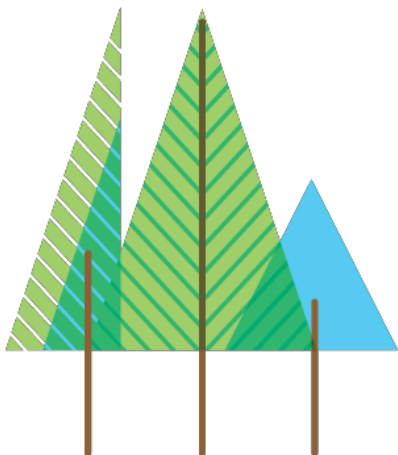


# Maine Virtual Academy

## MDOE Required Policies & Other Board Policies

### 2024-2025 SY

*Notice: This document supersedes any previous versions from the approval date. The MEVA governing board has the right to make amendments to the handbook, when necessary, without prior notice.*



**MAINE**  
**VIRTUAL ACADEMY**

## **Table of Contents:** *\*Indicates financial related policies are included*

*(Title IX federal roll back to 2020 statues with the retainment of the Crown Act)*

AC: Nondiscrimination/Equal Opportunity and Affirmative Action – Updated: 3/18/25

ACAA: Harassment and Sexual Harassment of Students – Updated: 3/18/25

ACAA-R: Student Discrimination and Harassment Complaint/Grievance Procedure – Updated: 3/18/25

ACAB Harassment and Sexual Harassment of Employees– – Updated: 3/18/25

ACAB-R Employee Discrimination and Harassment Complaint Procedure– – Updated: 3/18/25

ACAD: Hazing – Updated: 2/15/2022

AD: Educational Philosophy/Mission– Updated: 2/15/2022

ADA: School System Goals and Objectives– Updated: 2/15/2022

ADAA: School System Commitment to Standards for Ethical and Responsible Behavior– Updated: 2/15/2022

ADC: Tobacco Use and Possession– Updated: 2/15/2022

ADC-R: Tobacco Use and Possession Administrative Procedure – Updated: 2/15/2022

ADF: Commitment to Learning Results – Updated: 3/15/2022

BBA: School Board Powers and Responsibilities – Updated: 3/15/2022

\*BCB: Board Member Conflict of Interest – Updated: 3/15/2022

BCC: Nepotism – Updated: 3/15/2022

CBDA: HOS/Superintendent’s Contract-Allocation of Services (Unions) - **NA at MEVA**

\*DFF: Student Activities Funds – New: 7/18/2023

\*DJ-R: Federal Procurement Manual – Administrative Procedure for Maine Schools – New: 9/17/24

\*DJH Purchasing and Contracting: Procurement Staff Code of Conduct – Updated: 9/17/24

\*DJ: Bidding/Purchasing Requirements – New: 9/17/24

\*DKC Expense Authorization and Reimbursement – New- 3/21/2023

\*DN School Properties Disposition – Updated: 3/15/2022

EBAA Chemical Hazards– Updated: 4/26/2022

EBCA Emergency Management Plan (Crisis Response Plan) - Updated: 4/26/2022

EBCC Bomb Threats - Updated: 4/26/2022

ECB Pest Management- Updated: 9/17/24

EEAEAA Drug and Alcohol Testing of School Bus Drivers - **NA at MEVA**

EEAEAA-R Drug &Alcohol Testing of School Bus Drivers Procedure - **NA at MEVA**

EFE Competitive Food Sales—Sales of Foods in Competition w School Food Program - **NA at MEVA**

GBEC Drug-Free Workplace- Updated: 4/26/2022

GBO Family Care Leave- Updated: 4/26/2022

GCFB Recruiting and Hiring of Administrative Staff - Updated: 7/18/2023

GCFB-R Recruiting and Hiring of Administrative Staff Administrative Procedure - Updated: 7/18/2023

GCI Professional Staff Development - Updated: 5/17/2022

GCOA Supervision and Evaluation of Professional Staff - Updated: 5/17/2022

GCOC Evaluation of Administrative Staff - Updated: 5/17/2022

IGA Curriculum Adoption - Updated: 6/21/2022

IHBA Individual Education Plans [IEPs] - Updated: 6/21/2022

IHBAA Referral and Use of General Education Interventions- Updated: 6/21/2022

IHBAA-R Referral and Use of General Education Interventions- Administrative Procedures - Updated: 6/21/2022

