohol provisions of this policy/procedure will not be permitted to return to duty unless the subsequent alcohol test reveals a result less than or consistent with federal and state standards. In cases involving controlled substances, a **verified negative** result is necessary before a driver may return to duty.

- F. **Follow-up Testing.** In the event that a driver has been found to have been in violation of the prohibitions herein contained and is identified as requiring assistance in resolving problems associated with alcohol and/or controlled substances, the school unit shall require the driver to submit to at least six unannounced follow-up alcohol and/or controlled substances tests during the first 12 months after returning to duty. Follow-up tests will be unannounced and may continue for up to 60 months after returning to duty. Follow-up alcohol testing shall be conducted only when the driver is performing, just before, or just after ceasing to perform safety-sensitive functions.

VII. REFUSAL TO SUBMIT TO TESTING

All drivers who are required by federal regulations to submit to drug/alcohol testing must do so immediately upon being directed to submit to the test(s). A driver's refusal to submit to testing will subject the driver to immediate removal from the performance of safety-sensitive functions. In addition, failure to comply with Federal regulations or this procedure is grounds for disciplinary action up to and including dismissal. Any of the following actions on the part of a driver constitutes a refusal to submit to a test:

- A. Failure to provide adequate specimens/samples of substance(s) undergoing testing, including but not limited to breath and urine, without a valid medical reason;
- B. Engaging in conduct which obstructs the testing process; and
- C. Refusal by an employee to complete and sign testing forms.

VIII. TRAINING FOR SUPERVISORS

RSU 58/MSAD 58 will assign persons who will be designated to determine whether reasonable suspicion exists to require a driver to undergo testing under Part 382, with at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances. Training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

IX. ENFORCEMENT

RSU 58/MSAD 58, in its independent authority as an employer, shall subject any driver who violates this policy/administrative procedure or Federal regulations to potential disciplinary action up to and including dismissal, except to the extent that any state law or collective bargaining agreement requires otherwise.

In addition, any driver who refuses to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up test(s) shall not perform or continue to perform safety-sensitive functions.

Furthermore, no driver tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours after the test was administered.

X. RECORDS

Employee drug and alcohol tests and results shall be maintained under strict confidentiality in a secure location with controlled access and released only in accordance with law. A driver, upon written request, shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug tests. Records shall be made available to subsequent employers or other identified persons only when expressly requested in writing by the driver.

XI. NOTIFICATIONS

Each driver shall receive educational materials prior to the school unit's commencement of alcohol and controlled substances testing. Such material will explain the requirements of the Code of Federal Regulations, Title 49 Part 382, and contain a copy of the Board's policy and administrative procedures for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The school unit shall also include in the package of informational material submitted to each driver, a statement certifying that he/she has received the informational material. The school unit shall maintain the original signed copy of the statement on file.

In addition to the aforementioned items, RSU 58/MSAD 58 shall also make available to drivers and representatives of employee organizations information which shall identify:

- A. The person designated by the school unit to answer questions about the materials;
- B. The procedures that will be used to test for the presence of alcohol and controlled substances; protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;
- C. Information concerning the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substance(s) problem (the driver's or co-worker's); and available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; and
- D. Post-accident procedures that will make it possible for a driver to comply with post-accident testing before any driver operates a commercial vehicle.

RSU 58/MSAD 58 shall also make available the following information:

- A. The results of pre-employment controlled substance test(s) if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application; and

- B. The results of random, reasonable suspicion and post-accident drug tests if the results are verified positive. The school unit shall also tell the driver which controlled substance(s) was verified as positive.

XII. CONTROLLED SUBSTANCES

Drivers shall inform their supervisors if at any time they are using a controlled substance that their physician has prescribed for therapeutic purposes. Such substance may be used in conjunction with duty only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

XIII. REFERRAL, EVALUATION, AND TREATMENT

- A. **Referral.** A driver who has engaged in conduct prohibited by this policy/procedure shall be advised by RSU 58/MSAD 58 of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. The information the bus driver receives will include: names, addresses, and telephone numbers of substance abuse professionals, counseling and treatment programs, in addition to information relating to his/her responsibility with regard to payment of such services.
- B. **Evaluation/Treatment.** A driver who engages in such prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance or treatment the employee needs in resolving controlled substance(s) use.

