

BULLYING

The Board believes that bullying, including cyberbullying, is detrimental to student well-being and to student learning and achievement. It interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying affects not only students who are targets but also those who participate in and witness such behavior.

Bullying Prohibited

Bullying, including “cyberbullying,” harassment and sexual harassment are not acceptable conduct in MSAD #58 and are prohibited.

Retaliation for the reporting of incidents of such behavior is also prohibited.

In adopting this policy, it is not the Board’s intent to prohibit students from expressing their ideas, including religious, political and philosophical views that may offend the sensibilities of others, or from engaging in civil debate. However, the Board does not condone and will take action in response to conduct that directly interferes with students’ rights at school under applicable laws or with the educational mission, operations, discipline or general welfare of the schools.

Definitions

“Bullying” and “cyberbullying” have the same meaning in this policy as in Maine law:

Bullying

“Bullying” includes, but is not limited to a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

- A. Has, or a reasonable person would expect it to have, the effect of:
 1. Physically harming a student or damaging a student’s property; or
 2. Placing a student in reasonable fear of physical harm or damage to his/her property;

- B. Interferes with the rights of a student by:
1. Creating an intimidating or hostile educational environment for the student; or
 2. Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by the school; or
- C. Is based on:
- a. A student's actual or perceived characteristics identified in 5 MRSA § 4602 or 4684-A (including race; color; ancestry; national origin; sex; sexual orientation; gender identity or expression; religion; physical or mental disability) or other distinguishing personal characteristics (such as socioeconomic status; age; physical appearance; weight; or family status); or
 - b. A student's association with a person with one or more of these actual or perceived characteristics or any other distinguishing characteristics;
- and that has the effect described in subparagraph A. or B. above.

Cyberbullying

“Cyberbullying” means bullying through the use of technology or any electronic communication, including but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device including, but not limited to, a computer, telephone, cellular telephone, text messaging device or personal digital assistant.

Retaliation

Retaliation means an act or gesture against a student for asserting or alleging an act of bullying. Retaliation also includes reporting that is not made in good faith on an act of bullying.

Application of Policy

This policy applies to bullying that:

- A. Takes place at school or on school grounds, at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events; or
- B. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in the definition of “bullying.”

Consequences for Policy Violations

Students

Students who violate this policy may be subject to disciplinary action which may include suspension, expulsion or a series of graduated consequences including alternative discipline or other behavioral interventions.

The Board retains the right to impose disciplinary consequences for bullying and other conduct that occurs at any time or place that substantially disrupts the instructional program, operations of the schools or welfare of students.

Any student violating this policy may also be subject to civil or criminal penalties.

School Employees and Others

Administrators, professional staff and all other employees who violate this policy may be subject to disciplinary action up to and including dismissal, and in accordance with any applicable collective bargaining agreements.

Volunteers, contractors and visitors who violate this policy will be excluded from school property until the Superintendent is satisfied that the person will comply with Maine’s bullying law and this policy.

Any person violating this policy may also be subject to civil or criminal penalties.

Any school-affiliated organization that authorizes or engages in bullying or retaliation is subject to forfeiture of Board approval/sanctioning and/or suspension or revocation of its permission to operate on school grounds.

Staff Training

MSAD #58 will provide professional development and staff training in bullying prevention and response.

Delegation of Responsibility

The Superintendent/designee will be responsible for developing and implementing procedures in accordance with applicable law to implement this policy.

The Superintendent will designate the school principal and/or other school personnel to be responsible for implementation/enforcement of this policy and associated procedures on the school level.

A student or his/her parent/guardian who is dissatisfied with a decision of the Superintendent or designee related to the taking or not taking of disciplinary action in the course of implementing this policy may appeal, in writing, to the Superintendent within 14 calendar days of notice of the decision.

The Superintendent's decision shall be final.

Dissemination of Policy

The Superintendent will be responsible for providing this policy, any associated administrative procedures and the names of the person(s) responsible for implementing the policy/procedure at the school level in writing to students, parents, school employees and volunteers in handbooks, on the school unit's website and by such other means (if any) as may be determined by the Superintendent.

Legal Reference: 20-A M.R.S.A. § 1001(15), 6554

Cross Reference: AC - Nondiscrimination, Equal Opportunity
ACAA-R - Harassment and Sexual Harassment of Students
ACAD – Hazing
AD – Educational Philosophy/Mission
ADAA – School System Commitment to Standards for Ethical and Responsible Behavior
ADF - School District Commitment to Learning Results
CHCAA - Student Handbooks
GCI – Professional Staff Development
IJNDB-R - Student Computer and Internet Use and Internet Safety
JI - Student Rights and Responsibilities

JICC - Student Conduct on Buses
JICIA - Weapons, Violence and School Safety
JK - Student Discipline
JKD - Suspension of Students
JKE - Expulsion of Students
KLG - Relations with Law Enforcement Authorities

Adopted: March 16, 2017

BULLYING – ADMINISTRATIVE PROCEDURE

This procedure is intended as guidance for school administrators in carrying out their responsibilities when bullying is alleged to have occurred. It provides important definitions as well as steps for reporting, investigating and responding to allegations of bullying.

Bullying behavior alleged to be based on race, color, ancestry, national origin, sex, sexual orientation, religion or disability should be addressed under the procedures set forth in the Student Harassment and Sexual Harassment procedure, ACAA-R, rather than under this procedure.

Bullying Reports

Students and Parents/Guardians

Students who believe they have been bullied, or who have witnessed or learned about an act of bullying are strongly encouraged to report this behavior to the building principal.

Parents/guardians may report bullying on behalf of their children or when they have witnessed or are aware of the occurrence of bullying.

Reports of bullying may be made anonymously, but no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Any student who has been determined to have made a false report of bullying will be subject to disciplinary consequences.

School Employees

For the purposes of this procedure, “school employees” includes coaches, advisors for cocurricular or extracurricular activities and volunteers.

All school employees are expected to intervene when they see acts of bullying in progress and are required to report incidents of bullying they have witnessed or become aware of to the building principal as soon as practicable.

School employees who fail to report bullying or who have made a false report of bullying will be subject to disciplinary consequences up to and including termination, in accordance with any applicable collective bargaining agreement.

Others

Contractors, service providers, visitors or community members who have witnessed or become aware of bullying are encouraged to report such incidents to the building principal.

Form of Reports

Complaints or reports of bullying may be made orally or in writing, but all reports will be documented in writing by school personnel authorized to receive complaints or reports, using the school unit's reporting form (JICK-E1).

School employees are required to make reports of bullying to the principal in writing. Although students, parents and others, as identified above, may make bullying reports anonymously, all persons reporting incidents of bullying are encouraged to identify themselves.

Bullying reports may be made anonymously, but in no instance will action be taken against any person or organization affiliated with the schools solely on the basis of an anonymous report.

The building principal will forward a copy of the report to the Superintendent by the end of the next school day.

Interim Safety Measures

The building principal may take such interim measures as he/she deems appropriate to ensure the safety of the targeted student and prevent further bullying and will inform the parents of the targeted student of measures taken.

[NOTE: School personnel should be careful to respect the confidentiality of student information when communicating with the parents of a student who has reported being bullied. It should be sufficient to inform the parents of what the school is doing to protect the student from further bullying and to convey that the incident will be investigated and appropriate disciplinary consequences will be applied, without providing details that would be considered a violation of FERPA or an invasion of privacy.]

Investigation

The principal will ensure that all reports of bullying and retaliation are investigated promptly and that documentation of the investigation, including the substance of the complaint or report and the outcome of the investigation is prepared and forwarded to the Superintendent within a reasonable period of time.

The determination of whether particular conduct constitutes bullying requires reasonable consideration of the circumstances, which include the frequency of the behavior at issue, the location in which the behavior occurs, the ages and maturity of the students involved, the activity or context in which the conduct occurs, and the nature and severity of the conduct.

Response to Bullying by Students

If bullying has been substantiated, the building principal or designee as appropriate under the circumstances will determine the appropriate disciplinary consequences, which may include detention, suspension or expulsion; alternative discipline; remediation; and/or other intervention.

Alternative discipline includes but is not limited to:

- A. Meeting with the student and the student's parents;
- B. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- C. Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
- D. Counseling;
- E. Anger management;
- F. Health counseling or intervention;
- G. Mental health counseling;
- H. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
- I. Community service; and

- J. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

[NOTE: Items A-J are listed as examples of alternative discipline in 20-A § 6554(2)(A).]

In order to remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, the principal may refer the targeted student/victim, perpetrator or other involved persons to counseling of other appropriate services.

If the bullying behavior appears to be a criminal violation, the building principal will notify local law enforcement authorities.

If bullying has been substantiated, the building principal will provide written notification to:

- A. The parents/guardians of the targeted student, including the measures being taken to ensure the student's safety; and to
- B. The parents/guardians of the student found to have engaged in bullying, including the process for appeal.

All communications to parents must respect the confidentiality of student and employee information as provided by federal and Maine law and regulations.

Appeals

Any appeal of the building principal's decisions in regard to consequences for bullying must be submitted, in writing, within 14 calendar days of the parental notification. The Superintendent will review the investigation report and actions taken and decide whether to sustain or deny the appeal. The Superintendent's decision shall be final.

Cross Reference: ACAA-R – Student Harassment and Sexual Harassment Procedure
JICK – Bullying
JRA-R – Student Education Records and Student Information

Approved: March 16, 2017

MSAD #58 BULLYING REPORT FORM

Date the alleged bullying incident(s) is reported: _____

Name of complainant/reporter (by law, reports may be anonymous): _____

Status of reporter: Student Parent School employee/coach/advisor Other _____

Contact information for reporter (if reporter is student, contact information for parent/guardian): Phone: _____ Cell phone: _____ Email: _____
Address: _____

Name of alleged target(s):

Name of alleged bully(ies):

Relationship between alleged target/bully(ies):

Date(s), time(s) and location(s) of alleged incident(s): _____

Names of witnesses:

Description of incident(s), including any supporting documentation (use additional pages if more space is needed):

I agree that the information on this form is accurate and true to the best of my knowledge and belief.

Signature of complainant/reporter Date: _____

Received by: _____ Date: _____
Position/title: _____

Copy to building principal: Date: _____
Copy to Superintendent: Date: _____

MSAD #58 BULLYING INVESTIGATION AND RESPONSE FORM

Date the alleged incident of bullying was reported:

Name of person investigating alleged incident(s):

Position/title of investigator:

Name of person reporting bullying incident(s): _____

Person reporting is (circle one) Student Parent School employee
Coach/advisor Volunteer Other _____

Name(s) of alleged target: _____

Name(s) of alleged bully (bullies): _____

Name(s) of potential witnesses: _____

Where did the alleged incident(s) occur (check one or more):

- on school property
- on school bus
- at a school sponsored activity
- through use of technology at school off-campus
- elsewhere (be specific)

Time and location(s) of incident(s): _____

Does targeted student have an IEP? Yes No (If yes, refer to plan.)

Does targeted student have a 504 plan? Yes No (If yes, refer to plan.)

Is the targeted student in the referral process for either? Yes No
(If yes, specify) _____

If the targeted student receives special services, when were Special Services Director and/or 504 Coordinator notified of the incident:

Person notified: _____ Date: _____

Does alleged bully have an IEP? ____ Yes ____ No (If yes, refer to plan.)

Does alleged bully have a 504 plan? ____ Yes ____ No (If yes, refer to plan.)

Is the alleged bully in the referral process for either? ____ Yes ____ No
(If yes, specify) _____

If the alleged bully receives special services, when were Special Services Director and/or 504 Coordinator notified of the incident:

Person notified: _____ Date: _____

Do school unit's records show prior reports of alleged or substantiated incidents of bullying involving the alleged target or alleged bully? If so, describe incident and outcome(s): _____

Meeting/interview of student who believes he/she has been bullied, description of alleged incident(s) (dates and details):

Communications with parents(s) of student who believes he/she has been bullied date(s) and details): _____

Meeting/interview of alleged bully (bullies) (dates and details):

Communications with parent(s) of alleged bully (bullies) (dates and details):

Meeting/interview of persons identified as witnesses (dates and summary of information provided): _____

Further evidence of bullying examined (videos, photos, email, letters, etc.):

Measures taken pending conclusion of the investigation to ensure the safety of the student who believes he/she has been bullied:

Safety measures communicated to parents) of student who believes he/she has been bullied (date and details):

Is the alleged bullying substantiated, i.e., does the alleged conduct meet the definition of bullying as articulated in Board policy? Yes No

Nature of harm incurred:

- Physical harm to student or damage to student's property
- Student's reasonable fear of physical harm or damage to property
- Hostile educational environment
- Infringement of student's rights at school

Conduct resulting in harm (in item above) is on the basis of:

- National origin/ancestry/ethnicity
- Religion
- Physical, mental, emotional or learning disability
- Sex
- Sexual orientation
- Gender/gender identity/expression
- Age
- Socioeconomic status
- Family status
- Physical appearance
- Weight
- Other distinguishing personal characteristics
- Other (explain) _____

Summary of investigation/Explanation of findings:

Recommended disposition:

Disciplinary action - alternative discipline: _____

Disciplinary action – suspension (in-school, out-of-school) _____

Expulsion (recommended for expulsion) _____

Recommendations for support services:

Counseling/referral to services (targeted student) _____

Counseling/referral to services (bully) _____

Recommendation to report to law enforcement? ____ Yes ____ No

____ Potential criminal violation ____ Potential civil rights violation

Recommendations in other substantiated bullying situations:

If bully is school employee or administrator, recommendation for action to be taken by Superintendent (any action must be consistent with collective bargaining agreement or individual

contract): _____

If bullying is by another adult person associated with the school (e.g., volunteer, visitor, or contractor): _____

If bullying involves a school-affiliated organization:

Signature of investigator: _____

If investigator is not building principal, copy to principal on [date] _____

Copy to Superintendent on [date] _____

ACTIONS TAKEN BY PRINCIPAL

The student received/will receive the following discipline actions (consequences):

- Alternative Discipline
- Detention
- Weekend Detention
- In-school suspension
- Out-of-school suspension
- Expulsion/Recommended for expulsion

Alternative discipline imposed for this student (if applicable):

- Meeting with the student and the student's parent(s) or guardian(s)
- Reflective activities, such as requiring the student to write an essay about the student's misbehavior
- Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option
- Counseling
- Anger management
- Health counseling or intervention
- Mental health counseling
- Participation in skills building and resolution activities, such as social/emotional/ cognitive skills building, resolution circles and restorative conferencing
- Community service

Referral to law enforcement? Yes No

Written notice has been provided to parent(s)/guardian(s) of the student who has been found to have engaged in bullying, including the process for appeal.

Notification sent by principal: [Date]_____

Copy to Superintendent: [Date]_____

APPEAL OF PRINCIPAL'S DECISION

Date appeal submitted:

All appeals to the Superintendent must be submitted, in writing, to the Central Office within 14 calendar days of the building principal's decision. The Superintendent's decision shall be final.

