

## **COMPULSORY ATTENDANCE**

Under state law, full-time school attendance is required of all children from their 7th to their 17th birthday except:

- A. A person who graduates from high school before their 17th birthday;
- B. A person who has:
  - 1. Reached the age of 15 years or completed the 9th grade;
  - 2. Permission to leave school from that person's parent;
  - 3. Been approved by the principal for a suitable program of work and study or training;
  - 4. Permission to leave school from the School Committee or its designee; and
  - 5. Agreed in writing with that person's parent and the School Committee or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the Commissioner; or
- C. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to the attendance in public school under this paragraph must be approved by the Commissioner.

### **Alternatives to Attendance at Public Day School**

- A. Equivalent instruction alternatives are as follows:
  - 1. A person shall be excused from attending a public day school if the person obtains equivalent instruction in:
    - a. A private school approved for attendance purposes pursuant to 20-A MRSA § 2901;

- b. A private school recognized by the department as providing equivalent instruction;
  - c. A home instruction program that complies with the requirements of 20-A MRSA § 5001-A(3)(A)(4); or
  - d. Any other manner arranged for by the School Committee and approved by the Commissioner.
- B. A person may be excused from attendance at a public day school pursuant to 20-A MRSA § 5104-A (other public or private alternative programs) or § 8605 (student attendance in adult education courses).

### **Credit for Attendance at a Private School**

A student shall be credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

### **Discontinuation of Home Instruction**

If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for by law. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of Maine's system of Learning Results.

### **Excusable Absence**

A person's absence is excused when the absence is for the following reasons:

- A. Personal illness;
- B. An appointment with a health professional that must be made during the regular school day;
- C. Observance of a recognized religious holiday when the observance is required during the regular school day;

- D. A family emergency;
- E. A planned absence for a personal or educational purpose that has been approved;
- F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development placement or some other out-of-district placement that is not otherwise authorized by either any individual education plan or a superintendents' student transfer agreement. "Education disruption" does not apply to a student who is out of school for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for planned hospitalization or recovery.

Parents are responsible for the school attendance of students who are under 17 years of age. The School Committee shall work with families in an effort to ensure compliance.

Secondary school students 20 years of age or more will only be admitted to the school unit with prior School Committee approval.

Legal Reference: 20-A MRSA § 5001-A; 5003; 5201  
Ch. 125 § 8.06 (Maine Dept. of Ed. Rules)

Cross Reference: IHBG - Home Schooling  
JFC - Student Withdrawal From School/Dropout Prevention  
Committee  
JHB - Truancy

Adopted: \_\_\_\_\_

## ADMISSION OF RESIDENT STUDENTS

The school unit shall admit as students those of legal school age whose parents or guardians legally reside within the unit. Adequate proof of residence shall be required. The School Committee reserves the right to verify residency through appropriate means for any enrolled student or any family applying for enrollment.

“Residence” means bona fide residence—one’s actual residence maintained in good faith—and does not include a temporary or superficial residence established for the purpose of free school attendance in this system. It shall be considered the place where important family activity takes place—the place where the family eats, sleeps, relaxes and plays. It is a place that can be called a “home.” While it is possible for an individual to maintain property and pay taxes in more than one location or community, for purposes of student eligibility for school attendance, “residence” shall mean where the parent maintains a home.

Guardianship shall be substantiated by a copy of a court order or probated will appointing the resident as guardian of the student. No student shall be accepted for enrollment or allowed to continue in enrollment on the basis of guardianship established by a power of attorney.

Resident students entering school for the first time shall be admitted upon presentation of an original birth certificate to the Principal, along with a record of required immunizations and pertinent health records. Photocopies shall be made and retained in the student’s file.

New resident students who are transferring into the school system shall be admitted on the basis of age, health and academic records received from the previous school. However, original documentation may be required if deemed necessary to appropriately determine a student’s eligibility for enrollment and assignment.

Legal Reference: 18-A MRSA § 5201, et seq.  
20-A MRSA §§ 5202 et seq., 6002  
Maine Commissioner of Ed. Administrative Letter No. 13, 10/9/97

Adopted: \_\_\_\_\_

## ADMISSION OF HOMELESS STUDENTS

The School Committee recognizes that homelessness alone should not be a sufficient reason to separate students from the mainstream school environment. The Machias School Department will strive to ensure that homeless students are identified and provided access to the same free and appropriate public education provided to other students in the school system. In accordance with federal and state law and regulations, the school unit will provide homeless students with access to the instructional programming that supports achievement of the content standards of Maine's system of Learning Results and to other services for which they are eligible. Students shall not be segregated into a separate school or program based on their status as homeless, nor shall they be stigmatized in any way.

### I. DEFINITIONS

- A. "Homeless" students are those who lack a fixed, regular, and adequate nighttime residence and include the following:
1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
  2. Children and youths who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as regular sleeping accommodation for human beings.
  3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
  4. Migratory children who meet one of the above-described circumstances.
- B. "School of origin" means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

- C. “Unaccompanied youth” refers to a youth not in the physical custody of a parent or guardian (e.g., runaway and “throw away” children and youth).

## II. ENROLLMENT/PLACEMENT

The school unit will determine, according to the best interest of the child or youth, whether the child or youth will be enrolled in the school of origin or in the public school that non-homeless students who live in the attendance area in which the child is actually living are eligible to attend. In determining the best interest of the child or youth, the school unit will, to the extent feasible, keep the child or youth in the school of origin, unless doing so is contrary to the wishes of the parent.

If the youth is unaccompanied by a parent or guardian, the homeless liaison will assist in placement and enrollment decisions, with the views of the youth taken into consideration.

The school selected shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, immunization records, evidence of residency, or other documentation.

The school unit may require a parent or guardian of a homeless child or youth to provide contact information.

The school unit must provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of the homeless child or youth if the school unit sends the child or youth to a school other than the school of origin or other than a school requested by the parent or guardian.

In the case of an unaccompanied youth, the homeless liaison will provide notice of the right to appeal.

The enrolling school shall contact the school last attended by the child or youth to obtain relevant academic and other records. If the child or youth needs to obtain immunizations or immunization or medical records, the parent or guardian of the homeless child or youth will be referred to the homeless liaison for assistance.

## III. ENROLLMENT DISPUTES

If there is a dispute concerning enrollment, the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

The parent or guardian will be provided, in writing, with a written explanation of the school unit's decision and the right to appeal the decision. The homeless liaison shall ensure that an unaccompanied youth is enrolled in school, pending resolution of a dispute.

#### IV. SERVICES

Homeless students shall be provided services comparable to services available to other students in the school system including, but not limited to, transportation services; educational services for which the student meets the eligibility criteria, such as educational programs for disadvantaged students, students with disabilities, gifted and talented students, and students with limited English proficiency; vocational and technical programs; preschool programs; before and after school-care programs; and school meals/nutrition programs.

#### V. TRANSPORTATION

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in another school unit and the student is enrolled in the Machias School Department, or if a homeless student's school of origin is in the Machias School Department but he or she is enrolled in a different school unit, the school systems will coordinate the transportation services necessary for the student, or will share the responsibilities and costs equally.

#### VI. RECORDS

Any records ordinarily kept by the school, including immunization records, medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless student, shall be maintained so that records may be transferred when a student enters a new school system. Access to records will be available to parents and students in accordance with the Family Educational Rights and Privacy Act (FERPA).

