

CHEMICAL HAZARDS

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

The Superintendent has responsibility for the safe handling and storage of hazardous chemicals in schools, the development of required written plans, the designation of a Chemical Hygiene Officer, and ensuring that staff is trained with respect to chemical hazards found in the workplace. Written plans shall include information regarding proper purchasing, labelling, storage, training, handling, and disposal of hazardous chemicals.

HAZCOM (HAZARD COMMUNICATION) STANDARDS

The school unit will comply with OSHA's Hazard Communication standard 29 CFR 1910.1200, as adopted and enforced by the Maine Department of Labor, which requires a written hazard communication (HazCom) plan, including a listing of chemicals being used in the schools; training of employees that handle these chemicals; and, for all employees, where safety data sheets (SDS) are located, and how to read them. This standard applies to hazard communications for hazardous chemicals such as those used in cleaning and disinfection, which may be found in custodial and food service areas, among other locations.

LABORATORY SCIENCE CHEMICALS

The school unit will comply with OSHA standard 29 CFR 1910.1450, as adopted and enforced by the Maine Department of Labor, which addresses science laboratory chemicals. This standard applies to science laboratory chemicals commonly found in chemistry and biology laboratories in schools.

The Superintendent will appoint an employee of the school unit as Chemical Hygiene Officer for the Machias School Department. The Chemical Hygiene Officer will be responsible for developing and implementing a Chemical Hygiene Plan, to be reviewed annually, that includes procedures relevant to the identification, purchase, storage, inventory, handling, and disposal of hazardous chemicals used in science laboratories; maintenance of safety data sheets (SDS) for laboratory chemicals; and ensuring that employees with science/laboratory responsibilities are provided appropriate training on the specific hazards associated with the chemicals being used in school laboratories and how to read the SDS for these chemicals.

The person appointed Chemical Hygiene Officer must be an employee of the Machias School Department, preferably a science teacher or another staff member who is knowledgeable about the chemicals being used in school laboratories and stored in the schools.

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

Cross Reference: EBCA – Comprehensive Emergency Management Plan

Adopted: _____

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

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

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

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

The following information pertaining to the Machias School Department's Comprehensive Emergency Management Plan is considered public information:

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

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

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

Legal Reference: 20-A MRSA § 1001(16)

Adopted: _____

EMERGENCY EVACUATION DRILLS

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

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

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

Written procedures for emergency evacuation drills shall be posted in all buildings.

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

BUS EVACUATION DRILLS

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

Legal Reference: Ch. 125 § 10.2 (Me. Dept. of Ed. Rule)
Ch. 81 § 2(B) (Me. Dept. of Ed. Rule)

Cross Reference: EBCA – Comprehensive Emergency Management Plan

Adopted: _____

BOMB THREATS

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

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

A. Conduct Prohibited

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

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

B. Definitions

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

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

C. Development of Bomb Threat Procedures

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

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

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

D. Reporting of Bomb Threats

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

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

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

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

E. Student Disciplinary Consequences

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

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

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

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

F. Aiding Other Students in Making Bomb Threats

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

G. Failure to Report a Bomb Threat

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

H. Staff Disciplinary Consequences

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

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

I. Civil Liability

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

J. Lost Instructional Time

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

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

K. Notification Through Student Handbook

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

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

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

Adopted: _____

SCHOOL CLOSINGS AND CANCELLATIONS

The School Committee authorizes the Superintendent to cancel or close school(s) for the day, delay opening, or dismiss school(s) early in the event of severe weather, hazardous travel conditions, or other emergencies which present threats to the safety of students and staff. Decisions to close school for the day should be made no later than 6:00 A.M.

When school is closed for the day or dismissed early, all after-school and evening school-sponsored activities and community use of school facilities will be cancelled or postponed.

Notice of closing or cancellation shall be given to students and parents by means of media announcements or by other appropriate means. Such notice shall be given sufficiently in advance of the school session in order to avoid confusion and inconvenience.

When school is in session, it remains the responsibility of parents to decide whether or not their children shall attend school under the existing conditions.