Superintendent's decision:

Date parent(s)/guardian(s) notified of Superintendent's decision: _____

ACTIONS TAKEN BY THE SUPERINTENDENT

___ Recommendation to Board for student expulsion

___ Action on student/parent appeal of principal's decision

___ Action taken against employee: (If confidential employment action, in personnel file)

___ Recommendation to Board for suspension/revocation of sanctioning/approval of school-affiliated organization

___ Other: _____

Approved: March 16, 2017

BULLYING: SUMMARY OF DISCIPLINARY AND REMEDIAL ACTIONS

This page is for use when a **substantiated** incident of bullying is entered into the Report of Substantiated Incident of Bullying in the Maine Department of Education’s NEO data reporting system. It is aligned with the NEO data categories.

This documentation is in reference to the alleged incident of bullying reported on:
[Date of incident]

Name of student who was found to have bullied _____ **(name is for tracking in school unit files only; do not report name of student or any personally identifying information to the Maine Department of Education)**

Delineate the specific nature(s) of the incident:

- _____ Cyberbullying
- _____ Electronic expression
- _____ Physical act or gesture
- _____ Retaliation
- _____ Verbal/Oral
- _____ Written

Alternative discipline imposed for this student (actions taken):

- _____ Meeting with the student and the student's parent(s) or guardian(s)
- _____ Reflective activities, such as requiring the student to write an essay about the student's misbehavior
- _____ Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option
- _____ Counseling
- _____ Anger management
- _____ Health counseling or intervention
- _____ Mental health counseling
- _____ Participation in skills building and resolution activities, such as social/emotional/ cognitive skills building, resolution circles and restorative conferencing
- _____ Community service

The student received/will receive the following discipline actions (consequences):

- _____ Alternative Discipline
- _____ Detention
- _____ Weekend Detention
- _____ In-school suspension
- _____ Out-of-school suspension
- _____ Expulsion/Recommended for expulsion

The following serves as a record that a report of substantiated bullying has been submitted to the Maine Department of Education.

Signature and position of person completing this form

Date: _____

Data reported to Maine DOE (NEO) on [Date] by _____
Signature, Position of Reporter

Copy to building principal on [Date]

Copy to Superintendent on [Date]

Approved: March 16, 2017

QUESTIONING AND SEARCHES OF STUDENTS

The Board seeks to maintain a safe and orderly environment for students in MSAD #58. School administrators may question and/or search students in accordance with this policy and accompanying administrative procedure.

Students, their personal property, and their vehicles may be searched upon reasonable suspicion that they possess any items or substances which are prohibited by law, Board policies and/or school rules, or which interfere with the operations, discipline or general welfare of the school.

When special circumstances exist, including but not limited to a suspected ongoing violation of the Board's drug/alcohol or weapons policies, or when a potential threat to safety is identified, school administrators may search groups of students or the entire student body without individualized suspicion.

Student use of all school storage facilities, including but not limited to lockers, desks, and parking lots, is a privilege granted by the school. All storage facilities are school property and remain under the control, custody, and supervision of the school. Only locks provided by the MSAD #58 may be used to secure student lockers.

Students have no expectation of privacy in school storage facilities or for any items placed in such storage facilities. School administrators have the authority to inspect and search storage facilities and their contents on a random basis, with or without reasonable suspicion, and without notice or consent. Canine patrols may be used.

If a search produces evidence that a student has violated or is violating the law, Board policies and/or school rules, such evidence may be seized and impounded by school administrators and appropriate disciplinary action may be taken. Evidence may be forwarded to law enforcement authorities as required by law or as deemed appropriate by school administrators.

The Superintendent is authorized to develop and implement, with input from legal counsel, administrators, and/or other appropriate persons, any administrative procedure necessary to carry out this policy.

This policy and the accompanying procedure will be included in student/parent handbooks. Such administrative procedures shall be subject to Board approval.

Cross Reference: JICH – Drug and Alcohol Use by Students
JICIA – Weapons, Violence, and School Safety
JK – Student Discipline
KLG – Relations with Law Enforcement Authorities

Adopted: Date of manual adoption (Unknown)

Revised: March 16, 2017

QUESTIONING AND SEARCHES OF STUDENTS ADMINISTRATIVE PROCEDURE

The purpose of this administrative rule is to provide guidelines for the conduct of student questioning and searches by authorized school administrators. These are guidelines only and may be adjusted within reasonable and lawful limits on a case-by-case basis. School administrators have the discretion to request the assistance of law enforcement authorities as they deem necessary and in accordance with Board policy.

During a search, any illegal item(s) found that violates Board policies or school rules, or which in the reasonable judgment of school administrators represents a threat to the safety and welfare of the school population will be seized. Illegal item(s) shall be turned over to the law enforcement authorities. Other item(s) will be stored in a secure location until a determination is made regarding appropriate disposition.

School administrators are required to document all searches and items seized or impounded. The Superintendent and the parents of students involved will be provided with a copy of such reports.

Questioning by School Administrators

1. School administrators are under no obligation to notify a student's parents/guardians prior to questioning a student regarding alleged violations of Committee policies, school rules, and/or federal/state laws.
2. School administrators will inform the student of the reasons for the questioning and provide an opportunity for the student to respond to any allegations. School administrators will make a reasonable effort to question the student in a location out of the sight and hearing of other students.
3. If a student fails to cooperate, lies, misleads, or threatens any person during questioning, he/she may be subject to additional disciplinary action.

Searches of Students, Personal Property in Student's Immediate Possession

1. School administrators are authorized to search students and/or personal property in student's immediate possession, when, in their judgment, there are reasonable grounds to suspect that a student has violated or is violating

Board policies, school rules, federal/state laws, or is interfering with operations, discipline or general welfare of the school.

2. All searches of students and/or their personal property, will be authorized and conducted by a school administrator in the presence of a witness, except where the circumstances render the presence of a witness impractical. A reasonable effort will be made to conduct searches out of sight and hearing of other students.
3. Searches should be reasonably related to the suspected violation and no more intrusive than necessary to discover the evidence for which the search was instigated. Searches may include pat downs and searches of the student's outer clothes (e.g., pockets, jacket, shoes, hat) and personal belongings (e.g., purse, backpack, gym bag, lunch bag). The student may be given the opportunity to open any closed items and items that are not easily accessible to visual search. If the student refuses, the administrator will open and search the items. If the search produces a reasonable suspicion of the presence of evidence, a broader search may be justified. If a strip search appears to be necessary law enforcement authorities will be contacted.
4. Searches will disclose evidence that a student has violated Board policies or school rules will be addressed through school disciplinary procedures. Evidence of violation of federal/state laws may result in school disciplinary action and/or be forwarded to law enforcement authorities for possible investigation/prosecution.

Searches of Lockers, Desks, and Other School Storage Facilities

1. School administrators will consult with the Superintendent prior to conduction random searches. Students have no expectation of privacy in school storage facilities or for any items placed in such storage facilities. School administrators have the authority to inspect and search storage facilities and their contents on a random basis, with or without reasonable suspicion, and without notice or consent.
2. Searches of individual student lockers, desks, or other storage facilities and their contents based upon reasonable suspicion will be conducted in the presence of the student and a witness, if practical under the circumstances of the search. A reasonable effort will be made to conduct searches out of

the sight and hearing of other students. The student may be given the opportunity to open any closed items or items that are not easily accessible to visual search. If the student refuses, the administrator will open and search the items.

3. Any searches which disclose evidence that a student has violated Board policies or school rules will be addressed through school disciplinary procedures. Evidence of violation of federal/state laws may result in school disciplinary action and/or be forwarded to law enforcement authorities for possible investigation/prosecution.

Patrolling of Parking Lots and Searching Vehicles

1. Students may drive vehicles to school and park in designated areas in accordance with school rules. School administrators retain the authority to patrol parking lots.
2. If school administrators have a reasonable suspicion that a vehicle which a student has parked at school contains evidence that the student has or is violating Board policies or school rules, of federal/state laws, and/or there is a substantial threat to the welfare and safety of the schools, a school administrator will search the vehicle in the presence of a witness, except where the circumstances make the presence of a witness impractical.
3. If practical, the student should be present during the search. A reasonable effort will be made to conduct searches out of the sight and hearing of other students. The student may be given the opportunity to open any closed items or items that are not easily accessible to visual search. If the student refuses, the administrator will open and search the items.

Canine Patrols

1. The Superintendent may authorize canine patrols to take place anywhere on school property if he/she deems it advisable to maintain school safety or if there is a reasonable suspicion that drugs, weapons, and/or other illegal substances or items will be found. Canine patrols may include school lockers and/or student vehicles in school parking lots.
2. The Superintendent must make requests for canine patrols in writing to the appropriate law enforcement authorities. Only certified dogs and handlers may be used.

3. Whenever possible, canine patrols will be scheduled to minimize disruption of the academic program and risk of contact with students.
4. Teachers will be notified prior to the initiation of a canine patrol to keep students in their classroom during the patrol. Any students in the parking lot, or anywhere outside of a classroom, prior to a canine patrol will be instructed to report to the school office or appropriate classroom.
5. Any locker and/or vehicle identified by the canine patrol will be noted by the school administrators accompanying the patrol.
6. Immediately following removal of the dogs, each area noted during the canine patrol will be searched. Each search will be conducted by a school administrator in the presence of a witness, except where the circumstances make the presence of a witness impractical.
7. If practical, the student should be present during a search of his/her locker or vehicle. A reasonable effort may be made to conduct the search out of the sight and hearing of other students. The student may be given the opportunity to open any closed items or items that are not easily accessible to visual search. If the student refuses, the administrator will open and search the items.

Cross Reference: JIH – Questioning and Searches of Students
KLG – Relations with Law Enforcement Authorities

Adopted: March 16, 2017

STUDENT CLUBS, CO/EXTRA CURRICULAR, ATHLETIC TEAMS

Student activities are an important part of the total school curriculum. Student activities including athletics, clubs, and organizations provide opportunities for students to explore areas of interest and skill as well as opportunities to learn teamwork, sportsmanship, discipline, leadership, pride, and fairness.

Any individual or group desiring to initiate or create an on-going club, organization, co/extra curricular activity or athletic team must receive approval of the Maine School Administrative District #58 Board of Directors.

A proposal must be submitted in writing, on a form provided, to the Superintendent and forwarded to the Board at least 2 weeks prior to the Board meeting with the following information:

Type of club or activity

Who would be eligible to join or participate

Number of students who could participate

Number of coaches

Coaches/advisor stipends (cost and number), if requested

Academic requirements to participate

Cost for equipment or materials to initiate the activity or program

Cost for transportation to attend functions or games

Length of season or activity

Other information as required by the administration or Board of Directors

When the proposal is scheduled for Board review, both the student(s) and advisor(s) will be present at the Board meeting to field any questions from the Board on the formation of said club.

Following a time period of two years passing without active club or group membership, before the club or group can start meeting again, a new request must come forth to the Board for restart of the club. Additionally, if circumstances for the club or group change from the original board authorization as had been submitted on the form for approval, a new request for a club or group must be submitted to the Superintendent and approved by the Board before the club reconvenes.

Cross Reference:

JJE- Student Fund-Raising

IJOAAA- Field Trips

EEADA- Bussing to and from athletic events

Adopted: January 21, 2016

STUDENT FUNDRAISING ACTIVITIES

The Board recognizes that it is responsible for providing through the budget process the resources necessary to support the school unit's instructional program. However, the Board acknowledges that student organizations may wish to engage in fundraising in order to support their activities, to provide funding for social events and/or student travel, to benefit the school or community, or for humanitarian purposes.

It is the purpose of this policy to provide guidelines for student participation in fundraising activities.

A. Fundraising Guidelines

The following general guidelines apply to fundraising by student organizations. These guidelines and additional considerations shall apply to student participation in fundraising conducted for other purposes.

1. All student fundraising activities must be approved in advance by the building principal. There must be sufficient educational or financial benefits to the school and/or students to justify the fundraising activity.
2. Student fundraising activities must be supervised by a building administrator, teacher or activity advisor.
3. The activity must be one in which schools and students may appropriately engage, and must not subject the schools or students to unnecessary risk or responsibility. In the event there is a question regarding the appropriateness of a proposed activity or the proposed fundraising activity is one that is new to the school system, the building principal shall consult with the Superintendent.

Some examples of acceptable fundraisers, such as car washes and other services, bottle drives, sales of tickets to performances and events, sales of advertising in yearbooks and school newspapers, and sales of "school spirit" items.

4. Participation by students shall be voluntary.

5. The activity must not be unduly demanding of student or staff time or work. Neither students nor staff should miss instructional time to plan or implement fundraising activities, acquire, demonstrate or distribute products, solicit sales, or to collect or record monies. Students may participate in fundraising activities during non-instructional time, such as lunch periods and before and after school.
6. There shall be no mandatory quotas for product sales or donations.
7. Class time will not be used for distribution of promotional materials.
8. Students participating in fundraising activities are expected to conduct themselves in accordance with Board policies, school rules and the student code of conduct.
9. In the interest of student safety, activities involving door-to-door solicitation by elementary level students are discouraged.
10. Club and class dues shall be determined by the club or class officers in consultation with the club or activity advisor. The building principal shall have final authority over the setting of club and class dues.
11. The building administrator and teachers or advisors supervising fundraising activities will be responsible for the collection, monitoring, deposit into student activity accounts, and disbursement of funds raised in accordance with the Board's policy DFF, Student Activities Funds Management.

B. Solicitation of Funds By and From Students for Humanitarian or Charitable Organizations

Student fundraising may be conducted to benefit humanitarian or charitable organizations or purposes only as follows:

1. The fundraising activity or charity drive must be sponsored by a recognized school club or student organization and approved in advance by the building principal.
2. The activity or drive must be supervised by a building administrator or teacher.

3. Instructional time should not be used for planning or soliciting funds.
4. Class time should not be used for distribution of promotional materials.
5. Participation in or donation to any fundraising activity shall be optional. Under no circumstances will any student be compelled to participate or donate, or be penalized for not participating or donating.
6. Fundraising activities must be conducted in accordance with the guidelines in Section A of this policy.
7. The building administrator or teacher charged with supervising the fundraising activity or drive will be responsible for the collection, monitoring and disbursement of funds raised. Use of any student activity account must be in accordance with the Board's policy DFF, Student Activities Funds Management.

C. Use of Students in PTO/Parent Group Fundraisers

The Board recognizes that PTO's and other parent groups may wish to involve students in fundraising activities. The following provisions apply to student participation in such activities:

1. Any fundraising activity sponsored by a PTO or other parent group that involves student participation must be approved in advance by the building principal and be conducted in consultation with the building principal and staff.
2. Participation should provide a positive experience for students.
3. Participation by staff and students shall be voluntary.
4. Instructional time will not be used for fundraising activities or solicitations.
5. All activities must be conducted in accordance with the fundraising guidelines in Section A of this policy.

D. Coordination of Fundraising Activities

PTO's, boosters and other parent groups are encouraged to coordinate their fundraising activities with student organization-initiated fundraisers in order to avoid burdening local businesses and the community.

The Board encourages the use of a fundraising calendar at each school to assist in spreading fundraisers over the school year.

Cross Reference: DFF-Student Activities Funds Management
EFE-Competitive Food Sales

Adopted: November 14, 1984

Revised: September 11, 2008; November 17, 2011, March 16, 2017

RSU 58/MSAD 58 PHILOSOPHY OF ATHLETICS

The Board recognizes the value of athletics as an integral part of the educational program.

