

RSU #63

- a. NEPN/NSBA Code: IMB-R
b. Title: Teaching About Controversial/Sensitive Issues
c. Author:
d. Replaces Policy:
e. Date Approved: 04/27/2015 RSU #63
f. Previously Approved: 04/27/2015 11/03/2003
g. Policy Expiration: Review as Needed
h. Responsible for Review: Curriculum Committee/Policy Committee
i. Date Reviewed: 03/26/2015 (Curriculum) &
11/08/2021 10/06/2021 04/06/2015 Policy Committee
j. References: Policies IMC – Controversial Speakers-Programs; Policy IMD – School Ceremonies and Observances; Policy IMDC – Religious Observances and Displays; Policy IA – Instructional Goals and Objectives; Policy IGA – Curriculum Development and Adoption and MSMA sample

k. Narrative:

Teaching about controversial/sensitive issues is impossible, or at least severely hampered, if the community does not respect the principles of freedom and recognize that dissent does not necessarily mean disloyalty. However, one form of dissent, which is incompatible with freedom, is that which attempts to end freedom. Irrational fears do this, and thereby may block the RSU #63 District (the District) in its efforts to handle controversial issues in an atmosphere of freedom and thoroughness.

- I. Sensitive or controversial issues will be handled as they arise in the classroom and will not be avoided in order to restrict or restrain the academic freedom of either the teacher or the student. Neither teachers nor students in district classrooms will avoid an issue simply because it is of a sensitive or controversial nature. If a teacher is unsure about ways to address a sensitive or controversial topic, they should consult the Principal.
- II. Parents will be notified prior to the introduction of a sensitive issue in class in order to have the opportunity to choose not to have their student participate.
- III. It is the responsibility of the schools to make provision for the study of controversial issues. Every effort should be made to see that materials and references presenting all sides of a sensitive or controversial issue are available to students in the school library and that these materials are age appropriate.
 - A. The policy on controversial issues should be defined in terms of the rights of students rather than in terms of the rights of teachers.

- B. The study should be appropriate to the level of maturity of the students and their ability to reason and to comprehend the various perspectives of the subject matter being presented.
 - C. The study should be objective and scholarly with a minimum emphasis on opinion and a maximum emphasis on facts. The teacher will not suppress a student's view of the issue as long as the expression of that view is not derogatory, malicious, or abusive toward other students' views. Additionally, one student will not be permitted to dominate the discussion. In handling sensitive or controversial subjects in the classroom, teachers and students will be encouraged to keep an open mind and will be encouraged to come to their own conclusions regarding a particular problem after independent inquiry.
- IV. In the study of controversial issues, the students have the following rights:
- A. The right to study any controversial issue which has political, economic, or social significance and concerning which (at the appropriate level) ~~she~~ **they** should begin to have an opinion;
 - B. The right to have free access to all relevant information;
 - C. The right to form and express opinions on controversial issues without thereby jeopardizing relations with the teacher or the school; and
 - D. The right to study under competent instruction in an atmosphere free from bias and prejudice.
- V. The teacher employs the same methods in handling controversial issues as characterize the best teaching at any time.
- A. The teacher, in selecting both the content and the method of instruction, is mindful of the maturity level of the students **and alignment with approved curriculum.**
 - B. The teacher ~~made assurances~~ ~~has assured her/himself~~ ~~them~~ that the controversial subject to be discussed belongs within the framework of the curriculum to be covered, that the subject is significant as well as meaningful for the students, and that through the discussion, students will have the opportunity to grow.
 - C. The teacher handles the classroom presentation in ways that will ensure a wide range of information and interpretation for the students' consideration and strives to present a balance among many points of view.
 - ~~D.~~ The teacher does not use the classroom as a personal forum, **rather, the teacher**

serves as a facilitator to ensure points of view are presented in a civil manner. ~~S/he~~ **They** does not employ the techniques of the demagogue or the protagonist for attention, for control, or simply for color. ~~The teacher has the right to identify and express her/his~~ **their** own point of view in the classroom **for legitimate pedagogical purposes** as long as ~~s/he~~ **they** indicates clearly that it is ~~her/his~~ **their** own.

- E. The teacher emphasizes keeping an open mind, basing one's judgment on known facts, looking closely at facts to evaluate them in terms of the subject under discussion, and being ready to change one's opinion should new facts come into light.
- F. The emphasis **of student learning** always is on the method of forming an opinion **rather than** ~~as much as~~ on the opinion formed.

VI. Any resident of the appropriate district wishing to lodge a complaint about the use of sensitive or controversial subject matter or methods of teaching controversial subjects should direct such concerns to the Principal of the school involved. Complaints from anyone other than a district resident will be limited to the Principal and the complainant. The procedures outlined below should be followed in responding to such a complaint:

- A. The Principal will inform the teacher(s) involved of the nature of the complaint, and meet with the complainant to discuss the issue and to explain the review procedure.
- B. If the issue is not resolved with the initial discussion, the complainant will be requested to state the objection in writing, citing specific teaching methods and/or subject matter to which ~~s/he~~ **they** objects. The written objection will be submitted to the building Principal for ~~her/his~~ **their** review.
- C. The building Principal will meet with the teacher(s) involved to review the teaching approach and/or subject matter as to purpose, appropriateness, and content. The findings and recommendations of the Principal will be submitted, in writing, to the Superintendent or ~~her/his~~ **their** designee. Additionally, the Principal will inform the complainant and the teacher(s) involved.

VII. If the complainant and teacher(s) involved are satisfied with the decision of the building Principal, the process is complete. If the complainant or teacher(s) involved are not satisfied with the decision, the process continues.

- A. After receiving a formal written indication of dissatisfaction from the complainant or teacher(s) involved, the Principal will direct the appeal to the District Review Committee.
- B. The Committee will consist of:

1. One classroom teacher from the appropriate grade level.
2. One building administrator from the appropriate level other than the Building Principal.
3. One member from the **RSU #63** Board of Directors **(the Board)**.
4. One representative selected by the complainant.
5. One representative selected by the teacher(s).
6. A Chairperson will be selected from the Committee members listed above.

- VIII.** The District Review Committee will review the issues within 30 school days. The Committee will meet with both the complainant and the teacher(s) involved to review the teaching methods and/or subject matter for purpose, appropriateness, and content. The Committee should utilize the findings of the Building Principal, but is not bound by them and may conduct its own independent inquiry.
- IX.** Upon completion of the review, the Chairperson will present the written findings and recommendations to the Superintendent for action by the Board ~~of Directors~~. This information will also be provided to both the complainant and teacher(s) involved. The complainant and teacher(s) involved will be notified by the Superintendent or ~~her/his~~ **their** designee as to the specific date and time that the ~~district~~ Board ~~of Directors~~ will consider the findings and recommendations of the District Review Committee. The Superintendent will inform, in writing, the complainant and teacher(s) involved of the final decision of the ~~district~~ Board ~~of Directors~~.
- X.** Either party is afforded continued due process by direct appeal of the ~~district~~ Board ~~of Directors~~² decision to the Commissioner of Education.

RSU #63

- a. NEPN/NSBA Code: EBCA
- b. Title: Comprehensive Emergency Management Plan
- c. Author: Policy Committee
- d. Replaces Policy:
- e. Date Approved: ~~11/16/2020~~ RSU #63
- f. Previously Approved: ~~11/16/2020~~ ~~10/28/2019~~
- g. Policy Expiration: Annual Review
- h. Responsible for Review: Superintendent, Policy Committee, Administrators
- i. Date Reviewed: ~~10/13/2021~~ ~~10/20/2020~~ Superintendent
~~11/08/2021~~ ~~10/28/2020~~ Policy Committee
~~10/13/2021~~ ~~10/20/2020~~ Administrators
- j. References:
- Legal Reference: 20-A M.R.S.A. § 1001(16)
LD42, Chapt. 464
- Cross Reference: Policy EBAA-Chemical Hazards
Policy EBCB-Emergency/Lockdown/Fire Drills
Policy EBCC-Bomb Threats
Policy EBABA-Chemical Hygiene Plan

k. Narrative:

The RSU #63 Board of Directors (the Board) recognizes the need for a Comprehensive Emergency Management Plan (the Plan) for each and all schools within the RSU #63 (the District) and student activities conducted both on and off school unit grounds.