Storm days lost in excess of the number provided for in the school year calendar will be made up as determined by the School Committee.

Adopted: _____

PEST MANAGEMENT IN SCHOOL FACILITIES AND ON SCHOOL GROUNDS

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

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

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

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

RESPONSIBILITIES OF THE IPM COORDINATOR

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

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

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

NOTIFICATION OF PESTICIDE APPLICATIONS

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

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

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

The IPM Coordinator for the Machias schools is _____, who may be contacted at **[Phone number]**. This IPM policy and School Committee of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Public Schools is available for inspection and copying at every school.

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

Cross Reference: EBAA - Chemical Hazards

Adopted: _____

STUDENT TRANSPORTATION SERVICES

The School Committee will provide transportation for all k-12 students living beyond a reasonable distance from their school or from a scheduled bus stop as the School Committee has determined. This distance is defined as one quarter mile.

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

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

A. Health

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

B. Kindergarten Students

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

C. Hazardous Walking Conditions

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

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

Requests for bus stops, inconsistent with this policy must be made in writing and submitted to the Superintendent.

Legal Reference: 20-A MRSA § 5401

Cross Reference: JICC - Student Conduct on School Buses

Adopted: _____

DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS

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

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

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

Adopted: _____

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NEPN/NSBA Code: EFE

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

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

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

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

I. RESTRICTION ON SALE OF COMPETITIVE FOODS

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

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

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

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

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

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

II. FUNDS FROM SALES OF COMPETITIVE FOODS

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

III. DELEGATION OF RESPONSIBILITY

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

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

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

Adopted: _____

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NEPN/NSBA Code: EGAD

COPYRIGHT COMPLIANCE

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

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

The Machias School Department will take the following steps to discourage violations of the copyright law in the school system:

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

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

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

Adopted: _____

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COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE

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

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

I. GENERAL RULE AND COPYRIGHT OWNERSHIP

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

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II. DEFINITIONS

A. “FAIR USE”

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

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

B. “FACE-TO-FACE INSTRUCTION”

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

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

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

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

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

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

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

IV. PRINT MATERIALS

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

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

B. Prohibited Uses

1. More than one word or two excerpts from a single author copied during one class term;

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

V. COMPUTER SOFTWARE

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

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

A. Permissible Uses

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

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

B. Prohibited Uses

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

VI. INTERNET

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

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

VII. OFF-AIR TELEVISION RECORDING

A. Permissible Uses

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

B. Prohibited Uses

1. Recording broadcast programs in anticipation of requests;

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

VIII. USE OF PRE-RECORDED VIDEOS

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

A. Permissible Uses

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

B. Prohibited Uses

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

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IX. MUSIC AND THEATER PERFORMANCES

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

X. EDUCATIONAL USES OF MUSIC

A. Permissible Uses

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

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

B. Prohibited Uses

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

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

Cross Reference: EGAD - Copyright Compliance

Adopted: _____

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NEPN/NSGA Code: EHB

RECORDS MANAGEMENT

Proper retention of records is essential to conducting the business of the schools; to protect the legal interests of the schools, students and employees; and to comply with federal and state laws and regulations concerning record retention. It is also important for purposes of efficiency and management of physical and digital storage resources that records that are no longer needed be disposed of in a timely manner.

The School Committee will comply with all applicable laws and rules concerning retention, storage and disposal of specific records, as well as its obligation to preserve records beyond the time scheduled for disposal when litigation is threatened or pending.

The Superintendent is responsible for implementing this policy and for ensuring that procedures for managing the school system's records are consistent with applicable laws and rules. The Superintendent may delegate specific responsibilities to administrators or other school system staff as he/she deems appropriate.

Employees shall be informed of any recordkeeping requirements applicable to their positions and are expected to comply with them.

Legal Reference: 5 MRSA §91 et seq.
Me. State Archives Rule Ch. 10 (Rules for Disposition of Local
Government Records)
Me. Dept. of Ed. Rule Ch. 125

Cross Reference: GBJ – Personnel Records
GCSA – Employee Computer and Internet Use
JRA – Student Education Records and Information

Adopted: _____

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