#### VII. HOMELESS STUDENT LIAISON

A. The Superintendent shall designate an individual to act as the school unit's Homeless Student Liaison. The school unit shall inform school personnel, service providers and advocates working with homeless families of the duties of the school unit's Homeless Student Liaison.

- B. The Homeless Student Liaison will be responsible for ensuring that:
1. Homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
  2. Homeless children and youths enroll in and have a full and equal opportunity to succeed in schools within the school unit;
  3. Homeless families, children, and youths receive educational services for which they are eligible, including Head Start, Even Start, and preschool programs administered by the school unit, and referrals to health care services, dental services, mental health services, and other appropriate services;
  4. The parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
  5. Public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services, such as schools, family shelters, and soup kitchens;
  6. Enrollment disputes are mediated in accordance with law;
  7. The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school the student will be attending;
  8. Unaccompanied youths are assisted in placement or enrollment decisions and provided notice of the right to appeal; and
  9. Children or youths who need to obtain immunizations or immunization medical records receive assistance.

Legal References: 42 U.S.C. § 11431-11435  
20-A M.R.S.A. §§ 261, 5205(7)  
Ch. 14 (Me. Dept. of Ed. Rules)

Adopted: \_\_\_\_\_



## **DROPOUT PREVENTION STUDENT WITHDRAWAL FROM SCHOOL**

The Machias School Committee believes that a high school diploma signifies the minimum preparation for success in life. Therefore, the School Committee strongly urges school administrators, staff, parents, and members of the community to encourage students to remain in school through high school.

### **Dropout Prevention Committee**

In order to reduce the school dropout rate, the Superintendent shall establish a Dropout Prevention Committee to study the problem of dropouts, habitual truancy, and the need for alternative programs, kindergarten to grade 12. The Dropout Prevention Committee will meet at least annually, make recommendations for addressing the problem, and submit a plan of action to the School Committee in accordance with the provisions in Maine law.

The Dropout Prevention Committee will consider the following when developing its plan: reasons why students drop out of school; maintenance of continuing contacts with recent dropouts in order to extend opportunities for alternate educational programs, counseling, and referral; education of teachers and administrators about the dropout problem; use of human services programs to help dropouts; the School Committee's policies on suspension, expulsion, and other disciplinary action; and discriminatory practices and attitudes within the unit.

### **Committee Membership**

As required by law, the Dropout Prevention Committee shall be composed of the following members:

- A. A member of the School Committee selected by the School Committee;
- B. A school administrator selected by the Superintendent;
- C. A teacher and a school counselor selected by the teachers' organization;
- D. A parent selected by the local organized parent group or by the School Committee if no such group exists;
- E. A school attendance coordinator from the school system selected by the Superintendent;

- F. A high school student selected by the Dropout Prevention Committee members selected in paragraphs A to E;
- G. A dropout selected by the Dropout Prevention Committee members selected in paragraphs A to E; and
- H. A community resident of the district selected by the Dropout Prevention Committee members selected in paragraphs A to E.

The School Committee recognizes the importance of success as a motivator and as a factor in a student's commitment to education. Students who have been identified as being at risk of dropping out will be (or: should be) encouraged to participate in the alternative educational programs that are offered in this school unit or in other instructional, vocational or social service programs for which they may be eligible.

### **Student Withdrawal from School**

School administrators shall arrange for regular contacts to be made with students who have withdrawn from school for the purpose of informing them of the process for readmission, making them aware of alternatives in the community for continuing their education and stating the school unit's willingness to assist them in their educational efforts.

Legal Reference: 20-A MRSA §§ 5001-A; 5051-A; 5102-5104-A

Cross Reference: IHBH - Alternative Education Programs  
JEA - Compulsory Attendance

Adopted: \_\_\_\_\_

## TRUANCY

### TRUANCY DEFINED

A student is truant if he/she is required to attend school or alternative instruction under Maine compulsory attendance law (20-A MRSA § 5001-A) and he/she:

- A. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or
- B. Is at least 7 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

### ATTENDANCE COORDINATORS

In accordance with Maine law, the Superintendent shall appoint one or more attendance coordinators. The duties of the attendance coordinator include, but are not limited to:

- A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal;
- B. Filing an annual report with the Superintendent summarizing school year activities, findings and recommendations regarding truants;
- C. Serving as a member of the dropout prevention committee; and
- D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under Maine law.

### TRUANCY PROCEDURES

As required by law, the following procedure shall be followed when a student is truant.

- A. The principal, upon determining that a student is truant, shall notify the Superintendent of the student's truancy within five school days of the last unexcused absence.

- B. Within in five school days of notification, the Superintendent/designee will refer the student who has been determined to be truant to the school's general education intervention system personnel.
- C. The intervention system personnel will meet to determine the cause of the truancy and assess the effect of the student's absences, as well as any future absences for the student. If it is determined that a negative effect exists, the intervention system personnel shall develop an intervention plan to address the student's absences and the negative effect of these absences.

An intervention plan may include, but is not limited to:

1. Frequent communication between the teacher and the family;
2. Changes in the learning environment;
3. Mentoring;
4. Student counseling;
5. Tutoring, including peer tutoring;
6. Placement into different classes;
7. Evaluation for alternative education programs;
8. Attendance contracts;
9. Referral to other agencies for family services; and
10. Other interventions including but not limited to referral to the school attendance coordinator, student assistance team, or dropout prevention committee.

Failure of the student or the student's parent(s) to appear at scheduled meetings does not preclude school administrators from implementing a plan to address a student's truancy.

- D. The student and his/her parents/guardians shall be invited to attend any meetings scheduled to discuss the student's truancy and the intervention plan.

- E. If the Superintendent/designee is unable to correct the student's truancy, the Superintendent/designee shall serve or cause to be served upon the parent(s) in-hand or by registered mail a written notice that the student's attendance is required by law. The notice shall:
1. State that the student is required to attend school pursuant to 20-A MRSA §5001-A (the compulsory attendance law);
  2. Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports, and principal's reports;
  3. Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with 20-A MRSA § 5053-A and will jeopardize the student's status in the grade he/she is in;
  4. State that the Superintendent/designee may notify local law enforcement authorities of a violation of 20-A MRSA § 5053-A and the Department of Health and Human Services (DHHS) of a violation under and 20-A MRSA § 5051-A(1)(C); and
  5. Outline the plan developed to address the student's truancy and the steps that have been taken to implement that plan.
- F. Prior to notifying local law enforcement authorities, the Superintendent/designee shall schedule at least one meeting of the intervention system personnel as required by law and paragraph B of this policy and may invite a local prosecutor.
- G. If after three school days after the service of the notice described in paragraph E of this policy the student remains truant and the parent(s) and student refuse to attend the meeting referred to in paragraph F, the Superintendent/designee shall report the facts of the unlawful absence to local law enforcement authorities. Local law enforcement may proceed with enforcement action against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements of the compulsory attendance law.
- H. When a student is determined to be truant and in violation of the compulsory attendance law and the intervention system personnel have made a good faith attempt to meet the requirements, the Superintendent shall notify the School Committee of the student's truancy.

ANNUAL REPORT TO COMMISSIONER

The Superintendent shall submit an annual report regarding truancy to the Commissioner by October 1. The report must identify the number of truants in the school administrative unit in the preceding school year; describe the school unit's efforts to deal with truancy; account for actions brought to enforce the truancy law; and include any other information on truancy requested by the Commissioner.

