



TO: Candy deCsipkes, Naomi Ledbetter
FROM: Cynthia Alexander
DATE: October 10, 2017
RE: Policy Review – October 13, 2017 Meeting

The Policy Sub-Committee is scheduled to meet on Friday, October 13, 2017 from 8:30 – 10:00 a.m. at the RSU5 Central Office.

Agenda

Review/Revise the following policies/procedures:

- GBEBB – Staff Conduct with Students
- JICH – Drug and Alcohol Use By Students
- GBGE – Return to Work and Light-Duty Assignments
- GBJ – Personnel Records and Files
- GBJC – Retention of Application Materials
- GBN – Family and Medical Leave
- GBO – Family Care Leave
- JICIA – Weapons, Violence and School Safety
- JLCD-E – Request/Permission to Administer Medication in School

STAFF CONDUCT WITH STUDENTS

The RSU No. 5 Board expects all staff members, including teachers, coaches, counselors, administrators, and others to maintain the highest professional, moral, and ethical standards in their conduct with students. For the purposes of this policy, staff members also include school volunteers.

The interactions and relationships between staff members and students should be based upon mutual respect and trust; an understanding of the appropriate boundaries between adults and students in and outside of the educational setting; and consistency with the educational mission of the schools.

Staff members are expected to be sensitive to the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

Unacceptable Conduct

Examples of unacceptable conduct by staff members include but are not limited to the following:

- A. Any type of sexual or inappropriate physical contact with students or any other conduct that might be considered harassment under the Board's policy on Harassment and Sexual Harassment of Students;
- B. Singling out a particular student or students for personal attention and friendship beyond the normal teacher-student relationship;
- C. Associating with students in any situation or activity that includes the presence of alcohol, drugs, or tobacco or that could be considered sexually suggestive;
- D. For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to be supportive but to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
- E. Sending students on personal errands;
- F. Sexual banter, allusions, jokes, or innuendos with students;
- G. Asking a student to keep a secret;

- H. Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- I. Addressing students with terms of endearment, pet names, or otherwise in an overly familiar manner; and
- J. Permitting students to address you by your first name, nickname or otherwise in an overly familiar manner.
- K. Being alone with individual students out of the view of others;
- L. Inviting or allowing students to visit the staff member's home;
- M. Visiting a student's home, unless on official school business;
- N. Maintaining personal contact with a student outside of school by phone, email, Instant Messenger or Internet chat rooms, social networking websites, or letters (beyond homework or other legitimate school business);
- O. Exchanging personal gifts (beyond the customary student-teacher gifts); and/or
- P. Socializing or spending time with students (including but not limited to activities such as going out for meals or movies, shopping, traveling, and recreational activities) outside of school-sponsored events or except as participants in organized community activities.

Reporting Violations

Students and/or their parents/guardians are strongly encouraged to notify the principal if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Staff members are required to notify promptly the principal or Superintendent if they become aware of a situation that may constitute a violation of this policy.

Disciplinary Action

Staff violations of this policy may result in disciplinary action up to and including dismissal. Violations involving sexual or other abuse will also result in referral to the Department of Human Services and/or law enforcement in accordance with the Board's policy on Reporting Child Abuse and Neglect.

Dissemination of Policy

This policy shall be included in all employee, student and volunteer handbooks.

Cross Reference: ACAA - Harassment and Sexual Harassment of Students
 GCSA - Staff Computer/Internet Use
 JLF - Reporting Child Abuse and Neglect

Adopted: June 9, 2010
Reviewed: February 29, 2012

DRUG AND ALCOHOL USE BY STUDENTS

The RSU No. 5 Board of Directors and staff of the RSU No. 5 School Department support a safe and healthy learning environment for students which 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 Board of Directors 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
Pub.L.No. 101-226 (Drug-Free Schools and Communities Act
Amendments of 1989)
17-A MRSA § 1101
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 Records

Adopted: July 8, 2009
Revised: December 14, 2011

RETURN TO WORK AND LIGHT-DUTY ASSIGNMENTS

The Board of Directors believes that it is in the best interest of both the school system and employees who have suffered workplace injuries or illnesses to return to the work environment as soon as possible. Further, the Board recognizes the need for a program to effectively manage workers' compensation costs throughout the system, while conserving its most valuable resources – the skills, knowledge and experience of its employees. To that end, the School Committee supports the establishment of a comprehensive return-to-work program, including temporary modified or "light work" assignments, whenever appropriate, to minimize lost time and facilitate an employee's transition back to regular or full-time work.