- I. The Superintendent and Principals are responsible for developing, in consultation with staff and persons or agencies with expertise in planning for and responding to emergencies, a comprehensive emergency management plan that identifies and addresses health and safety as well as, all hazards and potential hazards that could reasonably be expected to affect the school unit, school facilities, and off-grounds school activities.
- II. The Superintendent and Principals will be responsible for ensuring the Plan is implemented in each school and evaluated on an Annual Basis.
- III. The Plan, within a clearly marked binder, will be retained in the Principal's office in each school and will be readily available in case of an emergency. Copies will also be kept in the Superintendent's Office and the office of the Transportation and Facilities Director.
- IV. As required by law, the Board will approve the Plan annually. Any substantive changes in the Plan will be subject to the approval of the Board.
- V. The following information pertaining to the RSU #63 Comprehensive Emergency Management Plan is considered public information:

- A. A description of the scope and purpose of the Plan and the process used for developing and updating it;
 - B. General information on auditing for safety and preparedness;
 - C. Roles and responsibilities of school administrators, teachers, and staff and the designated chain of command during an emergency; and
 - D. Strategies for conveying information to parents and the general public during an emergency.
- VI. Except as specified in sections A-D above, those portions of the Plan and any records describing security plans, security procedures, or risk assessments prepared specifically for preventing or preparing for acts of terrorism will not be considered public information under the Freedom of Access Act. This is only to the extent the release of such information could reasonably be expected to jeopardize the physical safety of the schools and/or students of RSU #63, its personnel, and the public.

For the purpose of this policy, “terrorism” is defined as in 1 MRSA Ch. 402(3)(L) as “conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.”

RSU 63

- a. **NEPN/NSBA Code:** **GBGBA**
- b. **Title:** **Workplace Bullying**
- c. **Author:**
- d. **Replaces Policy:** **NEW**
- e. **Date Approved:** _____ **RSU #63**
- f. **Previously Approved:**
- g. **Policy Expiration:** **Review as Needed**
- h. **Responsible for Review:** **Superintendent and Policy Committee**
- i. **Date Reviewed:** **10/25/2021** **Superintendent**
_____ **Policy Committee**
- j. **References:** **20-A MRSA § 1001(21); 6544(2)(C)**
Cross Reference: **Policy AC – Nondiscrimination, Equal Opportunity and Affirmative Action**
Policy ACAB – Harassment/Sexual Harassment of School Employees
Policy ACAB-R – Discrimination/Harassment and title IX/Sexual Harassment of School Employees
- k. **Narrative:**

The RSU #63 Board of Directors (the Board) is committed to providing a respectful, safe, and inclusive workplace for employees, one that is free from bullying conduct. All employees and students in **RSU #63 (the District)**, as well as parents, community members, and others involved with the schools are prohibited from engaging in workplace bullying as defined in this policy.

I. Definition

For the purpose of this policy, “workplace bullying” means intentional behavior that a reasonable person would expect to interfere with an employee’s work performance or ability to work. Generally, workplace bullying will involve repeated conduct. However, a single incident of egregious conduct could constitute workplace bullying.

Examples of workplace bullying include, but may not be limited to:

- A.** Humiliating, mocking, name-calling, insulting, maligning, or spreading rumors about an employee;
- B.** Shunning or isolating an employee or encouraging others to do so;
- C.** Screaming or swearing at an employee, slamming doors or tables, aggressively invading an employee’s personal space; placing an employee in reasonable fear or physical harm; or other types of aggressive or intimidating behavior;
- D.** Targeted practical jokes;
- E.** Damaging or stealing an employee’s property;
- F.** Sabotaging an employee’s work or purposely misleading an employee about work duties (e.g., giving incorrect deadlines or intentionally destroying an employee’s work;
- G.** Harassing and/or retaliating against an employee for reporting workplace

- bullying;
 - H. Cyberbullying, which is defined in Maine law as bullying occurring through the use of technology or any electronic communication, including but not limited to, a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device, or personal digital assistant.
- II. Exclusions**
- Workplace bullying does not include the following:
- A. When supervisors set reasonable performance goals or provide verbal or written counseling, direction, feedback, or discipline to employees in the workplace when the intent is to address unsatisfactory work performance or violations of law or school policy;
 - B. When supervisors make personnel decisions designed to meet the operational or financial needs of the school unit or the needs of students. Examples include, but are not limited to changing shifts, reassigning work responsibilities, taking steps to reduce overtime costs, transferring or reassigning employees to another building or position.
 - C. Discrimination or harassment based on protected characteristics (race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, familial status, disability, or genetic information). Such conduct is prohibited under separate policies and complaints will be addressed under ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure.
 - D. Disrespectful conduct by students directed at school employees that can be addressed through enforcement of classroom rules, school rules, and applicable Board policies.
- III. Reports and Investigations**
- A. Employees who believe they have been bullied in the workplace, and other persons who believe they have witnessed an incident of an employee being bullied in the workplace, are expected to report the issue to the building administrator.
 - B. If the report is about the building administrator, the report should be made to **the Superintendent and the Director of Special Services**.
 - C. The building administrator will promptly notify the Superintendent of all workplace bullying reports.
 - D. Any workplace bullying report about the Superintendent should be made to the Board Chair.
 - E. All reports of workplace bullying will be investigated promptly and documented in writing. The person who was the subject of the alleged workplace bullying and the person alleged to have engaged in workplace bullying will be notified of the outcome of the investigation, consistent with confidentiality and privacy laws.

IV. Disciplinary Action

- A. Any employee who is found to have engaged in workplace bullying will be subject to disciplinary action up to and including termination of employment.
- B. Students who are found to have engaged in bullying of an employee will be subject to disciplinary action in accordance with applicable student discipline procedures.
- C. Parents and others who are found to have engaged in bullying of an employee will be dealt with in a manner appropriate to the particular circumstances.

V. Appeals

- A. If dissatisfied with the resolution of the matter, the subject of the alleged workplace bullying or the person alleged to have engaged in workplace bullying may file a written appeal within five (5) business days with the superintendent stating the reason for the appeal. The Superintendent will review the matter and issue a written decision within ten (10) business days. ~~The Superintendent's decision will be final.~~
- B. If the matter involves employees covered by a collective bargaining agreement, any disagreement with the results of the investigation may be resolved through the agreement's dispute resolution process.
- C. **If the matter involves individuals or employees not covered by a collective bargaining agreement, the parties may appeal the Superintendent's decision to the Board. An appeal must be filed in writing within 14 business days of receiving the determination stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and will not be considered.**
 - 1. Appeals must be filed with the Chair of the Board, and the Board will consider the appeal.
 - 2. The Chair of the Board will notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision maker.
 - 3. The Board will conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school unit officials in making their decision.
 - 4. The Board will issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary or other action(s).

VI. Retaliation Prohibited

- A. Retaliation for reporting workplace bullying is prohibited. Employees and students found to have engaged in retaliation will be subject to disciplinary action.

VII. Superintendent's Responsibility

- A. The Superintendent is responsible for implementing this policy and for the

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development of any necessary procedures to enforce it.