The Board believes that participation in sports provides a significant learning experience and opportunity for personal growth. Learning in sports is closely related to learning in the classroom, supporting the Guiding Principles of Maine's System of Learning Results. In competition and practice, student athletes learn skills, strategies, relationships, leadership, self-discipline and responsibility. They also learn the importance of setting goals for themselves and the team, and planning how to achieve those goals.

The Board also believes that participation in sports is related to physical and emotional health and fitness. Sports provide the incentive for developing and maintaining healthy bodies and active minds. Sports promote habits of exercise and good nutrition that can last a lifetime. Participation in sports builds self-confidence and a sense of personal responsibility for making healthy lifestyle choices. Being part of a team also creates a feeling of belonging and offers a supportive network that contributes to emotional well-being.

Based on these beliefs, it is the Board's intent that the school unit offers students the opportunity to experience developmentally sound athletic programs.

At the high school level, interscholastic athletic programs will be designed to serve the needs of students who have shown that they are developmentally ready for intense competitive experiences. At this level, the purpose of athletic programs is to promote healthy competition, sportsmanship, cooperation, integrity and citizenship. Whenever feasible, junior varsity or middle school programs will be available to students who wish to learn a new sport. The Board also supports intramural sports as a way to involve students who are not competing in interscholastic activities.

At the middle school level, the school unit's athletic programs will be designed to meet the developmental needs of students through appropriate intramural and interscholastic activities. At this level, athletic programs will emphasize exploration of various sports, the strengthening of fundamental skills, teamwork, sportsmanship, and health and safety. It is the Board's intent that the programs promote opportunities for involvement of all team members in practices and play. The Board supports intramural activities for students not participating in interscholastic activities or when financial, staffing or other concerns require the school to limit the number of students participating in interscholastic activities.

The Board will be responsible for approving the school sponsorship of interscholastic athletic programs. The Superintendent/designee (e.g., Athletic Director) shall be responsible for making recommendations concerning the approval of new athletic programs or the modification or elimination of existing programs. The Board may articulate, through policy, criteria to be considered in decision-making or may delegate the responsibility for developing such criteria to the Superintendent/designee.

Students who wish to participate in interscholastic athletics or athletic extracurricular activities must meet such academic eligibility standards and other prerequisites, including conduct standards, as may be approved by the Board.

The Superintendent/designee shall be responsible for notifying students and parents of eligibility standards through the student handbook, athletic code, parent and participant meetings, and/or other means.

Adopted: March 16, 2017

INTERSCHOLASTIC SPORTS

The Board believes all Maine School Administrative District 58 students who participate will benefit from experiences gained through participation in interschool and intramural sports.

Interscholastic athletic competition at the high school and middle school levels shall include a variety of sports. Participation shall be based on the student's satisfaction of prescribed academic standards.

The athletic program shall offer a variety of opportunities for all students. The first consideration in all instances shall be the best interest of participating students.

The following conditions shall serve as guidelines in the conduct of athletic programs:

1. Participation in interscholastic and intramural athletics is limited to students in grades 3 – 12.
2. Administration of the athletic program is the responsibility of the principals of the respective schools.
3. Qualified personnel shall be retained to supervise and coach individual sports. Personnel having responsibility for the conduct of the athletic program shall do so in conformance with policies and rules prescribed by the Board and administration.
4. The district's high school and middle schools support membership in the Maine Interscholastic Athletic Director's Association, and in all athletic matters will adhere firmly to the rules and regulations of that body and to the philosophy of sports which it encourages. The eligibility of students to participate in the athletic program is determined in accordance with regulations of the association.
5. High school students may not engage in preseason practice or regular season competition for any athletic team unless first undergoing a physical examination by a medical doctor and the presentation of written consent signed by the parent or guardian.
6. Expenditures for the athletic program shall be incorporated as part of the general budget of the Board.
7. District participation in interscholastic athletics shall be subject to approval by the Board. This shall include approval of membership in leagues, associations, or conferences.
8. All students shall provide proof of insurance against accident or injury before engaging in interscholastic and/or intramural athletics.
9. Medical supervision shall be available at all interscholastic competition at the high school level.

Adopted: February 22, 2001

Revised: March 16, 2017

**ELEMENTARY AND MIDDLE SCHOOL EXTRA CURRICULA ACTIVITY
ELIGIBILITY POLICY**

All students who meet the academic and behavioral standards of S.A.D. #58 are eligible to participate in extra curricular activities. Any student on in or out of school suspension, detention, or who is absent from school for reasons not pre-approved by the building administrator, the adult in charge of the extra-curricula activity or the coach will be ineligible to participate in either practices or games on the days when the suspension or detention is being served or on a day when they have been absent. Coaches will emphasize with their players the concept that academic and behavioral responsibilities have precedence over participation in extra-curricular activities. A student whose grade(s) fall below 60 will be ineligible to participate until a satisfactory grade above 60 is reached. Classroom teachers will have the discretionary power to place a student on the ineligible list, regardless of grade, if the classroom teacher can show that participation in the extra-curricula activity is having a negative impact on the students classroom performance.

The staff of M.S.A.D. #58 believes in the philosophy that extra-curricular activities are an effective method for reaching the goal of excellence in the classroom. A student's eligibility will be terminated for five missed practices and/or games resulting from detentions and/or unexcused absences.

In extenuating circumstances an appeal may be made to a review committee consisting of: the building principal, the coach or person in charge of the extra-curricula activity, teacher(s), and counselor.

Adopted: September 13, 2001

Revised: March 16, 2017

SQUAD SELECTION

In accordance with our philosophy of athletics and our desire to involve as many Students as possible in the athletic program while at Mt. Abram High School, we encourage coaches to keep as many students as possible. Obviously such factors as time, space, facilities and equipment will place limitations on the most effective squad size for any particular sport and cuts may be warranted.

1. When squad cuts become necessary, the process will include the following steps.
Each candidate shall:
 - a) Have competed in a minimum of five practice sessions
 - b) Have performed in at least one intra squad game
 - c) Be personally informed for the cut and the reasons for the action by the coach.
2. Cut lists are not to be posted
3. Coaches will discuss alternative possibilities for participation in the sport, or other areas in the activities program.
4. Coaches will discuss squad cuts with the athletic director
5. If cuts must be made in any particular sport, swing players will not be allowed during that particular sport season.

Adopted: September 13, 2007

Revised: March 16, 2017

RELATIONS WITH BOOSTER GROUPS

RSU 58/ MSAD 58 recognizes the role of booster groups in assisting the schools in enriching athletic and other extracurricular activities and enabling more students to participate in such activities. For the purpose of this policy, a booster group is a parent and/or community group that is organized for the purpose of providing resources to support the sports program at large and to support the school in recognizing student accomplishment in athletics and activities.

Only those booster groups that have been approved by the Board may use the name and or logo of MSAD 58 or its schools. The Superintendent may make recommendations to the Board concerning the approval of groups seeking booster status.

In order to be approved as a booster group, a group must meet the following criteria:

- A. The group must be comprised of adults rather than students;
- B. The group must provide details of the structure of the organization including its purpose and goals, the intended use of funds generated, the names of its officers and its bylaws;
- C. The booster president or designee must make application to the Superintendent for all uses of school facilities for fund raising projects, in accordance with the Board's facilities use policy and procedures;
- D. Use of school facilities by the group will comply with all policies and regulations established by the Board and, as applicable, the Maine Principals Association;
- E. No monies collected by booster group fund raising activities will be deposited directly to student athletic/activity accounts;
- F. All fundraising activities must be approved in advance by the building principal or designee;
- G. No fundraising activities will be conducted within the school during school hours by the group;
- H. Any buildings or space allocated for Booster Club uses will provide MSAD #58 with access including keys, lock combinations or other access information. The access will be granted to both the building principal and if appropriate, the athletic director.

- I. Boosters groups must provide liability insurance for activities they conduct and any or all buildings they own and use on the MSAD 58 property.
- J. All funds raised by the group must be used to achieve the stated purposes of the group;
- K. The group must maintain bank, financial and tax exempt status separate from the school. The organization will provide to the Board annually or upon request a complete set of financial records or detailed treasurer's report;
- L. Booster groups may not lawfully use the school's sales tax exemption for purchases or sales;
- M. Booster group gifts should enhance activities for both boys and girls. The Board will consider gender equity and budget implications before accepting booster group donations;
- N. Any booster group plan or project that would require expansion, renovation or construction of school facilities or would increase maintenance costs for facilities shall require Board approval;
- O. Any booster group plan to provide awards or recognition to teams or individual students must be approved by the Board before any public announcement is made;
- P. Booster groups will not directly pay coaches or officials, or pay for transportation; and
- Q. Booster groups will not select coaches, assistant coaches or activity advisors or influence the selection of coaches, assistant coaches or activity advisors.

The Board reserves the right to revoke the approval of any booster group if it is found that the group's operations and purposes are inconsistent with Board policies.

Cross Reference: EFE—Competitive Food Sales
JJI—Philosophy of Athletics

Adopted: December 15, 2016

MANAGEMENT OF CONCUSSIONS AND OTHER HEAD INJURIES

The Board recognizes that concussions and other head injuries are potentially serious and may result in significant brain damage and/or death if not recognized and managed properly. The Board adopts this policy to promote the safety of students participating in school-sponsored extracurricular athletic activities, including but not limited to interscholastic sport.

TRAINING

By June 30 of each year, the Athletic Director will identify the school-sponsored athletic activities that pose a risk of concussion or other head injury. A list of these activities will be distributed to school administrators and coaches.

All coaches, including volunteer coaches, must undergo training in the identification and management of concussive and other head injuries prior to assuming their coaching responsibilities. The training must be consistent with such protocols as may be identified or developed by the Maine Department of Education (DOE) and include instruction in the use of such forms as the DOE may develop or require.

Coaches shall be required to undergo refresher training every two years or when protocols and/or forms have been revised.

STUDENT AND PARENT INFORMATION

Prior to the beginning of each sports season, students and parents of students who will be participating in school-sponsored athletic activities will be provided information regarding

- A. The risk of concussion and other head injuries and the dangers associated with continuing to participate when a concussion or other head injury is suspected;
- B. The signs and symptoms of concussion and other head injuries; and
- C. The school unit's protocols for 1) removal from the activity when a student is suspected of having sustained a concussion or other head injury, 2) evaluation and 3) return to participation in the activity ("return to play").

The student and his/her parent(s) must sign a statement acknowledging that they have received and read this information before the student will be allowed to participate in any school- sponsored athletic activity.

MANAGEMENT OF CONCUSSIVE AND OTHER HEAD INJURIES

It is the responsibility of the coach of the activity to act in accordance with this policy when the coach recognizes that a student may be exhibiting signs, symptoms and behaviors associated with a concussion or other head injury.

Any student suspected of having sustained a concussion or other head injury during a school-sponsored athletic activity including but not limited to competition, practice or scrimmage, must be removed from the activity immediately. The student and his/her parent(s) will be informed of the need for an evaluation for brain injury before the student will be allowed to return to the activity.

No student will be permitted to return to the activity or to participate in any other school-sponsored athletic activity on the day of the suspected concussion.

Any student who is suspected of having sustained a concussion or other head injury shall be prohibited from further participation in school-sponsored athletic activities until he/she has been evaluated and received written medical clearance to do so from a licensed health care provider who is qualified and trained in concussion management.

Coaches and other school personnel shall comply with the student's health care provider's recommendations and in the absence of specific recommendations, with generally accepted protocols in regard to gradual return to participation. No student will be permitted to return to full participation (competition) until cleared to do so. More than one evaluation by the student's health care provider may be necessary before the student is cleared for full participation.

If at any time during the return to play program signs or symptoms of a concussion are observed, the student must be removed from the activity and referred to his/her health care provider for re-evaluation.

COGNITIVE CONSIDERATIONS

School personnel should be alert to cognitive and academic issues that may be experienced by students who have suffered a concussion or other head injury, including but not limited to difficulty with concentration, organization, long-and-short term

memory and sensitivity to bright lights and sounds, and accommodate a gradual return to full participation in academic activities as appropriate, based on the recommendations of the student's health care provider and appropriate designated school personnel (e.g., 504 Coordinator).

CONCUSSION MANAGEMENT TEAM

The Superintendent will appoint a concussion management team including a school administrator to be responsible, under the administrative supervision of the Superintendent, to make recommendations related to implementation of this policy. The concussion management team will include the Athletic Director and school nurse and may include one or more principals or assistant principals, the school physician and such other school personnel or consultants as the Superintendent deems appropriate.

Adopted: February 14, 2013

Revised: March 16, 2017

STUDENT DISCIPLINE

It is essential for schools to maintain a safe and orderly environment that supports student learning and achievement. Effective discipline enables the schools to discharge their primary responsibilities to educate students and promote citizenship and ethical behavior. All students are expected to conduct themselves with respect for others and in accordance with Board policies, school rules, and applicable state and federal laws. Disciplinary action may be taken against students who violate policies, rules, or laws, and/or whose conduct directly interferes with the operations, discipline or general welfare of the school.

The Board expects the following principles to guide the development and implementation of school rules and disciplinary procedures:

- A. Discipline should emphasize positive reinforcement for appropriate behavior, as well as appropriate consequences for misbehavior. The focus should be on providing a school environment where students are engaged in constructive learning and interactions with others.
- B. Expectations for student behavior should be clear and communicated to school staff, students and parents.
- C. Consequences for misbehavior should be in proportion to the offense, fair and consistently enforced. Administrators shall have the discretion to tailor discipline to the facts and circumstances of the particular case.
- D. Parents should be actively involved in the process of preventing and resolving disciplinary problems at school.

Any restraint or seclusion of students shall comply with applicable regulations and Board policy.

Physical force and corporal punishment shall not be used as disciplinary methods.

Maine law provides that “a teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to a) control the disturbing behavior; or b) remove the person from the scene of the disturbance.”

Teachers are authorized to make and enforce rules for effective classroom management and to foster appropriate student behavior, subject to the direction and approval by the building principal/designee.

School-wide rules shall be developed by the building principal with appropriate input from school staff, students and parents and subject to approval by the Superintendent. Principals shall provide for the suspension or other serious disciplinary action against students in accordance with Board policies, administrative procedures and Maine law.

Students with disabilities shall be disciplined in accordance with applicable federal and state law/regulations.

To reduce disciplinary problems and the potential for violence in the schools, the Superintendent may develop procedures for conflict resolution which may be accomplished through peer mediation, counseling, parent involvement, services of community agencies or other activities suitable to the school unit.

Legal Reference: 17-A MRSA § 106
20-A MRSA §§ 1001(15A); 4009

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAA – Student Harassment and Sexual Harassment
EBCA – Comprehensive Emergency Management Plan
JIC – Student Code of Conduct
JICIA Weapons, Violence and School Safety
JKAA – Use of Physical Restraint and Seclusion
JKB - Student Detention
JKD - Suspension of Students
JKE - Expulsion of Students
JKF – Disciplinary Removal of Students with Disabilities

Adopted: Date of manual adoption (Unknown)

Revised: March 16, 2017

USE OF PHYSICAL RESTRAINT AND SECLUSION

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

The Superintendent has overall responsibility for implementing this policy and the accompanying procedure, but may delegate specific responsibilities as he/she deems appropriate.

I. DEFINITIONS.

The following definitions apply to this policy and procedure:

- A. **Physical restraint:** An intervention that restricts a student's freedom of movement or normal access to his or her body, and includes physically moving a student who has not moved voluntarily.

