



TO: Kate Brown, Candy deCsipkes, Maddy Vertenten

CC: Bonnie Violette

FROM: Cynthia Alexander

DATE: September 4, 2018

RE: Policy Review – September 14, 2018 Meeting

The Policy Sub-Committee is scheduled to meet on Friday, September 14, 2018 from 8:30 – 10:00 a.m. at the RSU5 Central Office.

Agenda

1. JLFA – Child Sexual Abuse Prevention and Response – New Policy mandated by State Law in 2018.
2. JKF – Disciplinary Removal of Students with Disabilities
3. JKF-R – Removal of Students with Disabilities
4. ILA – Student Assessment
5. BEDH – Public Participation at Board of Directors Meetings
6. ILD – Educational Research: Student Submission to Surveys, Analyses, or Evaluations

Regional School Unit No. 5

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CHILD SEXUAL ABUSE PREVENTION AND RESPONSE

The Board recognizes that Maine law requires every school unit with a Pre-K through 5th grade program to adopt a policy for child sexual abuse prevention education and response. The Board adopts this policy in the interest of promoting the well-being of students and providing a supportive learning environment as well as compliance with the law.

For the purpose of this policy, “child sexual abuse” means any sexual engagement either through “hand on” or “hands off” activities between an adult and a child. Sexual engagement between children can also be sexual abuse when there is a significant age difference between the children involved or if the children are very different in development, size, or other power differential.

[Note: There is no universal definition of “child sexual abuse.” For the sake of simplicity, MSMA has elected to use the definition in the DOE’s model policy.]

I. REPORTING CHILD SEXUAL ABUSE

- A. Any employee of the school unit who has reason to suspect that a child has been sexually abused is to immediately notify the building principal or designated agent.
1. In addition to notifying the building principal/designated agent, the employee may also make a report directly to the Department of Health and Human Services (DHHS).
 2. School volunteers who have reason to suspect that a child has been sexually abused may report their suspicions directly to DHHS.
 3. Neither the employee or volunteer nor the building principal/designated agent should attempt to further question or interview the child nor otherwise undertake an investigation.
- B. If the reporting employee or volunteer does not receive written confirmation from the building principal/designated agent or Superintendent within 24 hours of his/her report that a report has been made to DHHS, the employee or volunteer shall make an immediate report directly to DHHS. In such cases, the employee or volunteer shall then complete a copy of the school unit’s Suspected Child Abuse and Neglect Reporting Form (JLF-E).

- C. If the reporting employee or volunteer does receive written confirmation from the building principal/designated agent or Superintendent within 24 hours of his/her report (i.e., a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E)), he/she shall sign the form as acknowledgement that the report was made and return it to the building principal/administrator or Superintendent.
- D. The administrator reporting and confirmation duties shall be the same as provided in Section III of the Board's policy JLF, Reporting Child Abuse and Neglect.

II. CHILD SEXUAL ABUSE AWARENESS AND PREVENTION EDUCATION FOR SCHOOL PERSONNEL

All school personnel **[OR: All school personnel who are required to be certified, authorized or approved by the DOE]** shall be required to complete a minimum of one hour of training in child sexual abuse awareness and prevention, with training to be updated at least once every four years thereafter. New employees must complete training within six months of hire.

[NOTE: Although the alternative language is used in the DOE model policy, the Board may wish to "go wider" with the training requirement, since bus drivers and custodians may also be in a position to suspect child sexual abuse based on their own contacts with students.]

Training must be "evidence-informed" (i.e., based on research and best practices) and delivered by a qualified instructor (i.e. a person with appropriate knowledge, skills, and experience or training in child sexual abuse awareness and prevention). The trainer may be an employee or volunteer with an agency/organization specializing in sexual assault and/or child sexual abuse or an employee of the school unit (e.g., school social worker, guidance counselor, school nurse, health educator) who has received appropriate training from such an agency/organization.

The goals of the training for school personnel are:

- Increased awareness of developmentally appropriate and inappropriate sexual behaviors in children;
- Increased ability to recognize indicators of child sexual abuse;

- Enhanced ability to respond effectively when a student or student's friend or peer discloses sexual activity or the staff member suspects child sexual abuse has occurred; and
- Awareness of local resources available to students, parents, schools, and community members, and how these resources may be accessed.

Training should also address confidentiality/disclosure concerns (beyond the mandated reporting).

[NOTE: This last bullet is not in the DOE model policy, but is an important issue.]

III. CHILD SEXUAL ABUSE PREVENTION EDUCATION IN THE PRE-K THROUGH 5TH GRADE CURRICULUM

The school unit will provide child sexual abuse prevention programming to its Pre-K through grade 5 students. Such instruction will be aligned with the health education standards of Maine's system of Learning Results for this grade span, and incorporated into the written school health education curriculum.