RSU #63

- a. NEPN/NSBA Code: JK
b. Title: Student Discipline
c. Author: Superintendent
d. Replaces Policy:
e. Date Approved: 01/25/2016 RSU #63
f. Previously Approved: ~~01/25/2016~~ ~~02/02/2004~~
g. Policy Expiration: Review as Needed
h. Responsible for Review: Superintendent & Policy Committee
i. Date Reviewed: ~~10/25/2021~~ ~~01/04/2016~~ Superintendent
~~11/08/2021~~ ~~01/04/2016~~ Policy Committee
j. References:

Legal Reference: 17-A MRSA § 106
~~20-A MRSA § 1001 (15A)~~
20-A MRSA § 4009
~~Maine Chap. 295, LD474~~
~~Maine Chap. 320, LD1431~~
~~Ch. 125.23 (B)(1) (Maine Dept. of Ed Rule)~~

Cross Referenced Policies: AC - Nondiscrimination/Equal Opportunity & Affirmative Action
ACAA - Student Harassment & Sexual Harassment
EBCA - Comprehensive Emergency Management Plan
~~JIC – Student Code of Conduct~~
JICIA – Weapons, Violence & School Safety
JKAA- Use of Physical Restraint & Seclusion
~~JKAA-R – Procedures on Physical Restraint & Seclusion~~
JKB - Student Detention
JKD - Suspension of Students
JKE - Expulsion of Students
JKF - ~~Suspension/Expulsion of Students with Disabilities~~ **Disciplinary Removal of Students with Disabilities**

k. Narrative:

It is essential for schools to maintain a safe and orderly environment that supports student learning and achievement. Good discipline allows schools to discharge their primary responsibilities to educate students and promote citizenship and ethical behavior. All students are expected to conduct themselves with respect for others and in accordance with School Board policies, school rules, and applicable state and federal laws. Disciplinary action may be taken against students who violate policies, rules or laws, and/or whose conduct directly interferes with the operations, discipline, or general welfare of the school(s).

- I.** The Board expects the following principles to guide the development and implementation of school rules and disciplinary procedures.
 - A.** Discipline should emphasize positive reinforcement for appropriate behavior, as well as appropriate consequences for misbehavior. The focus should be on providing a school environment where students are engaged in constructive learning and interactions with others.
 - B.** Expectations for student behavior should be clear and communicated to school staff, students, and parents.
 - C.** Consequences for misbehavior should be in proportion to the offense, fair, and consistently enforced (“Firm, Fair, and Consistent”). **Administrators will have the discretion to tailor discipline to the facts and circumstances of the particular case.**
 - D.** Parents/Guardians should be actively involved in the process of preventing and resolving disciplinary problems at school.
- II.** **Any restraint or seclusion of students will comply with applicable regulations and Board policy and will not be used as disciplinary methods.**
- III.** Physical force and corporal punishment ~~shall~~ **will** not be used as disciplinary methods. However, school personnel may use reasonable force to control the behavior of a student who presents an immediate threat of physical harm to ~~him/herself~~ **themselves** or others, to remove a student from a situation where the student is violent or presents an immediate danger to others, or to prevent damage or destruction of school property. Procedures described in Policy JKAA-R will be the guiding factor.
- IV.** **Maine law provides that “a teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to a.) control the disturbing behavior; or b.) remove the person from the scene of the disturbance.”**
- V.** Teachers have the authorization to make and enforce rules for effective management and to foster appropriate student behavior, subject to the direction and approval by the building principal/designee.
- VI.** School-wide rules ~~shall~~ **will** be developed by the building principal with appropriate input from school staff, students, and parents/guardians and subject to approval by the Superintendent. Principals ~~shall~~ **will** provide for the suspension or other serious disciplinary action against students in accordance with Board policies, administrative procedures, and Maine law.
- VII.** **Students with disabilities will be disciplined in accordance with applicable federal and**

state law/regulations.

- A.** Out of school suspension is prohibited for any student who is in Grade 5 or lower, unless:
 - 1.** The student has violated the federal Gun Free School Zones Act; or
 - 2.** The student presents an imminent danger of “serious physical injury” to the student or others.

In the circumstances above, the law limits the length of an out of school suspension to no more than three (3) school days.

- B.** All students (PK to Grade 8) attending a RSU #63 school ~~in Grade 5 or lower~~ cannot be deprived of their recess time as a disciplinary consequence.

- VIII.** To reduce disciplinary problems and the potential for violence in the schools, the Superintendent may develop procedures for conflict resolution which may accomplished through peer mediation, counseling, parent/guardian involvement, services of community agencies, or other activities suitable to the school unit. ~~These practices are designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior.~~

RSU #63

- a. NEPN/NSBA Code: JKD
b. Title: Suspension/~~Expulsion~~ of Students
c. Author: Superintendent
d. Replaces Policy:
e. Date Approved: ~~10/24/2016~~ RSU #63
f. Previously Approved: ~~10/24/2016~~ 02/02/2004
g. Policy Expiration: Review as Needed
h. Responsible for Review: Superintendent & Policy Committee
i. Date Reviewed: ~~11/08/2021~~ 10/03/2016 Superintendent
~~11/08/2021~~ 10/03/2016 Policy Committee
j. References: 20-A MRSA §§ 1001(9), (15-A) (D)
Cross References: RSU 63 Policies:
JKE-R ~~Expulsion of Students Guidelines~~
JIC – Student Code of Conduct
JICIA – Weapons, Violence, and School Safety
JICK – Bullying
JK – Student Discipline
JKE – Expulsion of Students
JKF – Disciplinary Removal of Students with Disabilities

k. Narrative:

The Board of Directors (the Board) delegates to the principals the authority to suspend disobedient and disorderly students for a period not to exceed ten (10) school days. to the principals. Suspensions may be in-school or out-of-school at the discretion of the principal. Suspensions longer than 10 days may be imposed by the Board.

- I. The administration shall will follow the procedures in the process of suspension listed below:
- A. The student will be given oral or written notice of the charges.
 - B. The student will be given an explanation of the evidence forming the basis of the charge(s).
 - C. The student will be given the opportunity to present his/her their side version of the case incident.
- II. Students whose presence poses an imminent danger of serious physical harm may be immediately removed from school. In such cases, the notice of charges, explanation of evidence, and the student's opportunity to present their version of the incident, will be arranged as soon as practicable after removal of the student from school.
- A. Out of school suspension is prohibited for any student who is in Grade 5 or lower,

unless:

- i. The student has violated the federal Gun Free School Zones Act; or
- ii. The student presents an imminent danger of “serious physical injury” to the student or others.

In the circumstances above, the law limits the length of an out of school suspension to no more than three (3) school days.

B. All students (PK to Grade 8) attending a RSU #63 school ~~in Grade 5 or lower~~ cannot be deprived of their recess time as a disciplinary consequence.

- III. The students’ parents/guardians will be notified of any in-school or out-of-school suspension as soon as practicable by telephone (if possible) and by written notice sent by email or mail. A copy of the notice will also be sent to the superintendent. ~~The principal, immediately after suspension of a student, will notify the parents/guardians and Superintendent.~~
- IV. Students are not allowed on school property during any out-of-school suspension except with the prior authorization of the principal or superintendent. The parents/guardians and the student will be required to meet with the building administrator/designee within the suspension period and prior to readmittance to school.
- V. Students will be responsible for any schoolwork missed during their suspension. After readmittance, they will be permitted to take tests, quizzes, or any other form of evaluation affecting their grades. If the Board permits in-school suspension, students serving in-school suspension will not be permitted to participate in extracurricular activities.
- VI. To reduce disciplinary problems and the potential for violence in the schools, the Superintendent may develop procedures for conflict resolution which may accomplished through peer mediation, counseling, parent/guardian involvement, services of community agencies, or other activities suitable to the school unit. ~~These practices are designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior.~~
~~The above policy should be followed unless the emergencies of the situation require immediate suspension because of some threat to persons, property, or the academic process. In this situation where a prior notice and hearing cannot be held, notice and hearing should be arranged as soon as practicable, depending on the circumstances.~~
- VII. The administrator who has suspended a student may reinstate the student after his/her suspension.
- VIII. ~~If necessary,~~ the Board may expel any obstinately disobedient or disorderly student after investigation of his/her ~~their~~ behavior ~~if found necessary.~~

- IX.** Students who have been expelled from school must come before the Board with their parents/guardians before they will be permitted to return to school.

