



TO: Candy deCsipkes, Naomi Ledbetter  
CC: Jen Gulko, Dennis Ouellette, Seth Thompson  
FROM: Cynthia Alexander  
DATE: January 3, 2017  
RE: Policy Review – January 6, 2017 Meeting

The Policy Sub-Committee is scheduled to meet on Friday, January 6, 2017 from 8:30 – 9:30 a.m. at the RSU Central Office.

**Agenda:**

1. Review/Revise the following policies/procedures:
  - EBCC – Bomb Threats (revisit prior to 2<sup>nd</sup> Read)
  - IJOA – Field Trips and Other Student Travel (revisit prior to 2<sup>nd</sup> Read)
  - EHB – Records Management
  - EGAD – Copyright Compliance
  - EGAD-R – Copyright Compliance Administrative Procedure (review only)
2. Other:
  - Review revision of Freeport High School's Academic Eligibility – Not officially a Policy but a high school procedure
  - Review of Special Education Teacher Job Description

## **BOMB THREATS**

The RSU No. 5 Board of Directors recognizes that bomb threats are a significant concern to the school unit. Whether real and carried out or intended as a prank or for some other purpose, a bomb threat represents a potential danger to the safety and welfare of students and staff and to the integrity of school property. Bomb threats disrupt the instructional program and learning environment and also place significant demands on school financial resources and public safety services. These effects occur even when such threats prove to be false.

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

### A. Conduct Prohibited

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

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

### B. Definitions:

1. A "bomb" means an explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, "Molotov cocktail" or other destructive device.
2. A "look-alike bomb" means any apparatus or object that conveys the appearance of a bomb or other destructive device.
3. A "bomb threat" is the communication, by any means, whether verbal or non-verbal, that a bomb has been, or will be, placed on school premises, including possession or placement of a bomb or look-alike bomb on school premises.
4. "School premises" means any school property and any location where any school activities may take place.

### C. Development of Bomb Threat Procedures

The Superintendent/designee shall be responsible for developing and implementing procedures specific to bomb threats as part of ~~the school unit's~~ RSU No. 5's Crisis

~~Response Plan~~ emergency management plan. These procedures are intended to inform administrators and staff of appropriate protocols to follow in the event that a bomb threat is received and should include provisions to address:

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

The initial bomb threat procedure will be subject to approval by the Board of Directors. The Superintendent/designee will be responsible for overseeing a review or evaluation of bomb threat procedures prior to the Board's required annual approval of the school unit's ~~Crisis Response Plan~~ emergency management plan, or following implementation of the procedure in response to a specific threat.

D. Reporting of Bomb Threats

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

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

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

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

E. Student Disciplinary Consequences

Making a bomb threat is a crime under Maine law. Any student suspected of making a bomb threat shall be reported to law enforcement authorities for investigation and possible prosecution. Apart from any penalty imposed by law, and without regard to

the existence or status of criminal charges, a student who makes a bomb threat shall be subject to disciplinary action by the school.

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

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

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

F. Aiding Other Students in Making Bomb Threats

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

G. Failure to Report a Bomb Threat

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

H. Staff Disciplinary Consequences

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

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

I. Civil Liability

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

J. Lost Instructional Time

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

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

K. Notification Through Student Handbook

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

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

Cross References: EBCA - Crisis Response Plan  
JKD - Suspension of Students  
JKE - Expulsion of Students  
JKF - Suspension/Expulsion of Students with Disabilities  
JICIA - Weapons, Violence and School Safety  
Student Code of Conduct

Adopted: June 24, 2009  
Reviewed: December 14, 2011  
Revised: \_\_\_\_\_

## **FIELD TRIPS AND OTHER STUDENT TRAVEL**

The Board recognizes the educational value of school-sponsored trips as a means of extending the curriculum and as a vehicle for encouraging and supporting student participation in academic, artistic, and athletic activities, performances and competitions. In addition, some school-sponsored trips may provide social experiences and contribute to the development of a positive school culture.

This policy provides guidance for the various kinds of trips that may be sponsored by the RSU No. 5 schools.

### **Field Trips**

“Field trip” means a trip that takes place during the school day and is organized and conducted by one or more RSU No. 5 employees as a means of accomplishing particular curriculum objectives. All students within the class or grade, or curriculum related subgroup within a class, will be eligible to participate.