Legal Reference: 20-A MRSA §§ 5001-A; 5051-A-5054-A  
22 MRSA § 4002

Cross Reference: JEA – Compulsory Attendance  
JFC – Dropout Prevention—Student Withdrawal from School

Adopted: \_\_\_\_\_

## **STUDENT CODE OF CONDUCT**

Promoting ethical and responsible student behavior is an essential component of the Machias School Committee's educational mission.

The School Committee is committed to maintaining a safe, respectful and orderly school environment in which students may receive and staff may deliver quality education without disruption or interference and in which students may develop as ethical, responsible and involved citizens.

To achieve this goal, the School Committee has developed this Student Code of Conduct with input from school administrators, staff, students, parents and the community. Based on values identified as essential to ethical and responsible behavior, the Code articulates the School Committee's expectations for student conduct.

The School Committee believes that each member of the school community should take responsibility for his/her own behavior. To that end, the School Committee recognizes the need to define unacceptable student conduct, identify the possible consequences for unacceptable conduct, and ensure that discipline is administered fairly, promptly, and appropriately.

The School Committee applies to students who are on school property, who are in attendance at school or at any school-sponsored activity, or whose conduct at any time or place directly interferes with the operations, discipline, or general welfare of the school.

The Student Code of Conduct shall be distributed to students, parents and staff through handbooks and/or other methods deemed appropriate by the Superintendent and building administrators.

### **Standards for Ethical and Responsible Behavior**

The Code of Conduct is intended to support and encourage students to meet the following standards for ethical and responsible behavior:

- Respect
- Honesty
- Compassion
- Fairness
- Responsibility
- Courage

## **Code of Conduct**

All students are expected to comply with the Code of Conduct and all related School Committee policies and school rules. The Code applies to students:

- On school property,
- While in attendance at school or at any school-sponsored activity, or
- At any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school.

## **General Behavior Expectations and Discipline Policies**

The following expectations for student behavior are fundamental to the safe, orderly and respectful environment in our schools. Each student should:

1. Be courteous to fellow students, staff and visitors.
2. Respect the rights and privileges of other students and school staff.
3. Obey all School Committee policies and school rules governing student conduct.
4. Follow directions from school staff.
5. Cooperate with staff in maintaining school safety, order and discipline.
6. Attend school regularly.
7. Meet school standards for grooming and dress.
8. Respect the property of others, including school property and facilities.
9. Refrain from cheating or plagiarizing the work of others.
10. Refrain from vulgarity, profanity, obscenity, lewdness, and indecency.

Violations of the Code of Conduct may result in disciplinary action. Disciplinary consequences depend upon the seriousness of the violation and the student's prior disciplinary record. Consequences will range from a verbal warning for minor violations up to and including expulsion for the most serious offenses. Behavior that also violates the law may be referred to law enforcement authorities.

## **Expectations**

The following is a summary of the school unit's expectations for student behavior. In many cases, the School Committee has adopted policies that address these expectations in greater detail. Students, parents and others should refer to the policies and student handbooks for more information about the expectations and consequences. In case of an inconsistency between the Code of Conduct, School Committee policies and/or school handbooks, School Committee policies will prevail.



**A. Violence and Threats**

Students shall not engage in violent or threatening behavior. Prohibited behavior includes fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property, or threats, intimidation, or harassment. Violations may result in disciplinary action up to and including expulsion.

**B. Weapons**

Students shall not possess or use weapons of any kind (examples include but are not limited to firearms, explosives, and knives). Students also shall not use any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person (examples include but are not limited to bats, lighters, tools, and toy weapons). Firearms violations will result in expulsion in accordance with state and federal statutes; other weapons violations may result in disciplinary action up to and including expulsion.

**C. Bullying**

Bullying is not acceptable conduct in Machias schools and is prohibited. Any student who engages in conduct that constitutes bullying shall be subject to disciplinary consequences including suspension and expulsion. A student's bullying behavior may also be addressed through other behavioral interventions.

**D. Hazing**

Hazing is prohibited. Maine law defines injurious hazing as "any action or situation, including harassing behavior that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in public school." No student shall plan, encourage, or engage in such activities in connection with any school program or activity, including extracurricular, co-curricular and athletic activities. Students who engage in hazing activities are subject to suspension, expulsion and/or other appropriate disciplinary measures.

**E. Discrimination and Harassment/Sexual Harassment**

Students should not discriminate against other students on the basis of race, color, sex, religion, ancestry, national origin, sexual orientation or disability. Nor should students harass one another on the basis of race, color, sex, religion, ancestry, or national origin, sexual orientation or disability. Sexual harassment is also prohibited. Harassment is grounds for disciplinary action up to and including expulsion.

**F. Drug and Alcohol Use**

Students shall not distribute, possess, use or be under the influence of “bath salts” or of any alcoholic beverage, drug, or look-alike substance as described in School Committee policy. Violations may result in disciplinary action up to and including expulsion from school.

**G. Tobacco Use**

Students shall not smoke, use, possess, sell or distribute any tobacco products. Violations of this policy may result in disciplinary action up to and including expulsion from school.

**H. Conduct on School Buses**

Students must comply with all school rules while on school buses. Students who violate these rules on a school bus may have their riding privileges suspended or revoked, and may also be subject to additional disciplinary action, up to and including expulsion, depending upon the particular violation.

**I. Computer/Internet Use**

Students may use school computers, networks and Internet services only for educational purposes. Students shall comply with all policies and rules governing acceptable use. Unacceptable use may result in suspension or cancellation of computer privileges as well as additional disciplinary and/or legal action.

## **J. Athletic/Extracurricular Activities**

Students must follow all School Committee policies and school rules while participating in athletics and extracurricular activities. Students who violate policies and rules may be subject to suspension or removal from the team/activity as well as additional disciplinary action under applicable School Committee policies and/or school rules.

### **Removal of Disruptive/Violent/Threatening Students**

1. Students who are disruptive, violent or threatening death or bodily harm to others may be removed from classrooms, school buses, or other school property when necessary to maintain order and safety. The staff member who orders the student removed should arrange to have the student escorted to the office or other designated location.
2. If a student does not comply with a staff member's order to leave, the staff member will contact an administrator, or, if not available, another suitable person, who shall respond promptly.
3. Staff members should not use force or restraint, except only to the minimum extent necessary to protect any person from imminent physical harm. Staff members are not required to take action that puts them at risk of serious injury.
4. The responding administrator will take appropriate action. If the student fails to obey verbal directions, force or restraint may be used only to the minimum extent necessary to protect any person from imminent physical harm or to quell a disturbance. Whenever practicable, law enforcement should be called to restrain or physically remove the non-compliant student. The administrator may invoke the school unit's emergency management plan if appropriate.

### **Special Services**

1. **Referral.** The school unit has adopted policies and procedures for determining when a student shall be referred for special services.
2. **Review of Individual Educational Plan.** The school shall schedule a meeting to review the IEP of a student who has been removed from class when: a) school officials and/or the parent believes the student may present a substantial likelihood of injury to himself/herself or others; b) the class removals are sufficient to constitute a change in the student's special education program; or c) school officials or the parent believes that the student's behavior may warrant a change in educational programming.