RSU #63

- a. **NEPN/NSBA Code:** JKE
b. **Title:** Expulsion of Students
c. **Author:** Superintendent
d. **Replaces Policy:**
e. **Date Approved:** 12/14/2015 RSU #63
f. **Previously Approved:** ~~12/14/2015~~ 11/01/2004
g. **Policy Expiration:** Review as Needed
h. **Responsible for Review:** Superintendent/Policy Committee
i. **Date Reviewed:** ~~10/25/2021~~ ~~12/7/2015~~ Superintendent
~~11/08/2021~~ 12/7/2015 Policy Committee
j. **References:** ~~20-MRSA § 1001(9-C)(1)~~
~~20-A MRSA § 1001(8-A)(C)~~
~~20-A MRSA § 1001(9-C)(B)(2-4)~~
20-A MRSA § 1001(8-A), (9), (9A-9D)
1-MRSA § 405(6)(B)
~~MSMA's 9/11/2012 "Legal Memorandums on~~
~~Significant Law Changes) prepared by~~
~~Drummond Woodsum~~

Cross Referenced Policies: JKE-R – Expulsion of Students - Guidelines
JICIA – Weapons, Violence, and School Safety
JK – Student Discipline
JKD – Suspension of Students
JKF – Disciplinary Removals of Students with Disabilities

k. Narrative:

No student ~~shall~~ **will** be expelled from school except by action of the Board. Following a proper investigation of a student's behavior and due process proceedings conducted in accordance with 20-A MRSA § 1001(8)(A), the Board ~~shall~~ **will** expel the student, if found necessary for the peace and usefulness of the school, as provided in 20-A MRSA § 1001(9) and (9A).

The Board also has the authority to readmit an expelled student on satisfactory evidence that the behavior, which was the cause of the student being expelled will not likely recur.

I. Notice of Expulsion Hearing:

Before any expulsion hearing, the Superintendent ~~shall~~ **will**:

- A.** Provide written notice, by regular and certified mail, to the parents/guardians and the student informing them of:
1. The date, time, and location of the hearing;
 2. A description of the incident(s) that ~~occasioned~~ ~~OR~~ resulted in the

expulsion hearing;

3. The student's and parents' ~~legal~~ guardians' right to review the school's records prior to the hearing;
 4. A description of the hearing process, including the student's right to present and cross-examine witnesses, and ~~his/her~~ **their** right to an attorney or other representation; ~~and~~
 5. **Free and low-cost legal service providers parents/guardians may call upon; and**
 6. An explanation of the consequences of an expulsion.
- B. Invite the parents/guardians and the student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

II. Expulsion Hearing:

The hearing ~~shall~~ **will** be in a properly called ~~executive~~ session and may also be attended by persons designated by the Superintendent to present information in the case. Upon making a decision to expel a student, the Board may:

- A. Expel the student for a specific period of time not to exceed the total number of instructional days approved by the Board for the current year; or
- B. Expel the student for an unspecified period of time and authorize the Superintendent to provide the expelled student with a reentry plan, to be developed in accordance with 20-A MRSA § 1001(9-C), specifying the conditions that must be met in order for the student to be readmitted to school after the expulsion.
 - a. **Re-entry plans may include restorative practices and restorative interventions designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior.**

After the expulsion hearing, the Board ~~shall~~ **will** provide written notice of its decision to the parents/guardians and the student by certified mail.

Nothing in this policy ~~shall~~ **will** prevent the Board from providing educational services in an alternative setting to a student who has been expelled.

RSU 63

- a. **NEPN/NSBA Code:** **JKF**
- b. **Title:** **Disciplinary Removal of Students with Disabilities**
- c. **Author:** **Director of Special Services**
- d. **Replaces Policy:**
- e. **Date Approved:** ~~11/27/2017~~ **11/27/2017** RSU 63
- f. **Previously Approved:** ~~11/27/2017~~ **8/26/2013**
- g. **Policy Expiration:** **Review as Needed**
- h. **Responsible for Review:** **Director of Special Services/Superintendent/Policy Committee**
- i. **Date Reviewed:** ~~10/13/2021~~ ~~11/07/2017~~ **10/25/2021** **11/07/2017** **11/08/2021** **11/14/2017** **Director of Special Services** **Superintendent** **Policy Committee**
- j. **References:** **Ch. 101 § XVII (Me. Dept. of Educ. Rules) (201507) 34 C.F.R. § 300.101, .530-.536 (2006)**
- Cross Reference -** **Policy JKE-Expulsion of Students**
Policy JKF-R-Disciplinary Removals of Students with Disabilities-Administrative Procedures

k. Narrative:

When removing students with disabilities from their regular school programs, whether as a result of suspension, an expulsion, or any other removal covered by state and federal special education laws, it will be the policy of RSU #63 to comply fully with all applicable state and federal special education laws that govern such removal.

The Superintendent, in consultation with the Director of Special Services and other school administrators, may develop and promulgate for implementing this policy, and may, from time to time, amend those procedures, as necessary.

RSU #63

- a. NEPN/NSBA Code: JKF-R
- b. Title: Disciplinary Removal of Students with Disabilities - Administrative Procedure
Director of Special Services
- c. Author:
- d. Replaces Policy:
- e. Date Approved: 01/22/2018 RSU #63
- f. Previously Approved: 01/22/2018 8/26/2013
- g. Policy Expiration: Review as Needed
- h. Responsible for Review: Director of Special Services/Superintendent/
Policy Committee
- i. Date Reviewed: 10/13/2021 11/07/2017 Director of Special
Services
10/25/2021 11/07/2017 Superintendent
11/08/2021 01/02/2018 Policy Committee
- j. References: Ch. 101 § XVII (Me. Dept. of Educ. Rules)
(2015)
34 C.F.R. § 300.101 121, .530-.536 (2006) .519
-.529
(March 1999, as amended)
Me. Spec. Ed. Reg. Ch. 101 § 14
(Nov. 1999, as amended)
- Cross Reference - JKF-Disciplinary Removal of Students with Disabilities

k. Narrative:

These procedures will govern disciplinary removals of students with disabilities from their regular school program. These procedures will be interpreted in a manner consistent with state and federal special education laws and regulations. A “removal” of a student with disabilities from their regular school program includes in-school suspension, out of school suspension, expulsion, and any other removal covered by state and federal special educational laws.

- I. School administrators may suspend students in Grade 6 and higher with disabilities for up to 10 cumulative school days in the school year under the same terms and conditions as students without disabilities are suspended, subject to the limitations set forth below.
- II. Out of school suspension is prohibited for any student who is in Grade 5 or lower, unless:
1. The student has violated the federal Gun Free School Zones Act; or
 2. The student presents an imminent danger of “serious physical injury” to the student or others.

In the circumstances above, the law limits the length of an out of school suspension to no more than three (3) school days.

- B.** Any student attending a RSU #63 school ~~in Grade 5 or lower~~ cannot be deprived of their recess time as a disciplinary consequence.
- C.** In the event that a disabled student's Individualized Educational Plan (IEP) specifically lists a school response other than a suspension that must be followed for a particular type of misconduct, the school administrator will follow the requirements of the IEP in responding to that misbehavior.
- D.** When calculating the ten (10) cumulative school day total, school administrators will include school days spent in an in-school suspension or removal, unless during that removal the child continued to have access to the general curriculum, to the special education services in his or her IEP, and to participation with non-disabled children to the extent ~~he or she~~ **they** would have in the student's regular program.

III. After a student **in Grade 6 and higher** with a disability has been removed from ~~his/her~~ **their** current placement for ten (10) cumulative school days **or a student in Grade 5 or lower for three (3) cumulative school days** in the same school year, **during** any subsequent days of removal ~~will require~~ the school administrator ~~to~~ **will** consult with at least one of the student's teachers and then **will** arrange for the student to receive a level of educational services during the removal sufficient to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals listed in the student's IEP.

IV. Within ten (10) school days of any decision to "change the placement" of a student with a disability because of a violation of a code of student conduct, school officials will hold an IEP team meeting to undertake the following:

- A.** The Team will review all relevant information in the student's file including the IEP, any teacher observations, and recent evaluations.
- B.** The Team will undertake a manifestation determination to decide whether the student's misconduct was a manifestation of ~~his/her~~ **their** disability.
- C.** If the Team determines that the misbehavior is a manifestation of the disability, the Team must either:
 - 1.** Conduct a functional behavior assessment, unless one had been conducted before the behavior incident, and will implement a behavior intervention plan for the child; or
 - 2.** If a behavior plan has already been developed, review the plan and modify it as necessary to address the behavior.