XIV. RETURN TO DUTY

If a school unit has not discharged a driver due to his/her engagement in prohibited conduct under this policy/procedure, the bus driver must, prior to returning to safety-sensitive duties:

- A. Undergo return-to-duty testing and obtain an alcohol concentration level of less than 0.02 and/or a verified negative test for controlled substances;
- B. Have been evaluated by a substance abuse professional; and
- C. Have followed prescribed and/or recommended treatment.

XV. OTHER POLICIES/PROCEDURES

Nothing contained in this administrative procedure shall prevent the Board from establishing and enforcing independent policies/procedures relating to the possession, being under the influence of, distribution, sale or use of alcohol or controlled substances or any misconduct associated therewith and the penalties for violation of those policies/procedures, up to and including dismissal.

Legal References: 49 CFR Parts 40, 382, 390, 395
26 MRS §§ 681(8)(B); 685(2); 689

Adopted: May 11, 1988

Revised: June 11, 1997; November 17, 2016

SPECIAL USE OF BUSES

School buses shall be used primarily for school purposes. When available and when it will not interfere with school programs and activities or be detrimental to the operation or maintenance of the fleet, RSU 58/MSAD 58 buses may be used in support of municipally-sponsored, non-school activities. Uses of buses for such activities must be approved in advance by the Superintendent.

For the purpose of this policy, a “school bus” is any motor vehicle with a carrying capacity of 10 or more passengers, owned or contracted by RSU 58/MSAD 58 and operated for the transportation of students to or from school or to or from school-sponsored activities.

A bus will be made available for municipally-sponsored use only when it is driven by a licensed school bus driver employed by RSU 58/MSAD 58. The municipality or municipally sponsored group will be responsible for reimbursing the school unit for driver pay, including overtime and other expenses such as meals. RSU 58/MSAD 58 will bill the town or municipally sponsored group for use of the bus and driver.

Towns and municipally sponsored groups are expected to pay for fuel and other expenses related to bus use, including insurance coverage.

The Superintendent will be responsible for developing and implementing procedures for special use of buses, including a fee schedule and provisions for proof of insurance. The fee schedule will include a minimum per-mile charge to cover depreciation and maintenance.

Adopted: May 11, 1988

Revised: June 11, 1997; November 17, 2016

USE OF PRIVATE VEHICLES FOR SCHOOL BUSINESS

The Board recognizes the need for some school employees to use their privately owned motor vehicles for school purposes either regularly or occasionally.

Privately owned vehicles may be used for student transportation when, in the opinion of the building principal and with the written approval of the Superintendent this is the most practical or only possible method of transportation.

To safeguard RSU 58/MSAD 58 employees and students in matters of liability, the following policy will be observed:

- A. Prior to use of a private vehicle for school purposes, the employee must have the written permission of the Superintendent/designee.

This permission may be in the form of a standing permit for employees who use their own vehicles regularly for school purposes. The permit will state the particular purpose and indicate whether it includes transportation of students.

For all special trips involving students, e.g., field trips, a special permit must be obtained in advance for the specific trip.

- B. No student may be sent on school errands with his/her own vehicle, an employee-owned vehicle, or a school-owned vehicle.
- C. Field trip and other off-campus school-sponsored activity transportation will be by school bus whenever practicable.

The Superintendent may approve the use of private vehicles in situations in which the small number of students or budget or schedule restrictions make bus use prohibitive or impractical.

- D. For student trips made in private vehicles, the owner must be properly licensed and carry a minimum liability insurance of \$100,000/\$300,000; minimum property damage of \$50,000; and minimum medical coverage of \$5,000. Proof of current license and insurance will be required.
- E. The vehicle must have a current registration and display a current inspection sticker.

- F. The vehicle must have sufficient seat belts for the driver and each of the other persons being transported.
- G. No employee may transport students for school purposes without prior authorization by the Superintendent/designee.
- H. No student will be allowed to transport other students on field trips or for other school-sponsored activities.
- I. Parents will be informed whenever private vehicles will be used to transport their child (ren) for a field trip or other school purpose and will be required to sign a permission form in advance.

PARENT AND VOLUNTEER-OWNED VEHICLES

The above provisions apply to the use of private vehicles when the driver is a parent or other approved volunteer transporting students to or from school-sponsored events or activities or using a private vehicle for other school purposes.