Physical restraint does not include any of the following:

1. Physical escort: A temporary touching or holding inducing a student to walk to another location, including assisting the student to the student's feet in order to be escorted.
2. Physical prompt: A teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
3. Physical contact: When the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact.
4. A brief period of physical contact necessary to break up a fight.
5. Momentarily deflecting the movement of a student when the student's movements would be destructive, harmful or dangerous to the student or others.

6. The use of seat belts, safety belts or similar passenger restraints, when used as intended during the transportation of a child in a motor vehicle.
7. The use of a medically prescribed harness, when used as intended; the use of protective equipment or devices that are part of a treatment plan prescribed by a licensed health care provider; or prescribed assistive devices when used as prescribed and supervised by qualified and trained individuals.
8. Restraints used by law enforcement officers or school resource officers employed by a police department in the course of their professional duties are not subject to this policy/procedure or DOE Rule Chapter 33.
9. DOE Rule Chapter 33 does not restrict or limit the protections available to school officials under 20-A M.R.S.A. § 4009, but those protections do not relieve school officials from complying with this policy/procedure.

B. **Seclusion:** The involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving, with no other person in the room or area with the student.

Seclusion does not include:

1. Timeout: An intervention where a student requests, or complies with an adult request for, a break.

II. PROCEDURES FOR IMPLEMENTING PHYSICAL RESTRAINT AND SECLUSION.

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

III. ANNUAL NOTICE OF POLICY/PROCEDURE.

The RSU 58/MSAD 58 shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee.

IV. TRAINING REQUIREMENTS.

- A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- B. RSU 58/MSAD 58 will ensure that there are a sufficient number of administrators/designees, special education and other staff who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff shall be updated annually and maintained in the Superintendent's Office, in each school office and in the school unit's Emergency Management Plan.

V. PARENT/LEGAL GUARDIAN COMPLAINT PROCEDURE.

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

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

Legal Reference: 20-A M.R.S.A. §§ 4502(5) (M); 4009
Me. DOE Rule Ch. 33 (July 1012)

Cross Reference: EBCA – Comprehensive Emergency Management Plan
JKAA-R – Procedures of Physical Restraint and Seclusion
JK – Student Discipline
KLG/KLG-R – Relations with Law Enforcement

Adopted: August 8, 2012

Revised: January 9, 2014, March 16, 2017

PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

These procedures are established for the purpose of meeting the obligations of RSU 58/MSAD 58 under state law/regulations and Board Policy JKAA governing the use of physical restraint and seclusion. These procedures shall be interpreted in a manner consistent with state law and regulations.

I. DEFINITIONS.

For purposes of these procedures, the terms “physical restraint” and “seclusion” shall have the meanings defined in Policy JKAA. Definitions for other important terms in this procedure include:

- A. **Emergency:** A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.
- B. **Risk of injury or harm:** A situation in which a student has the means to cause physical harm or injury to him/herself or others and such injury or harm is likely to occur, such that a reasonable and prudent person would take steps to protect the student and others against the risk of such injury or harm.
- C. **Dangerous behavior:** Behavior that presents a risk of injury or harm to a student or others.
- D. **Serious bodily injury:** Any bodily injury that involves: (1) A substantial risk of death; (2) Extreme physical pain; (3) Protracted and obvious disfigurement; or (4) Protracted loss or impairment of the function of a bodily member, organ or mental faculty.

II. PHYSICAL RESTRAINT.

To the extent possible, physical restraint will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated a physical restraint in an emergency, trained staff must be summoned to the scene to assume control of the situation if the emergency continues.

This procedure does not preclude law enforcement personnel from implementing physical restraints in carrying out their professional responsibilities.

A. Permitted Uses of Physical Restraint

1. Physical restraint may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
2. Physical restraint may be used to move a student only if the need for movement outweighs the risk involved in such movement.
3. Prescribed medications, harnesses, and other assistive or protective devices may be used as permitted by Rule Chapter 33.
4. Parents may be requested to provide assistance at any time.

B. Prohibited Forms and Uses of Physical Restraint

1. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Physical restraint used to prevent property destruction or disruption of the environment in the absence of a risk of injury or harm.
3. Physical restraint that restricts the free movement of a student's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech (restraint-related asphyxia).
4. Physical restraint that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-downs (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting.
5. Aversive procedures and mechanical and chemical restraints.
 - a. Aversive procedures are defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not

limited to infliction of bodily pain (e.g., hitting, pinching, slapping); water spray; noxious fumes; extreme physical exercise; costumes or signs.

- b. Mechanical restraints are defined as any item worn by or placed on the student to limit behavior or movement and which cannot be removed by the student. Prescribed assistive devices are not considered mechanical restraints when used as prescribed and their use is supervised by qualified and trained individuals in accordance with professional standards.
- c. Chemical restraints are defined as the use of medication, including those administered PRN (as needed), given involuntarily to control student behavior. Prescribed medications are not considered chemical restraints when administered by a health care provider in accordance with a student's health care plan.

C. Monitoring Students in Physical Restraint

- 1. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult to arrive is precluded by the particular circumstances.
- 2. The student must be continuously monitored until he/she no longer presents a risk of injury or harm to him/herself or others.
- 3. If an injury occurs, applicable school policies and procedures should be followed.

D. Termination of Physical Restraint

- 1. The staff involved in the use of physical restraint must continually assess for signs that the student is no longer presenting a risk of injury or harm to him/herself or others and the emergency intervention must be discontinued as soon as possible.
 - a. The time a student is in physical restraint must be monitored and recorded.

- b. If physical restraint continues for more than ten (10) minutes, an administrator/designee shall determine whether continued physical restraint is warranted, and shall continue to monitor the status of the physical restraint every ten (10) minutes until the restraint is terminated.
- c. If attempts to release a student from physical restraint have been unsuccessful and the student continues to present behaviors that create a risk of injury or harm to him/herself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

III. SECLUSION.

To the extent possible, seclusion will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated seclusion in an emergency, trained staff must be summoned to the scene as soon as possible.

A “timeout” where a student requests, or complies with an adult request for, a break is not considered seclusion under this procedure. Seclusion also does not include any situation where others are present in the room or defined area with the student (including but not limited to classrooms, offices and other school locations).

A. Permitted Uses and Location of Seclusion

- 1. Seclusion may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
- 2. Seclusion may be achieved in any part of a school building with adequate light, heat, ventilation and of normal room height.
 - a. Seclusion may not take place in a locked room.
 - b. If a specific room is designated as a seclusion room, it must be a minimum of sixty (60) square feet; have adequate light, heat and ventilation; be of normal room height; contain an unbreakable observation window in a wall or door; and must

be free of hazardous materials and objects which the student could use to self-inflict bodily injury.

3. Parents may be requested to provide assistance at any time.

B. Prohibited Uses of Seclusion

1. Seclusion used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Seclusion used to prevent property destruction or disruption of the environment in the absence of risk of injury or harm.

C. Monitoring Students in Seclusion

1. At least one adult must be physically present at all times to continuously monitor a student in seclusion. The adult, while not present in the room or defined area, must be situated so that the student is visible at all times.
2. The student must be continuously monitored until he/she no longer presents a risk of injury or harm to him/herself or others.
3. If an injury occurs, applicable school policies and procedures should be followed.

D. Termination of Seclusion

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting a risk of injury or harm to him/herself or others and the emergency intervention must be discontinued as soon as possible.
 - a. The time a student is in seclusion must be monitored and recorded.
 - b. If seclusion continues for more than ten (10) minutes, an administrator/designee shall determine whether continued seclusion is warranted, and shall continue to monitor the status of the seclusion every ten (10) minutes until the seclusion is terminated.

- c. If attempts to release a student from seclusion have been unsuccessful and the student continues to present behaviors that create a risk of injury or harm to him/herself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

IV. NOTIFICATION AND REPORTS OF PHYSICAL RESTRAINT AND SECLUSION INCIDENTS.

For the purposes of this procedure, an “incident” consists of all actions between the time a student begins to create a risk of harm and the time the student ceases to pose a risk of harm and returns to his/her regular programming.

A. Notice Requirements

After each incident of physical restraint or seclusion:

1. A staff member involved in the incident shall make an oral notification to the administrator/designee as soon as possible, but no later than the end of the school day.
2. An administrator/designee shall notify the parent/legal guardian about the physical restraint or seclusion (and any related first aid provided) as soon as practical, but within the school day in which the incident occurred. The administrator/designee must utilize all available phone number or other available contact information to reach the parent/legal guardian. If the parent/legal guardian is unavailable, the administrator/designee must leave a message (if the parent/legal guardian has a phone and message capability) to contact the school as soon as possible. The parent/legal guardian must be informed that written documentation will be provided within seven (7) calendar days.
3. If the physical restraint or seclusion incident occurred outside the school day, the notifications must be made as soon as possible and in accordance with RSU 58/MSAD 58 usual emergency notification procedures.

4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, RSU 58/MSAD 58's emergency notification procedures shall be followed and an administrator/designee shall notify the Maine Department of Education within 24 hours or the next business day.

B. Incident Reports

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator/designee as soon as practical, and in all cases within two (2) school days of the incident.

The parent/legal guardian must be provided a copy of the incident report within seven (7) calendar days of the incident.

The incident report must include the following elements:

1. Student name;
2. Age, gender and grade;
3. Location of the incident;
4. Date of the incident;
5. Date of report;
6. Person completing the report;
7. Beginning and ending time of each physical restraint and/or seclusion;
8. Total time of incident;
9. Description of prior events and circumstances;
10. Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, the reasons why;
11. The student behavior justifying the use of physical restraint or seclusion;

12. A detailed description of the physical restraint or seclusion used;
13. The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
14. Description of the incident, including the resolution and process of returning the student to his/her program, if appropriate;
15. Whether the student has an IEP, 504 Plan, behavior plan, IHP (individual health plan) or any other plan;
16. If a student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification and any treatment administered;
17. The date, time and method of parent/legal guardian notification;
18. The date and time of administrator/designee notification; and
19. Date and time of staff debriefing.

Copies of the incident reports shall be maintained in the student's file and in the school office.

V. SCHOOL UNIT RESPONSE FOLLOWING THE USE OF PHYSICAL RESTRAINT OR SECLUSION.

- A. Following each incident of physical restraint or seclusion, an administrator/designee shall take these steps within two (2) school days (unless serious bodily injury requiring emergency medical treatment occurred, in which case these steps must take place as soon as possible, but no later than the next school day):
 1. Review the incident with all staff persons involved to discuss: (a) whether the use of physical restraint or seclusion complied with state and Board requirements and (b) how to prevent or reduce the need for physical restraint and/or seclusion in the future.
 2. Meet with the student who was physically restrained or secluded to discuss: (a) what triggered the student's escalation and (b) what the student and staff can do to reduce the need for physical restraint and/or seclusion in the future.

- B. Following the meetings, staff must develop and implement a written plan for response and de-escalation for the student. If a plan already exists, staff must review it and make revisions, if appropriate. For the purposes of this procedure, “de-escalation” is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk of injury or harm.

VI. PROCEDURE FOR STUDENTS WITH THREE INCIDENTS IN A SCHOOL YEAR.

The school unit will make reasonable, documented efforts to encourage parent/legal guardian participation in the meetings required in this section, and to schedule meetings at times convenient for parents/legal guardians to attend.

A. Special Education/504 Students

- 1. After the third incident of physical restraint and/or seclusion in one school year, the student’s IEP or 504 Team shall meet within ten (10) school days of the third incident to discuss the incident and consider the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan), or amend an existing one.

B. All Other Students

- 1. A team consisting of the parent/legal guardian, administrator/designee, a teacher for the student, a staff member involved in the incident (if not the administrator/designee or teacher already invited), and other appropriate staff shall meet within ten (10) school days to discuss the incidents.
- 2. The team shall consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is made, the need to conduct an FBA (functional behavior assessment) and/or develop a BIP (behavior intervention plan).

VII. CUMULATIVE REPORTING REQUIREMENTS

A. Reports within the School Unit

1. Each building administrator must report the following data on a quarterly and annual basis:
 - a. Aggregate number of uses of physical restraint;
 - b. Aggregate number of students placed in physical restraint;
 - c. Aggregate number of uses of seclusion;
 - d. Aggregate number of students placed in seclusion;
 - e. Aggregate number of serious bodily injuries to students related to the use of physical restraints and seclusions; and
 - f. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.
2. The Superintendent shall review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.

B. Reports to Maine Department of Education

1. The Superintendent shall submit an annual report to the Maine Department of Education on an annual basis that includes the information required in Section 7.A.1 above.

Legal Reference: Me. DOE Rule Ch. 33 (July 2012)

Cross Reference: JKAA – Use of Physical Restraint and Seclusion

Adopted: August 8, 2012

Revised: January 9, 2014, March 16, 2017

SUSPENSION OF STUDENTS

The Board delegates to the principals the authority to suspend disobedient and disorderly students for a period not to exceed ten (10) school days. Suspensions may be in-school or out-of-school at the discretion of the principal. Suspensions longer than 10 days may be imposed by the Board.

Prior to the suspension, except as hereinafter provided:

- A. The student shall be given oral or written notice of the charge(s) against him/her;
- B. The student shall be given an explanation of the evidence forming the basis for the charge(s); and
- C. The student shall be given an opportunity to present his/her version of the incident.

However, students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the instructional process may be immediately removed from school. In such cases, the notice of charges, explanation of evidence, and the student's opportunity to present his/her version of the incident, shall be arranged as soon as practicable after removal of the student from school.

The student's parents/guardians shall be notified of any in-school or out-of-school suspension as soon as practicable by telephone (if possible) and by written notice sent by mail. A copy of the notice shall also be sent to the Superintendent.

Students are not allowed on school property during any out-of-school suspension except with the prior authorization of the principal or Superintendent.

Students shall be responsible for any schoolwork missed during their suspension. After readmittance, they shall be permitted to take tests, quizzes or any other form of evaluation affecting their grades.

Students serving in-school suspension shall not be permitted to participate in extracurricular activities.

Legal Reference: 20-A MRS § 1001(9), (15-A)(D)

Cross Reference: JIC – Student Code of Conduct
JICIA – Weapons, Violence and School Safety
JICK - Bullying
JK - Student Discipline
JKE - Expulsion of Students
JKF –Disciplinary Removal of Students with Disabilities

Adopted: November 12, 2002

Revised: March 16, 2017

EXPULSION OF STUDENTS

No student shall be expelled from school except by action of the Board. Following a proper investigation of a student's behavior and due process proceedings conducted in accordance with 20-A MRSA § 1001(8)(A), the Board shall expel the student, if found necessary for the peace and usefulness of the school, as provided in 20-A MRSA § 1001(9) and (9A).

The Board also has the authority to readmit an expelled student on satisfactory evidence that the behavior which was the cause of the student being expelled will not likely recur.

NOTICE OF EXPULSION HEARING

Before any expulsion hearing, the Superintendent shall:

- A. Provide written notice, by regular and certified mail, to the parents/guardians and the student informing them of:
 - 1. The date, time and location of the hearing;
 - 2. A description of the incident(s) that occasioned resulted in the expulsion hearing;
 - 3. The students and parents/guardians' right to review the school's records prior to the hearing;
 - 4. A description of the hearing process, including the student's right to present and cross-examine witnesses and his/her right to an attorney or other representation; and
 - 5. An explanation of the consequences of an expulsion.
- B. Invite the parents/guardians and the student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

EXPULSION HEARING

The hearing shall be in a properly called executive session and may also be attended by persons designated by the Superintendent to present information in the case.