Except as provided in D. below, the Team must also return the student to the placement from which they were removed, unless the school and parent agree to a change of placement as part of the revision of the behavior plan.

- D.** If the Team determines that the misbehavior is not a manifestation of the disability, school personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities, except that services must be provided to the student during the disciplinary removal consistent with E. (3.) below.

~~Except as provided in section G. Below, the Team must also return the student to the placement from which he/she was removed, unless the school and parent(s)/guardian(s) agree to a change of placement as part of the revision of the behavior plan.~~

- E.** When a student with a disability has a disciplinary removal that would be a “change of placement,” the IEP Team will order services for the student that will enable the student to:

1. Continue to participate in the general curriculum although in another setting;
2. Progress toward meeting the goals in the IEP; and
3. Receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

- F.** For purposes of this section, a “change of placement” occurs if:

1. The removal is for more than ten (10) consecutive school days; or
2. The child has been subjected to a series of removals that constitute a pattern and:
 - a. Because the series of removals totals more than ten (10) cumulative days in the school year;
 - b. Because the child’s behavior is substantially similar to the behavior in previous incidents resulting in the series of removals; and
 - c. Because of additional factors such as the length of each removal, the total length, and the proximity of the removals to each other.

- G.** In those circumstances where a student brings a weapon to school, to a school function, or on school premises (including transportation); where a student knowingly possesses, uses, sells, or attempts to sell illegal drugs at school, a school function, or on school premises (including transportation); or when the student inflicts serious bodily injury upon another person while

at school, a school function, or on school premises (including transportation) school officials may place that student in an alternative educational setting for up to 45 school days, will provide educational services for the student consistent with E. (3.) above, and will schedule an IEP Team meeting to occur within ten (10) school days of commencing that removal. At that meeting, the Team will undertake all necessary actions discussed in these procedures for responding to removals that constitute a change of placement for the student. Any further removals in response to the incident will be made consistent with these procedures and state and federal special education rules.

RSU #63

- a. NEPN/NSBA Code: JKAA
b. Title: Use of Physical Restraint and Seclusion
c. Author: Director of Special Services
d. Replaces Policy:
e. Date Approved: ~~04/24/2017~~ RSU #63
f. Previously Approved: ~~04/24/2017~~ ~~11/16/2015~~
g. Policy Expiration: Review as Needed
h. Responsible for Review: Superintendent, Director of Special Services & Policy Committee
i. Date Reviewed: ~~10/25/2021~~ ~~04/06/2017~~ Superintendent
~~10/12/2021~~ ~~04/06/2017~~ Director of Special Services
~~11/08/2021~~ ~~04/06/2017~~ Policy Committee
j. References: 20-A MRSA §§ ~~4014~~, 4502 (5)(M); 4009 Me. DOE ~~reg.~~, ~~ch. 33~~ Rule, Chapter 33
Cross Reference: Policy JKAA-R – Use of Physical Restraint and Seclusion Administrative Procedures
Policy JK – Student Discipline
Policy KLG/KLG-R – Relations with Law Enforcement
Policy – EBCA – Comprehensive Emergency Management Plan

k. Narrative:

The RSU 63 Board of Directors (the Board) has adopted this policy and related administrative procedures (JKAA-R) to implement the standards for use of physical restraint and seclusion with students, as required by state law and regulations, and to support a safe school environment. Physical restraint and seclusion, as defined by this policy, may only be used as an emergency intervention when the behavior of a student presents an imminent risk of serious physical injury or harm to the student or others.

State law and MDOE Rule Chapter 33 do not restrict or limit the protections available to school officials under 20-A M.R.S.A. § 4009, but those protections do not relieve school officials from complying with this policy/procedure.

The Superintendent has overall responsibility for implementing this policy and the related administrative procedure, but may delegate specific responsibilities as he/she they deems appropriate.

I. Definitions:

The following definitions apply to this policy and the accompanying procedure:

JKAA – RSU #63 Use of Physical Restraint and Seclusion

- A. Physical restraint:** ~~An intervention that restricts a student's freedom of movement or normal access to his/her body, and includes physically moving a student who has not moved voluntarily.~~ A personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, or head freely.
- B. Physical restraint does not include any of the following:**
1. ~~Physical escort: A temporary touching or holding for the purpose of inducing a student to walk to another location, including assisting the student to the student's feet in order to be escorted.~~ A temporary, voluntary touching or holding of the hand, wrist, arm, shoulder, or back to induce a student to walk to a safe location.
 2. Physical prompt: A teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
 3. The use of adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement than would be possible without the use of such devices or supports. ~~Physical contact: When the purpose of the intervention is to confront a student and the student voluntarily accepts the contact.~~
 4. The use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle. A brief period of physical contact necessary to break up a fight.
 5. ~~Momentarily deflecting the movement of a student when the student's movements could be destructive, harmful, or dangerous to the student or others.~~
 6. ~~The use of seat belts, safety belts, or similar passenger restraints when used as intended during the transportation of a student in a motor vehicle.~~
 7. ~~The use of a medically prescribed harness when used as intended.~~
 8. ~~Restraints used by law enforcement officers in the course of their professional duties are not subject to this policy/procedure or Maine Department of Education (MDOE) Rule Chapter 33.~~
 9. ~~MDOE Rule, Chapter 33 does not restrict or limit the protections available to school officials under 20 MRSA § 4009, but these protections do not relieve school officials from complying with this policy/procedure.~~
- C. Seclusion:** ~~The voluntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving.~~ The voluntary isolation or confinement of a student alone in a room or clearly defined area from

which the student does not feel free to go or is physically denied exit.

D. Seclusion does not include:

- II. Timeout:** An intervention where a student requests, or complies with an adult request for, a break. ~~is not covered by this rule. Timeout is not seclusion.~~

III. Procedures for Implementing Physical Restraint and Seclusion

- A.** The requirements for implementing physical restraint and seclusion, as well as incident notices, documentation, and reporting, are included in administrative procedure, Policy JKAA-R.

IV. Annual Notice of Policy/Procedure

- A.** RSU 63 will provide annual notice to parents/guardians of this policy/procedure by means determined by the Superintendent or the Superintendent's designee.

V. Training Requirements

- A.** All school staff and contracted providers will receive an annual overview of this policy/procedure.
- B.** RSU 63 will ensure there are sufficient number of administrators and/or designees, special education, and other staff who maintain certification in a restraint and seclusion training program approved by MDOE. A list of certified staff will be updated annually and maintained in the Superintendent's Office, in each school building office, and in RSU 63's **Comprehensive** Emergency Management Plan.

VI. Parent/Guardian Complaint Procedure

- A.** A parent/guardian who has a complaint concerning the implementation of this policy/procedure must submit it in writing to the Superintendent as soon as possible. The Superintendent and/or the Superintendent's designee will investigate the complaint and provide written findings to the parent/guardian within twenty (20) business days, if practicable.
- B.** A parent/guardian who is dissatisfied with the results of the local complaint process may file a complaint with the MDOE. The MDOE will review the results of the local complaint process and the related investigation and may initiate its own investigation at its sole discretion. The MDOE will issue a written report with specific findings to the parent/guardian and RSU 63 within sixty (60) calendar days of receiving the complaint.

RSU #63

- a. NEPN/NSBA Code: JKAA-R
- b. Title: Procedures on Physical Restraint and Seclusion
- c. Author: Director of Special Services
- d. Replaces Policy:
- e. Date Approved: 04/24/2017 RSU #63
- f. Previously Approved: 04/24/2017 11/16/2015
- g. Policy Expiration: Review as Needed
- h. Responsible for Review: Superintendent/Director of Special Services/
Policy Committee
- i. Date Reviewed: 10/12/2021 04/06/2017 Director of Special
Services &
10/25/2021 04/06/2017-Superintendent
11/08/2021 04/06/2017 Policy Committee
- j. References: 20-A MRS §§ 4014, 4502 (5)(M); 4009 Maine
Department of Education (MDOE) Rule,
Chapter 33
- Cross Reference: Policy JKAA - Use of Physical Restraint &
Seclusion
Policy JK – Student Discipline
Policy KLG/KLG-R – Relations with Law
Enforcement
Policy EBCA – Comprehensive Emergency
Management Plan
- k. Narrative:

The RSU 63 School Board (the Board) has These procedures are established to for the purpose of meeting the obligations of RSU #63 (the District) following procedures to meet the district's obligations under state law/regulations and Board Policy JKAA governing the use of physical restraint and seclusion. These procedures will be interpreted in a manner consistent with state law and regulations.