Field trips must be approved in advance by the building principal.

Teachers and principals will be expected to consider the following factors in planning and approval of field trips:

- A. Objectives of the proposed trip and the anticipated learning outcomes;
- B. Specific learning activities to be experienced during the trip;
- C. Suitability of the activity and distance traveled to the age of students;
- D. Mode and availability of transportation, with school bus transportation arranged so as not to disrupt school bus schedules;
- E. Arrangements for meals (if applicable);
- F. Availability of funding for all necessary expenses through the school budget or other appropriate sources.

In addition the Board requires that:

- A. Parents/guardians give written permission for field trip participation;
- B. Adequate supervision be provided to maintain discipline and safety and to respond to emergencies;
- C. Students participating in field trips conduct themselves in a manner consistent with Board policies and school rules; and
- D. Any overnight curriculum-related trip must be approved by the Superintendent.

## Competition Trips

“Competition trip” means any trip related to an academic, artistic, athletic, or other student competition or performance that involves individual students or teams. Any competition trip that is outside of those scheduled for the year must be approved in advance by the Superintendent. Approval may be contingent upon availability of funding through the school budget or other sources.

## Other School-Sponsored Trips

Other school-sponsored trips are those that are organized and conducted by one or more employees of RSU No. 5 as a supplement to the curriculum, as a class social activity, or as an activity planned by a student club or organization. Such trips may include overnight, long-distance in-state or out-of-state travel, or foreign travel. To be school-sponsored, the trip must relate directly to the curriculum or to activities for which the student club is organized.

Participation in such trips is entirely voluntary. There shall be no extra credit awarded for participation and no loss of credit for not taking a trip.

Participation may be limited to students taking courses related to the purpose of the trip or to students who are affiliated with the student club or organization planning the trip.

The Superintendent must approve, in advance, any trips involving out-of state travel and all overnight and foreign trips. Approval may be contingent upon availability of funding from the school budget and other sources, including student fundraising.

Staff or administrators seeking approval for school-sponsored trips must furnish the following information:

- A. Objectives of the trip and anticipated outcomes;
- B. Specific experiences to be provided;
- C. Number and grade(s) of students;
- D. Criteria for student participation;
- E. Maximum number of students who may participate;
- F. Cost per student, including funds requested from RSU No. 5 and from individual students;
- G. Fundraising plans (if applicable);
- H. Transportation arrangements;
- I. Itinerary;



- J. Arrangements for meals and lodging;
- K. Arrangements for adult supervision/chaperons;
- L. Plans for safety and emergencies;
- M. Plans for communicating information to parents and obtaining parental permission; and
- N. Accountability for student conduct.

Adequate supervision must be provided to maintain discipline and safety and to respond to emergencies.

Students participating in field trips and other school-sponsored trips must conduct themselves in a manner consistent with Board policies and school rules. Students who violate Board policy or school rules will be subject to disciplinary consequences.

### **Non-School-Sponsored Travel**

Travel organized by RSU No. 5 employees, parents or others that is not an extension of the instructional program or school-sponsored activities and has not been approved as a school-sponsored trip in compliance with this policy will be considered a non-school-sponsored trip.

All responsibility for non-school-sponsored trips lies with the individual(s) or group(s) organizing them. The Board accepts no responsibility for non-school-sponsored trips, and organizers should be aware that such trips or excursions are not covered by the school unit's liability insurance.

To minimize the impact of these trips on the instructional program and operation of the schools, the Board strongly encourages organizers/sponsors to schedule non-school-sponsored trips during weekends and/or vacation periods. Staff members planning or participating in non-school-sponsored travel must notify the building principal of such plans. Student absences due to participation in non-school sponsored travel will be considered unexcused absences.

Instructional time may not be used to promote the trip or distribute materials. Individuals or groups who wish to use the schools for the purpose of publicizing trips or recruiting participants and parents/chaperones may do so in accordance with the Board's facilities use policy. Individuals or groups wishing to distribute promotional materials may do so only in accordance with Board policy. Non-school-sponsored trips must not be represented as school functions or as related to, or an extension of, the District's school unit's instructional, co-curricular or extracurricular programs.