Upon making a decision to expel a student, the Board may:

- A. Expel the student for a specific period of time not to exceed the total number of instructional days approved by the Board for the current year; or
- B Expel the student for an unspecified period of time and authorize the Superintendent to provide the expelled student with a reentry plan, to be developed in accordance with 20-A MRSA § 1001(9-C), specifying the conditions that must be met in order for the student to be readmitted to school after the expulsion.

After the expulsion hearing, the Board shall provide written notice of its decision to the parents/guardians and the student by certified mail.

Nothing in this policy shall prevent the Board from providing educational services in an alternative setting to a student who has been expelled.

Legal Reference: 20-A MRSA § 1001(8-A), (9), (9A-9D)
1 MRSA § 405(6)(B)

Cross Reference: JKE-R - Expulsion of Students—Guidelines
JICIA – Weapons, Violence and School Safety
JK - Student Discipline
JKD - Suspension of Students
JKF – Disciplinary Removal of Students with Disabilities

Adopted: November 12, 2002

Revised: March 16, 2017

EXPULSION GUIDELINES

I. EXPULSION HEARING AND REENTRY GUIDELINES

The following steps constitute general guidelines for the conduct of an expulsion hearing. The guidelines may be adjusted to meet the flexible requirements of due process on a case-by-case basis, consistent with applicable laws.

A. Procedures for Conduct of Board Hearing to Expel

1. Any discussion, consideration or hearing by the Board of suspension or expulsion of a student shall be in executive session.
2. The Board shall be in a public meeting and vote to enter executive session. Executive session requires a 3/5 affirmative vote of the members present and voting, and the vote must be recorded.
3. The parents/legal guardians, the student and legal counsel or other representative (if any) must be present for the hearing, except that the hearing may go forward if the parents/guardians and student have been provided prior written notice and failed to appear for the hearing.

B. Executive Session

1. General Rules of Conduct

- A. The hearing officer (Board Chair/designee or Board attorney) will conduct the hearing.
- B. Witnesses shall be sequestered in response to a request by either party.
- C. The hearing officer will state “no irrelevant or repetitious evidence will be allowed and no debate between the parties will be allowed.”
- D. The hearing officer will state that “all parties are expected to maintain the confidentiality of the proceeding.”

- E. The Board and student (at his/her own expense) may be represented by legal counsel through each stage of the process.

II. PROCEDURES

- A. The hearing officer will state for the record:
- Date of this hearing;
 - Place of hearing;
 - Time of hearing;
 - Name of student;
 - Those in attendance for the administration;
 - Those in attendance for the student; and
 - Those in attendance for the Board.
- B. The hearing officer will request from the Superintendent a copy of the hearing notice, read the hearing notice to the Board and include the notice in the record. If no person appears at the hearing on behalf of the parents/legal guardians or student, the hearing officer will request that the Superintendent confirm that the parents/guardians and student were provided notice of the hearing.
- C. The Superintendent/designee, hereafter called “the administration,” will make an opening statement that includes an overview of the evidence, his/her recommendation, the reason(s) for the recommendation, and the legal basis for the recommended expulsion.
- D. The hearing officer will inform the student and parents/legal guardians of their rights:
- To hear the evidence;
 - To cross examine witnesses; and
 - To present witnesses and offer other relevant evidence.
- E. The hearing officer will ask if any member of the Board finds him/herself in a possible conflict of interest situation because he/she knows the student or parents/guardians to such an extent, or has knowledge of the facts to such an extent, that he/she could not impartially hear the facts and decide the issue on its merits.

- F. All witnesses shall be sworn in by the hearing officer. Each witness raises his/her right hand and is asked, "Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth?"
- G. The administration calls its witnesses.
- H. After each witness has answered all questions put by the administration, then the student/designee (hereinafter, the student) may cross-examine. This should be limited to questions and not arguments with the witness.
- I. The administration may ask rebuttal questions after the student finishes questioning.
- J. Members of the Board may ask questions at the conclusion of the rebuttal.
- K. The student may then call his/her own witnesses to testify, and the student may testify. All witnesses will be sworn. The administration may cross-examine witnesses. The student may ask rebuttal questions. After the rebuttal questions, the Board may ask questions.
- L. When all the student's witnesses have completed testimony (including the student), the administration may call additional rebuttal witnesses who may be cross-examined.
- M. At the end of the testimony, the administration shall make a statement which should include its recommendations. The same may then be done by/for the student.
- N. The Board should then deliberate in executive session. The Superintendent, Board attorney, administration, the student charged, his/her parents/legal guardians, and the student's legal counsel may remain for deliberations. If the student and representatives elect not to be present during deliberations, the administration will also be excluded from deliberations, except that the Superintendent may remain to provide guidance to the Board if he/she was not directly involved in the investigation/presentation of evidence.

- O. The Board shall discuss whether the charges are more likely than not supported by the evidence presented. The Board may discuss and/or draft proposed finding of fact(s) concerning the charges prior to leaving the executive session.
- P. If the charges are more likely than not supported, the Board shall discuss whether an expulsion shall be for a specified period of time or for an indefinite period.
- Q. The Board shall then leave executive session.

III. PUBLIC SESSIONS

- A. In public session, a member of the Board may make a motion to “expel a student and direct the Superintendent to provide the student and his/her parents/guardians with the Board’s findings of fact(s).” Following a second, the Board Chair should state the motion and the Board should vote. If no motion is made to expel, the student will return to school at the conclusion of the previously-imposed administrative suspension.

If the student is expelled, a member of the Board shall make a motion as to whether the expulsion shall be for a specified period of time or for an indefinite period. If the expulsion is for an indefinite period, the Board may authorize the Superintendent to develop a reentry plan for the student as described in Section II below.

- B. The Superintendent is responsible for notifying the parents/legal guardians (and the student) of the Board’s decision.

IV. REENTRY PLAN GUIDELINES

If the Board expels a student for an indefinite period of time and authorizes the Superintendent to develop a reentry plan, the following steps are required by law:

- A. The Superintendent/designee shall develop the reentry plan in consultation with the student and his/her parents/legal guardians to provide guidance that helps the student understand what he/she must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

- B. The Superintendent/designee shall send a certified letter or hand-deliver a letter to the parents/legal guardians of the student, giving the date, time and location of a meeting to develop a reentry plan.
- C. If the student and the student's parents/legal guardians do not attend the meeting, the reentry plan must be developed by the Superintendent/ designee.
- D. The reentry plan may require the student to take reasonable measures determined by the Superintendent that will help establish the student's readiness to return to school. Professional services determined to be necessary by the Superintendent must be provided at the expense of the student's parent/legal guardians and/or the student. (See policy JKF for requirements related to students with disabilities.)
- E. The reentry plan must be provided to the parents/legal guardians and the student.
- F. The Superintendent shall designate an appropriate school employee to review the student's progress with the reentry plan at one month, three months and six months after the initial reentry plan meeting, and at other times as determined necessary by the designated employee, in consultation with the Superintendent.

Legal Reference: 20-A MRSA §§ 1001 (8A), (9C)

Cross Reference: JKF – Disciplinary Removals of Students with Disabilities

Adopted: March 16, 2017

**DISCIPLINARY REMOVAL OF
STUDENTS WITH DISABILITIES**

When removing students with disabilities from their regular school programs, whether as a result of a suspension, an expulsion, or any other removal covered by state and federal special education laws, it shall be the policy of RSU 58/MSAD 58 to comply fully with all applicable state and federal special education laws that govern such removals.

The Superintendent of Schools, in consultation with the Director of Special Education and other school administrators, may develop and promulgate procedures for implementing this policy, and may from time to time amend those procedures as necessary.

Legal Reference: Ch. 101 § XVII (Me. Dept. of Educ. Rules) (2007)
34 C.F.R. § 300.101, .530 -.536 (2006)

Adopted: December 13, 2012

Revised: March 16, 2017

**DISCIPLINARY REMOVAL OF STUDENTS WITH DISABILITIES
ADMINISTRATIVE PROCEDURE**

These procedures shall govern disciplinary removals of students with disabilities from their regular school program. These procedures shall be interpreted in a manner consistent with state and federal special education laws and regulations.

- A. School administrators may suspend students with disabilities for up to 10 cumulative school days in the school year under the same terms and conditions as students without disabilities are suspended, subject to the limitations set forth below.
 - 1. In the event that a disabled student's IEP specifically lists a school response other than a suspension that must be followed for a particular type of misconduct, the school administrator shall follow the requirements of the IEP in responding to that misbehavior.
 - 2. When calculating the 10 cumulative school day total, school administrators shall include school days spent in an in-school suspension or removal, unless during that removal the child continued to have access to the general curriculum, to the special education services in his or her IEP, and to participation with non-disabled children to the extent he or she would have in the student's regular program.
- B. After a student with a disability has been removed from his/her current placement for 10 cumulative school days in the same school year, during any subsequent days of removal the school administrator shall consult with at least one of the student's teachers and then shall arrange for the student to receive a level of educational services during the removal sufficient to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals listed in the student's IEP.
- C. Within 10 school days of any decision to "change the placement" of a student with a disability because of a violation of a code of student conduct, school officials shall hold an IEP Team meeting to undertake the following:

1. The Team shall review all relevant information in the student's file including the IEP, any teacher observations, and recent evaluations.
2. The Team shall then undertake a manifestation determination to decide whether the student's misconduct was a manifestation of his/her disability.
3. If the Team determines that the misbehavior is a manifestation of the disability, the Team must either:
 - a. Conduct a functional behavior assessment, unless one had been conducted before the behavior incident, and shall implement a behavior intervention plan for the child; or
 - b. If a behavior plan has already been developed, review the plan and modify it as necessary to address the behavior.

Except as provided in D. below, the Team must also return the student to the placement from which he/she was removed, unless the school and parent agree to a change of placement as part of the revision of the behavior plan.

4. If the Team determines that the misbehavior is not a manifestation of the disability, school personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities, except that services must be provided to the student during the disciplinary removal consistent with 5. (C.) below.
5. When a student with a disability has a disciplinary removal that would be a "change of placement," the IEP Team shall order services for the student that will enable the student to:
 - a. Continue to participate in the general curriculum although in another setting;
 - b. Progress toward meeting the goals in the IEP; and
 - c. Receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are

designed to address the behavior violation so that it does not recur.

6. For purposes of this section, a “change of placement” occurs if:
 - a. The removal is for more than 10 consecutive school days; or
 - b. The child has been subjected to a series of removals that constitute a pattern and:
 - 1) Because the series of removals totals more than 10 cumulative days in the school year;
 - 2) Because the child’s behavior is substantially similar to the behavior in previous incidents resulting in the series of removals; and
 - 3) Because of additional factors such as the length of each removal, the total length, and the proximity of the removals to each other.

D. In those circumstances where a student brings a weapon to school, to a school function, or on school premises (including transportation); where a student knowingly possesses, uses, sells, or attempts to sell illegal drugs at school, a school function, or on school premises (including transportation); or when the student inflicts serious bodily injury upon another person while at school, a school function, or on school premises (including transportation) school officials may place that student in an alternative educational setting for up to 45 school days, shall provide educational services for the student consistent with 5. C. above, and shall schedule an IEP Team meeting to occur within 10 school days of commencing that removal. At that meeting, the Team shall undertake all necessary actions discussed in these procedures for responding to removals that constitute a change of placement for the student. Any further removals in response to the incident shall be made consistent with these procedures and state and federal special education rules.

Legal Reference: Ch. 101 § XVII (Me. Dept. of Educ. Rules) (2007)
34 C.F.R. § 300.101, .530-.536 (2006)

Adopted: December 13, 2012

Revised: March 16, 2017

STUDENT WELLNESS

The Board recognizes that student wellness and good nutrition are related to students' physical and psychological well-being and their readiness to learn. The Board is committed to providing a school environment that supports student wellness, healthy food choices, nutrition education, and regular physical activity. The Board believes that students who learn and practice healthy lifestyles in their formative years may be more likely to be conscious of the importance of good nutrition and exercise as adults, practice healthy habits, and reduce their risk of obesity, diabetes and other chronic diseases.

Nutrition Standards

The school unit will ensure that meals provided by its Food Services Program meet the nutrition standards established by federal regulations. Sales of foods and beverages that compete with the school lunch program (and/or school breakfast program) must be in compliance with the Board's policy EFE, Competitive Food Sales/Sales in Competition with the School Food Services Program.

Assurance

This policy serves as assurance that school unit guidelines for reimbursable meals are not less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to the National School Lunch Act and the Child Nutrition Act.

Nutrition Education

Nutrition education will be integrated into the instructional program through the health education program and/or the curriculum as aligned with the content standards of Maine's system of Learning Results. Nutrition education should focus on skills students need to adopt and maintain healthy eating behaviors. Students should receive consistent nutrition messages throughout the schools, including classrooms, cafeteria, and school-home communications.

Nutrition Promotion

Schools will support healthful eating by students and encourage parents/guardians to provide healthy meals for their children by providing consistent nutrition messages and information and by cooperation with other agencies and organizations.

Physical Activity

The school unit will strive to provide all students developmentally appropriate opportunities for physical activity through physical education classes, recess periods for elementary school students, and extracurricular activities (clubs, intramural and interscholastic athletics). School programs are intended to build and maintain physical fitness and to promote healthy lifestyles. The schools should encourage parents to support their children's participation in physical activities, including available before- and after-school programs.

Other School-Based Wellness Activities

The schools, with prior approval of the Superintendent/designee, may implement other appropriate programs that support consistent wellness messages and promote healthy eating and physical activity.

The Board may approve policy, regulations or guidelines for refreshments served at parties or celebrations during the school day or for food as rewards, or may delegate the responsibility for such regulations or guidelines to administrators at the district or school level.

The school unit may develop programs that encourage staff to learn and engage in healthy lifestyle practices.

Implementation and Monitoring

The Superintendent/designee shall be responsible for the implementation or the wellness policy, for monitoring efforts to meet the intent of this policy, and for reporting to the Board on an annual basis.

Monitoring may include surveys or solicitation of input from students, parents, staff, and school administrators.

Reports may include, but are not limited to:

- A. The status of the school environment in regard to student wellness issues
- B. Evaluation of the school food services program and compliance with nutrition guidelines
- C. Summary of wellness programs and activities in the schools

- D. Feedback from students, parents, staff, school administrators and wellness committee, including suggestions for improvement in specific areas
- E. Recommendations for policy and/or program revisions

Appointment and Role of the Wellness Committee

The Board shall appoint a district-wide Wellness Committee comprised of at least one of each of the following:

- A. Board member;
- B. School administrator;
- C. Food Services Director/designee;
- D. Student representative;
- E. Parent representative; and/or
- F. Community representative.
- G. School nurse;
- H. Physical education teacher;
- I. Classroom teacher(s)

The Wellness Committee shall serve as an advisory committee in regard to student wellness issues and will be responsible for making recommendations related to the wellness policy, wellness goals, administrative or school regulations and practices, or raising awareness of student health issues.