Modified or light-duty assignments, including modified work schedules, will be designed to accommodate job restrictions specified by the health care provider or providers designated by the employer. Modified or light-duty assignments are intended to address short-term medical restrictions, and are not to be used as a means to establish new assignments or displace other employees.

The Superintendent or designee shall be responsible for developing administrative procedures to implement a return-to-work program, including provisions for monitoring of modified duty assignments by the employee's supervisor, healthcare provider, the school system's Workers' Compensation Coordinator and the workers' compensation insurance claims adjuster.

Adopted: June 9, 2010
Reviewed: February 29, 2012

PERSONNEL RECORDS AND FILES

The school unit shall maintain records of current and former employees in the Office of the Superintendent in accordance with state and federal laws and regulations.

Directory Information

As required by law, a record of directory information for each employee shall be open to inspection and copying by any person. Directory information shall contain:

- A. Name of employee;
- B. Date(s) of employment by the school unit;
- C. Regular and extra-curricular duties, courses, subjects taught, responsibilities since the start of employment by the school unit;
- D. Post-secondary education institution(s) attended;
- E. Major and minor field(s) of study as required by those institutions; and
- F. Degrees received and dates degrees were awarded.

Confidential Information

As required by law, all information (except Directory Information) about an employee, applicant for employment, or an employee/applicant's immediate family shall be kept confidential if it relates to the following:

- A. All information, working papers, and examinations used in the evaluation or selection of applicants for employment,
- B. Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
- C. Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;
- D. Credit information;
- E. The personal history, general character or conduct of the employee or any member of the employee's immediate family;

- F. Complaints, charges of misconduct, replies thereto and memoranda and other materials pertaining to disciplinary action;
- G. Social Security number;
- H. Any teacher action plan and support system documents and reports maintained for certification purposes; and
- I. Criminal history record information.

Personnel Files

Personnel files will contain a cumulative history of the staff member's employment, including formal or informal employee work evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits.

Other Confidential Personnel Records

The school unit must maintain the following confidential employee records separate from the personnel files:

- A. Medical information of any kind; and
- B. Teacher action plan and support system documents and reports maintained for certification purposes.

Disciplinary Action Information

Any written record of a decision involving an employee disciplinary action by the Board shall not be included within any category of confidential information.

Procedures for Review of Personnel Files

For the purpose of this section, a personnel file shall include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits which the Superintendent has in his/her possession.

- A. The Superintendent shall, upon written request and within 5 business days, provide the employee, former employee, or his/her duly authorized representative(s) with an opportunity to review and copy his/her personnel file, if the Superintendent has a personnel file for that employee.
- B. Reviews of personnel files shall take place at the location where the personnel files are maintained and during normal office hours.

- C. The cost of any copying is to be paid by the person requesting the copy.
- D. Access to confidential college placement records and letters of reference will be granted only to the Superintendent/designee.

Access to Personnel Files

Access to personnel files may be given to the following persons without the consent of the employee.

- A. The Superintendent or his/her designee, the employee's principal or other supervisor(s). Personnel files are not accessible to individual Board members.

Relevant portions of a personnel file may be summarized and/or shared with the Board by the Superintendent when consideration is being given to performance evaluation, continuation of employment or disciplinary action.

- B. The general public shall have access only to the Directory Information as outlined above.

Access to personnel files will not be granted to any other persons except under the following circumstances:

- A. When the employee gives written consent for the release of his/her records. The written consent must specify the record(s) to be released and to whom they are to be released. Each request for consent must be handled separately; blanket permission for release of information will not be accepted, and
- B. Upon advice of counsel, when subpoenaed or under court order.