I. DEFINITIONS:

For purposes of these procedures, the terms “Physical restraint” and “seclusion” will have the same meanings as defined in Policy JKAA. Definitions for other important terms in these procedures include:

A. ~~Emergency:~~ A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.

B. ~~Risk of injury or harm:~~ A situation in which a student has the means to cause physical harm or injury to him/herself or others and such injury or harm is likely to occur, such that a reasonable and prudent person would take steps to protect the student and others against the risk of such injury or harm.

C. ~~Dangerous behavior:~~ Behavior that presents a risk of injury or harm to a student or others.

~~D. — Serious bodily injury: Any bodily injury that involves (1) a substantial risk of death; (2) extreme physical pain; (3) protracted and obvious disfigurement; or (4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.~~

II. PHYSICAL RESTRAINT:

To the extent possible, physical restraint will be implemented by staff certified in a training program approved by the MDOE. If untrained staff have intervened and initiated a physical restraint in an emergency, trained staff must be summoned to the scene to assume control of the situation if the emergency continues.

This procedure does not preclude law enforcement personnel from implementing physical restraints in carrying out their professional responsibilities.

A. Permitted Uses of Physical Restraint:

1. Physical restraint may be used only ~~as an emergency intervention~~ when the behavior of a student presents an **imminent** risk of **serious physical injury or harm** to the students or others, and only after other less intrusive interventions have failed or been deemed inappropriate. **The physical restraint must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person, and should involve the least amount of force necessary to protect the student or other person.**

“Serious physical injury” is a physical injury that a reasonable person would consider to be serious for the victim if it were to occur.

2. **Prescribed medications, harnesses, seat belts, and other assistive or protective devices may be used as permitted by law and described in Policy JKAA. Physical restraint may be used to move a student only if the need for movement outweighs the risk involved in such movement.**
3. **Parents/legal guardians may be requested to provide assistance with their child at any time.**

B. Prohibited Forms and Uses of Physical Restraint:

1. Physical restraint may not be used for punitive purposes, **as a therapeutic or educational intervention**, for staff convenience, or to control challenging behavior.
2. Physical restraint may not be used solely to prevent property destruction or disruption of the environment in the absence of a risk of **serious physical injury or harm**.

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3. ~~No~~ Physical restraint ~~may be used~~ that ~~is life threatening~~, restricts breathing or restricts blood flow to the brain, including prone restraint ~~may not be used~~, the free movement of a student's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech (restraint-related asphyxia) of a student.
4. ~~No~~ Physical restraint ~~may be used~~ that relies on pain for control, including but not limited to joint hypertension, excessive force, unsupported take-downs (e.g., tackles), ~~or~~ the use of any physical structure (e.g., wall, railing, or post), punching and hitting ~~may not be used~~.
5. Physical restraint that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition may not be used if documented in:
 - a. A health care directive or medical management plan;
 - b. A school-approved behavior plan;
 - c. An IEP or an Individual Family Service Plan (IFSP); or
 - d. A school-approved 504 or ADA plan.
6. Aversive procedures and mechanical and chemical restraints ~~may~~ will not be used.
 - a. Aversive procedures are defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears ~~to be~~ pleasant or neutral to others. Such substances and stimuli include, but are not limited to, infliction of bodily pain (e.g., hitting, pinching, slapping); water spray; noxious fumes; extreme physical exercise; costumes or signs.
 - b. Mechanical restraints are defined as any ~~restraint that uses a device to restrict a student's freedom of movement. Such restraints do not include adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement, or the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle. item worn or placed on the student to limit behavior or movement and which cannot be removed by the student. Prescribed assistive devices are not considered mechanical restraints when used as prescribed and their use is supervised by qualified and trained individuals in accordance with professional standards.~~
 - c. Chemical restraints are defined as the use of ~~drug or medication that is not prescribed as the standard treatment of a student's medical or psychiatric condition by a licensed physician or other qualified health professional acting under the scope of the~~

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professional's authority under state law that is used on a student to control behavior or restrict freedom of movement. ~~medication, including those administered PRN (as needed), given involuntarily to control student behavior. Prescribed medications are not considered chemical restraints when administered by a health care provider in accordance with a student's health care plan.~~

C. Monitoring Students in Physical Restraint:

1. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult to arrive is precluded by the particular circumstances.
2. The student must be continuously monitored until he/she they no longer presents a risk of injury or harm to him/herself the student or others.
3. In an injury occurs, applicable school policies and procedures should be followed.

D. Termination of Physical Restraint:

1. The staff involved in the use of physical restraint must continually assess the student for signs that the student in physical restraint is no longer presenting an imminent risk of serious physical injury or harm to him/herself themselves or others, and the physical restraint must be discontinued immediately after it is determined that the imminent risk of serious physical harm has ended. at which point the physical restraint must be discontinued as soon as possible.
 - a. The time a student is in physical restraint must be monitored and recorded.
 - b. If physical restraint continues for more than ten (10) minutes, an administrator/designee will determine whether continued physical restraint is warranted, and will continue to monitor the status of the physical restraint every ten (10) minutes until the restraint is terminated.
 - c. If attempts to release a student from physical restraint have been unsuccessful and the student continues to present behaviors that create an imminent risk of serious injury or harm to him/herself the student or to others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organization.

III. SECLUSION:

To the extent possible, seclusion will be implemented by staff certified in a training

program approved by MDOE. If untrained staff have intervened and initiated seclusion in an emergency, trained staff must be summoned to the scene as soon as possible.

A “timeout” where a student requests, or complies with an adult request for, a break is not considered seclusion under this procedure. Seclusion also does not include a situation where others are present in the room or **clearly** defined area with the student (including but not limited to classrooms, offices, or other school locations).

A. Permitted Uses and Location of Seclusion:

1. Seclusion may be used only as an emergency intervention when the behavior of a student presents **an** imminent risk of **serious bodily** injury ~~or harm~~ to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate. **The seclusion must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person. “Serious physical injury” is a physical injury that a reasonable person would consider to be serious for the victim if it were to occur.**
2. Seclusion may be achieved in any part of a school building with adequate light, heat, ventilation, and of normal room height.
 - a. Seclusion may not take place in a locked room.
 - b. If a specific room is designated as a seclusion room, it must be a minimum of sixty (60) square feet; have adequate light, heat, and ventilation; be of normal room height; contain an unbreakable observation window in a wall of door; and must be free of hazardous materials and objects which the student could use to self-inflict bodily injury.
3. Parents/**legal guardians** may be requested to provide assistance **with their child** at any time.

B. Prohibited Uses of Seclusion:

1. Seclusion used for punitive purposes, ~~used~~ as a therapeutic or educational intervention; ~~used~~ for staff convenience; or ~~used~~ to control challenging behavior.
2. Seclusion used solely to prevent property destruction or disruption of the environment in the absence of **an imminent** risk of **serious physical** injury.
3. **Seclusion is life threatening.**
4. **Seclusion that is contraindicated based on the child’s disability health care needs, or medical or psychiatric condition if documented in:**

- a. A health care directive or medical management plan;
- b. A school-approved behavior plan;
- c. An IEP or IFSP; or
- d. A school-approved 504 or ADA plan.

C. Monitoring Students in Seclusion:

1. At least one adult must be physically present to continuously monitor a student in seclusion. The adult, while not present in the room or defined area, must be situated so that the **student is visible at all times**.
2. The student must be **continuously** monitored ~~continuously~~ until ~~he/she~~ **they** no longer present an **imminent** risk of **seriously** injury to ~~him/herself~~ **the student** or to others.
3. **If an injury occurs, applicable school policies and procedures should be followed.**

D. Termination of Seclusion:

The staff involved in the seclusion must **continuously** assess ~~continuously~~ for signs ~~that~~ the student is no longer presenting an **imminent** risk of **serious physical injury** ~~or harm to him/herself~~ **the student** or others, ~~at which point and the~~ seclusion must be discontinued as soon as **the imminent risk ceases**. ~~possible.~~

1. The time a student is in seclusion must be monitored and recorded.
2. If seclusion continues for more than ten (10) minutes, an administrator and/or designee will determine whether continued seclusion is warranted, and will continue to monitor the status of the seclusion every ten (10) minutes until the seclusion is terminated.
3. If attempts to release a student from seclusion have been unsuccessful and the student continues to present behaviors that create an **imminent** risk of **serious physical injury** ~~or harm to him/herself~~ **the student** or to others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

IV. Notification and Reports of Physical Restraint and Seclusion Incidents:

For purposes of this procedure, an “incident” consists of all actions between the time a student begins to create a risk of **serious physical injury** ~~harm~~ and the time the student ceases to pose a **that imminent** risk of ~~harm~~ and returns to ~~his/her~~ **their** regular assigned ~~location and programming~~.

A. Notice Requirements

After each incident of physical restraint or seclusion:

1. A staff member involved in the incident will make an oral notification to the ~~building~~ administrator and/or designee as soon as possible, but no later than the end of the school day.
2. ~~The building~~ **An** administrator and/or designee will notify the ~~Superintendent, Director of Special Services, and~~ parent/legal guardian about the physical restraint or seclusion (and any related first aid provided) as soon as practical, but within the school day in which the incident occurred. The ~~building~~ administrator and/or designee must utilize all available phone numbers or other available contact information to reach the parent/**legal** guardian. If the parent/**legal** guardian is unavailable, the ~~building~~ administrator and/or designee must leave a message (if the parent/**legal** guardian has a phone and message capability) to contact the school as soon as possible. The parent/legal guardian must be informed that written documentation will be provided within seven (7) calendar days.
3. If the physical restraint or seclusion incident occurred outside the school day, the notifications must be made as soon as possible and in accordance with RSU 63 usual emergency notification procedures.
4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the RSU 63 emergency notification procedures will be followed and an administrator and/or designee will notify the MDOE within twenty-four (24) hours or the next business day.

B. Incident Reports:

Each use of physical restraint or seclusion must be documented in an **incident report**. The **incident report** must be completed and ~~copies~~ provided to the ~~Superintendent and the Director of Special Services~~ **an administrator** and/or designee as soon as practical, and in all cases within two (2) school days of the incident. The parent/legal guardian must be provided a copy of the **incident report** within seven (7) calendar days of the incident.

The **incident report** must include the following elements:

1. Student's name;
2. Age, gender, and grade;
3. Location of the incident;
4. Date of the incident;
5. Date of the report;

6. Person completing the report (~~name and position~~);
7. Beginning and ending time of each physical restraint and/or seclusion;
8. Total time of incident;
9. Description of prior events and circumstances;
10. Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, the reasons why;
11. The student behavior justifying the use of physical restraint or seclusion;
12. A detailed description of the physical restraint or seclusion used;
13. The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
14. Description of the incident, including the resolution and process of returning the student to ~~his/her~~ **their** program, is appropriate;
15. Whether the student has an Individual Education Plan (IEP), 504 Plan, Behavior Plan, Individual Health Plan (IHP), or any other plan;
16. If the student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification, and any treatment administered;
17. The date, time, and method of parent/legal guardian notification;
18. The date and time of the ~~Superintendent~~, administrator and/or designee notification; and
19. Date and time of staff debriefing.

Copies of the **incident report(s)** will be maintained in the student's ~~cumulative-file~~ **and in the RSU #63 Special Services Office.**

V. RSU #63's Response Following the Use of Physical Restraint or Seclusion:

- A. Following each incident of physical restraint or seclusion, ~~an~~ **building** administrator and/or designee will take these steps within two (2) school days (unless serious bodily injury requiring emergency medical treatment occurred, in which case these steps must take place as soon as possible, but no later than the next school day):

1. ~~The Director of Special Services will~~ Review the incident with all staff persons involved to discuss (a) whether the use of physical restraint or seclusion complied with state and school board requirements, and (b) ~~that the student and staff can do~~ how to prevent or reduce the need for physical restraint and/or seclusion in the future. ~~If the Director of Special Services is not available to attend the meeting, the building administrator will conduct the review with staff.~~
 2. Meet with the student who was physically restrained or secluded to discuss (a) what triggered the student's escalation, and (b) what the student and staff can do to reduce the need for physical restraint and/or seclusion in the future.
- B. Following the meetings, staff must develop and implement a written plan for response and de-escalation for the student. If a plan **already** exists, staff must review it and make revisions, if appropriate. For the purpose of this procedure, "de-escalation" is the use of behavior management techniques intended to cause a situation involving **problem** behavior of a student to become more controlled, calm, and less dangerous, thus reducing the risk of injury or harm.

VI. Procedure for Students with Three Incidents Within a School Year

The school district will make reasonable, documented efforts to encourage parent/legal guardian participation in the meetings required in this section, and to schedule meetings at times convenient for parents/legal guardians to attend.

A. Special Education/504 Students

1. After the third incident of physical restraint and/or seclusion in one school year, the student's IEP or 504 Team will meet within ten (10) school days (of the third incident) to discuss the incident and consider the need to conduct a functional behavioral assessment (FBA) and/or develop a behavior intervention plan (BIP), or amend an existing one.

B. All Other Students:

1. A team consisting of the parents/legal guardians, ~~building administrator/designee, Director of Special Services,~~ and/or designee, a teacher for the student, a staff member involved in the incidents (if not the administrator/designee or teacher already invited), and other appropriate staff will meet within ten (10) school days to discuss the incidents.
2. The team will consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is made, the need to conduct an FBA and/or develop a BIP.

VII. Cumulative Reporting Requirements:

A. Reports within the School District

1. ~~In conjunction with~~ the Director of Special Services, ~~each building administrator~~ must report the following data on a quarterly and annual basis to ~~Maine DOE~~:
 - a. Aggregate number of uses of physical ~~restraint; movement;~~
 - b. Aggregate number of students placed in physical restraint;
 - c. Aggregate number of uses of seclusion;
 - d. Aggregate number of students placed in seclusion;
 - e. Aggregate number of students with disabilities having IEPs or 504/ADA plans who are placed in physical restraint;
 - f. Aggregate number of students with disabilities having IEPs or 504/ADA plans who are placed in seclusion;
 - g. Aggregate number of serious ~~bodily~~ physical injuries to students related to the use of physical restraints; ~~and seclusions; and~~
 - h. Aggregate number of serious ~~bodily~~ physical injuries to ~~students staff~~ related to ~~the use of physical restraint and~~ seclusion;
 - i. Aggregate number of serious physical injuries to staff related to the use of physical restraint; and
 - j. Aggregate number of serious physical injuries to staff related to the use of seclusion.
2. The Superintendent ~~and/or his/her designee~~ will review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.

B. Reports to Maine Department of Education

The Superintendent, ~~or the Director of Special Services if designated by the Superintendent,~~ will submit an annual report to the MDOE ~~on an annual basis~~ that includes the information in Section VII. A. 1 above.