Programming of appropriate scope and sequence will be delivered by qualified instructors, who may be from a local or regional agency/organization with experience and expertise in sexual assault and child sexual abuse of by a school unit employee deemed competent by the Superintendent/designee to deliver such instruction. If the instructor is a school unit employee, the Board anticipates that this will be a person with the knowledge, skills, sensitivity and "comfort level" necessary to deliver the curriculum in the classroom setting, i.e., school nurse, school social worker, guidance counselor, or teacher with experience in health education. Any instructor who is a school employee is expected to take full advantage of the evidence-informed educational resources available on websites hosted by the DOE and/or MECASA. Any instructor who is a school employee should be familiar with the local community-based agencies/organizations that provide assistance or services to children and families that are experiencing or have experienced sexual assault or child sexual abuse.

It is the intent that the curriculum, as delivered in the classroom, will:

- Include age-appropriate education regarding physical and personal boundaries; including biologically accurate body terminology;

- Help children identify unsafe or uncomfortable situations including a range of feelings, touches, or violations of physical boundaries;
- Help children identify safe adults with whom they can talk about unsafe or uncomfortable situations; and

Legal Reference: 20-A MRSA §§ 254(18), 4502(5-C)
22 MRSA §4011-A
20-A MRSA §§ 5051-A(1)(C); 5051-A(2)(C)
20 USC § 1232g, Family Educational Rights and Privacy Act

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

[NOTE: The Board should be aware that JLF-E is for documenting and confirming to a school employee that the principal or other designated agent has in fact made a report to DHHS based on the employee's reporting his/her suspicions to that principal or designated agent. This form is not to be sent to DHHS. If DHHS wants more information, it will initiate contact.]

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

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 RSU No. 5 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 Student Services 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: June 24, 2009

Reviewed: March 24, 2010

Reviewed: March 13, 2013

REMOVAL OF STUDENTS WITH DISABILITIES

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.

1. 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.

A. 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.

B. 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 nondisabled children to the extent he or she would have in the student's regular program.

2. After a child with a disability has been removed from his or 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 child's teachers and then shall arrange for the child 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.

3. Within 10 school days of any decision to "change the placement" of a child 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:

A. The Team shall review all relevant information in the student's file, including the IEP, any teacher observations and recent evaluations;

B. The Team shall then undertake a manifestation determination to decide whether the child's misconduct was a manifestation of his or her disability.

C. If the Team determines that the misbehavior is a manifestation of the disability, the Team must either i) 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 ii) if a behavior plan has already been developed, review the plan and modify it as necessary to address the behavior. Except as provided in 4 below, the Team must also return the child to

the placement from which he or she was removed, unless the school and parent agree to a change of placement as part of the revision of the behavior plan.

D. 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 children without disabilities, except that services must be provided to the child during the disciplinary removal consistent with 3(E) below.

E. When a child with a disability has a disciplinary removal that would be a “change of placement,” the IEP Team shall order services for the child that will enable the child i) to continue to participate in the general curriculum although in another setting; ii) to progress toward meeting the goals in the IEP; and iii) to 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.

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

4. In those circumstances where a student brings a weapon to school, to a school function, or on school premises (including transportation), or 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 3(E) 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 child. Any further removals in response to the incident shall be made consistent with these procedures and state and federal special education rules.

References: Me. Spec. Ed. Reg. ch. 101, XVII (2007); 34 C.F.R. § 300.101, .530 to .536 (2006).

Administrative Procedure Adopted: March 16, 2010

Administrative Procedure Reviewed: December 18, 2012

Administrative Procedure Reviewed: May 14, 2013

STUDENT ASSESSMENT

Assessment shall be performed to provide information on student abilities, achievements and educational needs.

A variety of testing tools shall be designed and applied as integral parts of the school unit's needs assessment and evaluation programs. Tests shall be utilized primarily for furnishing needed information to decision makers, including the Board, administrators, teachers, parents and students. The needs of these various users shall be clearly identified, and the testing program shall be limited to obtaining that information which is necessary and useful.

There shall be broad-based involvement in the development of testing programs. Concerted effort shall be made to see that testing contributes to the learning process rather than detracts from it. Efforts shall be made to select culture-free/culture-fair tests to attain greatest accuracy. Learning goals and objectives shall provide the guidelines for determining tests to be utilized.

The RSU No. 5 School Department shall participate in the state-wide Maine Educational Assessment program as required by Maine law and applicable rules of the Commissioner of Education.

The Superintendent shall develop administrative procedures to implement this policy which will identify the standardized evaluation instruments and the procedures to be used.

Legal Reference: 20-A MRSA § 6201
CH. 125.15, B (Maine Dept. of Ed. Rule)

Cross Reference: IK - Academic Achievement

Revised: July 8, 2009
Revised: October 28, 2009
Reviewed: December 12, 2012

PUBLIC PARTICIPATION AT BOARD OF DIRECTORS MEETINGS

Board of Director meetings are conducted for the purpose of carrying on the official business of the school system. All regular, special and emergency meetings of the Board are open to the public. The public is cordially invited to attend and participate in Board meetings as provided in this policy.