With the prior approval of the Superintendent/designee, the Wellness Committee may survey parents, students and the community and/or conduct focus groups or community forums.

The Wellness Committee shall provide periodic reports to the Superintendent/designee and, as requested, to the Board.

Wellness Goals

The Board has identified the following goals associated with student wellness:

Goals for Nutrition Education

The schools will provide nutrition education that focuses on the skills students need to adopt and maintain healthy eating behaviors.

The schools' nutrition education will be provided in a sequential, comprehensive health education program aligned with the content standards of the Maine system of Learning Results.

Nutrition education will be integrated into other subjects as appropriate to complement, not replace, the health education program.

The school unit will provide foods that meet or exceed the federal nutrition standards, adequate time for students to obtain food and eat, lunch scheduled at appropriate hours of the day (OR: as close to the middle of the school day as possible), adequate space to eat, and a clean and safe meal environment.

Appropriate professional development will be provided for food services staff.

Goals for Nutrition Promotion

School unit staff will cooperate with agencies and community organizations to provide opportunities for appropriate student projects and learning experiences related to nutrition.

Schools will encourage parents/guardians to provide healthy meals and snacks for their children through take-home materials or other means.

Goals for Physical Activity

The physical education program will provide students with the knowledge and skills needed to be physically fit and take part in healthful physical activity on a regular basis.

Students will develop motor skills and apply them to enhance their coordination and physical performance.

Students will demonstrate responsible personal and social behaviors in physical activity settings.

The physical education curriculum will be aligned with the content standards of the Maine system of Learning Results.

Physical education classes will provide opportunity to learn for students of all abilities.

The schools will provide a physical and social environment that encourages safe and enjoyable physical activity and fosters the development of a positive attitude toward health and fitness.

The schools will provide facilities adequate to implement the physical education curriculum for the number of students served.

Schools will promote efforts to provide opportunities for students to engage in age-appropriate activities on most days of the week in both school and community settings.

The schools will provide opportunities for physical activity through a variety of before- and/or after-school programs including, but not limited to, intramural sports, interscholastic athletics and physical activity clubs.

Appropriate professional development will be provided for physical education staff and other staff involved in the delivery of such programs.

Goals for Other School-Based Activities

Goals of the wellness policy will be considered when planning school or classroom parties, celebrations or events.

Parents will be encouraged to provide nutritionally sound snacks from home and food for classroom parties or events.

Schools will encourage maximum participation in school meal programs.

Schools will encourage parents and students to take advantage of developmentally appropriate community-based after-school programs that emphasize physical activity.

The schools will encourage parents to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.

As feasible, school physical activity facilities will be made available after school hours for student, parent and community use to encourage participation in physical activity.

School administrators, staff, parents, students and community members will be encouraged to serve as role models in practicing healthy eating and being physically active, both in the school environment and at home.

Student organizations will be encouraged to engage in fundraising projects that are supportive of healthy eating and student wellness.

School-based marketing of foods and beverages, such as through advertisements in school publications, school buildings, athletic fields, and other areas accessible to students should support the goals of the wellness policy.

The schools are encouraged to cooperate with agencies and community organizations to support programs that contribute to good nutrition and physical activity.

Legal Reference: 42 U.S.C. § 1751

Adopted: July 13, 2006

Revised: December 18, 2014; March 16, 2017

IMMUNIZATION OF STUDENTS

All students who enroll in MSAD #58 are required by Maine law to present a certificate of immunization or evidence of immunization or immunity against poliomyelitis, diphtheria, pertussis (whooping cough), tetanus, measles, mumps, rubella and varicella (chicken pox).

Non-immunized students shall not be permitted to attend school unless one of the following conditions is met:

- A. The parents/guardians provide to the school written assurance that the child will be immunized within 90 days of enrolling in school or his/her first attendance in classes, whichever date is earlier. This option is available only once to each student during their school career; or
- B. The parents/guardians provide a physician's written statement each year that immunization against one or more diseases may be medically inadvisable (as defined by law/regulation); or
- C. The parents/guardians state in writing each year that immunization is contrary to their sincere religious or philosophical beliefs.

The Superintendent shall exclude from school any non-immunized student when there is a clear danger to the health of others as provided by law.

Records of a student's immunizations or immunization status shall be part of the student's education records and shall be confidential except as otherwise provided by law.

The Superintendent/designee is directed to develop such administrative procedures as are necessary to carry out this policy and comply with statutory requirements.

Legal Reference: 20-A MRSA §§ 6352-6359
Chapter 126 (Me. Dept. of Ed. Rules)

Cross Reference: JLCC – Communicable/Infectious Diseases
JRA – Student Educational Records

Adopted: March 16, 2017

COMMUNICABLE/INFECTIOUS DISEASES

Teachers shall be alert to signs of illness and communicable disease and refer students who show such symptoms to the school nurse.

The school nurse shall be responsible for notifying the local health department of all students having a communicable disease as required by law and Department of Education and Department of Health and Human Services rules. The building principal shall be notified of all communicable disease cases and contacts in the school.

Students who have other types of communicable diseases shall be excluded from school as prescribed by law, or shall observe other protective procedures according to recommendations issued by the school physician.

When a student returns to school after having had a communicable disease, a certificate from the attending physician is required. The building principal and/or the school nurse must give permission before the student is readmitted to class.

The Superintendent shall exclude from school any non-immunized student when there is a clear danger to the health of others as provided by law.

Legal Reference: 5 MRSA § 19201 et seq.
20-A MRSA §§ 1001(11)(A), 6301, 6356
22 MRSA §§ 801, 802, 806, 823, 824

Adopted: March 12, 1992

Revised: March 16, 2017

ADMINISTRATION OF MEDICATION TO STUDENTS

Although the Board discourages the administration of medication to students during the school day when other options exist, it recognizes that in some instances a student's chronic or short-term illness, injury, or disabling condition may require the administration of medication during the school day. The school will not deny educational opportunities to students requiring the administration of medication in order to remain in attendance and participate in the educational program.

The intent of this policy is to promote the safe administration of medications to students by school personnel and to provide for authorization of student emergency self-administration of medication from asthma inhalers and epinephrine pens. The Board encourages collaboration between parents/guardians and the schools in these efforts. The Board disclaims any and all responsibility for the diagnosis, prescription of treatment, and administration of medication for any student, and for any injury arising from a student's self-administration of medication.

This policy does not apply to the administration of medical marijuana.

I. DEFINITIONS

“Administration” means the provision of prescribed medication to a student according to the orders of a health care provider.

“Health care provider” means a medical/health practitioner who has a current license in the State of Maine with a scope of practice that includes prescribing medication.

“Indirect supervision” means the supervision of an unlicensed school staff member when the school nurse or other health care provider is not physically available on site but immediately available by telephone.

“Medication” means prescribed drugs and medical devices that are controlled by the U.S. Food and Drug Administration and are ordered by a health care provider. It includes over-the-counter medications prescribed through a standing order by the school physician or prescribed by the student's health care provider.

“Parent” means a natural or adoptive parent, a guardian, or a person acting as a parent of a child with legal responsibility for the child's welfare.

“School nurse” means a registered professional nurse with Maine Department of Education certification for school nursing.

“Self-administration” is when the student administers medication independently to him/herself under indirect supervision of the school nurse.

“Unlicensed school personnel” are persons who do not have a professional license that allows them, within the scope of that license, to administer medication.

II. ADMINISTRATION OF MEDICATION BY SCHOOL PERSONNEL

A. Parental Request

In the event that no reasonable alternative exists, the parent/guardian may request in writing that medication be administered to the student during the school day. The written request must include an acknowledgement and agreement that unlicensed personnel may administer the medication as per the health care provider’s instructions. In addition, the request shall indicate that information regarding the student’s medication may be shared with appropriate school personnel. Parents may provide the reason (diagnosis) requiring the administration of medication.

Requests shall be valid for the current school year only.

B. Health Care Provider’s Order

All parental requests must be accompanied by a written order from the student’s health care provider substantiating the fact that the administration of a particular medication during the school day is necessary for the student’s health and attendance in school. Such order must include:

1. The student’s name;
2. The name of the medication;
3. The dose;
4. The route of administration (e.g., tablets, liquid, drops); and
5. Time intervals for administration (e.g., every four hours, before meals);
6. Any special instructions; and

7. The name of the prescribing health care provider.

It is the responsibility of the school nurse to clarify any medication order that he/she believes to be inappropriate or ambiguous. In accordance with Department of Education Rule Chapter 40 § 2(B), the school nurse may decline to administer a medication if he/she believes such administration would jeopardize student safety. In this case, the school nurse must notify the parent, the student's health care provider and the school administrator (i.e., building principal or designated administrator).

C. Renewal of Parent Permission Requests/Forms and Health Care Provider Orders

Written parental permission requests/forms and health care provider orders must be renewed at least annually. Health care provider orders must be renewed whenever there are changes in the order.

D. Delivery and Storage of Medication

The student's parents shall deliver any medication to be administered by school personnel to the school in its original container. In the event that this is not practical, the parent must contact the school to make alternate arrangements.

No more than a 20-day (one month) supply of medication shall be kept at school, excluding inhalers and epinephrine pens. The parent is responsible for the replenishment of medication kept at school.

If the health care provider's order/prescription is for a medication regulated by the Federal Narcotics Act, no more than a one week supply shall be kept at school.

The parent is responsible for notifying the school of any changes in or discontinuation of a prescribed medication that is being administered to the student at school. The parent must remove any medication no longer required or that remains at the end of the school year.

The school nurse or building principal shall be responsible for developing and implementing procedures for the appropriate and secure storage of medications kept at school, and all medications shall be stored in accordance with this procedure.

E. Recordkeeping

School personnel and the student's parent shall account for all medication brought to school. The number of capsules, pills or tablets, and/or the volume of other medications brought to school shall be recorded.

School staff administering medication shall document each instance the medication is administered including the date, time, and dosage given.

The school nurse or building principal shall maintain a record including the parent's request, physician's order, details of the specific medications (including dosage and timing of medication), and documentation of each instance the medication is administered.

Records shall be retained according to the current State schedules pertaining to student health records.

F. Confidentiality

To the extent legally permissible, staff members may be provided with such information regarding medication and its administration as may be in the best interest of the student.

G. Administration of Medication

Medication may be administered during the school day by licensed medical personnel acting within the scope of their licenses.

The school nurse, under the administrative supervision of the Superintendent, will provide direction and oversight for the administration of medication to students.

All unlicensed personnel (principals, teachers, education technicians, school secretaries, coaches, bus drivers, etc.) who administer medication must receive training before being authorized to do so.

Based upon the documentation of training and competency in the administration of medication, the school nurse will make recommendations to the Superintendent/designee pertaining to authorization of unlicensed persons to administer medication. Training that shall be acceptable for the purpose of authorization of unlicensed personnel is addressed under the section of this policy titled "Required Training of Unlicensed Personnel to Administer Medication."

H. Administration of Medication During Off-Campus Field Trips and School-Sponsored Events

The school will accommodate students requiring administration of medication during field trips or school-sponsored events as follows:

The school nurse, principal, and, as appropriate, the school unit's Section 504 Coordinator and/or PET, will determine whether an individual student's participation is contraindicated due to the unstable/fragile nature of his/her health condition, the distance from emergency care that may be required, and/or other extraordinary circumstances. The student's parent and primary care provider will be consulted in making this determination. The decision will be made in compliance with applicable laws, including the IDEA, § 504 and the Americans with Disabilities Act (ADA).

The parent must provide the appropriate number of doses needed for the duration of the field trip or school-sponsored event.

When there are no contraindications to student participation, an appropriately trained staff member will be assigned to administer medication. The parent will be encouraged to accompany the student, if possible, to care for the student and administer medication.

All provisions of this policy shall apply to medications to be administered during off-campus field trips and school-sponsored events. As practicable, the DOE's "Policy for Medication Administration on School Trips" will be followed.

I. Student Self-Administration of Asthma Inhalers and Epinephrine Pens

Students with allergies or asthma may be authorized by the building principal, in consultation with the school nurse, to possess and self-administer emergency medication from an epinephrine pen (EpiPen) or asthma inhaler during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication from an epinephrine pen or asthma inhaler if the following conditions have been met.

1. The parent (or student, if 18 years of age or older) must request in writing authorization for the student to self-administer medication from an epinephrine pen or asthma inhaler.
2. The student must have the prior written approval of his/her primary health care provider and, if the student is under the age of 18, the prior written approval of his/her parent/guardian. The written notice from the student's primary care provider must specify the name and dosage of the medication, frequency with which it may be administered, and the circumstances that may warrant its use.
3. The student's parent/guardian must submit written verification to the school from the student's primary care provider confirming that the student has the knowledge and the skills to safely possess and use an epinephrine pen or asthma inhaler.
4. The school nurse shall evaluate the student's technique to ensure proper and effective use of an epinephrine pen or asthma inhaler.
5. The parent will be informed that the school cannot accurately monitor the frequency and appropriateness of use when the student self-administers medication, and that the school unit will not be responsible for any injury arising from the student's self-medication.

Authorization granted to a student to possess and self-administer medication from an epinephrine pen or asthma inhaler shall be valid for the current school year only and must be renewed annually.

A student's authorization to possess and self-administer medication from an epinephrine pen or asthma inhaler may be limited or revoked by the building principal after consultation with the school nurse and the student's parents if the student demonstrates inability to responsibly possess and self-administer such medication.

To the extent legally permissible, staff members may be provided with such information regarding the student's medication and the student's self-administration as may be in the best interest of the student.

Sharing, borrowing, or distribution of medication is prohibited. The student's authorization to self-administer medication may be revoked and the student may be subject to disciplinary consequences for violation of this policy.

J. Required Training of Unlicensed Personnel to Administer Medication

Unlicensed school personnel who administer medication to students in a school setting (at school, on school transportation to or from school, on field trips, or during school-sponsored events) must be trained in the administration of medication before being authorized to carry out this responsibility. Such training must be provided by a registered professional nurse or physician and include the components specified in Department of Education Rules Chapter 40 and other applicable Department of Education standards, recommendations, programs, and/or methodologies.

The trainer shall document the training and competency of unlicensed school personnel to administer medication. Based upon a review of the documentation of training and competency in the administration of medication, the school nurse will make recommendations to the Superintendent/designee pertaining to authorization of such unlicensed personnel pertaining to authorization to administer medication.

Following the initial training, a training review and information update must be held at least annually for those unlicensed school personnel authorized to administer medication.

K. Delegation and Implementation

The Superintendent/designee shall be responsible for developing administrative procedures and/or protocols to implement or supplement this policy.

Such procedures/protocols shall include direction regarding:

1. Safe transport of medication to and from school;
2. Administration of medication during field trips and school-sponsored events;
3. Accountability for medications, particularly those regulated by the Federal Narcotics Act;
4. Proper storage of medication at school;
5. Training of appropriate staff on administration of emergency medications;

6. The procedure to follow in the event of a medication reaction;
7. Access to medications in case of a disaster;
8. The process for documenting medications given and medication errors; and
9. The proper disposal of medications not retrieved by parents.