## **Referrals to Law Enforcement Authorities**

The Superintendent and principals have the authority to seek the assistance of law enforcement authorities when there is a substantial threat to the safety of the schools, students or staff. The Superintendent/principals may also inform law enforcement authorities when they have reason to suspect that a student or staff member may have violated a local, state or federal statute. All serious offenses, as determined by the Superintendent, must be reported to law enforcement authorities.

## **Dissemination of the Student Code of Conduct**

The Student Code of Conduct and summary of consequences for violation of the Code of Conduct shall be distributed to staff, students and parents through handbooks and/or other means selected by the Superintendent and building administrators.

Legal Reference: 20-A M.R.S.A. §§ 254(11); 1001 (15)

Legal Reference: 20-A MRSA §§ 254 (11); 1001 (15)  
Standards for Ethical and Responsible Behavior in Maine Schools  
and Communities (Report of the Commission for Ethical and  
Responsible Behavior, 2/01)

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAA/ACAA-R - Harassment and Sexual Harassment of Students  
ACAD - Hazing  
ADAA - School System Commitment to Standards for Ethical and  
Responsible Behavior  
ADC - Tobacco Use and Possession  
EBCC - Bomb Threats  
IHBAA – Referral and Use of General Education Interventions  
IHBAC - Child Find  
IJNDB – Student Computer and Internet Use and Internet Safety  
JICIA - Weapons, Violence, and School Safety  
JICH - Drug and Alcohol Use by Students  
JICK - Bullying  
JK - Student Discipline  
JKD - Suspension of Students  
JKE - Expulsion of Students  
JKF - Disciplinary Removals of Students with Disabilities

Adopted: \_\_\_\_\_

## **DRUG AND ALCOHOL USE BY STUDENTS**

The School Committee and staff of the Machias School Department support a safe and healthy learning environment for students that is free of the detrimental effects of drugs and alcohol. Accomplishing this goal requires a cooperative effort among school staff, students, parents, law enforcement and organizations concerned with the use of drugs and alcohol by school-aged youth.

In order to promote the safety, health and well-being of students, the School Committee endorses a three-pronged approach to address the issue of drug and alcohol use; prevention/education; intervention and discipline. The Superintendent is responsible for developing appropriate administrative procedures, curricula and programs to implement this policy.

### **A. Prohibited Conduct**

No student shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage, fortified wine or other intoxicating liquor. Nor shall a student manufacture, distribute, dispense, possess, use or be under the influence of “bath salts;” any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid; any other controlled substance defined in federal and state laws/regulations; any look-alike substance; or any substance that is represented to be a controlled substance.

These prohibitions apply to any student who is on school property, who is in attendance at school or at any school-sponsored activity, or whose conduct at any time or place directly interferes with the operations, discipline or general welfare of the school.

### **B. Disciplinary Action**

Principals may suspend and/or recommend expulsion of students who violate this policy, based upon the facts of each case and in accordance with established disciplinary procedures. Students may also be referred to law enforcement authorities for investigation and/or prosecution.

### **C. Prevention/Education**

The school unit will provide students with appropriate information and activities focused on educating students about drugs and alcohol and preventing their use. Programs shall teach students that the use of drugs and alcohol is wrong and harmful; how to resist peer pressure; and address the legal, social and health consequences of drug and alcohol abuse.

D. Intervention

The school unit will establish a team approach to intervene with students with drug/alcohol problems. Students will be assisted in addressing their drug/alcohol problems and in continuing their educational program. Students will be provided with information and referral, if necessary, to aid them in obtaining assistance from appropriate community organizations. Student records concerning such interventions shall be kept confidential as required by state and federal laws.

E. Policy Communication

The school unit shall distribute this policy and appropriate related information to staff, students and parents on an annual basis through handbooks and/or other means selected by the Superintendent and building administrators.

Legal Reference: 21 USC § 812 (Controlled Substances Act)  
21 CFR Part 1300.11-15  
P.L. 101-226 (Drug-Free Schools and Communities Act  
Amendments of 1989)  
17-A MRSA § 1101  
22 MRSA §§ 2390-2394  
42 USC § 290dd-2  
42 CFR § 2.1 et seq.  
20-A MRSA §§ 1001(9); 4008

Cross Reference: GBEC – Drug-Free Workplace  
JICIA – Weapons, Violence and School Safety  
JKD – Suspension of Students  
JKE – Expulsion of Students  
JLCD – Administering Medication to Students  
JRA – Student Education Records

Adopted: \_\_\_\_\_

## **STUDENT DRESS**

The School Committee recognizes that responsibility for the dress and appearance of students rests with individual students and their parent(s)/guardian(s). The School Committee will not interfere with this right unless the personal choices of students create a disruptive influence on the school program or affect the health or safety of others.

Students are encouraged to use sound judgment and reflect respect for themselves and others in dress and grooming. In keeping with the goals of the school unit to provide a safe, healthy and non-discriminatory environment for educating students for maximum academic and social development, the following restrictions on dress shall be enforced.

- A. Articles of clothing that promote the use of tobacco, alcohol or other drugs may not be worn on school grounds (when school is in session) or at school functions.
- B. Clothing, footwear, insignia or accessories that are intended to identify the wearer as a member of a particular gang are prohibited.
- C. Articles of clothing with displays that are sexual, vulgar, lewd or indecent or include insulting words (e.g., racial/ethnic slurs) are impermissible.
- D. Clothing that is destructive of school property (e.g., cleats, pants with metal inserts that scratch furniture) is not permitted.

School administrators or teachers may require special clothing for health and safety reasons for students participating in physical education, certain extracurricular activities, work with or around machines or other activities. However, no particular brand may be required.

The Superintendent is responsible for the development of any administrative procedures necessary to implement this policy.

Adopted: \_\_\_\_\_

## **STUDENT CONDUCT ON SCHOOL BUSES**

The law does not relieve parents of students from the responsibility of supervision before the child boards the bus in the morning and after the child leaves the bus at the end of the school day.

Once a child boards the bus—and only at that time—does he/she become the responsibility of the school system. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

The School Committee views the bus as an extension of the school and expects children to conduct themselves on the bus in a manner consistent with School Committee policy, school and bus safety rules, and the Student Code of Conduct.

The bus driver will report incidents of improper bus conduct to the school Principal. The Principal will inform the parents immediately of the misconduct and request their cooperation in addressing the child's behavior.

Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the Principal. In such cases, the parents of the children involved will be responsible for seeing that their children get to and from school safely.

Legal Reference: 20-A MRSA § 5401

Cross Reference: EEA - Student Transportation Services

Adopted: \_\_\_\_\_



## **WEAPONS, VIOLENCE AND SCHOOL SAFETY**

The Machias School Committee believes that students and staff are entitled to learn and work in a school environment free of violence, threats and disruptive behavior. Students are expected to conduct themselves with respect for others and in accordance with School Committee policies, school rules, reasonable unwritten behavior expectations, and applicable state and federal laws.

School staff are required to immediately report incidents of prohibited conduct by students to the building administrator/designee for investigation and appropriate action.