Although Board of Director meetings are not public forums, the Board will provide appropriate opportunities for citizens to express opinions and concerns related to the matters under consideration by the Board. The intent is to allow a fair and adequate opportunity for the public to be heard and to provide adequate time for the Board to obtain information and opinion on subjects before it, while ensuring that the time allowed for public discussion does not interfere with the fulfillment of the scheduled agenda.

Members of the public may address the Board within the guidelines provided in this policy. The Chair shall be responsible for maintaining proper order and compliance with these guidelines.

The following guidelines shall apply to public participation at Board meetings.

- A. Citizens and employees of the school unit are welcome to participate as provided in this policy. Others may be recognized to speak at the Chair's discretion. Individual employees and/or employee groups will not be permitted to discuss matters for which complaint or grievance procedures are provided.
- B. The Chair may limit the time allotted for comments on a particular topic as well as the time each individual may speak.
- C. In the event of a sizeable audience, the Chair may require persons interested in speaking to sign up so they may be called on in a fair and efficient manner.
- D. During the time set aside for public participation, the Chair will be responsible for the recognizing all speakers, who must identify themselves as they begin talking. Speakers will be encouraged to disclose whether or not they will personally have a financial impact as a result of the budget item they address.
- E. Speakers are not permitted to share gossip, make defamatory comments, or use abusive or vulgar language.
- F. All speakers are to address the Chair and direct questions or comments to particular Board members or the Superintendent only with approval of the Chair. Requests for information or concerns that require further research may be referred to the Superintendent to be addressed at a later time.

- G. Members of the Board of Directors and the Superintendent may ask questions of any person who addresses the Board but are expected to refrain from arguing or debating issues. Questions must be addressed through the Chair.
- H. No complaints or allegations will be allowed at Board meetings concerning any person employed by the school system or against particular students.

Personal matters or complaints concerning student or staff issues will not be considered in a public meeting but will be referred through established policies and procedures.
- I. In order to make efficient use of meeting time, the Board discourages duplication or repetition of comments to the Board. The Board requests that groups or organizations be represented by designated spokespersons.
- J. The Chair has the authority to stop any presentation that violates these guidelines or the privacy rights of others.
- K. Persons who disrupt the meeting may be asked to leave, and the Chair may request law enforcement assistance as necessary to restore order.

An agenda shall be published in advance of each meeting in accordance with Board policy. Copies will be posted and/or available prior to regular meetings, at the Superintendent's Office, in each school, town hall, and is sent to the Times Record and the Sun Journal for publication. Anyone desiring additional information about an agenda item should direct such inquiries to the Office of the Superintendent.

Legal Reference: 1 MRSA § 401 et seq.

Cross Reference: BEC – Executive Session
BEDA – Notification of Board of Directors Meetings
BEDB – Agenda
BEDD – Rules of Order
KE – Public Concerns and Complaints

Adopted: November 18, 2009
Revised: March 23, 2011
Reviewed: February 26, 2014

**EDUCATIONAL RESEARCH: STUDENT SUBMISSION TO SURVEYS, ANALYSES,
OR EVALUATIONS**

In this policy, “surveys, analyses, or evaluations” refer to methods of gathering data for research purposes.

No student shall be required as part of any program wholly or partially funded by the U.S. Department of Education to submit to any survey, analyses, or evaluation that reveals information concerning:

- A. Political affiliations or beliefs of the student or the student’s parent;
- B. Mental or psychological problems of the student or the student’s family;
- C. Sex behavior or attitudes;
- D. Illegal, anti-social, self-incriminating, or demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- G. Religious practices, affiliations, or beliefs of the student or student’s parents; or
- H. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) without the prior written consent of the student’s parent/guardian, or of the student, if he/she is 18 years of age or older.

All instructional materials, including teachers’ manuals, films, tapes, or other supplementary material which will be used in connection with any such survey, analysis, or evaluation shall be available upon request for inspection by the student’s parent/guardian. For the purpose of this policy, “instructional material” does not include academic tests or assessments.

A parent may inspect, upon request, a survey created by a third party before the survey is administered or distributed to a student.

The Superintendent/designee will be responsible for implementing any procedures necessary to protect the privacy of participating students and to provide parents with access to surveys within a reasonable time before administration or distribution.

The school unit will notify parents and teachers of this policy at least annually at the beginning of the school year and within a reasonable time of any substantive change in policy. Insofar as practicable,* the school unit will also directly notify parents annually at the beginning of the school year when surveys, analyses, or evaluations are scheduled or anticipated. Parents shall have the opportunity to opt their child out of participation in any survey, analysis, or evaluation. Students who are 18 years of age or older may opt out of such surveys, analyses, or evaluations.

* “Insofar as practicable” acknowledges that there may be circumstances in which a research request is made or is approved only after the school year has begun. When this occurs, the school unit should notify parents far enough in advance for them to access surveys and related instructional materials and to opt their children out, if desired.

Legal reference: 10 U.S.C. § 1232(h)

Cross reference: JRA—Student Educational Records

Adopted: July 8, 2009

Revised: October 28, 2009

Reviewed: December 12, 2012