It is the responsibility of any staff engaging in such trips or activities to notify the parents of prospective and participating students that this is not a school activity, but an independent voluntary trip organized or lead by that teacher or staff member. To minimize any risk of misunderstanding, the following statement must be made in any informational meetings or materials promoting the trip:



“This trip is not approved or sponsored by the RSU No. 5 Board. It has not been reviewed, approved or endorsed by authorized RSU No. 5 administrators and it is not covered by any of RSU No.5’s insurance policies.”

Cross Reference:     EEAG - Use of Private Vehicles or School Buses  
                             KHB – Advertising in the Schools  
                             KHC - Distribution/Posting of Non-School Materials  
                             JEA – Compulsory Attendance  
                             JEAA – Student Attendance

Adopted:     February 24, 2010  
Revised:     April 27, 2011  
Revised:     \_\_\_\_\_

## RECORDS MANAGEMENT

Proper retention of school records is essential to conduct the business of the schools, to protect the legal interests of the schools, students and employees, and to comply with state and federal law and regulations concerning document retention. It is also important for purposes of efficiency and management of physical and digital storage resources that unneeded records be disposed of on a timely basis.

The Board will comply with all applicable laws and rules concerning the routine retention, storage and disposal of records, as well as its preservation obligation when litigation is threatened or pending. The Superintendent is responsible for implementing this policy and for developing appropriate administrative procedures and guidelines for managing school department records consistent with the applicable laws and rules. The Superintendent may delegate specific responsibilities to administrators or other school staff as he/she deems appropriate.

Employees shall be informed of this policy and the accompanying procedures/guidelines through a means determined by the Superintendent and are expected to comply with them.

Legal Reference:     5 M.R.S.A. § 91 et seq.  
                          Maine State Archives Rule Chapter 10 (Rules for Disposition of Local Government Records)  
                          Maine Department of Education Rule Chapter 125 (Basic School Approval Rules)

Cross Reference:     GBJ - Personnel Records and Files  
                          GCSA - Employee Computer and Internet Use  
                          JRA - Student Education Records

Adopted:            November 30, 2011

## **COPYRIGHT COMPLIANCE**

It is the intent of the Board that all employees and students of the RSU No. 5 School Department adhere to the provisions of federal copyright law. Employees and students who willfully disregard the law and the school unit's copyright policy and administrative procedure(s) do so at their own risk. The school unit will not extend legal and/or insurance protection to employees or students for willful violations of this policy. Such violations may also result in disciplinary action.

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

At a minimum, the following steps shall be taken in an effort to discourage violation of the copyright law in the school unit.

- A. Employees shall be informed of this policy/administrative procedure.
- B. Notices shall be posted in reasonable proximity of equipment that may be used for copying materials.
- C. Teachers and library media specialists shall be responsible for informing students about the legal, ethical and practical problems caused by copyright infringement and illegal use of materials.

Legal Reference: Public Law 94-553, The Copyright Act of 1976, 17 U.S.C.  
§ 101 et seq.  
P.L. 107-273 (The TEACH Act of 2002)

Cross Reference: EGAD-R - Copyright Compliance Administrative Procedure

Adopted: April 28, 2010

Reviewed: January 25, 2012

## **COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE**

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

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

### **I. GENERAL RULE AND COPYRIGHT OWNERSHIP**

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

## II. DEFINITIONS

### A. “FAIR USE”

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

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

### B. “FACE-TO-FACE INSTRUCTION”

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

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

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

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

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

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

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

### **IV. PRINT MATERIALS**

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

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



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

## **V. COMPUTER SOFTWARE**

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

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

### **A. Permissible Uses**

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

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

**B. Prohibited Uses**

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

**VI. INTERNET**

The rights of the owner of copyrighted material on the Internet are the same as the rights of the owner of traditional materials. Unless there is a clear statement that art, photos, text, and sounds are “public domain” and available for free use, it should be assumed that the material is copyrighted. All the criteria for “fair use” apply to works on the Internet just as they apply to other materials. The ease of copying materials from the Internet should not be used as an excuse for violating copyrights.

