Regional School Unit 5
Durham · Freeport · Pownal

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

Jean Skorapa, Superintendent of Schools
Kelly Wentworth, Director of Finance & Human Resources
Cynthia Alexander, Assistant Superintendent of Schools
June Sellers, Ed.D., Director of Instructional Support

TO: Colin Cheney, Candy deCsipkes, Kara Kaikini

CC: Glen Reynolds, June Sellers, Jennifer Winkler

FROM: Cynthia Alexander

DATE: September 29, 2023

RE: Policy Meeting – October 6, 2023

The Policy Committee is scheduled to meet on October 6, 2023 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. Policy Review Cycle:
   BBBA - Board of Directors Member Qualifications
   EB - Environmental and Safety Program
   EBCC - Bomb Threats
   ECAC - Vandalism

2. At Board Request:
   ACAAA - Transgender and Gender Expansive Students for revisions prior to 2nd Read

3. Required Changes Based on Law:
   None

NEPNNSBA Code: BBBA

BOARD OF DIRECTORS MEMBER QUALIFICATIONS

A person is legally qualified to become a member of the Board of Directors if ~~he/she is~~ they are a United States citizen, a resident of the State of Maine, a qualified voter in the community or ward thereof by and from which ~~he/she is~~ they are elected and at least 18 years of age.

Elections shall be nonpartisan. Candidates' qualifications, residency requirements and proper nomination procedures shall be the same as for candidates for city or town Council.

No member of the Board of Directors or spouse shall be an employee in any public school within the system.

Legal Reference: 30A MRSA § 2526
20A MRSA § 1002.2

Adopted: October 28, 2009
Reviewed: January 26, 2011
Reviewed: December 18, 2013
Reviewed: September 27, 2017

ENVIRONMENTAL AND SAFETY PROGRAM

Accidents are undesirable, unplanned occurrences which may result in tragic consequences, bodily harm, loss of school time, property damage, legal action, and even fatality. It shall be the policy of the Board to guard against such occurrences by taking every possible precaution to protect the safety of all students, employees, visitors and others present on school property or at school sponsored events.

The practice of safety shall also be considered a facet of the instructional plan of the schools by virtue of educational programs in traffic and pedestrian safety, fire prevention, and emergency procedures appropriately geared to students at different grade levels.

Each principal/director shall be responsible for the supervision of a safety program for ~~his/her~~ their school program, and the Superintendent shall have overall responsibility for the safety program. General areas of emphasis shall include, but not be limited to inservice training, accident recordkeeping, plant inspection, driver and vehicle safety programs, fire prevention, school site selection, and emergency procedures and traffic safety problems relevant to students, employees and the community.

Adopted: April 28, 2010
Reviewed: December 14, 2011
Reviewed: December 14, 2016

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 RSU No. 5's Comprehensive Health and Safety and 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 Comprehensive Health and Safety and 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~~ RSU No. 5 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 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 - Comprehensive Health and Safety and Emergency Management 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: January 25, 2017

VANDALISM

The school district's buildings and grounds are built and maintained with taxes levied on the communities' taxpayers, and all damage caused must be paid for in the same way. Therefore, every citizen of the district, students, and members of the Sheriff's and Police departments are urged by the ~~Committee~~ Board of Directors to cooperate in reporting any incidents of vandalism to property belonging to the district and the name of the person(s) believed to be responsible. Each employee of the district will report to the principal of the school every incident of vandalism known to ~~him/her~~ them and, if known, the names of those responsible.

The Superintendent, the principal, or their designee is authorized to sign a criminal complaint against persons suspected of vandalism against school property.

Students who willfully or maliciously destroy school property through vandalism or arson or who create a hazard to the safety of other people on school property may be referred to law enforcement authorities. Students who are caught vandalizing school property may be suspended and/or expelled.

It is the intent of the Board to seek damages as permitted by law from students (and/or their parents or guardians) who vandalize school property.

Adopted: April 28, 2010
Reviewed: December 14, 2011
Reviewed: December 14, 2016

ACAAA

TRANSGENDER AND GENDER EXPANSIVE STUDENTS

A. PURPOSE

The purposes of this policy are to: (1) foster a learning environment that is safe and free from discrimination, harassment and bullying; and (2) assist in the educational and social integration of transgender and gender expansive students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws/regulations, as well as other applicable Board policies, procedures and school rules.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families may differ depending on the student's age and other factors. The programs, facilities and resources of each school may also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize this policy and other available resources.

B. DEFINITIONS

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. Excepting those which are specifically defined in Maine law (indicated by "*quoted text*"), the terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which individual transgender and gender expansive students may wish to be identified. However, for the sake of brevity, this policy refers to "transgender students" and "gender expansive students."

1. *Sexual orientation* – Sexual orientation is defined in the Maine Human Rights Act as an individual's "*actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.*"

2. *Gender identity* – Gender identity is defined in the Maine Human Rights Act as "*gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth.*"

3. *Gender expression* – The manner in which a person represents or expresses gender to others, such as through clothing, hairstyles, activities, voice, behaviors or mannerisms.

4. *Gender expansive* – An umbrella term used to describe a person who expands notions of gender expression and identity beyond a perceived or expected societal gender binary (male/female).

5. *Transgender* – An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

6. *Transition* – The process by which a person transitions from presenting as one gender to another. Transgender students under the age of 18 may be in a process of social transition from one gender to another, regardless of whether or not they are undergoing medical interventions.

C. RIGHTS OF TRANSGENDER AND GENDER EXPANSIVE STUDENTS

The Maine Human Rights Act prohibits discrimination, bullying, and harassment against students because they're transgender.

Children have a constitutional right not to have intimate facts about their lives disclosed without their consent. Public school staff have the responsibility of upholding the rights of transgender students to equal access to education under Maine law along with other school policies that maintain the safety and well-being of all our students.

D. SUPPORT PLAN FOR TRANSGENDER AND GENDER EXPANSIVE STUDENTS

Gender identity or expression is a personal decision and does not require public affirmation.

If and when a student requests a support plan or if the administration determines it is necessary, the following procedure will be used:

1. The student and/or their parent(s)/guardian(s) should contact the building administrator or the student's school counselor or trusted school staff person. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.

2. A designated staff person will meet with the student to discuss the student's preferences, needs and accommodations. If requested by the student, a meeting will be scheduled to discuss the student's needs, and may include other participants at the request of the student, such as parents/guardians, other school staff, and/or outside providers and/or support persons.

3. In the case of a student who has not yet discussed a change in their gender identity with their parent(s)/guardian(s), the designated staff person will discuss parent/guardian involvement with the student to ensure that the student feels safe and supported.

In the case of a student who has not yet informed their parent(s)/guardian(s) of their desire to assert a gender identity or expression different from the gender assigned at birth, the administrator or appropriately designated personnel shall first discuss parent/guardian involvement with the student. The student shall be notified by the administrator or appropriately designated personnel prior to their parent(s)/guardian(s) being contacted, and shall have the opportunity at that time or at any point to pause the planning process. Stopping or pausing the process does not prevent the student from continuing to access school support services, including counselors and social workers.

OR

In the case of a student who has not yet informed their parent(s)/guardian(s), the administrator and school counselor or social worker should first discuss parent/guardian involvement with the student. The RSU seeks to avoid inadvertently putting any student at risk by contacting their parent(s)/guardian(s). It is the goal of the RSU to support communication between students and their parents/guardians about the student's gender identity. The RSU will offer support to the parents/guardians and students as needed. The student will be notified by the administrator prior to contacting their parents/guardians.

No portion of this policy precludes a student from confidentiality speaking with a school counselor or social worker about transgender or gender expansive issues. Such conversations are confidential to the extent set forth in applicable law.

School personnel shall not prescribe or suggest medical treatment nor provide tools that promote or conceal gender expression at any time.

4. The school will develop a support plan in consultation with the student and other relevant meeting participants to address the student's particular needs. If the student has an IEP and/or a 504 Plan, the provisions of these plans should be taken into consideration when developing a plan for addressing transgender and gender expansive issues within the school program.

5. The school administration may request documentation from family/guardians and/or outside providers if deemed necessary to assist in developing a plan appropriate for the student.

6. Any support plan developed must be reviewed and approved by the building administrator and ensure alignment with other existing plans. If the parties developing the plan cannot reach an agreement about the elements of the student's plan, the Superintendent/designee shall be consulted.

E. GUIDANCE ON SPECIFIC ISSUES

1. **Privacy:** All students have a right to privacy. This includes the right to keep private one's transgender status or gender non-conforming presentation at school. In some cases, a student may want school staff and students to know that they are transgender or gender expansive, and in other cases the student may not want this information to be widely known. Accordingly:

a. The student's support plan shall be kept confidential and shared only with individuals attending the plan development meeting, the Superintendent/designee, others with a bona fide need to know.

b. As part of the development of the student's plan, the discussion should include what information may be shared, to whom the information may be shared, and how the information should be shared.

c. School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure

(such as confidential medical information, the student's transgender status, their legal name, or sex assigned at birth).

d. School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to parents/guardians and to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and/or parents/guardians.

2. **School Records:** Schools are required to maintain a large number of records for students. If a student makes a legal change in their name and/or gender, appropriate documentation should be provided to the building administrator and records will be changed.

A student who has not legally changed their name and/or gender may still request that the school unit utilize their preferred name and/or gender on school records, and this request will be honored to the extent that the school unit is not legally required to use a student's legal name or gender on particular records. This information should be included in any plan developed for the student.

If a student requests a change to their name and/or gender in school records without parental approval, the Superintendent should be consulted, and the matter resolved on a case-by-case basis. Students should be informed that parents/guardians have a right to access all education records of their child. This information should be discussed in the development of the student's plan.

In the event of a student transferring to a new school unit from RSU5, the building administrator will designate a person who will inform the new school unit or out-of-district school program that the student's records indicate a change in name preference, and what the student's prior and current name preferences are.

3. **Names/Pronouns:** The student should be addressed by school staff, substitutes, volunteers and other students by the name and pronoun corresponding to their gender identity that is expressed at school.

4. **Restrooms:** Students are permitted to use the restrooms that most closely match their gender identity. If any student expresses a need for privacy, they will be provided with access to reasonable alternative facilities or accommodations such as a single-occupancy toilet facility or a staff facility. However, the student shall not be required to use a separate non-communal facility over their objection.

5. **Locker Rooms:** ~~**The student is**~~ Students are permitted to use the locker room that most closely matches their gender identity. If ~~the~~ any student expresses a need for privacy, they will be provided with access to reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility, or an alternative schedule.

6. **Other Gender-Segregated Facilities or Activities:** As a general rule, in any other facilities or activities when students may be separated by gender, the student may participate in accordance with their gender identity. Participation in interscholastic athletic activities will be addressed in accordance with current Maine Principals Association guidelines and procedures.

7. **Dress Code:** Transgender or gender expansive students may dress in accordance with any applicable requirements in the dress code or school rules.

F. SAFETY AND SUPPORT FOR TRANSGENDER AND GENDER EXPANSIVE STUDENTS

1 School staff are expected to comply with any plan developed for a transgender or gender expansive student.

2. School staff are expected to promptly notify the building administrator or other designated support person for the student if there are concerns about the support plan, or about the student's safety or welfare.

3. School staff should be sensitive to the fact that transgender and gender expansive students can be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator if they become aware of a problem.

4. As part of the support plan development, the concerned parties should discuss safe zones (ex. main office, counselor's office) the student may access at any time the student feels unsafe or uncomfortable. A support person (and possibly a back-up person) should also be identified for each student.

G. STAFF TRAINING AND INFORMATIONAL MATERIALS

1. Teachers and other staff who have responsibilities for a transgender student with a plan will receive support in implementing the plan. The Superintendent and/or building administrators ~~may~~ shall institute in-service training and/or distribute educational materials regarding the legal rights, personal safety and emotional wellbeing of transgender and gender expansive students.

Legal Reference: 5 MRSA §§ 4553(5-C), (9-C); 4592(9)
Maine Human Rights Act 5MRSA §§ 4602

Cross Reference: AC–Non Discrimination/Equal Opportunity and Affirmative Action
ACAA – Harassment and Sexual Harassment of Students
ACAD – Hazing
JICK – Bullying

Adopted: _____