### **I. PROHIBITED CONDUCT**

Students, staff and all other persons are prohibited from engaging in the following conduct on school property, while in attendance at school or at any school-sponsored activity, or at any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school:

- A. Possession and/or use of articles commonly used as weapons or designed to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nunchucks;
- B. Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to bats, belts, picks, pencils, compasses, objects capable of ignition (e.g., matches, lighters), files, tools of any sort, and replicas of weapons (including toys);
- C. Violent or threatening behavior including but not limited to fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property (e.g., verbal or written death threats, threats of bodily harm, bomb threats);
- D. Verbal or written statements (including those made using computers or other electronic communications devices or technologies) which threaten, intimidate, or harass others, or which tend to incite violence and/or disrupt the school program;

- E. Willful and malicious damage to school or personal property;
  - F. Stealing or attempting to steal school or personal property;
  - G. Lewd, indecent or obscene acts or expressions of any kind;
  - H. Violations of the school unit's drug/alcohol and tobacco policies;
  - I. Violations of state or federal laws; and
  - J. Any other conduct that may be harmful to persons or property.
- II. EXCEPTIONS TO PROHIBITIONS ON POSSESSION AND DISCHARGE OF FIREARMS ON SCHOOL PROPERTY

The prohibition on the possession and discharge of firearms on school property does not apply to law enforcement officials acting in the performance of their duties.

III. USE OF OTHER WEAPONS IN INSTRUCTIONAL ACTIVITIES

Nothing in this policy shall prevent the school system from offering instructional activities using objects other than firearms that are generally considered weapons (e.g., bows and arrows) or from allowing an object generally considered a weapon to be brought to school for supervised instructional activities (e.g., archery, boat building) approved by the School Committee so long as the School Committee has adopted appropriate safeguards to ensure student and staff safety.

Any proposal to introduce an instructional activity involving such objects must be submitted in writing to the Superintendent, who may make a recommendation to the School Committee. Such proposal must state the objectives of the activity and describe the safeguards that will be put in place to ensure student and staff safety.

No weapons or objects that are generally considered weapons may be used in instructional activities or brought to school for instructional activities unless the Superintendent/designee has given specific permission in advance.

#### IV. DISCIPLINARY ACTION

Principals may suspend and/or recommend expulsion of students who violate this policy based upon the facts of each case and in accordance with applicable state and federal laws. Conduct which violates this policy is deliberately disobedient and deliberately disorderly within the meaning of 20-A MRSA § 1001(9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school. Such conduct may also be grounds for expulsion under other provisions of 20-A MRSA § 1001(9 and 9-A) that specifically prohibit the use and possession of weapons, infractions of violence, and possession, furnishing, and trafficking of scheduled drugs.

A student who is determined to have brought a firearm to school or to have possessed a firearm at school shall be expelled for a period of not less than one year, except that this requirement may be modified by the Superintendent on a case-by-case basis.

All firearms violations shall be referred to law enforcement authorities as required by law. Other violations of this policy shall be referred to law enforcement authorities at the discretion of the Superintendent.

Students with disabilities shall be disciplined in accordance with applicable federal and state laws/regulations and School Committee Policy JKF.

#### V. NOTIFICATION TEAM/CONFIDENTIALITY

Maine law authorizes law enforcement officers and criminal justice agencies to share with a superintendent or principal information pertaining to a juvenile when the information is credible and indicates an imminent danger to the safety of students or school personnel on school grounds or at a school function. Maine law requires the District Attorney to notify the superintendent when a juvenile is charged with use or threatened use of force or is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of force.

Within ten days or immediately if necessary for school safety, the Superintendent shall convene a notification team. The notification team must include the administrator/designee of the school building where the student attends, at least one classroom teacher to whom the student is assigned, a guidance counselor, and the student's parent/guardian. The notification team shall determine on this basis of need which school employees are entitled to receive information concerning allegations or adjudications or use or threatened use of force.

Information received by the Superintendent/designee and disclosed to the notification team and/or disclosed to school employees is confidential and may not become part of the student's educational record.

The Superintendent shall ensure that confidentiality training is provided to all school employees who have access to this information.

## VI. PSYCHOLOGICAL EVALUATION/RISK ASSESSMENT

The School Committee authorizes the Superintendent to request an immediate psychological evaluation of a student who engages in conduct prohibited by this policy when, in his/her opinion, such an evaluation will assist in assessing the risk the student poses to school safety if the student were to remain in school.

The Superintendent is also authorized to request psychological evaluations of students who have been identified as posing a substantial risk of violent behavior.

All such evaluations shall be performed at the school unit's expense. If the parent/guardian and/or student refuses to permit a requested psychological evaluation, the Superintendent and the School Committee may draw any reasonable inferences from the student's behavior concerning the risk the student poses to school safety for purposes of determining appropriate action.

Legal References: 5 MRSA § 4681 et seq.  
15 M.R.S.A. §§ 3301-A; 3308(7)(E); 3009  
17-A MRSA §§ 2(9); 2(12-A)  
20 USCA § 7151 (Gun-Free Schools Act)  
20-A MRSA §§ 1001(9); 1001(9-A); 1055(11); 6552

Cross References: ACAA - Harassment and Sexual Harassment of Students  
ADC - Tobacco Use and Possession  
EBCA - Crisis Response Plan  
JICH - Drug and Alcohol Use by Students  
JK - Student Discipline  
JKD - Suspension of Students  
JKE - Expulsion of Students  
JKF - Suspension/Expulsion of Students with Disabilities  
JIH - Questioning and Searches of Students  
KLG - Relations with Law Enforcement Authorities

Adopted: December 3, 2014

## **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 the School Department 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.

Under Maine law:

“Sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.

“Gender identity” means gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.

### **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 **[OR: barred]** 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**

**The School Department** will provide professional development and staff training in bullying prevention and response.

**[NOTE: The law requires “professional development and staff training in the best approaches [to implementing the bullying law].” The Maine Department of Education has posted on its website a variety of resources to create bullying prevention education programming and for professional development and staff training around the best approaches to implementing the bullying law. These resources can be accessed at <http://www.maine.gov/doe/bullying/resources/index.html>].**

### **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 **[OR: \_\_\_ days]** of notice of the decision.

**[NOTE: The number of days should be consistent with timeframes in other board policies permitting appeals.]**

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 – 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

JIC - Student Code of Conduct

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: \_\_\_\_\_

**AOS 96 SCHOOLS 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.

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of complainant/reporter

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Position/title: \_\_\_\_\_

Copy to building principal: Date: \_\_\_\_\_

Copy to Superintendent: Date: \_\_\_\_\_

**AOS 96 SCHOOLS 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:

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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): \_\_\_\_\_

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

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If bullying involves a school-affiliated organization:

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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 **[OR: \_\_\_\_]** 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: \_\_\_\_\_

\_\_\_\_\_

## **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.

\_\_\_\_\_ Date: \_\_\_\_\_

Signature and position of person completing this form

Data reported to Maine DOE (NEO) on [Date] by:

