



***Regional School Unit 5***  
**Durham · Freeport · Pownal**

*"To inspire and support every learner by challenging minds, building character, sparking creativity, and nurturing passions."*

Becky Foley, Ph.D., Superintendent of Schools  
Peggy Brown, Interim Director of Finance & Human Resources

Cynthia Alexander, Assistant Superintendent of Schools  
Bonnie Violette, Ph.D., Director of Instructional Support

---

TO: Colin Cheney, Candy deCsipkes, Maddy Vertenten  
CC: Anne-Marie Spizzuoco, Jennifer Winkler  
FROM: Cynthia Alexander  
DATE: April 26, 2022  
RE: Policy Meeting – April 29, 2022

The Policy Committee is scheduled to meet on Friday, April 29, 2022 at 8:45 a.m. via Zoom at the following link: <https://networkmaine.zoom.us/j/88179232220> Meeting ID: 881 7923 2220 or join by telephone at 1-646-876-9923

**Agenda**

1. JK - Student Discipline
2. JLCD - administration of Medication to Students
3. KDB - Public Right to Know/Freedom of Access

## **STUDENT DISCIPLINE**

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

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

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

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

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

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

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

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

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

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

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

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

Adopted: July 8, 2009  
Revised: January 26, 2011  
Revised: March 13, 2013  
Reviewed: January 23, 2019

## **ADMINISTRATION OF MEDICATION TO STUDENTS**

The Board discourages the administration of medication to students during the school day when other options exist, but recognizes that in some instances it may be necessary for a student to have medication administered to him/her while the student is in attendance at school. 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 self-administration of emergency medication for Asthma, Anaphylaxis and Diabetes.

This policy does not apply to medical marijuana, which is addressed in RSU No. 5 Board's policy JLCDA, Medical Marijuana in Schools.

The Board encourages collaboration between parents/guardians and the schools in matters involving student medication.

The Board disclaims any and all responsibility for the diagnosis, prescription of treatment, and administration of medication for any student, and for any injury arising from a student's self-administration of medication.

### **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.

"Individual Health Plan" means a plan developed by the school nurse, student and family to provide care coordination and facilitate the management of the student's health condition in the school setting and to inform school educational plans.

"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. For the purpose of this policy, "medication" does not include medical marijuana.

"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 the:**

- 1. Student’s name**
- 2. Name of the medication**
- 3. Dose**
- 4. Route of administration (e.g., tablets, liquid, drops)**
- 5. Time intervals for administration (e.g., every four hours, before meals)**
- 6. Special instructions; and**
- 7. 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).

If the student's parent or health care provider indicates that he/she does not want a medication administered by unlicensed personnel, a meeting or telephone conference will be held involving the school nurse, the building administrator, the parent(s), and appropriate professionals to discuss alternative options for administration of medication to the student.

**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 and properly labeled. In the event that this is not practical, the parent must contact the school to make alternate arrangements. The parent is responsible for the replenishment of medication kept at school.

The school nurse is responsible for accepting all medications, and will determine the amount of medication that will be kept at school to manage the student's health condition.

Scheduled medications (regulated by the Federal Narcotics Act) will not be accepted at school unless it is part of a student's Individual Health Plan agreed upon by the physician, parent, school nurse and administrator.

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. Any medication remaining will be appropriately discarded by the school nurse.

The school nurse in conjunction with principal and/or designated school official 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, tablets, and/or volume of scheduled 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 of Maine 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 communicate 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 IEP, 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 "Procedure for Medication Administration on School Field Trips" will be followed.

**I. Student Self-Administration of Emergency Medications for Asthma, Anaphylaxis and Diabetes.**

Students with these emergency conditions may be authorized by the building principal, in consultation with the school nurse, to possess and self-administer emergency medication during the school day, field trips, school-sponsored events, or while on a school bus. This authorization will be granted if the following conditions have been met.

1. The parent (or student, if 18 years of age or older) provides a written request for the student to possess and self-administer emergency medication.
2. The student must have the prior written approval from his/her primary health care provider. 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 health provider confirming that the student has the knowledge and the skills to safely possess and use an epinephrine auto-injector or asthma inhaler.
4. The school nurse shall evaluate the student's technique to ensure proper



and effective use of an epinephrine auto-injector or asthma inhaler taking into account the maturity and capability of the student and the circumstances under which the student will or may have to self-administer the medication.

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 Emergency Medication for Asthma, Anaphylaxis and Diabetes shall be valid for the current school year only and must be renewed annually.

