

**REGULAR MEETING OF RSU NO. 5 BOARD OF DIRECTORS**  
**WEDNESDAY– FEBRUARY 26, 2025**  
**FREEPORT HIGH SCHOOL - LIBRARY**  
**6:30 P.M. REGULAR SESSION**  
**AGENDA**

1. Call to Order:

The meeting was called to order at \_\_\_\_\_ p.m. by Chair Michelle Ritcheson

2. Attendance:

\_\_\_ Colin Cheney  
\_\_\_ Anna Child  
\_\_\_ Candace deCsipkes  
\_\_\_ Malik Farlow  
\_\_\_ Cheyenne Farrell  
\_\_\_ Danielle George

\_\_\_ Kara Kaikini  
\_\_\_ Elisabeth Munsen  
\_\_\_ Maura Pillsbury  
\_\_\_ Michelle Ritcheson  
\_\_\_ Kelly Sink  
\_\_\_ Moon Tussing, Student Representative  
\_\_\_ Phoebe Williamson, Student Representative

3. Pledge of Allegiance:

4. Consideration of Minutes:

A. Consideration and approval of the Minutes of February 5, 2025 and February 12, 2025 as presented barring any errors or omissions.

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ Vote: \_\_\_\_\_

5. Adjustments to the Agenda:

6. Good News & Recognition:

A. Report from Board's Student Representative (10 Minutes)

7. Public Comments: (10 Minutes)

8. Reports from Superintendent: (10 Minutes)

A. Superintendent's Report  
B. Resignations: Jennifer Hayward - FMS Ed Tech  
C. Support Staff New Hires: Kathy DeGrandpre, Community Programs Office Coordinator

9. Administrator Reports:

A. Finance - Kelly Wentworth (5 Minutes)

10. Board Comments and Committee Reports:

A. Board Information Exchange and Agenda Requests (10 Minutes)  
    • Curriculum and Program Development Committee  
B. Finance Committee (5 Minutes)  
C. Facilities and Operations Committee (5 Minutes)  
D. Policy Committee (5 Minutes)

11. Policy Review: (20 Minutes)

A. Consideration and approval of 2<sup>nd</sup> Read of the following policies:

1. EEA - Student Transportation Services
2. EEAEA - Student Transportation Employee Requirements, Training and Responsibilities
3. GCOA - Supervision and Evaluation of Professional Staff

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ Vote: \_\_\_\_\_

B. Consideration and approval of 1<sup>st</sup> Read of the following policies:

1. IJOC - School Volunteers
2. JLF - Reporting Child Abuse and Neglect

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ Vote: \_\_\_\_\_

C. Consideration and approval to revert back to the prior versions of the following policies:

1. AC - Nondiscrimination/Equal Opportunity and Affirmative Action (2022)
2. ACAA - Harassment and Sexual Harassment of Students (2020)
3. ACAA-R - Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (2020)
4. ACAB - Harassment and Sexual Harassment of School Employees (2020)
5. ACAB-R - Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (2020)

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ Vote: \_\_\_\_\_

12. Unfinished Business:

A. Budget Review

1. Region Ten Technical High School (20 Minutes)
2. Freeport Middle School (20 Minutes)
3. Transportation - Jeremy Arsenault (20 Minutes)
4. School Nutrition - Erica Mullally (20 Minutes)
5. Facilities - Glen Reynolds (20 Minutes)
6. Community Programs - Peter Wagner (20 Minutes)
7. Technology - Sam Rigby (20 Minutes)
8. Curriculum Development and Improvement of Instruction- Cynthia Alexander (20 Min)

13. New Business:

None

14. Personnel:

None

15. Public Comments: (10 Minutes)

16. Adjournment:

Motion: \_\_\_\_\_ 2<sup>nd</sup> : \_\_\_\_\_ Vote: \_\_\_\_\_ Time: \_\_\_\_\_

Item #4.A.

**RSU No. 5 Board of Directors Meeting  
Wednesday, February 5, 2025 – 6:30 p.m.  
Freeport High School - Library  
Meeting Minutes**

(NOTE: These Minutes are not official until approved by the Board of Directors. Such action, either to approve or amend and approve, is anticipated at the February 26, 2025 meeting).

**1. CALLED TO ORDER:**

Chair Michelle Ritcheson called the meeting to order at 6:30 p.m.

- 2. MEMBERS PRESENT:** Colin Cheney, Anna Child, Candace deCsipkes, Malik Farlow, Cheyenne Farrell, Danielle George, Kara Kaikini, Elisabeth Munsen, Maura Pillsbury, Michelle Ritcheson, Kelly Sink and Moon Tussing Student Representative  
**MEMBERS ABSENT:** None

**3. PLEDGE OF ALLEGIANCE:**

**4. CONSIDERATION OF MINUTES:**

- A. **VOTED:** To approve the Minutes of January 22, 2025.  
(Kaikini – Pillsbury) (11 – 0) The Student Representative voted with the majority.

**5. ADJUSTMENTS TO THE AGENDA:**

Item #8.A - additional resignations

**6. GOOD NEWS AND RECOGNITION:**

- A. Report from Board's Student Representative - Moon Tussing

**7. PUBLIC COMMENT:**

Stephanie Looten-Coceres, Freeport; Charles Henshall, Freeport; Maddy Vertenten, Freeport  
Liz Pierce, Falmouth; Rebecca Peterson, Portland; Tim Grivois, New Gloucester; Lana O'Shea, Windham

**8. REPORTS FROM SUPERINTENDENT:**

- A. Resignations: Connie Carpentier - Bus Driver and Custodian  
Janna Glynn - 2nd Grade Teacher MSS  
Kate Michaud - 2nd Grade Teacher MSS

**9. ADMINISTRATOR REPORTS:**

None

**10. BOARD COMMENTS AND COMMITTEE REPORTS:**

None

**11. POLICY REVIEW:**

None

**12. UNFINISHED BUSINESS:**

- A. Budget Review - Superintendent Skorapa provided an update on the proposed budget.
1. Morse Street School - Julie Nickerson
  2. Pownal Elementary School - Holly Johnson
  3. Mast Landing School - Emily Grimm
  4. Instructional Support - Elisha Morris
  5. Infrastructure Planning - Jean Skorapa

**13. NEW BUSINESS:**

- A. **VOTED:** To approve 1<sup>st</sup> Read of the 2025-2026 school calendar.  
(Farrell – Farlow) (11 – 0) The Student Representative voted with the majority.

**14. PERSONNEL:**

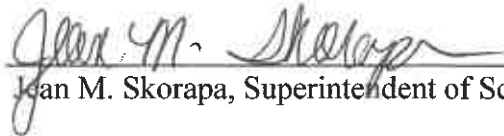
None

**15. PUBLIC COMMENT:**

Jill Hyland, Brunswick; Liz Pierce, Falmouth

**16. ADJOURNMENT:**

**VOTED:** To adjourn at 9:19 p.m. (Sink – Farrell) (11 – 0) The Student Representative voted with the majority.

  
Jean M. Skorapa, Superintendent of Schools

**RSU No. 5 Board of Directors Meeting  
Wednesday, February 12, 2025 – 6:30 p.m.  
Freeport High School - Library  
Meeting Minutes**

(NOTE: These Minutes are not official until approved by the Board of Directors. Such action, either to approve or amend and approve, is anticipated at the February 26, 2025 meeting).

**1. CALLED TO ORDER:**

Vice Chair Elisabeth Munsen called the meeting to order at 6:30 p.m.

- 2. MEMBERS PRESENT:** Colin Cheney, Candace deCsipkes, Malik Farlow, Cheyenne Farrell, Danielle George, Kara Kaikini, Elisabeth Munsen, Maura Pillsbury, Kelly Sink and Moon Tussing Student Representative  
**MEMBERS ABSENT:** Anna Child, Michelle Ritcheson

**3. PLEDGE OF ALLEGIANCE:**

**4. CONSIDERATION OF MINUTES:**

None

**5. ADJUSTMENTS TO THE AGENDA:**

Item #12.A.2 will be moved to the February 26, 2025 meeting.