The school will inform parent drivers and other approved volunteers that in the event of an accident, the parent or approved volunteer's liability insurance will be the primary coverage.

The school will not be responsible for any accident or injury arising from a parent's transportation of his/her own child (ren) to or from a school sponsored event or activity. Students are expected to travel by school-provided transportation when available.

DELEGATION OF RESPONSIBILITY

The Superintendent/designee will be responsible for developing administrative procedures, including those for accident reporting, and application, permit, permission and/or other forms, to implement this policy.

Cross Reference: IJOA – School Volunteers

Adopted: Date of manual adoption (Unknown)

Revised: November 17, 2016

FREE AND REDUCED PRICE FOOD SERVICES

RSU 58/MSAD 58 shall take part, as feasible, in the National School Lunch and other food programs which may become available to assure that all children from who the Board is responsible shall have the opportunity to receive proper nourishment.

Parent shall be advised that this program is available and eligibility criteria shall be made public.

In accordance with guidelines for participation in these programs and in accordance with the wishes of the Board, no child that a teacher believes is improperly nourished shall be denied a free lunch or other food simply because proper application has not been received from his/her parents or guardian.

It shall be the policy in RSU 58/MSAD 58 schools that when school lunch is desired, payment is expected on that day or in advance from students who are not eligible for free lunches. For the convenience of students and parents, students may be allowed to charge up to three meals before payment for charged meals is required. Should there be any difficulty in obtaining such payment, the matter should be resolved by direct contact with the parent (or student, if emancipated).

No student is to be denied food as a disciplinary measure.

Adopted: October 11, 1995

Revised: November 17, 2016

COMPETITIVE FOOD SALES—SALES OF FOODS IN COMPETITION WITH THE SCHOOL FOOD SERVICE PROGRAM

The Board supports good nutrition as part of a school environment that contributes to student health and encourages positive food choices and eating habits. The Board believes that nutrition influences a student's ability to take full advantage of the school system's educational program and is, therefore, related to student achievement.

The Board also recognizes that proceeds from the sale of foods and beverages outside of the School Lunch Program ("competitive foods") are a significant source of funds for student activities that the RSU 58/MSAD 58 might not otherwise be able to provide.

The Board has adopted this policy to govern the sale of foods and beverages on school property.

I. RESTRICTION ON SALE OF COMPETITIVE FOODS

Maine Department of Education Rule Chapter 51 mandates that any food or beverage sold at any time on school property of a school participating in the National School Lunch or School Breakfast Programs shall be a planned part of the total food service program of the school and shall include only those items which contribute both to the nutritional needs of children and the development of desirable food habits, and shall not include foods of minimal nutritional value as defined in applicable federal regulations, except as provided for by school board policy in certain circumstances.

As allowed by Rule Chapter 51, the Board permits the sale of food and beverages outside the total food program:

- A. To school staff;
- B. To attendees at school-sponsored community events held on school property (i.e., school-sponsored events that are open to the public);
- C. To the public at community events held on school property in accordance with the Board's facilities use policy;
- D. In State-approved instructional Career and Technical Education (CTE) Programs; and/or

- E. By a school, approved student organization or program if consistent with the requirement that such sales not include foods of minimal nutritional value as defined in 7 C.F.R. § 210.11(a)(2).

This policy applies to sales of foods and beverages at any time on school property by any person, group or organization.

When foods and beverages are sold to attendees at community events sponsored by the school or held on school property, students, staff, parents, or school-sponsored organizations involved in such sales are encouraged to include at least some healthy food choices.

II. FUNDS FROM SALES OF COMPETITIVE FOODS

Funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the school's non-profit school food service program, except that funds raised through authorized sales outside the total food service program shall accrue to the sponsoring school or approved student organization in accordance with applicable policies, cash-management procedures and administrative directives, or to the sponsor of a community event that is held on school property in accordance with the Board's facilities use policy.

III. DELEGATION OF RESPONSIBILITY

The Superintendent/designee shall be responsible for enforcement of this policy. A school unit employee who observes conduct he/she believes to be a violation of this policy or is informed of such conduct by a parent, student or community member should contact the building administrator or Superintendent/designee.