Records Management

The Superintendent has overall responsibility for maintaining and preserving the confidentiality of all employee/applicant records. The Superintendent may designate a staff member who shall be responsible for granting or denying access to records according to the guidelines in this policy.

Written reports shall be maintained in personnel files to document compliance with federal and state laws and regulations and Board policies regarding employee evaluations. Once a document is properly placed in a personnel file, it shall remain in the file permanently, unless determined by the Superintendent to be obsolete or otherwise inappropriate.

Records Retention

The school unit will retain all personnel records and files in accordance with applicable laws and regulations.

Legal Reference: 20-A MRSA § 6101
 20-A MRSA § 13015
 26 MRSA § 631
 Chapter 10, Rules for Disposition of Local Government Records
 (Maine State Archives)
 Americans with Disabilities Act of 1990, 42 U.S.C.
 Family and Medical Leave Act of 1993, 29 U.S.C. 2611 et seq.

Cross Reference: GBJC - Retention of Application Materials
 KDB - Public's Right to Know/Freedom of Information

Adopted: June 9, 2010
Reviewed: February 29, 2012

RETENTION OF APPLICATION MATERIALS

State and federal law permit submission of complaints to the Maine Human Rights Commission and/or the U.S. Office of Civil Rights within six months of an alleged act of unlawful employment discrimination. In addition, state regulations require applications for employment to be retained for a period of two years.

As a precautionary measure, all materials accumulated in the process of filling instructional and support staff positions shall be retained for at least three years. Such materials include applications and accompanying materials, notes made in the screening, interviewing and reference checking process, and any other pertinent information. Materials related to the search process (such as advertisements, job descriptions and interview guides) shall also be retained.

All materials accumulated in filling administrator positions (positions requiring Maine Department of Education administrator certification) shall be retained for at least three years.

Legal Reference: 5 MRSA Section 4551 Et Seq. (Maine Human Rights Act)
 20-A MRSA Section 1001.13
 Chapter 10, Rules for Disposition of Local Government
 Records (Maine State Archives)
 Equal Employment Opportunities Act of 1972 (P.L. 92-261)
 Amending Title VII of the Civil Rights of 1964
 (42 U.S.C. Section 2000(e) et seq.)

Cross Reference: GCF - Professional Staff Hiring
 GCFB - Recruitment and Hiring of Administrative Staff
 GBJ - Personnel Records and Files

Adopted: June 9, 2010
Reviewed: February 29, 2012

FAMILY AND MEDICAL LEAVE

The RSU No. 5 Board of Directors shall comply with all applicable provisions of the federal Family and Medical Leave Act of 1993 (FMLA), the Maine Family Medical Leave Law, and any other Board policies and collective bargaining agreements regarding family and medical leave.

The Superintendent is responsible for implementing administrative procedures to comply with this policy.

Legal Reference: 26 USC § 2601 et seq.
29 CFR Part 825
26 MRSA § 843 et seq.

Adopted: June 9, 2010
Reviewed: February 29, 2012

FAMILY CARE LEAVE

This policy governs employee leave under 26 M.R.S.A. § 636, “An Act to Care for Families”), referred to in this policy as the “Family Care Act.” Leave under this policy is referred to as “Family Care Leave.”

The Board recognizes that under Maine’s “Family Care Act,” if an employer provides paid leave under the terms of a collective bargaining agreement or employment policy, the employer must allow an employee to use the paid leave for the care of an immediate family member who is ill.

In law and for the purpose of this policy, the following definitions apply:

1. “Employer” means a public or private employer with 25 or more employees.
2. “Immediate family member” means an employee’s child, spouse or parent.
3. “Paid leave” means time away from work by an employee for which the employee receives compensation. Paid leave is limited to sick time, vacation time, compensatory time and leave that is provided as an aggregate amount for use at the discretion of the employee for any of these purposes. Paid leave does not include paid short-term or long-term disability, catastrophic leave or similar types of benefits.

Employees may take up to 40 hours of paid leave as Family Care Leave per 12 month period, or the amount provided by an applicable collective bargaining agreement, whichever is greater.