**6. GOOD NEWS AND RECOGNITION:**

A. Report from Board's Student Representative - Moon Tussing

**7. PUBLIC COMMENT:**

Andy Patten, Cape Elizabeth

**8. REPORTS FROM SUPERINTENDENT:**

A. Support Staff New Hires: Emy Stackpole - Laugh & Learn Teacher

**9. ADMINISTRATOR REPORTS:**

None

**10. BOARD COMMENTS AND COMMITTEE REPORTS:**

None

**11. POLICY REVIEW:**

None

**12. UNFINISHED BUSINESS:**

A. Budget Review - Superintendent Skorapa provided an update on the proposed budget.

1. Durham Community School - Will Pidden
2. Freeport High School - Jen Gulko
3. Athletics - Eric Hall

B. **VOTED:** To approve 2<sup>nd</sup> Read of the 2025-2026 school calendar.

(Pillsbury – Kaikini) (9 – 0) The Student Representative voted with the majority.

**13. NEW BUSINESS:**

None

**14. PERSONNEL:**

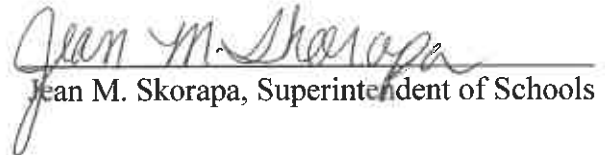
None

**15. PUBLIC COMMENT:**

None

**16. ADJOURNMENT:**

**VOTED:** To adjourn at 8:11 p.m. (Sink – Farrell) (9 – 0) The Student Representative voted with the majority.

  
Jean M. Skorapa, Superintendent of Schools

## RSU No. 5

## Warrant Articles For the Period 01/01/2025 through 01/31/2025

Fiscal Year: 2024-2025

☐ Include Pre Encumbrance

	<u>Budget</u>	<u>Range To Date</u>	<u>Year To Date</u>	<u>Balance</u>	<u>Encumbrance</u>	<u>Budget Balance</u>	
<b>INCOME</b>							
GENERAL FUND REVENUES							
REQUIRED LOCAL FUNDS (-)	\$19,573,905.68	\$1,977,017.06	\$11,418,111.74	\$8,155,793.94	\$0.00	\$8,155,793.94	41.7%
ADDITIONAL LOCAL FUNDS (-)	\$13,087,078.17	\$1,362,872.26	\$7,634,128.90	\$5,452,949.27	\$0.00	\$5,452,949.27	41.7%
ADDLN SHARED REVENUE (-)	\$139,883.76	\$0.00	\$0.00	\$139,883.76	\$0.00	\$139,883.76	100.0%
INTEREST REVENUE (-)	\$209,000.00	\$31,878.05	\$246,592.56	(\$37,592.56)	\$0.00	(\$37,592.56)	-18.0%
STATE REVENUES (-)	\$7,571,992.39	\$549,452.69	\$4,736,881.06	\$2,835,111.33	\$0.00	\$2,835,111.33	37.4%
MISC REVENUES (-)	\$18,600.00	\$4,694.25	\$18,826.25	(\$226.25)	\$0.00	(\$226.25)	-1.2%
FUND BALANCE (-)	\$900,000.00	\$0.00	\$0.00	\$900,000.00	\$0.00	\$900,000.00	100.0%
Sub-total : GENERAL FUND REVENUES	(\$41,500,460.00)	(\$3,925,914.31)	(\$24,054,540.51)	(\$17,445,919.49)	\$0.00	(\$17,445,919.49)	42.0%
<b>Total : INCOME</b>	(\$41,500,460.00)	(\$3,925,914.31)	(\$24,054,540.51)	(\$17,445,919.49)	\$0.00	(\$17,445,919.49)	42.0%
<b>EXPENSES</b>							
GENERAL FUND EXPENSES							
ARTICLE 1 REGULAR INSTRUCTION (+)	\$18,384,052.00	\$1,364,553.61	\$7,810,644.23	\$10,573,407.77	\$9,361,047.45	\$1,212,360.32	6.6%
ARTICLE 2 SPECIAL EDUCATION (+)	\$5,870,507.00	\$432,860.74	\$2,526,248.74	\$3,344,258.26	\$3,037,576.74	\$306,681.52	5.2%
ARTICLE 3 - CAREER & TECHNICAL CTR (+)	\$289,668.00	\$24,139.00	\$193,112.00	\$96,556.00	\$96,556.00	\$0.00	0.0%
ARTICLE 4 - OTHER INSTRUCTION (+)	\$1,034,849.00	\$128,806.24	\$505,508.10	\$529,340.90	\$310,822.17	\$218,518.73	21.1%
ARTICLE 5 - STUDENT & STAFF SUPPORT (+)	\$4,371,246.00	\$372,515.58	\$2,243,818.54	\$2,127,427.46	\$1,865,295.24	\$262,132.22	6.0%
ARTICLE 6 - SYSTEM ADMINISTRATION (+)	\$1,179,440.00	\$76,370.83	\$705,581.17	\$473,858.83	\$354,221.06	\$119,637.77	10.1%
ARTICLE 7 - SCHOOL ADMINISTRATION (+)	\$2,348,210.00	\$175,600.99	\$1,252,954.21	\$1,095,255.79	\$1,042,061.32	\$53,194.47	2.3%
ARTICLE 8 - TRANSPORTATION & BUSES (+)	\$1,586,682.00	\$105,976.23	\$873,565.45	\$713,116.55	\$551,503.69	\$161,612.86	10.2%
ARTICLE 9 - FACILITIES MAINTENANCE (+)	\$5,139,408.00	\$245,885.57	\$3,085,456.47	\$2,053,951.53	\$1,115,855.30	\$938,096.23	18.3%
ARTICLE 10 - DEBT SERVICE & OTHER COMMITMENTS (+)	\$1,111,064.00	\$0.00	\$997,549.33	\$113,514.67	\$113,514.19	\$0.48	0.0%
ARTICLE 11 - ALL OTHER EXPENDITURES (+)	\$185,334.00	\$0.00	\$185,334.00	\$0.00	\$0.00	\$0.00	0.0%

Operating Statement with Encumbrance

RSU No. 5

Warrant Articles For the Period 01/01/2025 through 01/31/2025

Fiscal Year: 2024-2025 ☐ Include Pre Encumbrance

	<u>Budget</u>	<u>Range To Date</u>	<u>Year To Date</u>	<u>Balance</u>	<u>Encumbrance</u>	<u>Budget Balance</u>	
Sub-total : GENERAL FUND EXPENSES	\$41,500,460.00	\$2,926,708.79	\$20,379,772.24	\$21,120,687.76	\$17,848,453.16	\$3,272,234.60	7.9%
Total : EXPENSES	\$41,500,460.00	\$2,926,708.79	\$20,379,772.24	\$21,120,687.76	\$17,848,453.16	\$3,272,234.60	7.9%
NET ADDITION/(DEFICIT)	\$0.00	(\$999,205.52)	(\$3,674,768.27)	\$3,674,768.27	\$17,848,453.16	(\$14,173,684.89)	0.0%

End of Report





**Regional School Unit 5**  
Durham · Freeport · Pownal

Item # 10.B.

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

Jean Skorapa, Superintendent of Schools  
Kelly Wentworth, Director of Finance & Human Resources

Cynthia Alexander, Assistant Superintendent of Schools  
Elisha Morris, Director of Instructional Support

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**Finance Committee Minutes**  
**Wednesday, January 22, 2025**  
**5:00 p.m. - Freeport High School**

Committee Members Present: Kelly Sink, Michelle Ritcheson  
Committee Members Absent: Beth Munsen  
Administrators: Jean Skorapa, Kelly Wentworth

**Minutes**

1. Meeting called to order at 5:21 p.m.
2. FY26 Proposed Budget Review -
  - a. Superintendent Skorapa discussed the proposals for the upcoming budget cycle.
3. Other -
  - a. Next meeting of the Finance Committee, February 26, 2025 @ FHS.