RSU #63

- a. NEPN/NSBA Code: JL
 - b. Title: Student Wellness
 - c. Author: Superintendent
 - d. Replaces Policy:
 - e. Date Approved: ~~04/03/2017~~ RSU #63
 - f. Previously Approved: ~~04/03/2017~~ ~~12/14/2015~~
 - g. Policy Expiration: Review **Every 3 Years** as Needed
 - h. Responsible for Review: Superintendent/Policy Committee/**Wellness Committee**
 - i. Date Reviewed: ~~10/20/2021~~ ~~03/06/2017~~ Superintendent &
~~11/08/2021~~ ~~03/06/2017~~ Policy Committee
~~10/20/2021~~ **Wellness Committee**
 - j. References: 42 U.S.C. § 1751
Title 7-U.S. Dept. of Agriculture, Chapter II-
Food and Nutrition Service, Dept. of
Agriculture, Part 210-National School Lunch
Program (7 C.F.R. § 210)
20-A MRSA Subchapter 9 § 6662
- Cross References:** EFE - Competitive Food Sales/Sales in
Competition with the School Food Services
Program
KHB - Advertising in Schools

k. Narrative

The Board of Directors (the Board) recognizes that student wellness and good nutrition are related to students' physical and psychological well-being and their readiness to learn. The Board is committed to providing a school environment that supports student wellness, healthy food choices, nutrition education, and regular physical activity. The Board believes that students who learn and practice healthy lifestyles in their formative years may be more likely to be conscious of the importance of good nutrition and exercise as adults, practice healthy habits, and reduce their risk of obesity, diabetes, and other chronic diseases.

I. Nutrition Standards

- A. The school district will ensure that meals provided by its Food Services Program meet the nutrition standards established by federal regulations. **Foods and beverages sold or available to students during the school day ("competitive foods") must meet federal Smart Snacks guidelines. Sales of foods and beverages that compete with the school lunch program (and/or school breakfast program) must be in compliance with Board policy EFE - Competitive Food Sales/Sales in Competition with the School Food Services Program.**

II. Food and Beverage Advertising

- ~~A. Brand-specific advertising of food or beverages is prohibited in school buildings~~

~~or on school grounds except for food and beverages meeting standards for sale or distribution on school grounds, in accordance with rules adopted under subsection 2 of 20-A M.R.S.A. chapter 9 Section 6662.~~

- B.** Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snack standards. Food and beverage marketing includes but is not limited to:
- C.** Brand names, logos or tags, except those that are present as labels on the food or beverage product or its container;
- D.** Displays, such as vending machine exteriors;
- E.** Corporate brands, logos, names or trademarks on school equipment such as message boards or scoreboards;
- F.** Corporate brands, logos, names or trademarks on cups used for beverage dispensing, menu boards, coolers, trash cans, and other food service equipment;
- G.** Corporate brands, logos, names or trademarks on posters, book covers, or school supplies distributed or offered by the school unit; or
- H.** Advertisements in school publications or school mailings; or on product coupons or free samples.

Corporate brands, names, logos or trademarks for companies that market products that comply with the USDA Smart Snacks in School nutrition standards will not be prohibited solely because they offer some noncompliant food or beverage items in their product line.

For the purposes of the subsection cited, “advertising” does not include advertising on broadcast media or in print media such as newspapers and magazines, clothing with brand images worn on school grounds or advertising on product packaging.

III. Assurance

- A.** This policy serves as assurance that school district guidelines for reimbursable meals are not less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to the National School Lunch Act and Child Nutrition Act.

IV. Nutrition Education

- A.** Nutrition education will be integrated into the instructional program through the health education program and/or the curriculum as aligned with the content standards of Maine’s system of Learning Results. The promotion of nutrition education should focus on skills students need to adopt and maintain healthy eating behaviors. Students should receive consistent nutrition messages throughout the schools, including classrooms, cafeteria, and school-home communications.

V. Nutrition Promotion

- A.** Schools will support healthful eating by students and encourage parents/guardians to provide healthy meals for their children by providing consistent nutrition messages and information and by cooperation with other agencies and

organizations.

VI. Physical Activity

- A. The school district will strive to provide all students developmentally appropriate opportunities for physical activity through physical education classes, recess periods for **all RSU #63 elementary school** students, and extracurricular activities (clubs, intramural, and interscholastic athletics). School programs are intended to build and maintain physical fitness and to promote healthy lifestyles. The schools should encourage parents to support their students' participation in physical activities, including available before- and after-school programs. **In collaboration with families, RSU #63 will strive to provide opportunities for students to participate in 60 minutes of physical activity per day (as per CDC guidelines).**

VII. Other School-Based Wellness Activities

- A. The schools, with prior approval of the Superintendent/designee, may implement other appropriate programs that support consistent wellness messages and promote healthy eating and physical activity.
- B. The Board may approve policy, regulations, or guidelines for refreshments served at parties or celebrations during the school day or for food as rewards, or may delegate the responsibility for such guidelines to administrators at the district or school level.
- C. The school district may develop programs that encourage staff to learn and engage in healthy lifestyle practices.

VIII. Implementation and Monitoring

- A. The superintendent/designee ~~shall~~**will** be responsible for the implementation of the wellness policy, for monitoring efforts to meet the intent of this policy, and for reporting to the Board on an annual basis. This information can be provided in various verbal or monthly reports to the Board by the Superintendent.
- B. Monitoring may include surveys or solicitation of input from students, parents, staff, and school administrators.
- C. Reports may include, but are not limited to:
 - i. The status of the school environment in regard to student wellness issues.
 - ii. Evaluation of the school food services program and compliance with nutrition guidelines.
 - iii. Summary (or list) of wellness programs and activities in the schools.
 - iv. Feedback from students, parents, staff, school administrators, and wellness

committee.

- v. Recommendations for policy, program or curriculum revisions.

IX. Appointment and Role of the Wellness Committee

The Board ~~shall~~**will** appoint a district-wide Wellness Committee comprised of at least one of each of the following:

- A. Board Member
- B. School Administrator
- C. Food Services Director/designee
- D. Student Representative
- E. Parent Representative and/or
- F. Community Representative
- G. Representatives from a district-wide Coordinated Health Team if one exists.

In the interest of obtaining input from diverse points of view within the school system, the Board is encouraged to add at least the school nurse, one or more teachers, and a guidance counselor or social worker to the Wellness Committee because these individuals have a direct interest in student health issues.

The Wellness Committee will serve as an advisory committee in regard to student wellness issues and will be responsible for making recommendations related to the wellness policy, wellness goals, administrative or school regulations and practices, or raising awareness of student health issues.

With the prior approval of the Superintendent/designee, the Wellness Committee may survey parents, students, and the community and/or conduct focus groups or community forums.

The Wellness Committee will provide periodic reports to the Superintendent/designee and, as requested, to the Board.

X. Communication

The local Wellness Policy content and implementation of the wellness policy including progress made in attaining the goals of the policy will be communicated with school staff, students, parents and community members.

XI. Triennial Progress Assessments

Every Three years, the Superintendent/Designee will:

- A. Assess the extent to which the school unit's schools are in compliance with the

- wellness policy;
- B. Assess the extent to which the school unit's wellness policy compares to model wellness policies; and**
- C. Provide a description of the progress made in attaining the goals of the school unit's wellness policy.**

XII. Wellness Goals

The law requires each school district's wellness policy to include goals for nutrition promotion and education, physical education, and other school-based activities designed to promote student wellness. Examples are:

- A. Nutrition promotion and education will be integrated as a compliment to subjects throughout the curriculum, but will not replace the health education program.**
- B. The school district will provide foods that meet or exceed the federal nutrition standards.**
- C. The school district will provide free breakfast and lunch for as many students as possible. This will be a complement to funding available under federal funding programs.**
- D. The physical education program will provide students with the knowledge and skills needed to be physically fit and take part in healthful physical activity on a regular basis.**
- E. Students will demonstrate responsible personal and social behaviors in physical activity settings.**
- F. The school district will provide a physical and social environment that encourages safe and enjoyable physical activity and fosters the development of a positive attitude toward health and fitness.**
- G. Schools will provide opportunities for physical activity through a variety of before- and/or after-school programs including, but not limited to, intramural sports, interscholastic athletics, and physical activity clubs.**
- H. Goals of the wellness policy will be considered when planning school or classroom parties, celebrations, or events.**
- I. Parents will be encouraged to provide nutritionally sound snacks from home and food for classroom parties or events.**
- J. School will encourage maximum participation in school meal programs.**
- K. Student organizations will be encouraged to engage in fundraising projects that are supportive of healthy eating and student wellness.**