The 12-month period shall be the same for all employees and shall be the 12-month period consistent with the 12-month period identified for the school unit’s administration of the Family Medical Leave Act (FMLA).

An employee is not entitled to use paid leave until that leave has been earned.

An employee may elect which type of paid leave and the amount of each type of paid leave to use for Family Care Leave.

Notice/verification of illness for Family Care Leave shall be the same as that required for the employee’s own illness. The employee must specify that leave is being taken pursuant to the Family Care Act.

Application of Family Medical Leave Requirements

For purposes of applying family medical leave requirements (i.e., FMLA), the school unit shall treat leave under the Family Care Act in the same manner as the employer treats

leave for an employee illness. Therefore, Family Care leave and FMLA leave shall run concurrently.

Legal Reference: 26 M.R.S.A. § 636

Cross Reference: GBN/Family and Medical Leave

Adopted: June 9, 2010

Revised: February 29, 2012

WEAPONS, VIOLENCE AND SCHOOL SAFETY

The RSU No. 5 Board of Directors 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 Board policies, school rules, reasonable unwritten behavior expectations, and applicable state and federal laws.

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

Prohibited Conduct

Students 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 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 numchucks;
- 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 on or through a computer) which threaten, intimidate, or harass others, 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.

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.

Students who are found to have brought a firearm to school (as defined by federal law), shall be expelled for a period of not less than one year, unless this requirement is 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

The School Committee authorized the Superintendent to request an immediate psychological evaluation of a student who violates 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 parents/guardians and/or student refuse 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: 20 USCA § 8921 (Gun-Free Schools Act of 1994)
20-A MRSA §§ 1001 (9); 1001 (9-A); 6552
17-A MRSA §§ 2(9); 2(12-A)

Cross Reference: **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-Disciplinary/Removal of Students with Disabilities
 JIH-Questioning and Searches of Students
 KLG-Relations with Law Enforcement Authorities

Adopted: July 8, 2009
Reviewed: January 23, 2013

**RSU No. 5 SCHOOL DEPARTMENT
REQUEST/PERMISSION TO ADMINISTER MEDICATION IN SCHOOL**

Student's Name _____ DOB: _____
School: _____ Grade: _____ Teacher: _____

To be completed by Health Care Provider:

Name of medication: _____

Reason for medication: _____

Form of medication/treatment:
 Tablet/capsule Liquid Inhaler Injection Nebulizer Other _____

Dosage (amount): _____

Time to be given: _____

Restrictions and/or important side effects: None anticipated
 Yes. Please describe in detail: _____

Date prescribed: _____

Date to be discontinued: _____

Any other necessary instructions or information: _____

IF APPLICABLE:

This student is both capable and responsible for self-administering this medication if allowed by Board policy.

No Yes-supervised Yes - unsupervised

This student may carry this medication if allowed by Board policy: No Yes

**NOTE: THE SCHOOL NURSE MAY CONTACT YOU IF THERE ARE FURTHER
QUESTIONS CONCERNING THIS MEDICATION REQUEST.**

Health Care Provider's Signature: _____ Date: _____

Printed Name: _____

Address: _____

Phone Number: _____ Fax Number: _____

Note: Any changes to the information above shall require a new request/permission form.

To be completed by Parent/Guardian:

I request and give permission for RSU No. 5 School Department nurses and other trained, unlicensed personnel to administer the above named medication to (student's name) _____
In accordance with board Policy JLCD – Administering Medications to Students.

OR:

I request and give permission for (student's name) _____ to self-administer the above-named medication in accordance with Board Policy JLCD-Administering Medications to Students.

I understand and agree that if the school nurse has questions regarding the health care provider's order, that the nurse may contact the child's physician and obtain additional information from him or here about the medication, and I consent to the physician providing that information.

Signature: _____ Relationship: _____
Date: _____

To be completed by School:

Date received: _____ By whom: _____
Date reviewed: _____ Reviewed by: _____

Notes: _____

Adopted: December 8, 2010