\_\_\_\_\_

Signature, Position of Reporter

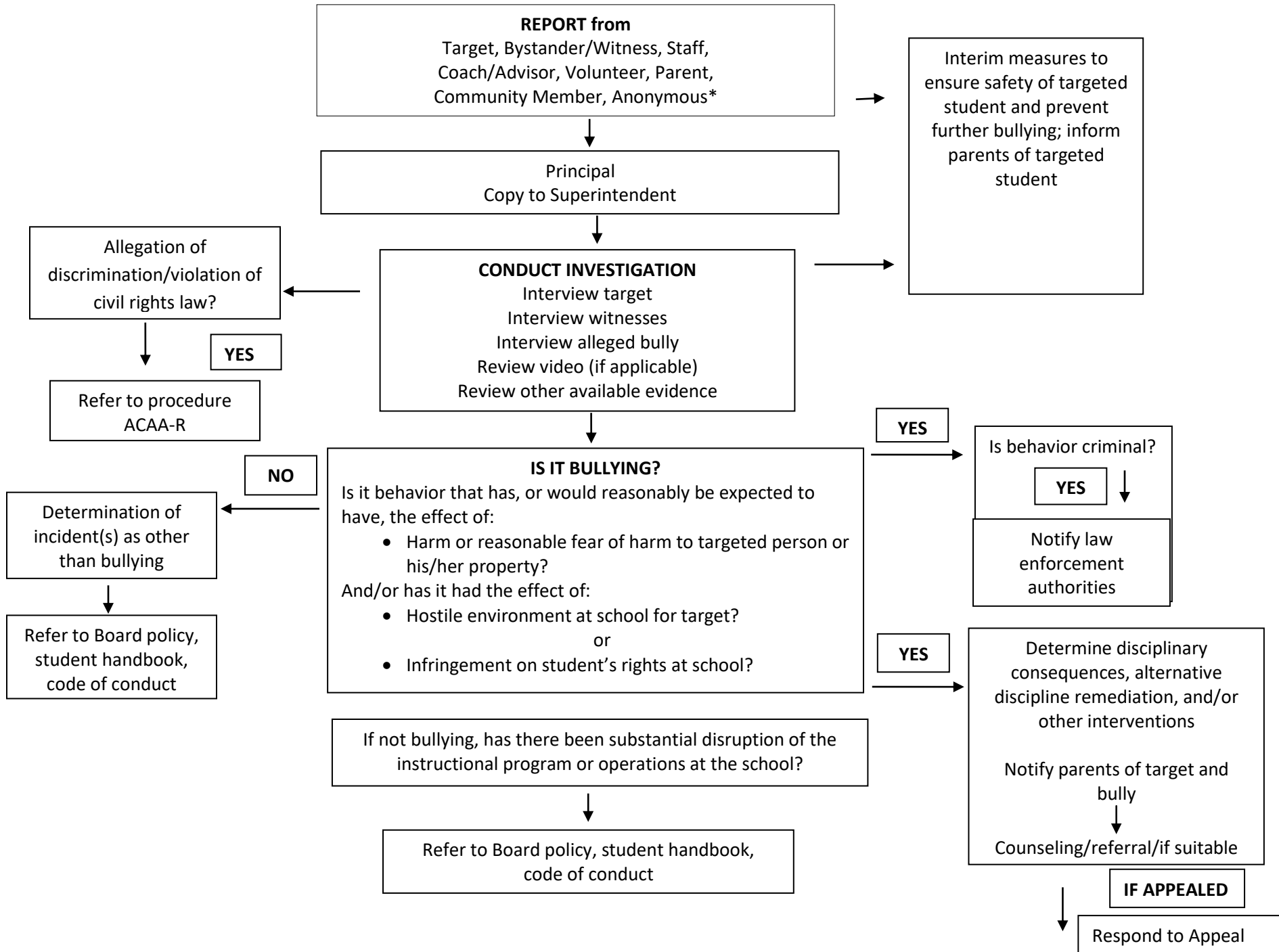
Copy to building principal on [Date]

Copy to Superintendent on [Date]



MACHIAS SCHOOL DEPARTMENT  
BULLYING REPORTING, INVESTIGATION AND  
INTERVENTION/RESOLUTION PROCESS

NEPN/NSBA Code: JICK-E4



\*Exception: employee reports must be in writing to the principal and may not be made anonymously.

## **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, gender identity or expression, religion or disability should be addressed under the procedures set forth in the Student Harassment and Sexual Harassment procedure, ACA-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 should **[OR: are strongly encouraged to]** report this behavior to the building principal **[OR: \_\_\_\_\_ (position of other person designated by the Superintendent to receive reports at the school level, e.g., guidance counselor or affirmative action/Title IX coordinator)]**.

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 **[OR: \_\_\_\_\_]** 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 [**OR:** \_\_\_\_\_].

### **Form of Reports**

Complaints or reports of bullying may be made orally or in writing, but all reports will be recorded [**OR: 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 [**OR:** \_\_\_\_\_] 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 [**OR:** \_\_\_\_] 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 **[OR: \_\_\_\_\_]** may refer the targeted student/victim, perpetrator or other involved persons to counseling or 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 **[OR: \_\_\_\_\_]** 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

## **QUESTIONING AND SEARCHES OF STUDENTS**

The School Committee seeks to maintain a safe and orderly environment in the schools. 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, School Committee 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 School Committee'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 School Department 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, School Committee 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 School Committee 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: \_\_\_\_\_

## **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 School Committee policy.

During a search, any illegal item(s) found that violates School Committee 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 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 School 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 School Committee 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 School Committee 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 School Committee 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 School Committee 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: \_\_\_\_\_



## **SPORTSMANSHIP**

The School Committee believes that athletic competition should be a healthful, positive and safe experience for everyone involved, conducted in an environment that teaches values and ethics, strengthens the community, promotes competition without conflict and enriches the lives of athletes. Players should learn to handle success with grace and losing with dignity. In order to promote core values such as discipline, fairness, responsibility, trustworthiness and citizenship, everyone associated with athletics, including players, coaches, parents and spectators, is expected to exhibit good sportsmanship during athletic competitions.

### **A. Participants**

In exhibiting sportsmanship, student athletes are expected to:

1. Understand and follow the rules of the sport;
2. Recognize skilled performance of others, regardless of the player's team;
3. Display respect for teammates, opponents, coaches and officials;
4. Respect the judgment of officials and accept their decisions;
5. Refrain from antics, taunting opponents and using insulting language or swearing;
6. Be modest when successful and gracious in defeat; and
7. Recognize that their conduct reflects on their school.

### **B. Coaches**

In exhibiting sportsmanship, coaches are expected to:

1. Recognize that they are role models for students and set a good example for athletes and fans to follow;
2. Abide by the rules of the sport, in letter and in spirit;
3. Treat all participants with respect;

4. Behave with dignity and self-control;
5. Respect the judgment of officials and accept their decisions;
6. Take corrective action toward any player who intimidates or shows disrespect toward an official or displays unsportsmanlike behavior; and
7. Be modest when successful and gracious in defeat.

C. Spectators, Including Parents, Students, and Community Members

Spectators attending athletic events are expected to:

1. Realize that the main purpose of the competition is the play of the game and that the role of the spectator is one of support;
2. Show positive support to the teams and players for outstanding performances;
3. Show concern for injured players, regardless of which team they are on;
4. Refrain from angry or abusive language or actions toward any player, official, coach or other spectators;
5. Refrain from endangering participants or spectators by throwing objects;
6. Refrain from heckling, taunting or berating players, officials, coaches or other spectators; and
7. Follow all School Committee policies and rules pertaining to conduct on school property, including but not limited to those pertaining to tobacco, alcohol, drugs and weapons.

School athletic events are school activities that are part of the educational program. An athletic event is not a public forum. The public is invited to attend athletic events for the purpose of supporting the participants on both teams and the schools they represent. Appropriate behavior by spectators, especially adults, provides a positive model for students and contributes to the value and educational purposes of athletic activities. Negative comments and behavior by spectators are

inconsistent with the purposes of athletic activities. School administrators and officials have the authority and discretion to remove any spectators who do not comply with rules of sportsmanship.