Meeting adjourned at 5:58 P.M.



**Regional School Unit 5**  
Durham · Freeport · Pownal

Item # 10.C.

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

Jean Skorapa, Superintendent of Schools  
Kelly Wentworth, Director of Finance & Human Resources

Cynthia Alexander, Assistant Superintendent of Schools  
Elisha Morris, Director of Instructional Support

**Facilities and Operations Committee**  
**Wednesday, February 12, 2025**  
**5:00 p.m. - Freeport High School**

**Minutes**

Committee Members Present: Kelly Sink, Malik Farlow,  
Committee Members Absent: Michelle Ritcheson  
Administrators: Jean Skorapa, Glen Reynolds, Kelly Wentworth

**1. FY25 Projects Update**

- a. Director of Facilities Glen Reynolds updated the committee about the status of the progress of the safe space rooms at Mast Landing School and Freeport Middle School as well as outside lighting at Freeport Middle School.

**2. FY26 Capital Projects**

- a. Funding - FY26's budget includes a requested increase of \$30,000.
- b. Proposed Projects - Director Reynolds reviewed the FY26 proposed projects on the Capital Improvement Plan.
- c. Projects below the \$15,000 threshold are funded through Major Maintenance.

**3. Infrastructure Proposal Feedback**

- a. The Board will receive a breakdown of project funding by school for consideration.



**Regional School Unit 5**  
Durham · Freeport · Pownal

Item #10.D

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

Jean Skorapa, Superintendent of Schools  
Kelly Wentworth, Director of Finance & Human Resources

Cynthia Alexander, Assistant Superintendent of Schools  
Elisha Morris, Director of Instructional Support

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**Policy Committee Report**

Committee: Policy

Zoom Meeting date: February 7, 2025

Chair: Colin Cheney

Committee Members in attendance: Colin Cheney, Kara Kaikini, Danielle George, Candy deCsipkes

Absent: none

Administrator: Cynthia Alexander, Assistant Superintendent

Guests: Jean Skorapa, Superintendent, Jen Gulko, FHS Principal

**Review/Revise Policies:**

1. Policy Review

*The following policy was revised and will be brought to the Board for 1st read on February 26, 2025:*

IJOC - School Volunteers

*The following policies were reviewed with no revisions:*

IJOA - Field Trips and Other Student Travel

2. At Board/Superintendent Request

*none*

3. Required Changes by law

*The following policy was revised and will be brought to the Board for 1st read on February 26, 2025:*

JLF - Reporting Child Abuse and Neglect

*The next meeting will be held on March 7, 2025 at 8:45 a.m. by Zoom.*

Submitted by: Cynthia Alexander



**Regional School Unit 5**  
**Durham · Freeport · Pownal**

Item # 11.A & 11.B.

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

Jean Skorapa, Superintendent of Schools  
Kelly Wentworth, Director of Finance & Human Resources

Cynthia Alexander, Assistant Superintendent of Schools  
Elisha Morris, Director of Instructional Support

**TO:** Colin Cheney, Anna Child, Candy deCsipkes, Malik Farlow, Cheyenne Farrell, Danielle George, Elisabeth Munsen, Kara Kaikini, Maura Pillsbury, Michelle Ritcheson, Kelly Sink, Moon Tussing, Phoebe Williamson

**CC:** Julie Nickerson, Amanda Marsden, Holly Johnson, Kate Harrison, Amy St.Pierre, Erica Mullally, Will Pidden, Eric Hall, Peter Wagner, Jen Gulko, Elisha Morris, Jean Skorapa, Paige Fournier, Emily Grimm, Scott Emery, Charlie Mellon, Kelly Wentworth, Sam Rigby, Glen Reynolds, Jeremy Arsenault, Jen Winkler, Trevor Bean, Nancy Doherty, Grace Marley, Jill Hooper, Theresa Clark, Lisa Blier, Heidi Cook, Amanda Chisholm, Eliza Bowen, Heather Perry, Pam Gee, Caitlyn Hecox

**FROM:** Cynthia Alexander, Assistant Superintendent of Curriculum, Instruction, and Assessment

**DATE:** February 13, 2025

**RE:** Review/Update of Policies

At the February 26, 2025 Board of Directors Meeting, the following policies will be on the agenda:

**2<sup>nd</sup> Read**

1. EEA - Student Transportation Services
2. EEAEA - Student Transportation Employee Requirements, Training and Responsibilities
3. GCOA - Supervision and Evaluation of Professional Staff

**1<sup>st</sup> Read**

1. IJOC - School Volunteers
2. JLF - Reporting Child Abuse and Neglect

The following policy was reviewed with no recommended revisions and requires no Board action:

IJOA - Field Trips and Other Student Travel

## STUDENT TRANSPORTATION SERVICES

This policy is meant to guide the provision of student transportation to and from school via school bus or van.

It is the responsibility of the Director of Transportation to develop, implement and, as necessary, alter all routes for the transportation of students; the Director will take into consideration safety, efficiency, and effectiveness of routes, as well as driver availability and any other unpredictable circumstances.

As part of this route-creation process, bus stops will also be determined/designated by the Director of Transportation. RSU No. 5 buses do not travel down dead-end roads or private ways/roads; for these roads, stops will be placed at the entrance of these roads.

The Board of Directors will provide transportation for all students living beyond a reasonable distance from their school or from a scheduled bus stop as the Board has determined. This distance is defined as one mile.

Distance shall be measured by the shortest publicly traveled way from the residence to the bus stop or school door. In cases questioned, distance will be measured and established by the Superintendent or ~~his/her~~ their designee.

Exceptions to the above distance shall be made for the following reasons only:

A. Health

Exceptions to established walking distances may be made for students with disabilities as required by their IEP or Individual Health Plan (504 Plan). Exceptions may also be made to accommodate a student's need for transportation with written documentation for the student's physician.

B. Pre-Kindergarten and Kindergarten Students

Pre-Kindergarten and Kindergarten bus service will include pickup and delivery to the home, providing a suitable bus turn is available.

C. Hazardous Walking Conditions

Hazardous walking conditions shall be defined as those which would place a child of a given age in a situation of greater than normal or average danger. These conditions are assessed by the Director of Transportation and/or the Superintendent based on factors including, but not limited to, sidewalks, lighting, road conditions, construction, and traffic.

Authorized bus stops will be located so as to load and unload students with the most safety allowed by road conditions. The distance between stops may vary according to safety factors. If possible, students will be loaded and unloaded so that it is not necessary for them to cross a main highway to reach their homes.

Requests for bus stops, inconsistent with this regulation must be made in writing and submitted to the Superintendent/ ~~or his/her~~ designee.

Cross Reference: JICC – Student Conduct on School Buses

Legal Reference: title 20A MRSA, Sec. 5401

Adopted: April 28, 2010

Revised: December 14, 2011

Revised: January 25, 2017

## **STUDENT TRANSPORTATION EMPLOYEE REQUIREMENTS, TRAINING AND RESPONSIBILITIES**

The Board recognizes that the safe transportation of students is of the utmost importance. This policy lays out the requirements and responsibilities of the two categories of employees who transport students: School Bus Drivers, and Other Employees with Student Driving Responsibilities.

### **Part A School Bus Drivers**

The school bus driver is responsible for safeguarding the lives of children in the performance of ~~his/her~~ their duty. The work requires physical strength, mental poise, the ability to cope effectively with emergencies, excellent driving skills, and an ability to relate positively with students.

All school bus drivers must hold a valid school bus operator license endorsement issued by the Maine Secretary of State. All school bus drivers are required to participate in any in-service training provided by the school unit.

### **REQUIREMENTS:**

#### **A. Annual Medical Examination**

All drivers operating a vehicle designed to carry 10 or more passengers must undergo an annual physical examination as required by the Uniform School Bus Standards and submit the completed School Bus Driver Physical Examination Form to the Superintendent/designee. Physical examinations shall be conducted by a physician selected by the school unit and paid for by the school unit.