Legal Reference: 20-A M.R.S.A. §§ 254; 4009(4); 4502 (5)(N)
Ch. 40; 125 § 10.01(c) (Me. Dept. of Ed. Rule)
28 C.F.R. Part 35 (Americans with Disabilities Act of 1990)
34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973)
34 C.F.R. Part 300 (Individuals with Disabilities Education Act)

Cross-Reference: JLCDA-Medical Marijuana in Schools

Adopted: March 16, 2017

MEDICAL MARIJUANA IN SCHOOLS

The Board recognizes that there may be some students in the MSAD #58 schools who rely on the use of medical marijuana to manage a medical condition and who may be unable to effectively function at school without it.

Maine law provides that a “primary caregiver” (defined as parent, guardian or legal custodian under Maine’s medical marijuana law, 22 MRSA § 2423-A91)(E)) may possess and administer marijuana in a nonsmokeable form in a school bus or on the grounds of the preschool or primary or secondary school in which a minor qualifying patient is enrolled, if: a) a medical provider has provided the minor qualifying patient with a current written certification for the medical use of marijuana and b) possession of medical marijuana is for the purpose of administering it to the minor qualifying patient.

In order to facilitate administration of medical marijuana with a minimum interruption of instructional time for the student and with a minimum of disruption of routine school operations, the Board approves the following guidelines for the administration of medical marijuana:

- A. The person administering the medical marijuana must provide proof that
 - 1. He/she is the primary caregiver for the student;
 - 2. The student has a current written certification from a medical provider for the use of medical marijuana;
 - 3. The student needs to have the drug administered during the school day, as opposed to before or after school.
- B. The marijuana must be in a nonsmokeable form;
- C. The marijuana must be possessed only by the primary caregiver and only for the purpose of administering it to the student at school;
- D. Medical marijuana may only be possessed by the primary caregiver; it cannot be given to or held by any school employee, student or other person in school, with the exception of the “qualifying patient;”
- E. Only the primary caregiver may administer medical marijuana – it cannot be done by, or delegated to, a school employee or any other person than the primary caregiver;

- F. Medical marijuana may be administered only at the principal's office; the primary caregiver must go there directly and, if visitors are required to sign in, to do so;
- G. The student may not possess medical marijuana at any time or place except during the time of its consumption, at the designated location, and under the supervision of the caregiver.

A student who holds written certification for the medical use of marijuana may not be excluded (suspended or expelled) from school because he/she requires medical marijuana to attend school.

Legal Reference: Maine 2015 P.L. Ch. 369

Cross-Reference: JLCD-Administration of Medication to Students

Adopted: March 16, 2017

REINTEGRATION OF STUDENTS FROM JUVENILE CORRECTIONAL FACILITIES

Maine law requires the establishment of a reintegration team to assist a student entering a public school from a juvenile correctional facility. The Board recognizes the need for advance planning and appropriate confidentiality in these circumstances.

The Superintendent shall be responsible for determining whether a student will be accepted or denied access to school based on compliance with the juvenile's rehabilitation plan as it affects reintegration. Access may be denied until the Superintendent is satisfied that conditions have been met.

The school unit will comply with reintegration standards established by the Maine Department of Education. The Superintendent will be responsible for overseeing the transition of students from juvenile correctional facilities based on the following guidelines.

- A. Within ten days of receiving information from the Department of Corrections concerning the release of the juvenile offender, the Superintendent shall establish and convene a meeting of a reintegration team to review information received from the Department of Corrections, evaluate the student's individual educational needs, and determine what additional information may be relevant.
- B. The reintegration team shall include at a minimum the principal/designee of the school to which the student will be admitted, at least one classroom teacher to which the student will be assigned or who is involved in the school's student assistance team, the student's parent/guardian/custodian, and a guidance counselor. The student's juvenile correctional officer or other representative from the Department of Corrections may be invited to attend.
- C. The reintegration team will determine, on the basis of need, which school employees should be given or have access to information that would otherwise be considered confidential. The nature and extent of information provided should be limited to that needed to implement the student's reintegration plan and ensure the health and safety of the student, the safety of the school's students and staff, and the integrity of school property.

- D. The Superintendent/designee will be responsible for ensuring that confidentiality training, including a review of the school unit's policy and administrative procedures pertinent to records from the juvenile criminal justice system, including the juvenile correctional facility, and to all student educational records under the Family Education Records and Privacy Act (FERPA), is provided to all school employees who have access to this information.
- E. Before the student enters school, at least one additional meeting of the reintegration team should be held to develop an individualized plan for the student's reintegration based on the student's educational needs and the options available within the school system. This meeting should include the student as well as the members of the reintegration team. The reintegration plan will address the student's educational program, participation in activities (including co-curricular and extracurricular activities), and access to school facilities (including transportation).
- F. Placement in grade, class, and/or school programs will be based on the student's abilities and academic achievement demonstrated in prior educational settings, including the student's stay at the juvenile correctional facility. The principal will be responsible for evaluating the student's transcript and portfolio from the juvenile correctional facility to assess progress toward meeting the content standards of the Learning Results. The principal may require the student to participate in additional tests or other demonstrations of skill or knowledge, consistent with the local assessment system, for the purpose of determining appropriate placement.
- G. The Superintendent/designee will be responsible for developing and implementing a process for monitoring and reporting a student's progress and compliance with the reintegration plan and for modifying the plan as needed.
- H. A student who violates Board policy or school rules will be subject to the disciplinary consequences described in policy, administrative procedures, and/or the student handbook/student code of conduct.
- I. The Superintendent/designee shall make any reports that may be required by the Department of Education concerning numbers of students entering the local school unit from juvenile correctional facilities.

Legal Reference: 20-A M.R.S.A. §§ 254(12), 1055(12), 2902(10), 4502(5)(O),
6001-B(1), 6001-B(2), 6001-B(3-A)
15 M.R.S.A. § 3009

Adopted: March 16, 2017

REPORTING CHILD ABUSE AND NEGLECT

I. DEFINITIONS

- A. Child abuse or neglect. Child abuse or neglect is defined by Maine law as “threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, or failure to ensure compliance with school attendance requirements under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six, has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).
- B. Person responsible for the child. A “person responsible for the child” means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility, which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.

II. EMPLOYEES’ DUTY TO REPORT

- A. Any employee of the school unit who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal.
 - 1. In addition to notifying the building principal, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney (see also Section III.B which provides further information about reporting to DHHS and/or the District Attorney).
- B. If the reporting employee does not receive written confirmation from the building administrator/Superintendent within 24 hours of his/her report that a report has been made to DHHS and/or District Attorney, the employee shall make an immediate report directly to DHHS and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee shall then complete a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E).

- C. If the reporting employees does receive written confirmation from the building administrator/Superintendent within 24 hours of his/her report (which is a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E), he/she shall sign the form as acknowledgement that the report was made and return it to the building administrator/Superintendent.

III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

All building administrators and the Superintendent are designated agents to make child abuse and neglect reports.

- A. If a building administrator receives the report, he/she shall notify the Superintendent immediately.
- B. The Superintendent or building administrator shall then make a verbal and written report(s) of suspected abuse or neglect to DHHS. In addition, if the person suspected is not the parent, guardian or other custodian of the child, the Superintendent/building administrator shall also make a report to the District Attorney.
 - 1. The law requires the reporting employee to make his/her own report to DHHS and/or the District Attorney if he/she has not received confirmation within 24 hours that such a report has been made by the Superintendent/building administrator.
- C. The person making the report to DHHS and/or the District Attorney shall complete the Suspected Child Abuse or Neglect Form (JLF-E).
- D. The Superintendent/building administrator shall provide a copy of the Suspected Child Abuse or Neglect Form to the reporting employee within 24 hours of the employee's initial report. The reporting employee shall sign the report and return it to the Superintendent/building administrator.
- E. The form will be forwarded to DHHS and/or the District Attorney, and shall be retained by the school unit for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. Employees. If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining contracts, and federal and state laws.
- B. Students. If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

V. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school as provided in this section. The building administrator or designee shall:

- A. Require the DHHS employee requesting to interview the child to provide written certification that in the Department's judgment, the interview is necessary to carry out its duties;
- B. Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance, school nurse, social worker or building administrator as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;
- C. Not place conditions on how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; and requiring notice to or consent from a parent or guardian;
- D. Provide an appropriate, quiet and private place for the interview; and
- E. Not disclose any information about DHHS's intention to interview the child except to school officials or the school's attorney who need the information to comply with the interview request.

VI. CONFIDENTIALITY OF INFORMATION AND RECORDS

All records, reports and information concerning alleged cases of child abuse and neglect shall be kept confidential to the extent required by Board policies and applicable law.

The building administrator/designee is permitted to release a child's school records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals under federal law.

VII. TRAINING

Any school unit employee who is required to make a report shall, at least once every four years, complete mandated training approved by DHHS.

VIII. GOOD FAITH IMMUNITY FROM LIABILITY

Any person who in good faith reports, assists DHHS in making the child available for an interview, or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false.

Legal Reference: 22 MRSA Chap. 1071, Child and Family Services and Child Protection Act
Me. P.L. Ch. 407 (2016)
20 USC § 1232g, Family Educational Rights and Privacy Act

Act 20-A M.R.S.A. §§ 5051-A(1)(C); 5051-A(2)(C)

Cross Reference: ACAA – Harassment and Sexual Harassment of Students
JLF-E – Suspected Child Abuse and Neglect Report Form
JRA – Student Records

Adopted: March 16, 2017

REPORTING CHILD ABUSE AND NEGLECT- ADMINISTRATIVE PROCEDURE

This procedure implements the Board's policy JLF – Reporting Suspected Child Abuse and Neglect. It summarizes the steps to be taken when a school employee suspects that a child has been or is likely to be abused or neglected.

The “notifying person” refers to the person who has the information that gives rise to the suspicion that a child has been is likely to be abused or neglected and is required by law to report it, such as a teacher, principal, guidance counselor or bus driver.

- A. The notifying person should immediately notify the principal or other designated agent of the suspected abuse or neglect. The person may notify the Department of Health and Human Services (DHHS) directly, or if appropriate, the District Attorney (DA).
- B. The principal or designated agent should immediately directly report it to DHHS and, if appropriate, to the DA.
- C. The principal or designated agent should send a written confirmation containing the name of the person reporting, the date and time of the report and a summary of the information to the notifying person.
- D. The notifying person should acknowledge in writing that he/she has received the confirmation that the report has been made by the principal or designated agent.
- E. The confirmation and acknowledgement should be retained in the school's records.
- F. If the notifying person has not received written confirmation within 24 hours of making his/her report to the principal or designated agent has caused a report to be made to DHHS and, if appropriate, the DA, the notifying person shall immediately make a report to DHHS and, if appropriate, the DA.

Cross Reference: JLF – Reporting Suspected Child Abuse and Neglect
 JLF-E – Suspected Child Abuse Neglect Report Form

Adopted: March 16, 2017

SUSPECTED CHILD ABUSE/NEGLECT REPORT FORM

Any employee of RSU 58/MSAD 58 who suspects that a child has been or is likely to be abused or neglected (the “notifying person”) must immediately notify the building principal using this form. The purpose of this form is to document your reporting and to facilitate confirmation to you that the building principal or other designated school official has made your report to the Department of Health and Human Services (DHHS) or, as appropriate to the District Attorney.

If you have not received written confirmation within 24 hours of submitting this form to the building principal, you must make your own report to DHHS or, if appropriate, to the DA.

- 1) Name/title/telephone number and email address of notifying person (person who originally has the information and is required to report it):

- 2) Date and time of notifying person’s report: _____

- 3) Name/title of school principal /designated agent first report made to:

- 4) Did notifying person contact DHS independently: ____ Yes ____ No

- 5) Name of student who is subject of report: _____

Birthdate: _____ Sex: _____ Grade: _____

Known history of abuse/neglect? _____

Parent/Guardian Name(s): _____

Address: _____

Home and work telephone numbers: _____

Name(s) of sibling(s): _____

6) Statements or indicators leading to the suspicion of abuse/neglect (include all known information, including date, time and location, name of alleged abuser, and relationship to student):

7) List any photographs taken or other materials collected related to the report:

8) Actions taken by school personnel (list date, time and personnel involved):

CONFIRMATION OF REPORT

(Used for confirming principal or designated agent’s report to authorities)

Name of principal or designated agent: _____
Agency contacted by telephone: _____
Name and title of agency contact: _____
Date and time of telephone report: _____
Copy of report form sent (include date and addressee): _____

Principal/Designated Agent Signature

Date and Time

EMPLOYEE’S ACKNOWLEDGEMENT OF RECEIPT OF CONFIRMATION

(To be returned to principal or designated agent)

I have received confirmation that my report has been made to DHHS or the DA by the Principal or other Designated Agent.

Notifying Person/Original Reporter’s Signature
(Employee’s Signature)

Date and Time

STUDENT DISMISSAL PRECAUTIONS

The Board seeks to safeguard students by requiring procedures for excusing students from attendance at school. The building principal is directed to develop and implement administrative procedures for dismissing students, subject to the approval of the Superintendent.

Students will be released only to parents, legal guardians, and other persons specifically authorized in writing by parents/legal guardians to pick up the student. If the building principal/designee has reason to question the authenticity of any written or verbal communication regarding the release of a student, the parents/guardians shall be contacted for confirmation. The building principal/designee has the authority to deny the release of students to unauthorized or unknown persons. Students who drive to school must present a note from a parent/guardian authorizing them to leave school at any time during the school day and must sign out at the school office. Students over 18 must provide a written reason for leaving school and must sign out at the school office.

A custodial parent/guardian who wishes the school to comply with provisions of a court order to restrict access to a child is responsible for providing a certified copy of such order to the school.

In addition, administrative procedures concerning student dismissal shall incorporate the following components:

- A. A procedure for dismissing students in the event of an emergency during the school day;
- B. A procedure for dismissing students for illness and other reasons prior to the end of the school day; and
- C. A procedure for confirming the identity of parents/guardians and others authorized to pick up students prior to releasing students.

Cross Reference: EBCA – Emergency Management Plan
JEA – Compulsory Attendance
KI – Visitors to the Schools

Adopted: August 31, 1977

Revised: March 16, 2017

STUDENT ACTIVITY FEES

Recognizing that it is the public's responsibility to fund a free public education for all students, no fees will be imposed for required academic programs. However, severe restraints on the school budget may require the imposition of user fees in order to maintain extracurricular programs. User fees are to be imposed by the Board only when other funding is not available.

User fees will be levied on participants in all extracurricular activities. However, no user fees shall be imposed on a student with a disability for whom specified extracurricular activities are an essential component of the Individual Education Plan (IEP). Payment of a user fee merely permits participation in the extracurricular activity and in no way guarantees playing time on a sports team or any other privilege. Amounts to be charged will be based on the cost of the activities.

Fees will be paid according to a schedule and a method of payment that provide for safekeeping of the money collected and accurate record keeping. Refunds may be granted in certain circumstances (to be determined by local school unit).

In an effort to ensure that extracurricular activities are accessible to all students, regardless of income, the following restrictions on user fees shall apply.

- A. A cap on the amount that any one family or individual student is required to pay in one academic year shall be established.
- B. Fees will be waived for students with need demonstrated through a specified formula. Criteria for waivers and the process for obtaining waivers shall be well publicized to parents and included in staff and student/parent handbooks. Waivers are to be provided in a confidential manner to avoid stigmatization of students.

The Superintendent is responsible for developing administrative regulations to implement this policy.