D. Penalties for Inappropriate Behavior

Student athletes who engage in unsportsmanlike behavior will be subject to penalties described in the Athletic Code or, if the conduct constitutes a violation of School Committee policy, school rules or the Student Code of Conduct and/or Student Handbook, to appropriate disciplinary consequences.

Student spectators whose behavior constitutes a violation of School Committee policy, school rules or the Student Code of Conduct will be subject to appropriate disciplinary consequences.

Adult spectators who engage in unsportsmanlike behavior or conduct that violates School Committee policy may be asked to leave the premises and may be excluded from future events. The administrator in charge of the event may seek the assistance of law enforcement authorities if necessary to ensure the safety of participants, coaches, officials or other spectators or to prevent damage to school property.

E. Notice of Rules

The building principal will be responsible for posting spectator rules at the entrance to each interscholastic competition site.

Adopted: \_\_\_\_\_

## **MANAGEMENT OF CONCUSSIONS AND OTHER HEAD INJURIES**

The School Committee 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 School Committee adopts this policy to promote the safety of students participating in school-sponsored extracurricular athletic activities, including but not limited to students participating in school-sponsored interscholastic sports activities.

### **TRAINING**

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 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.

## **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 School Committee 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 School Committee 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 School Committee 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 School Committee 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: \_\_\_\_\_



## USE OF PHYSICAL RESTRAINT AND SECLUSION

The School Committee 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 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.

School Department 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. The Machias School Department 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 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 (April 2013)

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: \_\_\_\_\_

## PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

These procedures are established for the purpose of meeting the obligations of the Machias School Department under state law/regulations and School Committee 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 Machias School Department’s usual emergency notification procedures.

4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the school unit's emergency notification procedures shall be followed and an administrator/designee shall notify the Maine Department of Education within twenty-four (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 School Committee 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 (April 2013)

Cross Reference: JKAA – Use of Physical Restraint and Seclusion

Adopted: \_\_\_\_\_

## **DETENTION OF STUDENTS**

Teachers and administrators have the authority to detain students after school hours for infractions of classroom or school rules. Before assigning students to detention, the student will be informed of the reason for the detention, and the student will be given an opportunity to explain his/her version of the incident. Teachers/administrators have the discretion to substitute alternative discipline in cases where they deem detention inappropriate.

All students detained for disciplinary purposes will be under the direct supervision of a member of the professional staff or other person designated by the building administrator. Students in detention are expected to use the time constructively to complete school assignments or for other educational purposes. Students who fail to serve a scheduled detention may be subject to additional disciplinary measures.

The Superintendent/designee is authorized to develop and implement any administrative procedures necessary to carry out this policy.

Cross Reference: JK – Student Discipline

Adopted: \_\_\_\_\_

## **SUSPENSION OF STUDENTS**

The School Committee 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 School Committee.

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 MRSA §§ 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: \_\_\_\_\_



## **EXPULSION OF STUDENTS**

No student shall be expelled from school except by action of the Machias School Committee. Following a proper investigation of a student's behavior and due process proceedings conducted in accordance with 20-A MRSA § 1001(8)(A), the School Committee 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 School Committee 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 resulted in the expulsion hearing;
  - 3. The student 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 School Committee may:

- A. Expel the student for a specific period of time not to exceed the total number of instructional days approved by the School Committee 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 School Committee shall provide written notice of its decision to the parents/guardians and the student by certified mail.

Nothing in this policy shall prevent the School Committee 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: \_\_\_\_\_

## **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 School Committee Hearing to Expel**

1. Any discussion, consideration or hearing by the School Committee of suspension or expulsion of a student shall be in executive session.
2. The School Committee 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 (School Committee Chair/designee or School Committee 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 School Committee 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 School Committee.
- B. The hearing officer will request from the Superintendent a copy of the hearing notice, read the hearing notice to the School Committee 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 School Committee 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 School Committee 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 School Committee 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 School Committee should then deliberate in executive session. The Superintendent, School Committee 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 School Committee if he/she was not directly involved in the investigation/presentation of evidence.

- O. The School Committee shall discuss whether the charges are more likely than not supported by the evidence presented. The School Committee 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 School Committee shall discuss whether an expulsion shall be for a specified period of time or for an indefinite period.
- Q. The School Committee shall then leave executive session.

### III. PUBLIC SESSIONS

- A. In public session, a member of the School Committee may make a motion to “expel a student and direct the Superintendent to provide the student and his/her parents/guardians with the School Committee’s findings of fact(s).” Following a second, the School Committee Chair should state the motion and the School Committee 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 School Committee 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 School Committee 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 School Committee’s decision.

### IV. REENTRY PLAN GUIDELINES

If the School Committee 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: \_\_\_\_\_

**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 the Machias School Department 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: \_\_\_\_\_



## **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: \_\_\_\_\_

## **STUDENT WELLNESS**

The School Committee recognizes that student wellness and good nutrition are related to students' physical and psychological well-being and their readiness to learn. The School Committee is committed to providing a school environment that supports student wellness, healthy food choices, nutrition education, and regular physical activity. The School Committee 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 School Committee'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 School Committee 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 School Committee 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 School Committee shall appoint a district-wide Wellness Committee comprised of at least one of each of the following:

- A. School Committee member;
- B. School administrator;
- C. Food Services Director/designee;
- D. Student representative;
- E. Parent representative; and/or
- F. Community representative.

The Wellness Committee may also include:

- A. School nurse;
- B. Physical education and other teachers(s);
- C. Guidance counselor;
- D. Social worker;
- E. Community organization or agency representative;
- F. Other staff, as designated by the School Committee; and/or
- G. Other persons, as designated by the School Committee

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 School Committee.

### **Wellness Goals**

The School Committee 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.

Consistent nutrition messages will be disseminated throughout the school unit in the classroom, the cafeteria, and school-home communications.

Administrators and staff will be encouraged to model nutritious food choices and eating habits.

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 keep all students involved in purposeful activity for a majority of the class period.

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: \_\_\_\_\_

## IMMUNIZATION OF STUDENTS

All students who enroll in the school unit schools 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 are 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.

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 MRS A §§ 6352-6359  
Chapter 126 (Me. Dept. of Ed. Rules)

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

Adopted: \_\_\_\_\_

## **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.

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

Adopted: \_\_\_\_\_

## **ADMINISTRATION OF MEDICATION TO STUDENTS**

Although the School Committee 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 School Committee encourages collaboration between parents/guardians and the schools in these efforts.

The School Committee 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.

### **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.

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 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 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)

Adopted: \_\_\_\_\_

## **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 School Committee 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 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.
- 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 School Committee 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: \_\_\_\_\_

## REPORTING CHILD ABUSE AND NEGLECT

### I. DEFINITIONS

- A. **Child abuse or neglect.** Child abuse or neglect is defined by Maine law as “a 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, if the child is at least seven years of age and has not completed grade six and has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year, by a person responsible for the child.
- 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

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 who shall process the report as provided in Section III of this policy. 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 when the employee believes a direct report will better protect the child in question.

### III. ADMINISTRATORS’ DUTIES

- A. The principal shall make an immediate verbal report to the Superintendent/designee. If it is determined that there is a duty to make a report to DHHS or the District Attorney, the Superintendent/designee shall make the appropriate report(s), as provided in section B.
- B. The law provides that a report must be made to DHHS when the person suspected is a “person responsible for the child,” or to the District Attorney when the person suspected is not a person responsible for the child. However, because the legal definition of “person responsible for the child” is vague, the Superintendent/designee shall report all cases 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/designee shall also make a report to the District Attorney.