IHBAC Child Find- Updated: 6/21/2022

IHBAL Grievance Procedure for Persons with Disabilities –Updated: 6/21/2022

IHBEA English Language Learners/Lau Plan - Updated – 11/18/24

IHBG Home Schooling –Updated: 7/19/2022

IHBGA Home Schooling—Participation in School Programs –Updated: 7/19/2022

IHCDA Post-Secondary Enrollment Options –Updated: 7/19/2022

IJJ Instructional and Library Materials Selection –Updated: 7/19/2022

IJJ-E Challenge of Instructional Materials Form –Updated: 7/19/2022

IJNDB Student Computer and Internet Use and Internet Safety –Updated: 7/19/2022

IKE Promotion, Retention and Acceleration of Students – Added 12/1/2021 – Updated:9/20/2022

IKF Graduation Requirements – Updated:9/20/2022

ILA Student Assessment/Local Assessment System – Updated:9/20/2022

ILD Student Submission to Surveys, Analyses, or Evaluations (PPRA)– – Updated:9/20/2022

IMBB Exemption from Required Instruction – Updated:9/20/2022

JEA Compulsory Student Attendance –Updated:9/20/2022

JFABD Admission of Homeless Students –Updated:10/18/2022

JFC Student Withdrawal from School (Dropout Prevention Committee) –Updated:10/18/2022

JICH Drug and Alcohol Use by Students–Updated:10/18/2022

JICIA Weapons, Violence and School Safety –Updated:10/18/2022

JICK Bullying –Updated:10/18/2022

\*JJE Student Fundraising Activities – New: 7/18/2023

JJIF Management of Concussions and Other Head Injuries –Updated:10/18/2022

JIC Student Code of Conduct (If adopted as a policy, code JIC) –Updated:10/18/2022

JK Student Discipline –Updated:10/18/2022

JKAA Use of Physical Restraint and Seclusion - Updated 2/27/24

JKAA-R Physical Restraint and Seclusion Administrative Procedures - Updated 2/27/24

JKF Disciplinary Removal of Students with Disabilities - Updated 11/15/2022

JKF-R Disciplinary Removal of Students with Disabilities Administrative Procedure - Updated 11/15/2022

JL Student Wellness - **NA at MEVA**

JLCB Immunization of Students - Updated 11/15/2022

JLCC Communicable/Infectious Diseases - Updated 11/15/2022

JLCD Administration of Medication to Students- Updated 11/15/2022

JLDBG Reintegration of Juveniles from Correctional Facilities - Updated 11/15/2022

JRA Student Education Records and Information - Updated 12/20/2022

JRA-R Student Education Records and Information Administrative Procedure - Updated 12/20/2022

JRA-E Notification of Rights Under FERPA- With new FERPA Directory Expansion Policy- Updated 12/20/2022

KBF Parent Involvement with Title I - Updated 12/20/2022

MEVA Teacher Certification Exemption Policy- Updated 12/20/2022

\*Additional Board Policies/Procedures - *(May not have policy code designations available)* - Updated: 9/17/24

\*Additional Forms - *(Includes, Course Reimbursement Form, Telework Procedure Form & Intellectual Property Form in this section)* - Updated: 9/17/24

### ***AC: Non-Discrimination Policy/Equal Opportunity/Affirmative Action***

MEVA, under the governance of the MEVA Governing Board, complies with all applicable federal and state rules & regulations and provides equal access. The school unit 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 actual or perceived 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 actual or perceived race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability are prohibited.

For the purpose of this policy, “race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

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.

The school unit 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 Head of School.

The school unit has implemented complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. The school unit 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 (2020 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., § 4602)

Cross Reference: Maine Virtual Academy Affirmative Action  
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

**Inquiries may be directed to:**

Dr. Melinda Browne, Chief Executive Officer/Head of School  
Ballard Center: Maine Virtual Academy  
6 East Chestnut Street, Suite 230  
Augusta, ME 04330

**Board Revised & Re-Approval Date: 7/18/2023**

**Board Recognition of the Roll Back to the 2020 Federal Rule: 3/18/25**

***ACAA: Harassment & Sexual Harassment of Students***

Harassment of students because of race, color, sex, sexual orientation, gender identity or expression, 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.

“Race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locks.

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 or expression, 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 school employees are required to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. 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., § 4602  
 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  
JICIA – Weapons, Violence and School Safety  
JICK – Bullying

*Maine Virtual Academy has a designated Title IX Coordinator and the contact information is as follows:*

NAME: Ms. Jillian Dearborn (Employee contact) & Guidance Department (Student contact)

TITLE: Human Resources Manager/Accounts Payable

ADDRESS: Maine Virtual Academy, Ballard Center, 6 Chestnut St, Suite 230, Augusta, ME 04330

PHONE NUMBER: 207 613 8900

EMAIL ADDRESS: [jdearborn@mainevirtualacademy.org](mailto:jdearborn@mainevirtualacademy.org) or [Guidance@mainevirtualacademy.org](mailto:Guidance@mainevirtualacademy.org)

**Board Revised & Re-Approval Date: 7/18/2023**

**Board Recognition of the Roll Back to the 2020 Federal Rule: 3/18/25**

***ACAA-R: Discrimination & Harassment Grievance Procedure  
(Title IX, Civil Rights, Discrimination)***

The 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.

**Title IX Coordinator(s):**

1. Point of Contact for Student/Families: Dan Pierce & Heather Tyler, Guidance Counselors; 6 East Chestnut St. Suite 230, Augusta, ME 04330; Phone: 207-613-8900 ext. 2003.
2. Point of Contact for Employees & Third Parties: Jillian Dearborn, Human Resources Manager/Accounts Payable; 6 East Chestnut St. Suite 230, Augusta, ME 04330; Phone: 207-613-8900 ext. 2016.

Any student, parent/guardian, current or prospective employee or other individual within the school community who believes he/she has experienced and/or observed sex discrimination or sexual harassment (“grievant”)

should promptly report the matter to the school’s Title IX Coordinator , a school counselor, principal or other school administrator. A Title IX grievant is requested to complete a complaint form. Complaints of alleged sex discrimination, including sexual harassment, brought forth by students, parents/guardians, current or prospective employees, and other members of the school



community will be promptly investigated in an impartial and in as confidential a manner as reasonably possible, so that corrective action can be taken if necessary.

## **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 (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists and locs), 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 the school unit’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:
  - d. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
  - e. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
  - f. 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 the school unit’s education programs and activities:
  - d. “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;
  - e. “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
  - f. 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 the school unit’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 the school unit'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 Head of School 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 Head of School, who shall consider whether the resolution is in the best interest of the school unit 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 Head of School 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 Head of School 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 the school unit, 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 Head of School 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 Head of School 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.  
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2. Appeals must be submitted in writing to the Head of School within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Head of School shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Head of School shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Head of School's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Head of School'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. The school unit 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 the school unit'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 Head of School 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 the school unit). 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 the school unit'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 the school unit; or c) there are specific circumstances that prevent the school unit 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, the school unit may address the conduct under Section 2 or another applicable Board policy/procedure.

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

1. The Head of School 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 Head of School 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:
  - Notice regarding the complaint procedure and the availability of an informal resolution process;
  - Sufficient details known at the time (including identities of parties, if known; the conduct alleged that potentially violates Title IX; 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);
  - 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;
  - Notice that the parties may each have an advisor of their choice (who may be an attorney);
  - Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
  - 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 Head of School 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 the school unit. 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 Head of School 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 Head of School 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 the school unit, 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 the school unit 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 the school unit imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school unit's programs and activities will be provided to the complainant;
  - e. The school unit'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 the school unit 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 Action**

## **1. Remedies**

Remedies are measures used to ensure that the complainant has equal access to the school unit'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 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 Head of School, who will consider the appeal.
2. The Head of School 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 Head of School 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 school unit officials in making their decision.
4. The Head of School 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  
JICIA – Weapons, Violence and School Safety  
JICK – Bullying

**Board Revised & Re-Approval Date: 7/18/2023**

**Board Recognition of the Roll Back to the 2020 Federal Rule: 3/18/25**

## ***ACAB: Harassment and Sexual Harassment of Employees***

Harassment of school employees because of race, color, sex, sexual orientation, gender identity or expression, religion, ancestry or national origin, age, familial status, genetic information or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

“Race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locks.

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 or expression, 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.

### 3. 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:

- g. “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;

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

4. 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

**Board Revised & Re-Approval Date: 7/18/2023**

**Board Recognition of the Roll Back to the 2020 Federal Rule: 3/18/25**

### ***ACAB-R: Employee Discrimination and Harassment Complaint Procedure***

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.

### **Title IX Coordinator(s):**

3. Point of Contact for Student/Families: Dan Pierce & Heather Tyler, Guidance Counselors; 6 East Chestnut St. Suite 230, Augusta, ME 04330; Phone: 207-613-8900 ext. 2003.
4. Point of Contact for Employees & Third Parties: Jillian Dearborn, Human Resources Manager/Accounts Payable ; 6 East Chestnut St. Suite 230, Augusta, ME 04330; Phone: 207-613-8900 ext. 2016.