Annual examinations must be completed during the month preceding the start of the school year for regular drivers. New and substitute bus drivers must complete the examination before beginning their driving duties.

#### **B. Drug and Alcohol Testing**

School bus drivers will participate in drug and alcohol testing as required by applicable federal and state laws.

#### **C. Annual Motor Vehicle Records Check**

Each school bus driver operating a vehicle carrying 10 or more passengers shall undergo an annual state motor vehicle records check.

### **Part B Other Employees with Student Driving Responsibilities**

The Superintendent/designee is directed to obtain annual motor vehicle records checks for any school employee who transports students as part of their regular duties. A list of these pre-approved employees must be kept by the Superintendent/designee.

Legal Reference: 49 CFR Parts 40 and 382  
26 MRSA §§ 681(8)(B); 685(2); 689  
Uniform School Bus Standards, 081.6  
Cross Reference: EEAEA Drug and Alcohol Testing of Bus Drivers  
EEAEA-R Drug and Alcohol Testing of Bus Drivers –  
Administrative Procedure

Adopted: April 28, 2010

Reviewed: December 14, 2011

Revised: January 25, 2017



## **SUPERVISION AND EVALUATION OF PROFESSIONAL STAFF**

A well-planned and systematic program of supervision and evaluation of performance tied to educational outcomes is vital to the ongoing improvement of the instructional program. It is the Board's responsibility to ensure that sufficient administrative time and energy are expended to supervise (observe and assist) and evaluate (measure and assess) teachers. The evaluation program shall address all aspects of teaching performance and recognize that the fulfillment of student needs is of primary importance.

The Superintendent shall be responsible for the development, implementation and periodic review of a comprehensive program of supervision and evaluation, which shall be adopted by the Board. The program shall provide minimum standards for the number and frequency of formal performance reviews, with the understanding that probationary teachers require closer support and more frequent performance reviews. ~~Probationary teachers shall in any event be evaluated during, but not limited to, their second year of employment.~~ Probationary teachers shall in any event be evaluated at least once in each year of their probationary employment.

- A. Criteria used for evaluation shall be in written form and made permanently available to the teacher;
- B. Evaluations shall be made by an immediate supervisor/administrator, or by other person(s) designated by the Superintendent;
- C. Results of the evaluations shall be put in writing and shall be discussed with the teacher;
- D. The teacher being evaluated shall have the right to attach a memorandum to the written evaluation; and
- E. Results of all evaluations shall be kept in confidential personnel files maintained at the Superintendent's office.

~~In accordance with Maine's Educator Effectiveness law (20-A MRSA § 13701-13706), by the end of the 2016-2017 school year, the school unit will have developed and piloted a performance evaluation and growth system, consistent with the requirements of applicable Department of Education rules, for full implementation in the 2017-2018 school year.~~

Evaluation will be done pursuant to the Performance Evaluation and Professional Growth system (PEPG) approved by the Board in accordance with Maine's Educator Effectiveness law (20-A MRSA § 13701-13706).

The performance evaluation and growth system must be approved by the Board.

In keeping with the Board's goal of employing the best qualified staff to provide quality education for all students, all teachers are expected to participate fully in the evaluation process, self-appraisal and continuous improvement of professional skills.

While supervision and evaluation policies and procedures are not negotiable in collective bargaining, the Superintendent is to seek appropriate involvement of staff in the development and periodic review of the supervision and evaluation program.

Legal Reference: 20-A MRSA §§ 1055, 13201; 13701-13706, 13802  
Me. Dept. of Ed. Rule Ch. 125 §§ 4.02(E)(3), 8.08

Adopted: June 24, 2009  
Revised: October 30, 2011  
Revised: November 30, 2011  
Revised: November 30, 2016

## **SCHOOL VOLUNTEERS**

The Board of Directors recognizes that community members can provide valuable services to the schools by sharing their time, talents and experience. An effective volunteer program allows students to benefit from individual attention, provides enrichment opportunities that supplement the regular educational program, allows teachers to focus on teaching and learning by relieving them of non-teaching tasks, provides interested community members an opportunity to become directly involved with education, and strengthens the relationship between school and community.

The Board approves the use of volunteers to support the school system's instructional programs and extracurricular activities. The Board adopts this policy to provide direction for the school system's volunteer program.

For the purpose of this policy, a volunteer is a person who provides services, without compensation or benefits of any kind or amount, on an occasional or regular basis in the schools or in school activities.

All volunteers shall be at least 18 years of age unless their volunteer work is part of a class, is done to fulfill a service learning or community service requirement for graduation, or is done by a recognized student organization.

Volunteers may provide assistance by:

- A. Tutoring students on a one-to-one or small group basis, or assisting with classroom projects under the direct supervision of the classroom teacher;
- B. Using their special musical, artistic or other talents to provide enrichment experiences and extend student learning;
- C. Reading to children;
- D. Playing instructional games;
- E. Providing services in libraries, lunchrooms and playgrounds;
- F. Accompanying students in field work;
- G. Assisting teachers in assembling instructional materials; and
- H. Assisting in school plays, music programs and other extracurricular activities.

Volunteers serve under the direction and supervision of the designated administrator. When volunteers work with children, their activities will be under the direct and immediate supervision of the classroom teacher, coach, activity adviser, or other designated employee.

Approval, assignment, continuation, or termination of volunteers shall be at the discretion of the designated administrator.

Staff must have their use of volunteers approved in advance by the designated administrator. Volunteers will only be assigned to staff who request them.

Volunteers are expected to abide by all Board policies, procedures and school rules when performing their assigned responsibilities. The designated administrator shall make volunteers aware of applicable policies, procedures, and rules before they undertake their first assignment through a volunteer orientation, volunteer handbook, or other means.

Volunteers should perform only those tasks that have been assigned.

Volunteers will not have access to confidential information in student records except as allowed by federal or state law or regulations and will be responsible for maintaining confidentiality regarding information seen or heard while working as a volunteer.

Persons interested in volunteering time or services should contact the designated administrator. Prospective volunteers will be required to complete a written application with approval at the discretion of the designated administrator. The Superintendent will be responsible for developing a screening protocol for use by the designated administrator prior to approving volunteers.

Volunteers may not transport students in private vehicles except as allowed by Board policy.

The school unit will provide liability insurance protection for volunteers while performing assigned services.

~~The Superintendent will be responsible for devising a method for evaluating the effectiveness of the volunteer program on an on-going basis.~~

~~The Board will recognize volunteer service on an annual basis. The designated administrator will be responsible for appropriate school recognition of volunteers.~~

Legal Reference: 20-A M.R.S.A. § 1002

Cross Reference: ~~EEAG - Student Transportation in Private Vehicles~~  
EEBB Use of Private Vehicles on School Business  
IJOA - Field Study and Expeditions Trips and Other Student Travel

Adopted: February 24, 2010  
Reviewed: December 12, 2012  
Reviewed: September 27, 2017

## **REPORTING CHILD ABUSE REPORTING, PREVENTION AND EDUCATION NEGLECT**

### **I. DEFINITIONS**

#### **A. Child abuse or neglect. Child abuse or neglect is defined by Maine law as:**

- i. “a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation...[statutory references omitted] or deprivation of essential needs or lack of protection from these by a person responsible for the child.”
- ii. Truancy (for a child who is either 1) age 5 and under age 6 and who has been voluntarily enrolled in school; or 2) six years of age and has not completed grade six, if a child described in 1) or 2) has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year) when the absence is the result of the neglect by a personal responsible for the child.
- iii. “a threat to a child’s health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.”

~~Child abuse or neglect. Child abuse 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, deprivation of essential needs or lack of protection from these, or failure to ensure compliance with school attendance requirements under Title 20-A (specifically when a child who is at least seven years of age and has not completed grade six, has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).~~

- B. Person responsible for the child. A “person responsible for the child” means a person with responsibility for a 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. Child Sex Trafficking. Child sex trafficking means the recruitment, harboring, transportation, provision or obtaining of a child for the purposes of a commercial sex act.

### **II. EMPLOYEES’ DUTY TO REPORT**

- A. Any employee of the school unit (hereinafter referred to as the “notifying employee”) who has reason to suspect that a child has been or is likely to be

abused or neglected must immediately notify the building administrator ~~or other designated agent~~.

- B. In addition to notifying the building administrator or other designated agent, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney if required (~~See also~~ Section III.B ~~which~~ provides further information about reporting to DHHS and ~~or the~~ District Attorney).
- B.C. If the ~~reporting~~ notifying employee does not receive written confirmation from the building administrator/Superintendent ~~or other designated agent~~ within 24 hours of ~~his/her~~ their report notification that a report has been made to DHHS (and ~~or the~~ District Attorney if required) the employee shall make an immediate report directly to DHHS and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee shall then complete a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E) in consultation with the building administrator or Superintendent.
- C.D. If the ~~reporting~~ notifying employee does receive written confirmation from the building administrator/Superintendent within 24 hours of ~~his/her~~ their report notification as described in section III.D ~~which is a copy of~~ on the Suspected Child Abuse and Neglect Reporting Form (JLF-E), ~~he/she they~~ shall sign the form as acknowledgement that the report was made and return it to the building administrator/Superintendent.
- E. Any volunteer who has reason to suspect that a child has been or is likely to be abused or neglected is also expected to make a report to the building administrator, and may also make a report directly to DHHS, and the District Attorney if required (see Section III.B).
- F. Electronic reporting of suspected child abuse or neglect through the DHHS-approved reporting portal is permitted.

### III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

All building administrators, ~~other building designee~~, and the Superintendents are designated agents to make child abuse and neglect reports.

- A. If a building administrator/~~other building designee~~ receives the report, ~~he/she they~~ shall notify the Superintendent immediately.
- B. The Superintendent or building administrator/~~other building designee~~ shall then make ~~a verbal and written report(s)~~ an immediate report by telephone of suspected abuse or neglect to DHHS. In addition, if the person suspected is not the parent, guardian or other custodian of the child, the Superintendent/building

administrator/~~other building designee~~ shall also make a verbal report to the District Attorney.

- C. The law requires the ~~reporting~~ notifying employee to make ~~his/her~~ their own report to DHHS and/or the District Attorney if required, if he/she ~~has~~ they have not received confirmation within 24 hours that such a report has been made by the Superintendent or building administrator/~~other building designee~~.
- D. The person making the report to DHHS and/or the District Attorney shall complete the Suspected Child Abuse or Neglect Form (JLF-E) in consultation with the notifying employee.
- E. The Superintendent or building administrator/~~other building designee~~ shall provide a copy of the Suspected Child Abuse or Neglect Form to the ~~reporting~~ notifying employee within 24 hours of the employee's initial report. The ~~reporting~~ notifying employee shall sign the report and return it to the Superintendent or building administrator.
- F. The form will be forwarded to DHHS and/or to the District Attorney if required, and shall be retained by the school unit for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

#### IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. Employees. If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall 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 school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.
- C. School officials should attempt to coordinate investigations with DHHS and law enforcement to the extent possible, in light of the school's obligation to protect the safety and security of the school environment. When reasonably possible, any internal interviews of a child who may have been abused or neglected will be conducted by a person who has knowledge of appropriate techniques for interviewing alleged victims of abuse or neglect.

V. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at the school as provided in this section.

The building administrator or designee shall:

- A. Require the DHHS employee requesting to interview the child to provide written certification that in the Department's judgment, 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 or ~~guidance~~ school counselor or the school nurse, social worker or building administrator, as the caseworker determines is necessary to provide needed emotional support to the child 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; prohibiting certain persons from being present during the interview; and requiring 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 child except to school officials or the school's attorney who need the information to comply with the interview request.

VI. CONFIDENTIALITY OF INFORMATION AND RECORDS

All records, reports and information concerning alleged cases of child abuse and neglect shall be kept confidential to the extent required by Board policies and applicable law.

The building administrator/designee is permitted to release a child'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.~~

VII. GOOD FAITH IMMUNITY FROM LIABILITY; RETALIATION PROHIBITED

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 proceeding. Good faith does not include instances when a false report is made and the person knows the report is false.



The school unit prohibits any retaliation against an employee who makes a good faith report of child abuse and neglect in accordance with this policy.

#### VIII. CHILD ABUSE AWARENESS AND PREVENTION TRAINING FOR SCHOOL EMPLOYEES

- A. All school employees shall receive training on child abuse/neglect and reporting procedures every four years and within six months of hire as required by law.
- B. The training about child sexual abuse awareness and prevention shall be delivered by a qualified instructor(s) and be “evidence-informed.”
- C. The training about sexual abuse awareness and prevention is intended to:
  - i. Increase awareness of developmentally appropriate and inappropriate sexual behaviors in children;
  - ii. Increase ability to identify indicators of sexual abuse, including physical and psychosocial indicators on a spectrum (including lower to higher probability);
  - iii. Increase ability to effectively respond to sexual behavior or disclosures or suspicions of child sexual abuse; and
  - iv. Include local child sexual abuse and sexual assault resources.

#### IX. CHILD SEXUAL ABUSE PREVENTION EDUCATION FOR STUDENTS

Students in pre-kindergarten through grade 5 will receive child sexual abuse prevention education curriculum programs delivered by qualified instructors as part of the health education curriculum aligned with the Learning Results Health Education Standards and follow an appropriate scope and sequence. The curriculum will be consistent with evidence-informed, age-appropriate child sexual abuse prevention education for students, and include:

- A. Age-appropriate education regarding physical and personal boundaries, including biologically accurate body terminology;
- B. Help children identify unsafe or uncomfortable situations including a range of feelings, touches or violations of physical boundaries;
- C. Help children identify safe adults with whom they could discuss unsafe or uncomfortable situations; and
- D. Helps children identify and develop skills to support a friend who may be experiencing unsafe or uncomfortable situations.

~~Any RSU No. 5 employee who is required to make a report shall, at least once every four years, complete mandated training approved by the Department of Health and Human Services (DHHS). The Superintendent/designee will be responsible for documenting employee training.~~

Legal Reference: L.D. 622, P.L. Ch.407, ~~“An Act to Require Training of Mandated Reporters under the Child Abuse Laws”~~  
22 MRSA Chap. 1071, Child and Family Services and Child Protection Act  
20 USC § 1232g, Family Educational Rights and Privacy Act  
20-A M.R.S.A. §§ ~~50501-A(3); (1)(C); 5051-A(2)(C)-(1-D)~~

Cross Reference: ACAA – Harassment and Sexual Harassment of Students  
GBEBB - Staff Conduct with Students  
JEA - Compulsory Student Attendance  
JHB - Truancy  
JLF-E --Suspected Child Abuse and Neglect Report Form  
JRA – Student Records

Adopted: March 24, 2010  
Reviewed: March 27, 2013  
Revised: November 18, 2015  
Revised: November 30, 2016

**NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION**

RSU No. 5 does not discriminate on the basis of sex or other protected categories in its education programs and activities, as required by federal and state laws/regulations.

Discrimination against and harassment of school employees because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, familial status, disability or genetic information are prohibited.

Discrimination against and harassment of students because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability are prohibited.

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and other individuals having access rights to school premises and activities.

RSU No. 5 has designated and authorized an Affirmative Action Officer/Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination, including sexual harassment. The Affirmative Action Officer/Title IX Coordinator is a person with direct access to the Superintendent.

RSU No. 5 has implemented complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. RSU No. 5 provides required notices of these complaint procedures and how they can be accessed, as well as the school unit's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents and other interested parties.

Legal Reference: Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (e) et seq.)  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.);  
34 C.F.R. Part 106 (Title IX regulations)  
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)  
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)  
Equal Pay Act of 1963 (29 U.S.C. § 206)  
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended  
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)  
Maine Human Rights Act (5 MRSA § 4551 et seq.), as amended

Cross Reference: RSU5 Affirmative Action Plan  
ACAA – Harassment and Sexual Harassment of Students  
ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures  
ACAB – Harassment and Sexual Harassment of School Employees

ACAB-R – Employee Discrimination/Harassment and Title IX Sexual  
Harassment Complaint Procedures

Adopted: May 27, 2009  
Revised: December 8, 2010  
Revised: November 20, 2013  
Reviewed: June 12, 2019  
Revised: October 14, 2020  
Revised: May 11, 2022

## **HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS**

Harassment of students because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

School employees, fellow students, volunteers, visitors to the schools, and other persons with whom students may interact in order to pursue or engage in education programs and activities, are required to refrain from such conduct.

Harassment and sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

### **A. Harassment**

Harassment includes, but is not limited to, verbal abuse and other offensive conduct based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability. Harassment that rises to the level of physical assault, battery and/or abuse, and/or bullying behavior are also addressed in Board Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.

### **B. Sexual Harassment**

Sexual harassment is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

#### **1. Title IX Sexual Harassment**

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or

- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

## **2. Sexual Harassment Under Maine Law**

Under Maine law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
- b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
- c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.

## **C. Reports and Complaints of Harassment or Sexual Harassment**

All RSU No. 5 employees are required to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator or. Failure to report such incidents may result in disciplinary action.

Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)  
 Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)  
 Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106  
 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
 Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C.

§12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)

Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)

Maine Human Rights Act, 5 MRSA § 4551 et seq.

20-A MRSA § 6553

MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

Cross Reference: ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures  
AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAD – Hazing  
GBBEB – Staff Conduct with Students  
JICIA – Weapons, Violence and School Safety  
JICK - Bullying

Adopted: May 27, 2009

Reviewed: December 8, 2010; November 20, 2013; June 12, 2019

Revised: October 14, 2020

## **STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The RSU No. 5 Board has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful discrimination and harassment of students, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA – Harassment and Sexual Harassment of Students.

Complaints alleging unlawful harassment or discrimination against employees based on a protected category should be addressed through the Board’s Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

**Cynthia Alexander, AAO/Title IX Coordinator**  
**17 West Street**  
**Freeport, ME 04032**  
**207-865-0928**  
**[alexanderc@rsu5.org](mailto:alexanderc@rsu5.org)**

### **Section 1. Definitions**

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer/Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

#### **A. Discrimination/Harassment Complaint Procedure Definitions**

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s membership in a protected category, which, for students, includes race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin or disability.
2. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.



3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in RSU No. 5’s programs or activities by creating a hostile, intimidating or offensive environment.
4. “Sexual harassment”: Under Maine law, this means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
  - b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
  - c. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive environment.
5. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”
6. “Gender identity”: Under Maine law, this means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”
7. “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin or disability (and not otherwise addressed in the Title IX regulations and Section 3 of ACAA-R).
8. Complaints of bullying not involving the protected categories or definitions described above may be addressed under Board Policy JICK – Bullying and Cyberbullying of Students.

## **B. Title IX Sexual Harassment Complaint Procedure Definitions**

1. “Sexual Harassment”: Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of RSU No. 5’s education programs and activities:
  - a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual’s participation in unwelcome sexual conduct;

- b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual’s equal access to RSU No. 5’s education programs and activities; or
  - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. “Report”: Under the Title IX regulations, any individual may make a report of sexual harassment involving a student, whether the individual is the alleged victim or not. School employees are required to report possible incidents of sexual harassment involving a student. A report must be made to the Affirmative Action Officer/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” is filed.
  3. “Formal Complaint”: Under the Title IX regulations, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAA-R. Only a student and/or their parent/legal guardian (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.
  4. “Student”: For the purposes of this procedure, a student is an individual who is enrolled or participating in RSU No. 5’s education programs and activities, or is attempting to enroll or participate.

## **Section 2. Discrimination/Harassment Complaint Procedure**

This procedure should be used for any complaint of unlawful harassment or discrimination complaint based on a protected category which does not involve Title IX sexual harassment (which is addressed in Section 3).

### **A. How to Make A Complaint**

1. School employees are required to promptly make a report to the AAO/Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.
2. Students (and others) who believe that they, or another student has been harassed or discriminated against should report their concern promptly to the AAO/Title IX Coordinator.
3. The individual making the report must provide basic information in writing concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who allegedly engaged in harassment or discrimination, description of allegation) to the AAO/Title IX Coordinator.

4. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, they are encouraged to discuss the matter with the AAO/Title IX Coordinator.
5. Individuals will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including discharge for employees, and expulsion for students.
6. Individuals are encouraged to utilize RSU No. 5's complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

## **B. Complaint Handling and Investigation**

1. The AAO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The AAO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of RSU No. 5 and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO/Title IX Coordinator may implement supportive measures to a student to reduce the risk of further discrimination or harassment to a student while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved or changing classes.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

5. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of RSU No. 5, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

### **C. Findings and Subsequent Actions**

1. The AAO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent shall:
  - a. Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
  - b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

**D. Appeals**

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

**E. Records**

The AAO/Title IX Coordinator shall keep a written record of the complaint process.

**Section 3. Title IX Sexual Harassment Complaint Procedure**

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1.B.1.

**A. How to Make A Report**

1. School employees who have reason to believe that a student has been subjected to sexual harassment are required to promptly make a report to the AAO/Title IX Coordinator.
2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed are encouraged to make a report to the AAO/Title IX Coordinator.
3. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the AAO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.

- a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (such as requiring no contact between individuals or changing classes).
  - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
4. RSU No. 5 cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.
6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize RSU No. 5's complaint procedure. However, students (and their parents/legal guardians) are hereby notified that they also have the right to report sexual harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
7. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

## **B. How to Make A Formal Complaint**

1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation).

Students who need assistance in preparing a formal written complaint, are encouraged to consult with the AAO/Title IX Coordinator.

2. In certain circumstances, the AAO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within RSU No. 5. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

3. In accordance with the Title IX regulations, the AAO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or b) if the conduct alleged did not occur within the scope of RSU No. 5's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the AAO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by or enrolled in RSU No. 5; or c) there are specific circumstances that prevent RSU No. 5 from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through the applicable Board policy/procedure.
5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged in a formal complaint potentially violates other laws, Board policies and/or professional expectations, RSU No. 5 may address the conduct under Section 2 or another applicable Board policy/procedure.

### **C. Emergency Removal or Administrative Leave**

1. The Superintendent may remove a student respondent from education programs and activities on an emergency basis during the complaint procedure:
  - a. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
  - b. The respondent (and their parent/legal guardian) will be provided notice of the emergency removal, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency removal was unreasonable.

2. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
3. Any decision to remove a respondent from education programs and activities on an emergency basis or place an employee on administrative leave shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

**D. Notice to Parties of Formal Complaint**

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice shall include:
  - a. Notice regarding the complaint procedure and the availability of an informal resolution process;
  - b. Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
  - c. As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
  - d. Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
  - e. Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
  - f. Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The AAO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.



## **E. Informal Resolution Process**

After a formal complaint has been filed, and if the AAO/Title IX Coordinator believes the circumstances are appropriate, the AAO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and RSU No. 5. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

## **F. Investigation**

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of RSU No. 5, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.

4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
  - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
  - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
  - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
  - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
  - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
  - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which RSU No. 5 does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
  - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
  - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
  - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

#### **G. Determination of Responsibility**

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.

- a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker shall issue a written determination, which shall include the following:
  - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
  - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
  - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
  - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions RSU No. 5 imposes on the respondent, and whether remedies designed to restore or preserve equal access to the RSU No. 5 programs and activities will be provided to the complainant;
  - e. RSU No. 5's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that RSU No. 5 provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

## **H. Remedies, Discipline and Other Actions**

### **1. Remedies**

Remedies are measures used to ensure that the complainant has equal access to RSU No. 5's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

### **2. Discipline and Other Actions - Students**

The following are of the types of discipline and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations involving sexual harassment:

- In or out of school suspension.
- Expulsion.
- Restorative justice.
- Requirement to engage in an education or counseling program.