## VII. OFF-AIR TELEVISION RECORDING

### A. Permissible Uses

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

### B. Prohibited Uses

1. Recording broadcast programs in anticipation of requests;
2. Recording broadcast programs when there is sufficient time prior to the scheduled program to obtain permission from the copyright owner;

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

### **VIII. USE OF PRE-RECORDED VIDEOS**

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

#### **A. Permissible Uses**

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

#### **B. Prohibited Uses**

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

### **IX. MUSIC AND THEATER PERFORMANCES**

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

## **X. EDUCATIONAL USES OF MUSIC**

### **A. Permissible Uses**

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

for the purpose of constructing aural exercises or examinations. The copy may be retained by the school unit or an individual teacher.

- a. This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.

B. Prohibited Uses

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

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

Cross Reference: EGAD - Copyright Compliance

Adopted: April 28, 2010  
Reviewed: January 25, 2012

### **Special Education Teacher**

Qualifications: Bachelor's Degree, Master's Degree Preferred  
Appropriate Maine Certification in the specific required area (282 or 286).

Reports to: Director of Instructional Support/ Building Principal

Supervises: Special Education Ed Techs

Job Goal: To provide instruction and/or facilitate the provision of a program for students with disabilities that will enable them to develop academic, behavioral, and functional skills.

#### **PERFORMANCE RESPONSIBILITIES:**

1. Provide specially designed instruction (as defined in the Maine Unified Special Education Regulations (MUSER) to students with disabilities.
2. Assist in screening, evaluating, and recommending placement for all students referred and maintenance of appropriate records on electronic database.
3. Comply with timeframes established in the Maine Unified Special Education Regulations.
4. Develop and implement instructional or therapeutic programs that provide individual academic, behavioral, or physical growth, including crisis intervention if necessary.
5. Serve as case manager and oversee students' Individual Education Plans (IEP).
6. Evaluate, document, and maintain appropriate documentation of student progress in academic, behavioral, and functional skills; and writes progress reports and supporting documentation to reflect student progress in meeting IEP goals.
7. Consult with regular education teachers on a regular basis regarding student education needs, accommodations and modifications.
8. Coordinates with assigned Special Education Ed Technicians to provide schedules, student plans, training and support based on educational tech level and student and program need.
9. Assists students and families to make realistic assessments of student abilities and to establish transition plans.
10. Communicates frequently with parents and professional staff members regarding students' academic, behavioral, functional skills, and ongoing progress.
11. Collaborate with related service providers to facilitate process for development of Individual Education Plans.



12. Maintain and update knowledge and skills through attendance at workshops and conferences and participation in appropriate educational and professional organizations.
13. Performs such other duties as may be reasonably assigned by the Principal and/or Director of Instructional Support.

**LEGAL AND ETHICAL DUTIES:**

1. Maintains confidentiality related to all aspects of student performance and written or oral records.
2. Demonstrates a respect for the legal and human rights of student.
3. Meets and follows all laws and regulations at both the state and federal levels
4. Follows health and safety procedures established by the district
5. Arrives and departs punctually, notifying appropriate personnel about absences and coverage.
6. Demonstrates loyalty, dependability, integrity, and other ethical standards
7. Follows the chain of command for various administrative procedures for student on program concerns.
8. Observes all RSU No. 5 policies and related school procedures

**ESSENTIAL JOB FUNCTIONS:**

Ability to:

1. Read with comprehension, write and calculate accurately.
2. Reason and understand policies, procedures, and related job information.
3. Follow to completion verbal or demonstrated instructions.
4. Speak clearly, communicate effectively, accurately hear and see.
5. Complete with precision and safety all physical duties, including upper and lower body functions, reaching, lifting (at least 10-20 lbs.), bending, twisting, stooping, and climbing stairs.
6. Complete with accuracy eye-hand coordinated tasks.
7. Sustain and complete with accuracy assigned seated clerical tasks.
8. Concentrate on completion of job details when there are distractions and work under pressure to successfully meet deadlines.

Terms of Employment: In accordance with the negotiated with the Collective Bargaining Agreement.

Evaluation: Performance will be evaluated in accordance with School Board policy.

*To perform successfully in this position, an individual must perform each duty and responsibility satisfactorily. The requirements are representative of the knowledge, skill, and ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. I have read and understand the terms and conditions of this position.*

*I have read and understand the terms and conditions of this position.*

**Employee's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Original to Personnel File  
File Copy to Employee  
Adopted:

Adopted: