RSU #63

a. NEPN/NSBA Code: GBGAA

b. Title: Exposure Control Plan

c. Author:

d. Replaces Policy:
e. Date Approved:

01/25/2021 RSU #63

f. Previously Approved: 01/25/2021 01/27/2020
g. Policy Expiration: Annual Review Required

h. Responsible for Review: Superintendent, Policy Committee,

Transportation and Facilities Director,

Business Manager

i. Date Reviewed: 12/19/2021 12/28/2020 Superintendent

01/10/2022 01/13/2021 Policy Committee

12/29/2021 12/29/2020 Transportation and Facilities

Director

12/28/202112/29/2020 Business Manager

j. References: OSHA Standard 29 CFR 1910.1030

Occupational Exposure to Bloodborne Pathogens

The Hazard Communication Standard (29 CFR 1910.1200)

National Institute of Occupational Safety & Health

(NIOSH)

Cross References:

Policy EBCF-R - Automated External Defibrillators-

Administrative Procedure

Policy EBCA-Comprehensive Emergency Management Plan

k. Narrative:

RSU #63 (the District) is committed to providing a safe and healthful work environment for our entire staff. This includes protection from the daily potential for injury to students and staff by exposure to contamination from bloodborne pathogens. The Occupational Safety and Health Administration (OSHA) issued a standard to reduce the risk and protect employees from this threat. This District Bloodborne Pathogens Exposure Control Plan is adopted to meet this standard.

I. Purpose:

The Purpose of this Exposure Control Plan is to provide and maintain a safe working environment for all employees by eliminating and/or minimizing occupational exposure to bloodborne pathogens, including, but not limited to, Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), and Human Immunodeficiency Virus (HIV). It is the responsibility of the employer to provide and maintain appropriate engineering controls and personal protective equipment (PPE), and to develop, establish, and promote safe work practices, ongoing training, and education for its employees. It is also expected that employees will practice and follow the guidelines set forth by this plan.

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II. Scope:

This plan covers all employees who could be "reasonably anticipated" as a result of the performance of their job duties, to come into contact with blood or other potentially infectious materials. (See Exposure Determination: Category I – section IV).

"Good Samaritan" acts, such as assisting a co-worker with a nosebleed, would not be considered an occupational exposure.

III. Background:

The Center for Disease Control (CDC) has recognized the following as linked to the potential transmission of HBV, HIV, and other bloodborne pathogens in the occupational setting:

- A. blood/blood products,
- B. semen,
- C. vaginal secretions,
- D. amniotic fluid,
- E. saliva (in dentistry),
- F. any body fluid visibly contaminated with blood,
- **G.** pleural fluid,
- H. peritoneal fluid,
- I. cerebrospinal fluid,
- J. all body fluids in situations where it may be difficult or impossible to differentiate between fluids

These substances shall be collectively referred to as blood or "other potentially infectious material" (OPIM) for the remainder of this document.

IV. Exposure Determination:

- A. Category I: Employees who <u>are likely</u> to have occupational exposure as part of their normal work routine. Identified staff: Bus Driver, Coach, School Nurse, Custodians/Maintenance, Cooks; Pre-Kindergarten and Kindergarten Teachers, Physical Education Teachers, Special Ed Teachers and Ed Techs, Mechanics, and School Secretaries.
- **B.** Category II: Employees who *do not* have occupational exposure as part of their normal work. Identified staff: All other staff.

V. Hepatitis B Vaccine:

All District employees defined as Category I personnel will be offered the vaccine for HBV, which is a life-threatening bloodborne pathogen. Informed consent as per standard medical regulations will be used. (Appendix A)

The vaccination will be done at no cost to the employees and is provided as a precaution for personnel safety. Vaccinations will be provided by a health care provider approved by the District. If an employee chooses not to receive the HBV vaccination, the employee must sign a letter of declination (Appendix A). A copy will be placed in the employee's file.

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VI. Universal Precautions, Engineering Controls, and Work Practice Controls:

The following procedures will be followed by all staff:

- A. Universal precautions (Appendix B) will be followed by all employees at all times. All blood and OPIM will be considered potentially infectious.
- **B.** Employees are advised to wear gloves and safety glasses when exposed to blood and OPIM.
- C. If an employee becomes contaminated, wash the area immediately with soap and water. If running water is not available, employees will be provided an appropriate hand wash substitute, such as antiseptic foam cleanser or towelettes until an appropriate handwashing facility can be utilized.
- D. All waste containers will be lined with a plastic bag. Waste containers in the health/school nurse offices will be double bagged and emptied each school day by custodians.
- E. Plastic needle containers will be kept in each School Nurse's office. All needle-like contaminated "sharps" and first aid equipment will be deposited in designated containers. Full "sharps" containers will be taken by the School Nurse to the school physician's office for disposal.
- **F.** If clothing should become contaminated with OPIM, it should be double-bagged and placed in a designated container for proper cleaning.
- **G.** Contaminated surfaces or areas will be decontaminated with an appropriate disinfectant immediately after exposure.
- **H.** When a spill occurs, the building administrator will limit access to areas of potential exposure and notify the custodian immediately.
- I. All work tasks will be performed in a manner that will reduce the risk of exposure. Employees in areas where exposure hazards exist are expected to adhere to the following:
 - 1. Eating, drinking, applying lipstick or balm, and/or handling contact lenses are prohibited in work areas where there is reasonable anticipated exposure.
 - 2. Food and drink will not be kept in refrigerators, shelves, or cabinets where blood or OPIM are stored or present.

VII. Personal Protective Equipment:

A. Personal Protective Equipment (PPE), including but not limited to gloves and protective eye wear, will be provided by the District and kept in each School Nurse's office and custodial closet.

- **B.** Non-latex gloves and Band-Aids will be provided by the School Nurse to each classroom. School bus supplies will be provided by the Transportation Department at the beginning of the year and replenished as used.
- C. Training in the use of the appropriate PPE for the tasks or procedures the employee will perform will be provided by the School Nurse and/or an appropriate course.

VIII. Training for Exposure Control:

- A. Employees in Category I will, upon hire, be initially trained on the precautions, risks, and actions to take if exposure to bloodborne pathogens occur.
- **B.** Employees in Category I who perform tasks which have been determined to have a potential for exposure will be provided training annually.
- C. Training will include explanation and location of 29 CFR 1910.1030, Bloodborne Pathogens Standard and location of this plan.
- **D.** Custodians will be provided annual cleaning procedures for exposure to bloodborne pathogens.
- E. Certification of training will be maintained with copies in the employee's file.

IX. Post-Exposure Procedures and Evaluation:

Employees who come in contact with OPIM in the performance of their job will take steps necessary to safeguard their health. "Contact" will be considered as having said fluids enter one's body through cuts in the skin or splashes of fluids into eyes, mouth, nose, or other mucous membranes. If exposed:

- A. Immediate first aid Employees will wash the exposure site thoroughly with soap or disinfectant and water. Flush eyes and/or mucous membranes with water immediately.
- B. Employee will immediately report the injury to his/her immediate supervisor. When school is not in session, the employee is to be referred to a health care provider approved by the District or a hospital Emergency Room. Report the incident to the Business Manager within 24 hours.
- C. The School Nurse will arrange for a medical post-exposure evaluation and follow-up. This evaluation and follow-up is to be provided by a health care provider approved by the District or the employee's personal health care provider. If the School Nurse is not available, the Business Manager or Transportation and Facilities Director will arrange for the evaluation.
- D. The immediate supervisor will complete a <u>Supervisor's Incident Report</u> (provided by Maine School Management Association [MSMA]), which will include the circumstances under which the incident occurred and documentation of the route of

- exposure (skin, mucous membrane, etc.) and should be submitted to the Business Manager within 24 hours of the accident. This report will be forwarded along with the Employee's Incident Report (provided by MSMA) to MSMA as required.
- E. If the source individual is known, the School Nurse will attempt to obtain consent and assist in making arrangements to have the source individual tested as soon as possible to determine HIV, HBV, and HCV infectivity. Results of the testing will be sent to the employee's medical provider.
- **G.** Flow of forms:
 - 1. Original forms to Business Manager for filing in the Worker's Compensation files.
 - 2. Copies of forms to be kept in the employee's file for further follow-up.

APPENDIX A

RSU #63 INFORMED CONSENT/REFUSAL FOR HEPATITIS B VIRUS VACCINE (Mandatory if employee refuses vaccination)

I, the undersigned employee, have read the portion of this two-page form regarding information about Hepatitis B and the Hepatitis Vaccine. I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection in the workplace. I have been given the opportunity to be vaccinated with Hepatitis B Vaccine, at no charge to myself.

I further understand the risks involved in making this decision and I agree that RSU #63, its agents and employees, who are required by law or regulation to make the Hepatitis B Vaccine available to me, are not legally responsible or liable for the side effects that may occur as a result of my accepting/not accepting the Hepatitis Vaccine. ___ I have opted to decline the Hepatitis B Vaccine at this time. I have already had the Hepatitis B Vaccine. I agree to accept the Hepatitis B Vaccine, given in three (3) doses over the next 6 months. (If you are pregnant or breast feeding, it is advisable that you consult with your doctor before taking the Hepatitis B Vaccine series.) I have opted to decline the Hepatitis B Vaccine at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B Vaccine, I can receive the vaccination series at no charge to me. Print Name: _____ Title _____ Signature: Date: _____ School/Location: Witness:

Reference: Occupational Safety Health
Administration Fact Sheet,
Hepatitis B Vaccine Protection

RSU 63 HEPATITUS B VIRUS VACCINE

For Your Information - Please Read Carefully

The Disease – Hepatitis B is a viral infection caused by the Hepatitis B virus (HBV) which causes death in 1% to 2% of patients infected. Most people with Hepatitis B recover completely but approximately 5% to 10% become chronic carriers of the virus. Most of these people have no symptoms but can continue to transmit the disease to others. Some may develop chronic hepatitis or cirrhosis. Carriers face other problems, too. They run a high risk of developing primary liver cancer and pregnant carriers transmit the HBV through the placenta with some 90% of infected infants becoming carriers.

Simple, Effective Solution – Fortunately, now, there is a simple way to prevent HBV infection. The Center for Disease Control (CDC) recommends vaccination for anyone frequently exposed to blood or other body fluids in the workplace. If you fall into this category, the CDC says that 15% to 25% of these above specified healthcare workers will contract Hepatitis B during their careers. Your individual risk is directly related to how often you are exposed to blood and other body fluids.

The Vaccine – The Hepatitis B Vaccine currently used is a noninfectious vaccine made from bread yeast (Saccharomyces cerevisiae). When injected into the deltoid muscle, the hepatitis vaccine has induced protection levels of antibodies in more than 90% of the healthy individuals who received the recommended three doses of the vaccine. Persons with immune-system abnormalities, such as dialysis patients, have less response to the vaccine; but over half of those receiving it do develop antibodies. Full immunization requires three doses of vaccine over a six-month period although some persons may not develop immunity even after three months. There is no evidence that the vaccine has ever caused Hepatitis B. However, persons who have been infected with Hepatitis B virus prior to receiving the vaccine may go on to develop clinical hepatitis in spite of immunization. The duration of immunity is unknown at this time.

Possible Adverse Side Effects – the incidence of side effects is very low. No serious side effects have been reported with the vaccine. A few persons have experienced:

- A. Soreness, swelling, warmth, itching, redness, bruising, and nodule formation at the injection site,
- **B.** Fever + 100 degrees F and malaise,
- C. Tiredness/weakness,
- D. Headache.
- E. Nausea and/or diarrhea,
- **F.** Sore throat and/or upper respiratory infection,
- G. Dizziness,
- H. Muscle aches, and/or
- I. Joint pain.

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APPENDIX B - RSU 63

Reference: Occupational Safety
Health Administration
Standard 29 CFR 1910-1030

UNIVERSAL PRECAUTIONS

In order to provide a consistent approach in managing body substances from all students and staff, and reduce the risks of exposure to bloodborne pathogens, the practice of Universal Precautions will be followed by all employees at all times, regardless of the situation. All blood and body fluids will be considered potentially infectious.

Universal Precautions will apply to all blood/blood components and body fluids including semen, vaginal secretions, breast milk, amniotic fluids, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, and wound drainage.

Each job classification may be required to formulate and revise as necessary, separate procedures regarding the use of personal protective equipment (PPE) and development of work practices for the protection of employees. Compliance with Universal Precautions will be monitored by the School Nurse and building administrators.

A. Hand Washing

Hand washing continues to be an important means of interrupting disease transmission.

- 1. Wash hands often and thoroughly, with soap and water.
- 2. Wash hands after removing gloves or other PPE.
- 3. Wash hands after contact with blood or other potentially infectious material.
- 4. In the event hand washing facilities are not immediately available, a substitute antiseptic hand cleaner or towelette can be used. Hands will be washed with running water and soap as soon as possible.

B. Gloves

- 1. Gloves will be worn when there is anticipated or potential contact with blood or body fluids.
- 2. Gloves will be worm when the employee has non-intact skin (cuts, abrasions, dermatitis, etc.).
- 3. Gloves will be worn by the person responsible for the transportation of soiled lines, clothing, or waste materials containing potentially infectious materials.
- 4. Gloves will be worn when cleaning any surfaces soiled with blood or body fluids,
- 5. Gloves will be worn when handling/cleaning rooms and/or areas where there are potentially infectious materials.
- 6. Gloves will be changed when visibly soiled or damaged.

C. Gowns

Remove clothing if saturated with blood and place in a doubled bag for proper cleaning. Personal protective gowns are available in the School Nurse's office if deemed necessary.

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D. Needles/Sharps

- 1. Needles will not routinely be recapped, bent, broken, removed from disposable syringes, or otherwise manipulated by hand.
- 2. Equipment with sharp edges (art supplies, staplers, etc.) will be properly cleaned if exposed to blood.
- 3. All needles will be disposed of in puncture-proof containers specifically manufactured for this purpose. These containers will be located in the School Nurse's off in each school under the direction of the School Nurse and changed when full.
- 4. Sharps (knife blades, guidewires, etc.): Place the sharp object on a piece of sturdy cardboard and carefully tape the sharp object to the cardboard. Place another piece of cardboard over the taped object and tape the two pieces of cardboard together. Write on both sides of the cardboard "SHARP OBJECT" (blade, etc.).

E. Waste

All waste should be properly packaged to prevent spill or leakage and labeled for disposal by the area generating the waste.

F. Blood or Body Fluid Spills

In the event of a blood or body fluid spill, all visible organic matter must first be removed and then the area decontaminated.

G. Resuscitation Equipment

Automated External Defibrillators (AEDs) will be strategically located to provide personnel with immediate access for emergency situations.

H. Hepatitis B Vaccine Program

All employees who work in job Category I are likely or may have occupational exposure to OPIM, will be offered the Hepatitis B Vaccine at no cost to the employee. These workers will be vaccinated or if they choose, decline. Any employee who initially declines the vaccine may, at any time, request the vaccine at a later date.

I. Exposure Incidents

All exposure incidents and OPIM contacts must be reported to the School Nurse or building administrator within one hour of occurrence.

J. Education

All Employees will receive training in Universal Precautions, pertinent to their job classification and will review the Universal Precautions annually through staff development.

RSU 63

a. NEPN/NSBA Code: GBN-R

b. Title: Family Medical Leave - Administrative

Procedures

c. Author: Superintendent/Board of Directors

d. Replaces Policy:

e. Date Approved: 03/26/2018 RSU #63

f. Previously Approved: 03/26/2018 04/25/2016
g. Policy Expiration: Review as Needed

h. Responsible for Review: Superintendent & Policy Committee
i. Date Reviewed: 12/19/2021 03/06/2018 Superintendent

01/10/2022 03/06/2018 Policy Committee

j. References:

Legal Reference: 26 MRSA § 843 et seq.

k. Narrative:

The following administrative procedure covers the main provisions of the Federal & Maine Family Medical Leave Act (FMLA). The guidelines in no way attempt to modify the statute, which should always be referred to when questions about implementation arise. RSU #63 (the District) is responsible for analyzing each employee request for leave to determine whether they are eligible under the federal and/or state statutes, employment policies, and collective bargaining agreements. When an employee is eligible for leave under both the federal and state statutes, the applicable law with regard to each benefit will be the one, which provides the greater benefit.

I. ELIGIBILITY

- A. Federal Family Medical Leave: To be eligible, employees must work at a site where 50 or more employees of the same school board are employed within 75 miles of that work site. An employee must have been employed by RSU #63 (the District) for at least twelve (12) months and have worked at least 1,250 hours in the previous twelve-month period. According to the law, teachers employed on a full-time basis are presumed to meet the minimum hours requirement.
- **B.** Maine Family Medical Leave: To be eligible, employees must work at a site where there are fifteen (15) or more employees of a school board. An employee must have been employed by the same employer for twelve (12) consecutive months and not taken such leave within the immediately preceding twenty-four (24)-month period, or have used less than ten (10) weeks of family medical leave.

II. BENEFITS

A. Federal Family Medical Leave: Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks or twenty-six (26) weeks leave in a twelve (12) month period with continuing participation in the Districts group insurance plan.

The twelve (12) month period for FMLA purposes will be the same for all employees and is defined as the fiscal year.

Unpaid leave will be granted to eligible employees for any of the following reasons:

- 1. The birth and care of a child;
- 2. The adoption or foster placement of a child with the employee;
- 3. To care for a spouse, child, grandchild, domestic partner's grandchild, or parent with a serious health condition; or
- 4. The employee is unable to perform the functions of his/her their position because of a serious health condition.
- **B.** Maine Family Medical Leave Act: Eligible employees are entitled to up to ten (10) weeks of leaving during the twenty-four (24) month period for the following reasons:
 - 1. Serious health condition of the employee;
 - 2. Birth of the employee's child or the employee's domestid partners child;
 - 3. Placement of a child sixteen (16) years of age or less in connection with the adoption of the child by the employee or the employee's domestic partner;
 - 4. Serious health condition of a child, domestic partner's child, grandchild, domestic partner's grandchild, parent, domestic partner or spouse. (Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider);
 - 5. The donation of an organ of the employee for a human organ transplant; or
 - 6. The death or serious health condition of the employee's spouse, domestic partner, parent, child, grandchild, domestic partner's grandchild, or child of the spouse, domestic partner, parent, or child as a member of the state military forces, as defined in Title 37-B, section 102 of the Maine Revised Statutes, or of the United States Armed Services, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

III. DOMESTIC PARTNER DEFINED

- A. <u>Maine Family Medical Leave</u>: For the purpose of determining eligibility for Maine Family Medical Leave, "domestic partner" means the partner of an employee who:
 - 1. Is a mentally competent adult as is the employee;
 - 2. Has been legally domiciled with the employee for at least twelve (12) months;
 - 3. Is not legally married to or legally separated from another individual;
 - 4. Is the sole partner of the employee and expects to remain so;
 - 5. Is not a sibling of the employee; and
 - 6. Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangement, joint financial arrangements, or joint ownership of real or personnel property.

IV. MILITARY FAMILY LEAVE

A. Federal Family Medical Leave:

- 1. Military Caregiver Leave
 An eligible employee who is a relative of a service member can take up to
 twenty-six (26) weeks in a twelve (12) month period in order to care for a
 covered service member who is seriously ill or injured in the line of duty, or a
 veteran who is undergoing medical treatment, recuperation or therapy for a
 serious injury or illness that occurred any time during the five years preceding
 the date of treatment.
- 2. Qualified Exigency Leave (applies to eligible employees with family members who are in the National Guard or Reserves, and Regular Armed Forces)
 - a. An eligible employee can take up to the normal twelve (12) weeks of leave, if a family member who is a member of the National Guard or Reserve is called up to active duty on a contingency mission.
 - **b.** Qualifying exigencies include:
 - 1. An eligible employee can take up to the normal twelve (12) weeks of leave, if a family member who is a member of the National Guard or Reserve is called up to active duty on a contingency mission.
 - 2. Qualifying exigencies include:
 - i. Short-notice deployment;
 - ii. Military events and related activities;
 - iii. Childcare and school activities:
 - iv. Financial and legal arrangements;
 - v. Counseling;
 - vi. Rest and recuperation;
 - vii. Post-deployment activities; and
 - viii. Additional activities agreed to by the employer and the employee.

V. ADMINISTRATION

A. Federal and Maine Family Medical Leave:

- 1. The District may require certification from a physician to verify the amount of leave requested. An employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination, may submit certification from an accredited practitioner of those healing methods.
- 2. An employee requesting leave will provide at least thirty (30) days' notice of the intended dates upon which the leave will commence and terminate, unless prevented by medical emergency from giving notice.
- 3. Upon an employee's return to work, he/she they will be restored to his/her their previous position or to a position with equivalent seniority status, benefits, pay and other conditions and terms of employment.

4. When an employee is eligible for leave under both the Federal and Maine statutes, the applicable law will be the one that provides the greater benefit.

B. Federal Family Medical Leave:

- 1. An employee who is not eligible for Federal FMLA leave may be eligible for leave under the Maine FMLA.
- 2. The District will analyze each request to determine eligibility for Federal and/or Maine FMLA leave.

C. Maine Family Medical Leave:

- 1. Any leave taken for Maine Family Medical Leave qualifying purposes, including leave taken under other applicable statutes, employment policies, collective bargaining agreements or contracts, will also be considered leave under the Maine Family Leave and will be applied to an employee's 10-week Maine Family Medical Leave entitlement every twenty-four (24) month period. When paid leave taken for Maine Family Medical Leave qualifying purposes is exhausted, the balance of Maine Family Medical Leave will be unpaid.
- 2. During Maine Family Medical Leave, an employee will be permitted to continue his/her their medical insurance plan, providing the employee remits the monthly premium to the Superintendent's Office no later than the first day of the month for which the premium is due.
- 3. An employee taking Maine Family Medical Leave for his/her their own serious health condition may be required to submit certification that he/she is they are fit to return to work and is able to perform the functions of the position.
- 4. If, at the end of the allowable leave under Maine Family Medical Leave, the employee is unable to return to work because of his/her their own serious health condition, the Superintendent and School Board may consider a request for extension of unpaid leave and benefits on a case-by-case basis. Failure to return to work upon the expiration of Maine Family Medical Leave may subject the employee to immediate termination unless such an extension is granted.
- 5. An employee who is not eligible for Maine Family Medical Leave may be eligible for Federal Family Medical Leave.

VI. MEDICAL CERTIFICATION

A. Federal and Maine Family Medical Leave:

- 1. A sick leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.
- 2. The District will require medical certification to support a request for FMLA leave because of a serious health condition (at employee's expense).
- 3. If the leave request is due to the employee's serious health condition, the employee is required to provide medical certification stating the date the

- health condition commenced, the probable duration, the appropriate medical facts concerning the condition, and that the employee cannot perform the functions of his/her their job.
- 4. If the leave request is due to the serious health condition of a family member, the employee is required to provide medical certification stating the date the health condition commenced, the probable duration, the appropriate medical facts concerning the condition, and an estimate of the time the employee will be needed to care for the family member.

B. Federal Family Medical Leave

1. If the leave request is for leave to care for a covered service member, the employee is required to provide certification of the date on which the serious medical condition or injury commenced, the probable duration, the appropriate medical facts within the knowledge of the health care provider regarding the condition or injury, and an estimate of the time the employee will be needed to care for the covered service member.

VII. LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE A. Federal Family Medical Leave:

- 1. If both parents of a child are employed by the District, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one parent at a time and if leave is taken: 1) for the birth of a child or to care for the child after birth; or 2) for placement of a child for adoption or foster care or to care for the child after placement.
- 2. If spouses are employed by the District, the aggregate number of weeks of leave that can be taken is twenty-six (26) weeks in a single twelve (12) month period for service person leave or a combination of exigency or service person leave. The aggregate number of weeks of leave that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if for exigency leave only.
- 3. Any leave taken for FMLA-qualifying purposes (including leave taken under employment policies, bargaining agreements, or contracts) will also be applied to an employee's annual FMLA entitlement. When paid leave taken for FMLA-qualifying purposes is exhausted, the balance of FMLA leave will be unpaid.
- **4.** The employee must follow the employer's standard notice and procedural policies for taking FMLA.
- 5. Except as provided elsewhere in this policy, an employee must submit an application for leave at least thirty (30) days in advance when the leave is foreseeable or as soon as practical if it is not foreseeable.
- 6. If an employee fails to provide thirty (30) day notice of foreseeable leave, the leave may be delayed to start thirty (30) days after notice is given, provided the employee had actual notice of the FMLA notice requirements.
- 7. When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance, or the needed for FMLA leave is not foreseeable, and the employee

fails to provide notice as soon as practical, the extent to which FMLA leave may be delayed depends upon the facts of the particular case.

B. Maine Family Medical Leave:

- Leave for birth or placement related to adoption may not be taken intermittently or on a reduced schedule unless agreed to by both employer and employee;
- 2. Leave for a serious health condition of employee or his/her their child, domestic partner's child, grandchild, domestic partner's grandchild, parent, domestic partner or spouse, or for organ donation by the employee may be taken intermittently or on a reduced leave schedule. When medically necessary;
- 3. The taking of leave intermittently or on a reduced leave schedule may not result in a reduction in the total amount of Maine Family Medical Leave to which the employee is entitled beyond the amount of leave actually taken;
- 4. If an employed requests intermittent leave or leave on a reduced leave schedule for a serious health condition of the employee or his/her their child, domestic partner's child, grandchild, domestic partner's grandchild, parent, domestic partner or spouse, or for organ donation by the employee that is foreseeable based on planned medical treatment, the employee may require the employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that 1) has equivalent pay and benefits, and 2) better accommodates recurring periods of leave than the regular employment position of the employee.

VIII. NOTICE FOR LEAVE DUE TO ACTIVE DUTY OR CALL TO ACTIVE DUTY OF A FAMILY MEMBER

A. Federal Family Medical Leave:

1. In any case in which the necessity for leave is foreseeable, whether because the spouse or a son, daughter, or parent of the employee is on active duty or because of notification of an impending call or order to active duty in support of a contingency operation, the employee will provide such notice to the employer as soon as is practicable.

IX. EMPLOYER NOTICE REQUIREMENT (29 CFR §825.300)

A. Federal Family Medical Leave:

1. Employers are required to provide employees with notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an employer must provide notice to the employee within five (5) business days of whether the employee meets the FMLA eligibility requirements. If an employee is not eligible to take FMLA, the employer must provide a reason. The employer must also provide a rights and responsibilities notice outlining expectations and obligations relating to FMLA leave. If the employer approves FMLA leave, it must provide the

employee with a designation notice stating the amount of leave that will be counted against an employee's FMLA entitlement.

X. INSURANCE

A. Federal Family Medical Leave:

1. An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, provided the employee continues paying the usual premiums throughout the leave period. An employee's eligibility to maintain health insurance coverage will lapse if the premium payment is more than 30 days late.

XI. RETURN

A. Federal and Maine Family Medical Leave:

1. Upon return from FMLA leave, the employee will be restored to his/her their previous position or to an equivalent position with equivalent pay, benefits, and other employment terms.

2. An employee returning from FMLA leave for his/her their own serious health condition is required to submit medical certification that indicates fitness to return to work and ability to perform the functions of the job.

3. If the employee is unable to return to work because of his/her their own serious health condition at the end of allowable FMLA leave, the Superintendent or Board may consider a request for extension of unpaid leave and benefits on a case-by-case basis as per the Collective Bargaining Agreements. Unless an extension has been granted, failure to return to work upon the expiration of FMLA leave may subject the employee to immediate termination.

XII. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

A. Federal Family Medical Leave:

1. Under Federal regulations, certain special rules apply to instructional employees. These rules affect the taking of leave near the end of a semester and the taking of intermittent leave or leave on a reduced leave schedule.

XIII. INTERACTION BETWEEN FEDERAL AND MAINE LAWS

- A. When an employee is eligible for leave under both the Federal and Maine statutes, the applicable law will be the one that provides the greater benefit.
- **B.** The District will analyze each request to determine eligibility for Federal and/or Maine FMLA leave.

XIV. RECORDKEEPING

- A. Federal and Maine Family Medical Leave:
 - 1. Employees, supervisors, and building administrators will forward requests, forms, and other material to payroll to facilitate proper recordkeeping.

RSU #63

a. NEPN/NSBA Code:

b. Title:

c. Author:

d. Replaces Policy:

e. Date Approved:

f. Previously Approved:

g. Policy Expiration:

h. Responsible for Review:

i. Date Reviewed:

i. References:

JEA-R Student Attendance, Absences, Home Instruction, and Truancy – Administrative Procedures

Superintendent/Board of Directors

12/02/2019

12/02/2019 09/25/2017

Review as Needed

Policy Committee/Superintendent

01/10/2022 11/05/2019 Policy Committee

12/19/2021 11/05/2019 Superintendent

JFC - Student Withdrawal from

School/Dropout Prevention

JEA - Student Attendance, Absences,

Home Instruction, and Truancy

20-A MRSA Sections 5001-A, 5104-A;

5051-A, and collective data provided by

Maine Dept. of Education

22 MRSA § 4002

k. Narrative:

I. Procedures for dealing with unexcused absences:

- A. A telephone call from a school administrator (Superintendent, Principal, or School Counselor) will be made to the parent/guardian of any student when an unexcused absence occurs (20-A MRSA Sections 5001-A).
- **B.** Disciplinary actions and/or student supports for excessive absences, excessive tardiness, and/or early departures include:
 - 1. A letter alerting the parent/guardian of any student who is absent/tardy at least seven (7) times within the school year,
 - 2. A letter to the parent/guardian from a school administrator expressing grave concerns any time during a school year when a student accumulates ten (10) or more absences/tardies,
 - 3. A meeting with the parent/guardian and a school administrator will occur if a student accumulates fifteen (15) or more absences/tardies within a school year. The purpose of the meeting will be to discuss the students' attendance and to develop a performance contract to encourage improved attendance for the remainder of the school year,

JEA-R - RSU #63 Student Attendance, Absences, Home Instruction, and Truancy-Administrative Procedures
Page 1 of 4

- 4. The school administration will involve other agencies if the student violates the terms of the performance contract, referenced in Section VII.A.2.c. above and an additional five (5) days of absences/tardies accrue for a total of twenty (20) days. Absences for health or extenuating circumstances may be approved, if substantiated.
- 5. Any student missing twenty-five (25) or more days of school will meet with the Superintendent along with the student's parent/guardian to consider the following alternatives: retention, non-promotion, court action, etc.
- II. A student is considered truant if the student is subject to 5001-A and:
 - A. Has completed grade 6 and has the equivalent of ten (10) full days of unexcused absences or seven (7) consecutive school days of unexcused absences during a school year; or
 - B. Is at least six (6) years of age and has not completed grade 6 and has the equivalent of seven (7) full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year;
 - C. Is enrolled in school and is at least five (5) years of age;
 - **D.** Procedures outlined in Section VII.A. above have failed to correct the problem of unexcused absences.

III. Procedures for dealing with truancy:

- A. The school principal will notify the superintendent of any student determined to be truant, as defined in Section VII.B. above.
- B. The superintendent will develop procedures to refer the student who is truant to the Student Assistance Team (SAT) or school personnel designated by the superintendent in accordance with the school district's intervention system under MRSA section 4710 pertinent to this section.
- C. Under MRSA section 4710 (K-12 interventions), to determine the cause of the truancy, the SAT will assess the effect of the student's absences, as well as the potential of any future absences. The SAT will develop an intervention plan to address the student's absences and their negative effect. An intervention plan may include, but is not limited to:
 - 1. Frequent communication between the teacher and the family,
 - 2. Changes in the learning environment,

JEA-R – RSU #63 Student Attendance, Absences, Home Instruction, and Truancy-Administrative Procedures
Page 2 of 4

- 3. Mentoring,
- 4. Student counseling,
- 5. Tutoring, including peer tutoring,
- 6. Placement into different classes,
- 7. Consideration of multiple pathways as described under MSRA section 4703,
- **8.** Attendance contracts, referral to other agencies for family services, and
- 9. Other interventions, including, but not limited to, referral to the school attendance coordinator, SAT, and the dropout prevention committee.

Failure of the student or the student's parent/legal guardian to appear at scheduled meetings does not preclude the school administrators from implementing an intervention plan to address the student's truancy.

- D. If the intervention plan developed pursuant to paragraph VII.C.3. is unable to correct the student's truancy, the superintendent will serve or cause to be served upon the parent by hand or by registered mail a written notice that attendance at school is required by law. The notice must:
 - 1. State that the student is required to attend school pursuant to MRSA section 5001-A.
 - 2. Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports, and principal's reports,
 - 3. Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with MRSA section 5053-A and will jeopardize the student's status in the grade that the student is in,
 - 4. State that the superintendent may notify the local law enforcement department of a violation under MRSA 5053-A and the Department of Health and Human Services of a violation under subsection 1, paragraph C, and resulting in truancy and/or educational neglect.

- 5. Outline the plan developed to address the student's truancy and the steps that have been taken to implement that plan.
- IV. Prior to notifying the local law enforcement department under paragraph VII.C.4. the superintendent will schedule at least one meeting as required in paragraph C above and may invite a local prosecutor.
- V. If after three (3) school days following service of the notice referenced in section VII.C.4. above, the student remains truant and the parent and student refuse to attend the meeting referenced in section D above, the superintendent will report the facts of the unlawful absence to a) resulting in truancy to the local law enforcement department, which may proceed with an action to enforce MRSA section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under MRSA section 5051-A and b) resulting in educational neglect to DHHS (22 MRSA § 4002)
- VI. When a student is determined to be truant and in violation of MRSA section 5001-A, and the SAT or the school personnel designated by the superintendent in accordance with the school district's intervention system under MRSA section 4710 and the superintendent have made a good faith attempt to meet the requirements of section VII.C., the superintendent will notify the Board of Directors of the student's truancy.

RSU #63

a. NEPN/NSBA Code:

b. Title:

c. Author:

d. Replaces Policy:

e. Date Approved:

f. Previously Approved:

g. Policy Expiration:

h. Responsible for Review:

i. Date Reviewed:

i. References:

JIC

Code of Student Conduct

Superintendent/Board of Directors

09/25/2017

09/25/2017 10/26/2015

Review as Needed

Superintendent/Policy Committee

12/19/2021 09/12/2017 Superintendent

01/10/2022 09/12/2017 Policy Committee

Title 17-A MRSA, § 106-2-Physical force

by persons with special responsibilities

Cross Referenced Policies: JI - Student Rights & Responsibilities

JICA - Student Dress Code

EEAEC - Student and Rider Conduct on School Vehicles

JICK – Bullying, Cyberbullying, & Hazing JICIA – Weapons, Violence, & School Safety

JK - Student Discipline

JKD - Suspension of Students

JKE - Expulsion of Students

k. Narrative:

This policy and general rules of conduct for students are applicable to all RSU #63 (the District) schools to ensure the rights and welfare of all students, and are designed to prevent the disruptive few from interfering with the education of all. When students violate rules, the district's administrative staff will take appropriate action. A parent or guardian will be responsible for their student's behavior.

- I. General rules of conduct, responsibilities, and rights, as published in the current RSU #63 Student Handbooks, will be made available annually to RSU #63 the District students and parents. Adherence is expected.
- II. The principal has the overall responsibility to direct the staff to guide and counsel individuals and groups with each school. In order to assist the principal in carrying out this responsibility, the principal and building staff will confer at least once per semester in order to develop and/or review building disciplinary standards and uniform enforcement of those standards. The staff is responsible for maintaining proper order and discipline and uniform enforcement of established standards.
- III. The staff has discretionary powers to use its best judgment, within existing policies, in deciding what is necessary to establish or maintain proper student conduct.

- IV. Such discretionary power includes the right of staff to exclude any student who creates a disruption of the educational process from the classroom activity area, provided that the disruption is a violation of the building disciplinary standards, while the student is under the staff member's immediate supervision. In emergency removal situations, the staff member shall will first attempt one or more alternative forms of corrective action. The staff member may exclude a disruptive student for all or any portion of that school day or until the principal or designee and the staff member have conferred, whichever comes first. If a student needs to be removed from the classroom, the teacher must contact the principal.
- V. A balance of concern should exist for the individual, the welfare of the group, and the institution. The staff shall will be responsible for working cooperatively toward consistent enforcement of acceptable student behavior throughout each school as well as within each classroom. RSU #63's The District's goal is to ensure the optimum learning atmosphere of the classroom and the educational process is maintained.
- VI. Teachers may use recess and before/after school time in order to provide extra help to students and as a penalty to enforce the proper management of their classes and appropriate student behavior. Teachers may not deprive students of recess time as a disciplinary consequence.
- VII. Teachers may not cause a student who is transported by a school vehicle to miss her/her their ride without ensuring prior arrangements have been made for the parent/guardian to transport the student.
- VIII. Teachers who ehoose to extend the student's day during recess or before/after school will be responsible for providing supervision of the student during the extension.
- IX. Each elementary school will provide notice to parents of RSU #63's policy and procedure for extending the elementary school day.
- X. The School Board recognizes that corporal punishment is illegal; however, the Board endorses Title 17-A MRSA, §106-2, "Physical force by persons with special responsibilities."

RSU #63

a. NEPN/NSBA Code: JLF

b. Title: Reporting Child Abuse and Neglect

c. Author:

d. Replaces Policy:
e. Date Approved:

04/24/2017 RSU #63

f. Previously Approved: 04/24/2017 04/28/2008

g. Policy Expiration: Review as Needed

h. Responsible for Review: Superintendent & Policy Committee
i. Date Reviewed: 12/19/2021 04/06/2017 Superintendent

01/10/2022 04/06/2017 Superintendent 01/10/2022 04/06/2017 Policy Committee 22 MRSA Chap. 1071, Child and Family

j. References: 22 MRSA Chap. 1071, Child and Fam Services and Child Protection Act

Me. P.L. Ch. 407 (2016)

20 USC § 1232g, Family Educational Rights and

Privacy Act

20-A MRSA §§ 5051-A(1) (C); 5051-A(2)(C)

22 MRSA § 4002; 20-A MRSA § 3272

Cross Reference – ACAA-Harassment and Sexual Harassment of Students

JLF-E-Suspected Child Abuse and Neglect Form JRA-Student Record

k. Narrative:

I. **DEFINITIONS:**

A. Child abuse and neglect: Child abuse and/or neglect is defined by Maine law as "a threat to a child's health or welfare by physical, mental, or emotional injury or impairment, sexual abuse or exploitation, or deprivation of essential needs, or lack of protection from these, or failure to ensure compliance with school attendance requirements by a person responsible for the child.

Abuse or neglect also means truancy under Title 20-A, section 3272 or section 5051-A, or when truancy is the result of neglect by a person responsible for the child (specifically when a child who is at least seven six (7 6) years of age or five (5) years of age and enrolled in school or has not completed grade six, and has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).

Abuse or neglect also means a threat to a child's health or welfare cause by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

- **B.** Person responsible for the child: A "person responsible for the child" means a person with responsibility for the child's health or welfare, whether in the child's home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child's parent, guardian, or other custodian.
- C. For the purpose of this RSU #63 (the District) policy, subsequent use of the word "student" is used in place of the word "child".

II. EMPLOYEES' DUTY TO REPORT

A. Any RSU 63 District employee who has reason to suspect that a student has been or is likely to be abused or neglected must immediately notify the building Principal, Administrator, or school counsellor. In such cases, the employee will then complete a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E), a sample of which is attached.

In addition to notifying the building Principal, the employee may also make a report directly to the Department of Health and Human Services (DHHS), the District Attorney, and/or the local law enforcement agency. (See Section III. B which provides further information about reporting to DHHS and/or the District Attorney and/or local law enforcement).

- B. If the reporting employee does not receive written confirmation from the building Principal/Superintendent/designated agent within 24 hours of his/her report (to the building Principal, School Counsellor, or Superintendent) that a report has been made to DHHS and/or the District Attorney or local law enforcement, as appropriate, the employee will make an immediate report directly to DHHS, District Attorney, or Local Law Enforcement, as appropriate.
- C. The reporting employee will sign the form (JLF-E) as acknowledgement that he/she they made the report and return it to the building Principal/Superintendent. It is recommended the reporting employee retain a copy of the report form as verification that a report was made.

IT IS A VIOLATION OF THE LAW FOR AN ADMINISTRATOR TO DISSUADE OR ATTEMPT TO DISSUADE A MANDATED REPORTED FROM REPORTING SUSPECTED CHILD ABUSE AND/OR NEGLECT.

III. ADMINISTRATOR'S DUTIES AND CONFIRMATION DUTIES

All building administrators and the Superintendent are designated agents to make child abuse and neglect reports. Other administrators may also be designated at the discretion of the Superintendent. At RSU 63, school counselors are also designated agents.

A. If a building administrator receives a report of suspected child abuse or neglect

JLF – RSU #63 Reporting Child Abuse and Neglect Page 2 of 7

from an employee, he/she they will notify the Superintendent immediately.

- B. The Superintendent, building administrator, or school counselor will then make a verbal report of suspected abuse or neglect to DHHS. If the person suspected is not the parent, guardian, or other custodian of the student, the report will be made to the District Attorney. If physical or sexual abuse is suspected, the report will be made to the local law enforcement agency.
- C. The person making the report to DHHS and/or District Attorney and/or local law enforcement will complete the Suspected Child Abuse or Neglect Form (JLF-E).
- D. The Superintendent/building administrator/school counselor will provide a copy of the completed JLF-E form to the reporting employee within 24 hours of the employee's initial report. This copy is to confirm that a report was made to DHHS/District Attorney/local law enforcement by an administrator.
- E. The reporting employee will sign the confirming copy and return it to the Superintendent/building administrator.
- F. The law requires the reporting employee to make his/her their own report to DHHS, the District Attorney, or local law enforcement, as appropriate, if he/she the employee has not received written confirmation within 24 hours that such a report has been made by the Superintendent/building administrator/school counsellor.

IV. REPORTING PROCEDURES

Proper documentation will be maintained in accordance with Section III.C. The verbal report will include the following information, if known:

- A. The name and address of the student and the persons responsible for his/her their care or custody.
- **B.** The student's age and sex.
- C. The nature and extent of the alleged abuse or neglect, including description of injuries and any explanations given for them.
- **D.** Family composition and evidence of prior abuse or neglect of the student or his/her their siblings, if known. Information about any out-of-home parents, if known. Name of any non-family adult living in the home, if known.
- E. The source of the report, the person making the report, his/her their occupation and where he/she they can be contacted.

What, if any action, the reporting party, Superintendent, or administration intends

to take.

- **F.** Any actions taken by school staff, including any photographs taken or other materials collected.
- G. Any other information the person making the report believes may be helpful.

V. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. <u>Employees</u>. If the person suspected of abuse or neglect is an employee, the Superintendent/designee will investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining contracts, and federal and state laws.
- B. Students. If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on district premises, during a school activity, or is otherwise related to the district, the Superintendent/designee will investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHHS personnel will be permitted to meet with and interview the child named in the report when the student is present at school as provided in this section. District Attorney/Law enforcement personnel wishing to interview the student named in the report should do so in compliance with policy KI. The building administrator/designee will:

- A. Require the DHHS or law enforcement employee requesting to interview the student to provide written certification that, in the Department's judgement, the interview is necessary to carry out its duties;
- **B.** Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance counselor, school nurse, social worker, or building administrator as the caseworker deems necessary to provide needed emotional support to the student prior to and following the interview;
- C. Not place conditions on how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the interview; or require notice to or consent from a parent or guardian;
- **D.** Provide an appropriate, quiet, and private place for the interview; and
- E. Not disclose any information about DHHS's intention to interview the student

except to school officials or the district's attorney who need the information to comply with the interview request.

VII. CONFIDENTIALITY OF INFORMATION AND RECORDS

- A. All records, reports, and information concerning alleged cases of child abuse and neglect will be kept confidential to the extent required by Board policies and applicable law.
- B. The building administrator/designee is permitted to release a student's school records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals under federal law.

VIII. TRAINING

Any RSU 63 District employee who is required to make a report will, at least once every four years, complete mandated training approved by DHHS.

IX. GOOD FAITH IMMUNITY FROM LIABILITY

Any person who in good faith reports, assists DHHS in making the child available for an interview, or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceedings. Good faith does not include instances when a false report is made and the person knows the report is false.

SUSPECTED CHILD ABUSE/NEGLECT REPORT FORM – JLF-E

| Date and title of first report (i.e. 3/24/17 - Suspected abuse of student): | | | | |
|---|---------------------------|---------------------|-------|--|
| Name/title of school department official to whom first reported: | | | | |
| Did the person maki | ng first report contact I | OHHS independently? | Yes N | |
| Name of person con | tacted: | Date/Time: | -:- | |
| Date/time/person ma | aking the report to Supe | erintendent: | | |
| Name of student who is subject of report: | | | | |
| Birth date: | Sex: | Grade: | | |
| Known history of abuse/neglect? | | | | |
| Parent/Guardian Name(s): | | | | |
| Address (include directions to home): | | | | |
| | | 72.4 | | |
| Name(s) of sibling(s |): | | | |
| Parent(s) living outs | ide the home (Name/ad | ldress): | | |
| Non-relative adult li | ving in the home (Name | e/relationship): | | |
| Statements or indicators leading to the suspicion of abuse/neglect (include all known information, including date, time and location, name of alleged abuser, and relationship to student): | | | | |

JLF – RSU #63 Reporting Child Abuse and Neglect Page 6 of 7

|) | List any photographs taken or other materials collected related to the report: | | | |
|------|---|-------|--|--|
| | | | | |
| | Any actions taken or intended to be taken by reporting party or administration (i.e., contacting/advising anyone in the family – include date, time, & response): | | | |
|) | Administrator notifying DHHS, District Attorney, or Local Law Enforcement Agency: | | | |
| | To whom reported: Name, Date, Time | ; | | |
| | ting Party: | | | |
| gnat | ture: | Date: | | |
| nor | ting Administrator: | | | |