- C. The Superintendent/designee shall retain a record of all verbal and written reports made to DHHS, the District Attorney, or other outside agencies as well as all actions taken by the school unit.

#### IV. REPORTING PROCEDURES

The verbal report shall include the following information, if known:

- A. The name and address of the child and the persons responsible for his/her care or custody;
- B. The child's age and sex;
- C. The nature and extent of the alleged abuse or neglect, including description of injuries and any explanation given for them;
- D. A description of alleged sexual abuse or exploitation, if any;
- E. Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- F. The source of the report, the person making the report, his/her occupation and where he/she can be contacted;
- G. Any actions taken by school staff, including any photographs taken or other materials collected; and
- H. Any other information the person making the report believes may be helpful.

Upon DHHS' request for a written report, the Superintendent/designee shall complete the Suspected Child Abuse/Neglect Report and mail a copy to DHHS. Proper documentation shall be maintained in accordance with Section III. C.

V. 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 School Committee 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 School Committee policies and federal and state laws.

VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

Upon Department of Human Services (DHHS) request, DHHS personnel shall be permitted to meet with and interview a child who is named in a report of suspected child abuse and neglect when the child is present at the school. The interviewer shall be required to provide written certification that he/she is an authorized representative of the DHHS and that, in DHHS judgment, the interview is necessary to carry out that Department's duties under Maine law.

The DHHS caseworker shall discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher or guidance counselor or the school's nurse, social worker or principal, as the caseworker determines is necessary for the provision of any needed emotional support to the child prior to and following the interview.

School officials may not place any other conditions on the DHHS's ability to conduct the interview, including but not limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; or requiring notice to or consent from a parent or guardian.

School officials shall provide an appropriate, quiet and private place for the interview to occur.

That DHHS intends to interview the child is confidential information and may not be disclosed to any person except those school officials, including an attorney for the school, who need the information to comply with Maine law pertaining to child abuse and neglect investigations.



School personnel who assist DHHS in making a child available for an interview are regarded as participating in a child protection investigation or proceeding for the purpose of immunity from liability.

#### VII. 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 School Committee policies and applicable law.

The building principal/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.

#### VIII. GOOD FAITH IMMUNITY FROM LIABILITY

Any person who in good faith reports 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 § 4011-A, 4021  
20 USC § 1232g, Family Educational Rights and Privacy Act

Cross Reference: ACAA – Harassment and Sexual Harassment of Students  
JRA – Student Records

Adopted: \_\_\_\_\_

## **STUDENT DISMISSAL PRECAUTIONS**

The School Committee 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: \_\_\_\_\_

## **HIGH SCHOOL STUDENTS DRIVING RECREATIONAL VEHICLES TO SCHOOL**

The School Committee understands that some Machias Memorial High School students wish to drive recreational vehicles (including All Terrain Vehicles (ATVs), Utility Terrain Vehicles (UTVs), dirt bikes and snowmobiles) to and from school using the Machias Schools Nature Trail.

Driving any type of vehicle to school is a privilege that comes with certain responsibilities. Students who wish to drive recreational vehicles to school must comply with the following requirements:

- A. All students driving a recreational vehicle on campus must complete the Machias Memorial High School Recreational Vehicle Registration and Permission Form. This form must be signed by both the student and a parent/legal guardian.
- B. Students must comply with all applicable state and federal regulations associated with the registration and operation of the particular recreational vehicle. (See [www.maine.gov/ifw](http://www.maine.gov/ifw).)
- C. Students must obey the 5 mph speed limit and drive safely at all times on campus. School administration and/or law enforcement personnel are the sole arbiters of whether student operation of recreational vehicles is safe.
- D. Students must enter the Machias Schools Campus by using the Machias Nature Trail connector from the Sunrise Trail System. Recreational vehicles exiting the Machias Nature Trail must park on the west side of the Machias Memorial High School gymnasium. Students may not drive recreational vehicles across campus to connect to Court Street. Students must exit the campus using the Machias Nature Trail to connect to the Sunrise Trail System. All other areas of the school campus are off-limits to student recreational vehicles.
- E. Students drive recreational vehicles on school property at their own risk and the Machias School Department will not be responsible if a recreational vehicle is damaged or stolen while on school property. The cost of any damage or injuries caused by students driving recreational vehicles on campus is the sole responsibility of the student and his/her parents/legal guardians.

- F. The administration reserves the right to search a recreational vehicle if they believe that school policies, rules or laws may have been violated.
- G. The administration reserves the right to revoke the privilege of driving recreational vehicles to school at any time if a student fails to adhere to the requirements of this policy.

Adopted: December 5, 2012

## **STUDENT EDUCATION RECORDS AND INFORMATION**

The Machias School Department 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 Machias School Department 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. The Machias School Department 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 the Machias School Department 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, the Machias School Department 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, the Machias School Department 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 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.

F. 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  
Ch. 101, 125 (Me. Dept. of Ed. Rules)

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: \_\_\_\_\_

## **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. The Machias School Department 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

The Machias School Department'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. The Machias School Department's list of types and locations of all records and titles of officials responsible for the records; and
2. The Machias School Department's record of disclosures of personally identifiable information (see following section).

#### E. Requests to Amend Education Records

Parents/eligible students may ask the Machias School Department 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 the Machias School Department'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 the Machias School Department 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. The Machias School Department shall make its decision in writing within a reasonable period of time. The decision of the school shall include a summary of the evidence and the reasons for the decision.
5. If, as a result of the hearing, the Machias School Department 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, the Machias School Department 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 Machias School Department.
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 is maintained by the Machias School Department. If the education records of the student or the contested portion(s) are disclosed by the Machias School Department 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. The Machias School Department 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. The Machias School Department 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.** The Machias School Department 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 15<sup>th</sup> or within thirty (30) days of enrollment, whichever is later.

The Machias School Department 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 the Machias School Department 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 the Machias School Department to disclose this information must notify the Superintendent in writing by September 15<sup>th</sup> 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 the Machias School Department 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 School Committee; persons or companies with whom the Machias School Department 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), the Machias School Department 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), the School Department 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. The Machias School Department 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 \_\_\_\_\_ 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

The Machias School Department 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 the Machias School Department. 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. The Machias School Department 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. The Machias School Department 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

Legal References (cont.)

Me. Dept. of Ed. Rules, Ch. 101, 125  
Maine State Archives, Rules for Disposition of Local  
Governmental Records (Schedule L)

Adopted: \_\_\_\_\_

## **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 \_\_\_ per page.

### **B. Amendment of Records**

Parents/eligible students may ask the Machias School Department 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**

The Machias School Department 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 Machias School Department 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 school unit, and honors and awards received.

Parents of eligible students who do not want the Machias School Department to disclose directory information must notify the Superintendent in writing by September 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 the Machias School Department 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 the Machias School Department to disclose this information must notify the Superintendent in writing by September 15<sup>th</sup> 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 the Machias School Department as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); members of the School Committee; persons or companies with whom the Machias School Department 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, the Machias School Department 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, the Machias School Department 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 School Department Compliance with FERPA

Parents/eligible students who believe that the Machias School Department 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: \_\_\_\_\_