A student's authorization to possess and self-administer these medications 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. Administration of Over-the-Counter Medications**

With prior written parent permission, students may receive certain over the counter medications at school, e.g., Tylenol, Ibuprofen, Tums, cough drops, etc. pursuant to a standing order from the school physician/school health advisor.

**K. 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 communicate 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.

**L. 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 Schedule II of the Controlled Substances Act;
4. Proper storage of medication at school;
5. Training of appropriate staff on administration of emergency medications including the standards for the signs and symptoms of anaphylaxis and the use of epinephrine auto-injectors for students with known anaphylaxis allergies.
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(5); 4009(4); 4502 (5)(N); 6305  
Me. Dept. of Ed. Rule Ch. 40 (2016)  
21 USC §801 et.seq. (Controlled Substances Act)  
28 C.F.R. Part 35 (Americans with Disabilities Act of 1990)

34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973)  
34 C.F.R. Part 300 (Individuals with Disabilities Education Act)

Cross Reference: JLCD-E – Medication Administration on School Field Trips  
(Me. DOE)  
JLCDA – Medical Marijuana in Schools

Adopted: July 8, 2009  
Revised: December 8, 2010  
Revised: May 24, 2017

## **PUBLIC'S RIGHT TO KNOW/FREEDOM OF ACCESS**

The Board recognizes the importance of a well-informed public to the operations of the school unit. The Board will comply with all applicable sections of Maine's Freedom of Access Act.

The Board designates the Superintendent, and to act in the absence of the Superintendent the designee as the Public Access Officer for RSU5.

Except as otherwise provided by statute, all Board proceedings shall be open to the public, any person shall be permitted to attend, and any records or minutes of such proceedings that are required by law shall be made promptly and shall be open to public inspection.

Board agendas and minutes, proposed and approved Board policies, annual budget reports, student handbooks and Board member Freedom of Access training documentation/certificates shall be available for immediate inspection and/or copying in the Superintendent's Office. Requests for all other public records shall be made to the Public Access Officer, specifying the records desired for inspection/copying. The Public Access Officer/designee may request clarification concerning which public record or records are being requested.

The Superintendent/designee shall acknowledge receipt of a request for inspection and/or copying of public records within five working days of the request.

If the request is denied, the Public Access Officer/designee shall inform the requestor in writing within five working days of the request and shall state the reason for denial. Otherwise, inspection and/or copying may be scheduled to occur within a reasonable period of time following the request at a time that will not delay or inconvenience the regular activities of the school unit.

The school unit is not required to create a record that does not exist.

## **ELECTRONICALLY STORED PUBLIC RECORDS**

In compliance with the Freedom of Access Act, the school unit will provide access to an electronically stored public record as a printed document or in the medium in which the record is stored, at the requester's option, except that the school unit is not required to provide access to an electronically stored public record as a computer file if the school unit does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file. The school unit is not required to provide access to a computer terminal.

## **FEES**

Except as otherwise provided by law or court order, RSU5 may charge fees as follows:

- A. A fee of .20¢ per page to cover the cost of copying.
- B. A fee of \$10.00 per hour after the first hour of staff time per request to cover the actual cost of searching for, retrieving, and compiling the requested public record. Compiling the public record includes reviewing and redacting confidential information.

- C. If conversion of a public record into a form susceptible of visual or aural comprehension or into a usable format is necessary, a fee to cover the actual cost of conversion.
- D. A charge for the actual mailing costs to mail a copy of the record.
- E. No fee shall be charged for inspection of public records, unless the record cannot be inspected without being compiled or converted, in which case paragraph B or C applies.

As required by law, the school unit will provide the person making the request an estimate of the time necessary to complete the request and of the total cost and, if the estimated total cost exceeds \$30.00, will inform the requestor before proceeding. If the estimated total cost is greater than \$100.00 or if the requestor has previously failed to pay a fee assessed for access to RSU5 records, the requestor may be required to pay all or a portion of the estimated cost prior to the search, retrieval, compiling, conversion and copying of the public record.

The Public Access Officer is directed to develop and implement such administrative procedures as may be necessary to carry out this policy.

Legal Reference: 1 M.R.S.A. § 401 et seq.

Cross Reference: BEC – Executive Sessions  
GBJ – Personnel Records and Files  
JRA – Student Educational Records

Adopted: August 25, 2010

Revised: November 28, 2012

Revised: February 26, 2014

Reviewed: April 29, 2020