Legal Reference: Ch. 51 (Dept. of Ed. Rule) (Child Nutrition Programs in Public Schools and Institutions)

Cross References: DFF – Student Activity Funds
JJE - Student Fundraising Activities
KF - Community Use of School Facilities

Adopted: September 8, 2005

Revised: November 17, 2016

COPYRIGHT COMPLIANCE

The Board expects all employees and students in RSU 58/MSAD 58 to comply with the federal copyright law and guidelines. Employees and students who willfully disregard the law/guidelines and the Board's copyright policy and procedure do so at their own risk. RSU 58/MSAD 58 will not extend legal and/or insurance protection to employees or students for willful violations of this policy. Such violations may also result in disciplinary action.

The Superintendent is responsible for implementing this policy and the accompanying administrative procedure. The Superintendent may delegate specific responsibilities to building principals and others, as he/she deems appropriate.

RSU 58/MSAD 58 will take the following steps to discourage violations of the copyright law in the school system:

- A. All instructional staff and school administrators shall receive a copy of this policy and the accompanying administrative procedure.
- B. Copyright notices shall be posted within view of copying equipment.
- C. Teachers and library media specialists shall be responsible for informing students about the legal and ethical issues raised by copyright infringement and illegal use of copyrighted materials.

Legal Reference: 17 U.S.C. § 101 et seq. (The Copyright Act of 1976)
P.L. 107-273 (The TEACH Act of 2002)

Cross Reference: EGAD-R – Copyright Compliance Administrative Procedure
GSCA – Employee Computer and Internet Use
IJNDB – Student Computer and Internet Use
IJNDC – School System Web Site/Web Pages

Adopted: November 17, 2016

COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE

This administrative procedure summarizes the major provisions found in the federal copyright law and guidelines concerning reproduction of copyrighted works by educators. This summary is not intended to replace the law/guidelines, which should be referred to when questions regarding implementation arise.

Instructional staff teaching distance learning or online courses must comply with Section III in addition to all other parts of this procedure.

I. GENERAL RULE AND COPYRIGHT OWNERSHIP

- A. **Presumption of copyright.** Works, in any medium (written, recorded, digitally-stored, etc.) should generally be presumed to be protected by copyright law, regardless of whether the work displays a copyright notice, the symbol, “©,” or other express reservation of rights.
- B. **Rule against copyright violations.** Except as otherwise permitted by this policy and applicable law, school employees shall not reproduce, perform or display copyrighted works without permission of the owner.
- C. **U.S. Government works.** United States government works are not subject to copyright protection, and may freely be copied.
- D. **Public domain.** Works that are in the public domain due to expiration of copyrights, as provided by law, may be freely reproduced, performed, or displayed.
- E. **Student works.** Students are the owners of exclusive rights in works that they create.
- F. **Works made for hire.** Works created by school employees in the course and scope of their employment are “works made for hire,” and the school unit retains exclusive rights in such works, unless otherwise agreed in writing by the School Board.
- G. **Distance learning.** All rights in works created by school employees in the course of teaching distance learning courses are owned by the school unit that employs the individual(s) who created the work, unless otherwise agreed in writing by the employing school unit.

II. DEFINITIONS

A. “FAIR USE”

A copyright provides the owner with the exclusive rights of reproduction, adaptation, publication, performance and display of the covered work. The copyright law contains certain “fair use” provisions that permit *limited* reproduction of materials based on four criteria:

1. The purpose and character of the use, including whether such is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

B. “FACE-TO-FACE INSTRUCTION”

Performance or display of any copyrighted work by teachers or students without permission from the copyright holder is permissible under the following circumstances:

1. The work must be performed or displayed in a face-to-face setting by a teacher or by students; and
2. The performance or display must be in the course of teaching activities, in a classroom or a similar educational setting.

Examples of performances or displays falling under this exception include reading a play in the classroom, singing a song in a classroom or showing a filmstrip or video (provided that it has been purchased or lawfully copied).

The following sections summarize the permissible or “fair use” of different types of copyrighted works. Because the law and technological applications continue to evolve, school unit employees are responsible for ensuring that the intended use of materials does not conflict with copyright law/guidelines and for informing students of such issues as appropriate.

III. DISTANCE EDUCATION: TRANSMISSION OF PERFORMANCES AND DISPLAYS TO REMOTE SITES

The following may be transmitted by any device or process, including the DOE Distance Learning Network, interactive television, or Internet courses:

- Performance of nondramatic literary works (e.g., novels, short stories, poems); or
- Reasonable and limited portions of any other work; or
- Display of a work in an amount comparable to that which is typically displayed in the course of a live classroom only if:
 - A. The performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of instructional activities;
 - B. The performance or display is directly related and of material assistance to the teaching content of the transmission;
 - C. The transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to students officially enrolled in the particular course and employees of the school unit as part of their duties;
 - D. Technological measures are implemented that reasonably prevent retention of the work in accessible form by recipients of the transmission for longer than the class session and prevent unauthorized further dissemination of the work in accessible form by such recipients to others;
 - E. There is no interference with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination of materials; and
 - F. Students in such courses must be given notice that materials used in connection with the course may be subject to copyright protection.

IV. PRINT MATERIALS

A. Permissible Uses

1. A single copy of the following made for use in teaching or in preparation to teach a class:

- a. A chapter from a book;
 - b. An article from a periodical or newspaper;
 - c. A short story, short essay or short poem, whether or not from a collective work; and
 - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. Multiple copies made for classroom use (not to exceed one copy per student in a course) from the following:
- a. A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length, or an excerpt of not more than 250 words from a longer poem;
 - b. A complete article, story or essay of less than 2,500 words;
 - c. Prose excerpts not exceeding 10 percent of the whole or 1,000 words, whichever is less;
 - d. One chart, graph, diagram, cartoon or picture per book or per issue of a periodical; and
 - e. An excerpt from a children's book containing up to 10 percent of the words found in the text and not more than two printed pages of the published work.
3. One transparency for classroom instruction may be made from consumable materials such as workbooks, exercises, activity sheets, etc.
4. All permitted copying must include appropriate credits, including the author, title, date, copyright notice and any other pertinent information.
- B. Prohibited Uses
1. More than one word or two excerpts from a single author copied during one class term;

2. More than three works from a collective work or periodical volume copied during one class term;
3. More than nine sets of multiple copies made for distribution to students in one class term;
4. Copies made to create, replace or substitute for purchasing anthologies or collective works;
5. Copies made of “consumable” works, such as workbooks, exercises, standardized tests and answer sheets (except as noted in A.3 above);
6. The same work copied from term to term;
7. The same material copied for more than one particular course, or copied every time a particular course is offered, unless permission is obtained from the copyright owner;
8. Copies made when there is sufficient time prior to the intended use to obtain permission from the copyright owner; and
9. No charges may be made to students beyond the actual cost of photocopying.

V. COMPUTER SOFTWARE

All software purchased for use in the school unit must be approved by the Superintendent/Technology Director. Only the Superintendent and/or other authorized personnel may obtain and sign software-licensing agreements and duplication rights agreements. All terms of such licensing/duplication agreements must be observed by all school unit employees and students.

Software purchased by the school unit for classroom, lab, media center, and office use remains the property of the school unit and may be used only in school-sponsored programs and activities.

A. Permissible Uses

1. One archival (back-up) copy of copyrighted software may be made by authorized employees (unless a licensing agreement prohibits copying for any purpose);

2. Software may be used on a networked computer system if written permission is obtained or a version intended for network is used;
3. Software may be loaded on multiple equipment if it is specifically advertised as multi-load or written permission has been obtained; and
4. Preview software may be evaluated for a reasonable evaluation period before being purchased or returned.

B. Prohibited Uses

1. Illegal copies of copyrighted software programs made or used on school equipment;
2. Copies made of preview software;
3. Use of software on a networked computer system not intended for network use without written permission;
4. Multiple loading of software not specifically licensed for multi-loading without written permission;
5. Multiple copies made of copyrighted software (beyond an authorized archival copy);
6. Multiple copies made of printed documentation accompanying copyrighted software;
7. Copies made of software for sale, loan, transmission, or gift to other users; and
8. Copies made of locally produced adaptations or modifications of copyrighted software for any purpose.

VI. INTERNET

The rights of the owner of copyrighted material on the Internet are the same as the rights of the owner of traditional materials. Unless there is a clear statement that art, photos, text, and sounds are “public domain” and available for free use, it should be assumed that the material is copyrighted. All the criteria for “fair use” apply to works on the Internet just as they apply to other materials. The ease of

copying materials from the Internet should not be used as an excuse for violating copyrights.