Adopted: September 9, 2010

Revised: March 16, 2017

STUDENT EDUCATION RECORDS AND INFORMATION

The RSU 58/MSAD 58 shall comply with the Family Educational Rights and Privacy Act (“FERPA”) and all other federal and state laws and regulations concerning confidentiality and maintenance of student records and student information.

A. Directory Information

The RSU 58/MSAD 58 designates the following student information as directory information: name, participation and grade level of students in recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, and honors and awards received. RSU 58/MSAD 58 may disclose directory information if it has provided notice to parents (and eligible students over 18) and has not received timely written notice refusing permission to designate such information as directory information.

B. Military Recruiters/Higher Education Access to Information

Under federal law, military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and RSU 58/MSAD 58 must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent.

C. Information on the Internet

Under Maine law, RSU 58/MSAD 58 shall not publish on the Internet any information that identifies a student, including but not limited to the student’s full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents’ names, without written parental consent.

D. Transfer of Student Records

As required by Maine law, RSU 58/MSAD 58 sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records (except for confidential health records for which consent for dissemination has not been obtained).

E. Designation of Law Enforcement Unit

School units may disclose student education records without parental consent to personnel of its law enforcement unit, provided that they have been designated as school officials with legitimate educational interests for the purpose of compliance with FERPA.

The Board hereby designates the Franklin County Sheriff's Office as the RSU 58/MSAD 58's law enforcement unit for the purpose of disclosure of student education records under FERPA.

F Health or Safety Emergency Emergencies

As permitted by FERPA, the school unit may disclose personally identifiable information from a student's educational record to appropriate parties, including parents of an eligible student, if taking into account the totality of the circumstances, it determines that there is an articulable and significant threat to the health or safety of the student or other individuals and that knowledge of the information is necessary to protect the health or safety of the student or other individuals. In the event of disclosure, the school unit will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the school unit has disclosed and maintain such record with the student's educational record.

G. Administrative Procedures and Notices

The Superintendent is responsible for developing and implementing any administrative procedures and parent notices necessary to comply with the applicable laws and regulations concerning student education records and information. Notices shall be distributed annually to parents and eligible students concerning their rights under these laws and regulations. A copy of this policy shall be posted in each school.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99
20 U.S.C. § 7908
20-A M.R.S.A. §§ 6001, 6001-B
Me. Dept. of Ed. Rules Ch. 101, 125

Cross Reference: JRA-E – Annual Notice of Student Education Records and
Information Rights
JRA-R – Education Records and Information Administrative
Procedure
ILD – Student Surveys

Adopted: October 7, 2010

Revised: March 16, 2017

**STUDENT EDUCATION RECORDS AND INFORMATION
ADMINISTRATIVE PROCEDURE**

This administrative procedure is intended to assist administrators and school staff in complying with the requirements of federal and state statutes and regulations concerning student education records and information, including special education requirements.

A. Definitions

The following definitions apply to terms used in this procedure.

1. “Act” means the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g).
2. “Directory information” means the following information contained in an education record of a student: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, and honors and awards received.
3. “Eligible student” means a student who has attained 18 years of age who has not been judged by a court of competent jurisdiction to be so severely impaired that the student is unable to make decisions or exercise judgment on his/her own behalf. When a student attains the age of 18, all rights accorded to parents concerning education records transfer to the eligible student.
4. “Parent” means parent, regardless of divorce or separation, a legal guardian, or individual acting as a parent or guardian provided that there shall be a presumption that a parent has the authority to exercise the rights governing such matters as divorce, separation or custody or a legally binding instrument that specifically revokes such rights.
5. “Education Record” means information or data that directly relates to a student and is maintained by the school unit in any medium, including but not limited to handwriting, print, computer media, video or audio tape, microfilm and microfiche. Records of instructional, supervisory and administrative personnel and personnel who support these individuals,

which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute for the person who made the record are excluded from this definition.

6. “Student” includes any individual with respect to whom the school unit maintains education records.

B. Notification

Parents and eligible students shall be provided with notice of their rights under FERPA and other applicable federal and state laws and regulations concerning education records at the beginning of each school year or upon enrollment if a student enrolls after the start of the school year. RSU 58/MSAD 58 may provide notice through any of the following means:

1. Mailing to students’ homes;
2. Distribution to students to take home;
3. Publication in student handbooks; and
4. Publication in newsletters or other materials distributed to each parent/eligible student.

C. Access to Policy and Administrative Procedures

RSU 58/MSAD 58’s policy on Student Education Records and Student Information shall be posted in each school. In addition, school administrators shall provide copies of this administrative procedure to parents/eligible students upon request.

D. Inspection and Review of Education Records

Parents/eligible students may review and inspect their educational records by the following procedure:

1. The parent/eligible student must make a written request to the Superintendent or building administrator to review the records.
2. The Superintendent or building administrator will comply with the request without unnecessary delay and in a reasonable period of time, but in no case more than 45 days after it received the request, and will comply

before any IEP Team meeting regarding an Individualized Education Program or any due process hearing relating to the identification, evaluation, or placement of the student.

3. The Superintendent or building administrator may deny a request for access to or copies of the student's education records if there is reasonable doubt as to the legality of the parent-child relationship. Access will be withheld until a determination of legal right to access can be established.

Parents/eligible students may also request to review the following:

1. RSU 58/MSAD 58's list of types and locations of all records and titles of officials responsible for the records; and
2. RSU 58/MSAD 58's record of disclosures of personally identifiable information (see following section).

E. Requests to Amend Education Records

Parents/eligible students may ask RSU 58/MSAD 58 to amend education records they believe are inaccurate, misleading or in violation of the student's privacy rights as follows:

1. The parent/eligible student must make a written request to the Superintendent or building administrator to amend the education record. The request must clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
2. The Superintendent or building administrator shall, within a reasonable period of time after receipt of the request, either amend the record in accordance with the request or inform the parent/eligible student of its refusal to amend the record and inform the parent/eligible student of their right to request a hearing.
3. If the parent/eligible student requests a hearing, it shall be held within a reasonable period of time from RSU 58/MSAD 58's receipt of the written request. The parent/eligible student shall be given advance notice of the date, place, and time of the hearing. The Superintendent shall designate an individual to conduct the hearing. This individual may be an employee of RSU 58/MSAD 58 so long as he/she does not have a direct interest in the outcome of the hearing. The parent/eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.

4. RSU 58/MSAD 58 shall make its decision in writing within a reasonable period of time. The decision of the School Unit shall include a summary of the evidence and the reasons for the decision.
5. If, as a result of the hearing, RSU 58/MSAD 58 decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the education records of the student accordingly and so inform the parent/eligible student in writing.
6. If, as a result of the hearing, RSU 58/MSAD 58 decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent/eligible student of their right to include a statement in the student's education record about the contested information and/or setting forth any reasons for disagreeing with the decision of the School Unit.
7. Any statement placed in the student's education record under the preceding paragraph shall be maintained as long as the record or contested portion(s) thereof are maintained by RSU 58/MSAD 58. If the education records of the student or the contested portion(s) thereof are disclosed by the School Unit to any party, the explanation shall also be disclosed.

F. Disclosure of Education Records

All disclosures of education records will be made in compliance with federal and state statutes and regulations. RSU 58/MSAD 58 will maintain a record of disclosures of personally identifiable information from the education records of a student. Such records do not include disclosures to the parents/eligible student, disclosures made pursuant to written consent of the parents/eligible student, disclosures to school officials or disclosures of directory information. MSAD #58 will not disclose any personally identifiable information from the education records of a student without the prior written consent of the parent/eligible student. The written consent shall include a specification of the records that may be disclosed, the purpose(s) of the disclosure(s), and the identity of the party or parties to whom the disclosure(s) may be made.

There are several exceptions to the requirement to obtain prior written consent before disclosing education records as follows:

1. **Directory Information.** RSU 58/MSAD 58 may make directory information (as described in the Definitions section) public at its discretion unless a parent/eligible student has notified the Superintendent in writing by September 15th or within thirty (30) days of enrollment, whichever is later.

RSU 58/MSAD 58 may disclose directory information about former students without the consent of the parent/eligible student.

2. **Military Recruiters/Institutions of Higher Education.** Military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and RSU 58/MSAD 58 must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent. Parents/eligible students who do not want RSU 58/MSAD 58 to disclose this information must notify the Superintendent in writing by September 15th or within thirty (30) days of enrollment, whichever is later.

3. **School Officials with Legitimate Educational Interests.** Education records may be disclosed to school officials with a “legitimate educational interest.” A school official has a legitimate educational interest if he/she needs to review an education record in order to fulfill his/her professional responsibility. School officials include persons employed by RSU 58/MSAD 58 as an administrator, supervisor, instructor, or support staff member (including health or medical staff and the school unit’s designated law enforcement unit personnel, if any); members of the Board; persons or companies with whom RSU 58/MSAD 58 has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators or therapists); and parents, students or volunteers serving on an official committee (such as a disciplinary or grievance committee) or assisting a school official in performing his/her professional responsibilities.

4. **Other School Units.** Under Maine law (20-A M.R.S.A. § 6001-B), RSU 58/MSAD 58 is required to send a student’s education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records. Consent is not required for the transfer of these records, except for confidential health records.

At the request of the Superintendent of the school unit where a student seeks admission, the student's current or former school administrators shall provide, in a timely fashion, an oral or written report to the Superintendent indicating whether the student has been expelled or suspended or is the subject of an expulsion or suspension proceeding.

5. **Other Entities/Individuals.** Education records may be disclosed to other governmental entities, agencies and individuals as specifically permitted by FERPA and the accompanying regulations.
6. **Information on the Internet.** Under Maine law (20-A M.R.S.A. § 6001), RSU 58/MSAD 58 shall not publish on the Internet any information that identifies a student, including but not limited the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names, without written parental consent.

G. Waiver of Confidentiality Rights

A parent/eligible student may waive any of his/her rights regarding confidentiality of educational records, but any such a waiver must be in writing and signed by the parent/eligible student. The school may not require that a parent/eligible student waive his or her rights. Any waiver may be revoked with respect to actions occurring after the revocation. If a parent executes a waiver, that waiver may be revoked by the student any time after he/she becomes an eligible student.

H. Fees for Copying Records

There shall be no charge to search for or retrieve education records of a student. RSU 58/MSAD 58 shall provide copies of education records to parents/eligible students upon request. The cost of producing copies of the record to parents/eligible student will be \$.20 per page copied, plus postage. Parents/eligible students who are unable to pay such fees will not be denied access to education records. This fee, however, will not prohibit a parent's or eligible student's opportunity for access to the records if they are unable to pay for such copies. There will be no charge to search for or to retrieve the education records of a student.

I. Maintenance and Destruction of Education Records

RSU 58/MSAD 58 shall maintain accurate and up-to-date education records as required by federal and state statutes and regulations.

1. Records shall be maintained by personnel who are knowledgeable about the applicable confidentiality. All records shall be safeguarded from unauthorized access. Student records must be kept in fireproof storage at the school or a duplicate set kept off-site.
2. The high school transcripts of all former students shall be kept in perpetuity by RSU 58/MSAD 58. A permanent record of a special education student's name, address, phone number, grades, attendance record, classes attended, and grade and year completed shall be maintained without time limitations. All other records will be maintained in accordance with Maine State Rules for Disposition of Local Governmental Records (Schedule L).
3. RSU 58/MSAD 58 shall not destroy any education record if there is any outstanding request to inspect or review such records.
4. Records of access to education records shall be retained as long as the records themselves.
5. RSU 58/MSAD 58 shall inform parents of students with disabilities when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free appropriate public education as required by law. At that point, the records may be turned over to parents/eligible student upon their request, or destroyed in accordance with the parent's request or school unit procedures.

J. Complaints

The United States Department of Education maintains an office that handles complaints about alleged violations of FERPA by local school units. Complaints regarding violations of rights accorded parents/eligible students may be submitted in writing to:

Family Policy Compliance Office
Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99
20 U.S.C. § 7908
20-A M.R.S.A. § 6001, 6001-B
Me. Dept. of Ed. Rules, Ch. 101, 125
Maine State Archives, Rules for Disposition of Local
Governmental Records (Schedule L)

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Revised: March 16, 2017

RSU 58/MSAD 58
ANNUAL NOTICE OF STUDENT EDUCATION RECORDS AND
INFORMATION RIGHTS

The Family Educational Rights and Privacy Act (“FERPA”) provides certain rights to parents and eligible students (18 years of age or older) with respect to the student’s education records.

A. Inspection of Records

Parents/eligible students may inspect and review the student’s education records within 45 days of making a request. Such requests must be submitted to the Superintendent or building administrator in writing and must identify the record(s) to be inspected. The Superintendent or building administrator will notify the parent/eligible student of the time and place where the record(s) may be inspected. Parents/eligible students may obtain copies of education records at a cost of \$.20 per page.

B. Amendment of Records

Parents/eligible students may ask RSU 58/MSAD 58 to amend education records they believe are inaccurate, misleading or in violation of the student’s right to privacy. Such requests must be submitted to the Superintendent or building administrator in writing, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the Superintendent or building administrator decides not to amend the record as requested, the parent/eligible student will be notified of the decision, their right to request a hearing, and information about the hearing procedure.

C. Disclosure of Records

RSU 58/MSAD 58 must obtain a parent/eligible student’s written consent prior to disclosure of personally identifiable information in education records except in circumstances as permitted by law.

1. Directory Information

The RSU 58/MSAD 58 designates the following student information as directory information that may be made public at its discretion: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the

RSU 58/MSAD 58, and honors and awards received. Parents/eligible students who do not want RSU 58/MSAD 58 to disclose directory information must notify the Superintendent in writing by September 15th or within thirty (30) days of enrollment, whichever is later.

2. Military Recruiters/Institutions of Higher Education

Military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and RSU 58/MSAD 58 must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent. Parents/eligible students who do not want RSU 58/MSAD 58 to disclose this information must notify the Superintendent in writing by September 15th or within thirty (30) days of enrollment, whichever is later.

3. School Officials with Legitimate Educational Interests

Education records may be disclosed to school officials with a “legitimate educational interest.” A school official has a legitimate educational interest if he/she needs to review an education record in order to fulfill his/her professional responsibility. School officials include persons employed by RSU 58/MSAD 58 as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); members of the Board; persons or companies with whom RSU 58/MSAD 58 has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators, or therapists); and parents, students and volunteers serving on an official committee (such as a disciplinary or grievance committee) or assisting a school official in performing his/her professional responsibilities.

4. Other School Units

As required by Maine law, RSU 58/MSAD 58 sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records (except for confidential health records for which consent for dissemination has not been obtained).

5. Health or Safety Emergencies

In accordance with federal regulations, RSU 58/MSAD 58 may disclose education records without prior written consent in a health and safety emergency to any person whose knowledge or the information is necessary to protect the health or safety of the student or other individuals.

6. Other Entities/Individuals

Education records may be disclosed to other entities and individuals as specifically permitted by law. Parents/eligible students may obtain information about other exceptions to the written consent requirement by request to the Superintendent or building administrator.

D. Complaints Regarding the School Unit's Compliance with FERPA

Parents/eligible students who believe that RSU 58/MSAD 58 has not complied with the requirements of FERPA have the right to file a complaint with the U.S. Department of Education. The office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Adopted: October 7, 2010

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