### **3. Discipline and Other Actions – Employees**

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

**I. Appeals**

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five 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 shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall 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 Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other RSU No. 5 officials in making their decision.
4. The Superintendent shall 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).

**J. Records**

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)  
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)  
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106  
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)  
Maine Human Rights Act, 5 MRSA § 4551 et seq. 20-A MRSA § 6553  
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

Cross Reference: ACAA – Harassment and Sexual Harassment of Students  
AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAD – Hazing  
GBBEB – Staff Conduct with Students  
JICIA – Weapons, Violence and School Safety  
JICK - Bullying

Adopted: May 27, 2009  
Revised: December 8, 2010; November 28, 2012; November 20, 2013  
Reviewed: June 12, 2019  
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## **HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES**

Harassment of RSU No. 5 employees because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Any employee who engages in harassment or sexual harassment shall be subject to disciplinary action, up to and including discharge.

### **A. Harassment**

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability. Under the Maine Civil Rights Act, violence or threats of violence against a person or their property based on their sexual orientation are also illegal.

### **B. Sexual Harassment**

Sexual harassment is addressed under federal and state laws and regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

#### **1. Title IX Sexual Harassment**

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of RSU No. 5's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to RSU No. 5's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

## **2. Sexual Harassment Under Title VII and Maine Law**

Under another federal law, Title VII, and under Maine law/regulations, sexual harassment is defined differently. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

### **C. Reports and Complaints of Harassment or Sexual Harassment**

Any employee who believes they have been harassed or sexually harassed is encouraged to make a report to the Affirmative Action Officer/Title IX Coordinator. The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints regarding harassment or sexual harassment of employees shall be addressed through the Employee & Third-Party Unlawful Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.);  
34 C.F.R. Part 106  
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)  
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)  
Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended



Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)

Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)

Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)

5 MRSA § 4551 et seq.

MHRC Rule Chapter 94-348, ch. 3

26 MRSA §§ 806-807

Cross Reference: ACAB-R- Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure  
AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAD - Hazing

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Reviewed: December 8, 2020

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## **EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section 2 may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board's Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R).

Any individual who is unsure about whether discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

**Cynthia Alexander, AAO/Title IX Coordinator**  
**17 West Street**  
**Freeport, ME 04032**  
**207-865-0928**  
**[alexanderc@rsu5.org](mailto:alexanderc@rsu5.org)**

### **Section 1. Definitions**

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer/Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

#### **A. Discrimination/Harassment Complaint Procedure Definitions**

1. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category, which, for employees, includes race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability.

2. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the RSU No. 5’s programs or activities by creating a hostile, intimidating or offensive environment.
4. Under Title VII and under Maine law/regulations, sexual harassment is defined differently than under Title IX. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
  - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
5. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”
6. “Gender identity”: Under Maine law, this means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”
7. “Complaint” is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).
8. “Employee”: Whenever the term “employee” is used in Section 2, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.

## **B. Title IX Sexual Harassment Complaint Procedure Definitions**

1. “Title IX sexual harassment”: Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of RSU No. 5’s education programs and activities:

- a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct;
  - b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual’s equal access to the RSU No. 5’s education programs and activities; or
  - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. “Report”: Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Affirmative Action Officer/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” is filed.
3. “Formal Complaint”: Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAB-R. Only a school employee (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.
4. “Employee”: For the purpose of this procedure, “employee” means an applicant for employment or a current employee of RSU No. 5.

## **Section 2. Discrimination/Harassment Complaint Procedure**

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment.

### **A. How to Make A Complaint**

1. An employee who believes they have been unlawfully harassed or discriminated against (as such terms are defined in Section 1.A.1-3) is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive, and requesting that the behavior stop. This shall not prevent the employee from making an immediate complaint to the AAO/Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the AAO/Title IX Coordinator. A written complaint must include basic information concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation).

3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the matter with the AAO/Title IX Coordinator.
4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.
5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the RSU No. 5's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

## **B. Complaint Handling and Investigation**

1. The AAO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The AAO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of RSU No. 5 and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO/Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the AAO/Title IX Coordinator. Any complaint

about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

5. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of RSU No. 5, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

### **C. Findings and Subsequent Actions**

1. The AAO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent:
  - a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
  - b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.

3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

#### **D. Appeals**

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

#### **E. Records**

The AAO/Title IX Coordinator shall keep a written record of the complaint process.

### **Section 3. Title IX Sexual Harassment Complaint Procedure**

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1.B.1.

#### **A. How to Make A Report**

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section 1.B.1) may make a report to the AAO/Title IX Coordinator.

2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the AAO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.

a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).

b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.

3. RSU No. 5 cannot provide an informal resolution process for resolving a report until a formal complaint is filed.

4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.

5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize RSU No. 5's complaint procedures. However, employees are hereby notified that they also have the right to report sexual harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

## **B. How to Make A Formal Complaint**

1. An alleged victim may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who alleged engaged in sexual harassment, description of allegation).



Employees who need assistance in preparing a formal written complaint, are encouraged to consult with the AAO/Title IX Coordinator.

2. In certain circumstances, the AAO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within RSU No. 5). In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the AAO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of RSU No. 5's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the AAO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by RSU No. 5; or c) there are specific circumstances that prevent RSU No. 5 from gathering evidence sufficient to reach a determination regarding the formal complaint.
5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged potentially violates other laws, Board policies and/or professional expectations, RSU No. 5's may address the conduct under Section 2 or another applicable policy/procedure.

### **C. Administrative Leave**

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.

2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

#### **D. Notice to Parties of Formal Complaint**

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
  - a. Notice regarding the complaint procedure and the availability of an informal resolution process;
  - b. Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
  - c. As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
  - d. Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
  - e. Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
  - f. Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The AAO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

#### **E. Informal Resolution Process**

After a formal complaint has been filed, and if the AAO/Title IX Coordinator believes the circumstances are appropriate, the AAO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions

cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and RSU No. 5. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

#### **F. Investigation**

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of RSU No. 5, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
  - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.

- b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
  - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
  - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
  - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
  - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which RSU No. 5 does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
  - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
  - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
  - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

### **G. Determination of Responsibility**

- 1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
  - a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.

2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker shall issue a written determination, which shall include the following:
  - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
  - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
  - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
  - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions RSU No. 5 imposes on the respondent, and whether remedies designed to restore or preserve equal access to RSU No. 5's programs and activities will be provided to the complainant;
  - e. RSU No. 5's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that RSU No. 5 provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

## **H. Remedies, Discipline and Other Actions**

### **1. Remedies**

Remedies are measures used to ensure that the complainant has equal access to RSU No. 5's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

### **2. Discipline and Other Actions**

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.
- 

## **I. Appeals**

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five 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 shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other RSU No. 5 officials in making their decision.
3. The Superintendent shall 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 action(s).

## **J. Records**

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.);  
34 C.F.R. Part 106  
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)  
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)  
Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended  
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29  
C.F.R. § 1604.11)

Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)

Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)

Cross Reference: AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAB – Harassment and Sexual Harassment of School Employees

Adopted: May 27, 2009  
Revised: December 8, 2010  
Revised: April 25, 2012  
Reviewed: November 20, 2013  
Revised; October 14, 2020



**FY 26 BUDGET: SCHOOL BOARD BUDGET WORKSHOP PRESENTATION****Building/Department: Freeport Middle School****What key issues and priorities are you trying to address in your proposed budget?**

The 2025-2026 FMS budget reflects a focus on reducing expenditures while maintaining our commitment to delivering a rich educational experience for students. Based on projected enrollment and class size\*\*\* we are recommending the reduction of two teaching positions. We remain dedicated to continuing to provide engaging, content-rich programming.

Additionally, the proposed budget includes a reduction of one general education educational technician position, which is currently unfilled. Given our ability to function this year without this position, the need for it moving forward has diminished.

**Reflects 24-25 staffing levels**

<b>Grade</b>	<b>Students</b>	<b>Teachers (ELA/Math/Science/ Social Studies)</b>	<b>Class Size</b>
6	95	5.5	17-18
7	99	5.5	18
8	90	5.5	16-17
<b>Total</b>	<b>284</b>	<b>16.5</b>	

**Reflects 25-26 staffing levels with recommended reductions**

<b>Grade</b>	<b>Students</b>	<b>Teachers (ELA/Math/Science/ Social Studies)</b>	<b>Class Size</b>
6	95	4.83	19-20
7	99	4.83	20-21
8	90	4.83	18-19
<b>Total</b>	<b>284</b>	<b>14.5</b>	

**\*\*\*Policy IIB: Class Size**

<b>Grades 6-8</b>	<b>Target: 21:1</b>	<b>Threshold Action Level 24:1</b>
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Staffing Adjustments to Budget in FY 25	Staffing Adjustments to Budget in FY 26
Assistant Principal (additional days)	<p><b>Reductions:</b>  1 Teacher = .75 ELA &amp; .25 Math  Science Teacher = 1 retirement  General Ed Tech = 1 unfilled</p> <p><b>Adjustments: Budget Neutral</b>  .5 RTI ELA + .5 RTI Math to 1 FTE RTI</p>

**Other significant FY 26 requests in budget and need (Supplies, Equipment, etc).**

None

*Item # 12.A.3.*

**FY 26 BUDGET: SCHOOL BOARD BUDGET WORKSHOP PRESENTATION**

**Building/Department:** Transportation

**What key issues and priorities are you trying to address in your proposed budget?**

The budgetary requests for the Transportation Department focus on ensuring students are transported to school and programming safely.

<b>Staffing Adjustments to Budget in FY 25</b>	<b>Staffing Adjustments to Budget in FY 26</b>
Reduction of 2 school year driving positions that had remained unfilled	Mechanic position not funded

**Other significant FY 26 requests in budget and need (Supplies, Equipment, etc).**

Fleet Maintenance - Purchased Repairs/Supplies - \$40,204

Bus replacement lease adjustment - \$4,338

Implementation of Vehicle & Equipment Replacement Plan (Phase 1) which includes a 3 year lease purchase - \$163,662 (Superintendent's Recommendation is to offset with undesignated fund balance).

**FY 26 BUDGET: SCHOOL BOARD BUDGET WORKSHOP PRESENTATION**

**Building/Department:** School Nutrition Department

**What key issues and priorities are you addressing in your proposed budget?**

RSU 5's Nutrition Program supports student learning and wellness through a variety of school meal offerings that satisfy students' nutritional needs. FY26's budget addresses the district's high student meal participation rate and the associated costs. The Nutrition Department strives to ensure student meal access despite changes to federal programming or reimbursement.

Staffing Adjustments to Budget in FY 25	Staffing Adjustments to Budget in FY 26
<p><u>Increase Hours/Day for 5 positions:</u></p> <ol style="list-style-type: none"> <li>1. One Kitchen Manager at Mast Lansing School from 32.5 to 40 hours per week.</li> <li>2. One Kitchen Assistant at Mast Landing from 35 to 40 hours per week.</li> <li>3. One Kitchen Assistant at Morse Street School from 35 to 40 hours per week.</li> <li>4. One Kitchen Assistant at Freeport High School from 35 to 40 hours per week.</li> <li>5. One Kitchen Assistant at Durham Community School from 35 to 40 hours per week.</li> </ol> <p><u>Additional position added:</u> One kitchen assistant at Freeport High School at 35 hours per week.</p>	<p>No changes to staffing for FY 26.</p>

**Other significant FY 26 requests in budget and need (Supplies, Equipment, etc).**

- Decrease in request from local budget: \$185,334 (SY25) to 24.68% \$139,591 (SY26) due to continuing success of the program.
- 9% increase to cover the anticipated increase in food costs.

**FY 26 BUDGET: SCHOOL BOARD BUDGET WORKSHOP PRESENTATION****Building/Department:** Facilities Department**What key issues and priorities are you trying to address in your proposed budget?**

The budgetary requests for the Facilities Department focus on supporting the infrastructure to provide a safe learning environment for students and staff.

Staffing Adjustments to Budget in FY 25	Staffing Adjustments to Budget in FY 26
None	None

**Other significant FY 26 requests in budget and need (Supplies, Equipment, etc).****FY 26 Proposed Capital Improvement Plan** (increase from \$445,000 to \$475,000)

1. Remove Wall in Music Room - DCS
2. Remove/Install New Ceiling in Modular - DCS
3. Install Snow Guards on Modular Roof - DCS
4. Bathrooms - MSS
5. Install Heat Pump in Teachers Room/Library Data Closet - FHS
6. Roof Section - FMS
7. Roof Section - FHS

**FY 26 BUDGET: SCHOOL BOARD BUDGET WORKSHOP PRESENTATION****Building/Department: RSU5 Community Programs****What key issues and priorities are you trying to address in your proposed budget?**

For FY26 we are acknowledging the stabilization of a smaller group of English learners, and the change from a full-time Adult Education Coordinator to a part-time person. **As a result**, we are requesting \$24k less than in FY25. The support we receive from local share will sustain our AE program and allow us to continue offering the teaching and advising services that the community needs.

Staffing Adjustments to Budget in FY 25	Staffing Adjustments to Budget in FY 26
None	Adjustment to reflect reduction of Adult Education Coordinator to part-time.

**Other significant FY 26 requests in budget and need (Supplies, Equipment, etc).**

The grant funding for *EXPLORE!*, a program in partnership with the Freeport Community Library aimed at after-school activities primarily for middle school students, has ended. Community Programs will absorb additional costs necessary to continue the program within the existing budget.

This budget request reflects expenses incurred to expand program accessibility of marginalized groups. We are excited about expanding our reach and attracting people to our programs who perhaps haven't joined us previously, and view this outreach as another way of re-investing our revenues into the operation.

**FY 26 BUDGET: SCHOOL BOARD BUDGET WORKSHOP PRESENTATION****Building/Department:** Technology Department**What key issues and priorities are you trying to address in your proposed budget?**

For the 2025-26 school year, our focus will be on updating systems, infrastructure, devices, and classroom technology as we run a pilot program for student device selection for grades 6-12 in future years. We will do this at a slight decrease in non-staff expenditures.

<b>Staffing Adjustments to FY25 Budget</b>	<b>Staffing Adjustments to FY26 Budget</b>
Change of 0.857 FTE Technology Support role to 1.0 FTE Network and Systems Administrator	None

**Other significant FY26 requests in budget and need (Supplies, Equipment, etc).**

No significant budget increase, but a similar amount of funds will be used to fund the following initiatives this year:

- Laptop purchase - 9-12 teachers
- Device purchase - one grade level
- Projector and audio system replacement - ½ of Mast Landing, 6 classrooms at Freeport High School
- Reach My Teach communication software for K-12
- Swank copyright safe video service for K-12
- Replacement of Freeport High School wi-fi equipment ahead of end of lifespan

**FY 26 BUDGET: SCHOOL BOARD BUDGET WORKSHOP PRESENTATION** *Item #12.A.8.*

**Building/Department: Curriculum Development and Improvement of Instruction**

**What key issues and priorities are you trying to address in your proposed budget?**

Continued work on Science Curriculum  
Math Curriculum Review

**FY 26 Projected Enrollment / Class Size Ratio by Grade - N/A**

<b>Staffing Adjustments to Budget in FY 25</b>	<b>Staffing Adjustments to Budget in FY 26</b>
None	None

**Other significant FY 26 requests in budget and need (Supplies, Equipment, etc).**

**N/A**



**Building/Department:** Gifted and Talented Education (GaTE)

**What key issues and priorities are you trying to address in your proposed budget?**  
Offerings to enhance and meet the advanced needs of identified gifted and talented students.

**FY 26 Projected Enrollment / Class Size Ratio by Grade**

Approximately 5% of our students are identified under intellectual and/or artistic ability.

Staffing Adjustments to Budget in FY 25	Staffing Adjustments to Budget in FY 26
None	None

**Other significant FY 26 requests in budget and need (Supplies, Equipment, etc).**

N/A