VII. OFF-AIR TELEVISION RECORDING

A. Permissible Uses

1. Off-air recordings may be made only at the request of and used by individual teachers;
2. Off-air recording of broadcast programs available to the general public without charge may be made and retained for a period not to exceed 45 calendar days after the date of recording. The following additional requirements must also be met:
 - a. The recording may be used *once* by individual teachers in the course of relevant teaching activities and repeated *once* during the first 10 consecutive school days in the 45-day retention period.
 - b. Following the first 10 consecutive school days, the recording may only be used for teacher evaluation purposes (i.e., to determine whether the broadcast program should be included in the curriculum).
 - c. Following the 45-day retention period, the recording must be erased or destroyed immediately unless written permission is obtained from the copyright owner to keep and use the program in teaching/learning activities.
3. A limited number of copies may be produced from each off-air recording to meet the legitimate educational needs of teachers. Such copies are subject to the same guidelines as the original copy.
4. An off-air recording need not be used in its entirety, but the recording may not be altered, edited, combined, or merged. All copies must include the copyright notice of the broadcast program.

B. Prohibited Uses

1. Recording broadcast programs in anticipation of requests;

2. Recording broadcast programs when there is sufficient time prior to the scheduled program to obtain permission from the copyright owner;
3. Recording programs from pay/satellite television channels (HBO, Cinemax, Disney, etc.);
4. Using or retaining recordings beyond the 45-day retention period without written permission;
5. Recording the same program more than once for the same teacher (regardless of how many times the program may be broadcast); and
6. Altering the program from the original content in any way (although the entire program need not be viewed).

VIII. USE OF PRE-RECORDED VIDEOS

Pre-recorded videos include commercially available videos marked “For Home Use Only” (such as feature films), including VHS tapes, DVD disks, filmstrips, etc.

A. Permissible Uses

Pre-recorded videos may be used in “face-to-face instruction” provided that the viewing utilizes a lawfully-made copy rented or purchased by the school unit.

B. Prohibited Uses

1. Videos may not be used for entertainment, filler, assemblies, fundraising, public viewing, or any other purpose without written permission of the copyright owner and permission of the building principal.
2. Videos may not be used when a written contract specifically prohibits use in classroom or direct instruction situations.
3. Videos may not be borrowed from individuals or other schools.
4. Videos may not be copied.

IX. MUSIC AND THEATER PERFORMANCES

Prior written permission must be obtained whenever copyrighted plays and musical numbers are to be performed or whenever copyrighted music is used as part of a performance.

X. EDUCATIONAL USES OF MUSIC

A. Permissible Uses

1. Emergency copies to replace purchased copies that for any reason are not available for an imminent performance provided that purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, multiple copies of excerpts of works may be made provided that:
 - a. The excerpts do not constitute a performable unit (section, movement, or aria) or more than 10 percent of the entire work;
 - b. No more than one copy per student in the class is made; and
 - c. The copyright notice appears on the copies.
3. For academic purposes other than performance, a single copy of an entire performable unit (section, movement, or aria) may be made by the teacher for scholarly research or in preparation to teach a class provided that:
 - a. The work is confirmed by the copyright owner to be out of print;
 - b. The work is unavailable except in a larger work; and
 - c. The copyright notice appears on the copy.
4. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted. Lyrics may not be altered or added, if none exist.

5. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the school unit or an individual teacher.
6. A single copy of a sound recording (album, tape, cassette, or CD) or copyrighted music may be made from sound recordings owned by the school unit or an individual teacher for the purpose of constructing aural exercises or examinations. The copy may be retained by the school unit or an individual teacher.
 - a. This pertains only to the copyright of the music itself and not to any copyright, which may exist in the sound recording.

B. Prohibited Uses

1. Copy to create, replace, or substitute for purchasing anthologies, collective works, and compilations;
2. Copy “consumable” works, such as workbooks, exercises, standardized tests, and answer sheets;
3. Copy for the purpose of performance (except as noted in A.(1)); and
4. Copy to substitute for the purchase of music (except as noted in A. (1-2)).

Legal Reference: 17 U.S.C. § 101 et seq.
P.L. 107-273 (The TEACH Act of 2002)

Cross Reference: EGAD - Copyright Compliance

Adopted: November 17, 2016