## **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.

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

9. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category, which, for students, includes race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists and locs), color, sex, sexual orientation, gender identity, religion, ancestry, national origin or disability.
10. "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.
11. "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 school unit's programs or activities by creating a hostile, intimidating or offensive environment.
12. "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:
  - g. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
  - h. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
  - i. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.

13. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”
14. “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.”
15. “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).
16. Complaints of bullying not involving the protected categories or definitions described above may be addressed under Board Policy JICK – Bullying and Cyberbullying of Students.

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

5. “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:
  - j. “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;
  - k. “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
  - l. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
6. “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.
7. “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.
8. “Student”: For the purposes of this procedure, a student is an individual who is enrolled or participating in the school unit’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).

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

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Individuals are encouraged to utilize the school unit'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).

#### **G. Complaint Handling and Investigation**

12. The AAO/Title IX Coordinator will promptly inform the Head of School and the person who is the subject of the complaint (respondent) that a complaint has been received.
13. 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 Head of School, who shall consider whether the resolution is in the best interest of the school unit and the parties in light of the particular circumstances and applicable policies and laws.
14. 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.

15. The complaint will be investigated by a trained internal or external individual designated by the Head of School 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 Head of School should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
16. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
17. 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.
18. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
19. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.
20. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
21. 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.
22. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

#### **H. Findings and Subsequent Actions**

4. The AAO/Title IX Coordinator shall consult with the Head of School concerning the investigation and findings.
5. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Head of School 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.
6. 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).

#### **I. Appeals**

6. 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.

7. Appeals must be submitted in writing to the Head of School within five business days after receiving notice of the resolution.
8. Upon receipt of a valid appeal, the Head of School shall provide notice to the other party, along with an opportunity to provide a written statement within five business] days.
9. The Head of School shall review the available documentation and may conduct further investigation if deemed appropriate.
10. The Head of School's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Head of School's decision shall be final.

#### **J. 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.

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

8. 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.
9. 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.
10. 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.
11. The school unit cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
12. 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.

13. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize the school unit'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).
14. The Head of School shall be informed of all reports and formal complaints of sexual harassment.

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

6. 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.

7. 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 the school unit). 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.
8. 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 the school unit's education programs and activities, or c) did not occur in the United States.
9. 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 the school unit; or c) there are specific circumstances that prevent the school unit 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.
10. 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, the school unit may address the conduct under Section 2 or another applicable Board policy/procedure.

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

4. The Head of School 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.
5. The Head of School 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.
6. 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.

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

4. 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:
  - Notice regarding the complaint procedure and the availability of an informal resolution process;
  - Sufficient details known at the time (including identities of parties, if known; the conduct alleged that potentially violates Title IX; 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);
  - 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;
  - Notice that the parties may each have an advisor of their choice (who may be an attorney);
  - Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
  - Notice of the name of the investigator, with sufficient time (no less than business days) to raise concerns of conflict of interest or bias.
5. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.

6. The AAO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

#### **O. 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 Head of School 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 the school unit. 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.

#### **P. Investigation**

7. The complaint will be investigated by a trained internal or external individual designated by the Head of School 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 Head of School should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
8. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
9. If the complaint is against an employee of the school unit, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
10. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
11. 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 the school unit 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.
12. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

**Q. Determination of Responsibility**

- 7. 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.
- 8. 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.
- 9. Each party will receive a copy of the responses to any follow-up questions.
- 10. 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").
- 11. The decision maker shall issue a written determination, which shall include the following:
  - f. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
  - g. 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;

- h. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
  - i. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school unit imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school unit's programs and activities will be provided to the complainant;
  - j. The school unit's appeal procedure and permissible bases for the parties to appeal the determination.
12. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school unit 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.

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

### **4. Remedies**

Remedies are measures used to ensure that the complainant has equal access to the school unit'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.

### **5. 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 education or counseling program.

### **6. 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.

## **S. 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:

4. A procedural irregularity that affected the outcome of the matter;
5. 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
6. 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.

5. Appeals must be filed with the Head of School, who will consider the appeal.
6. The Head of School 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.
7. The Head of School 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 school unit officials in making their decision.
8. The Head of School 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).

## **T. 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  
JICIA – Weapons, Violence and School Safety  
JICK – Bullying

Complaints of unlawful harassment, sexual harassment or discrimination may also be filed with the Main Human Rights Commission, State House Station 51, Augusta, ME 04333, (207) 624-6290.

**Board Revised & Re-Approval Date: 7/18/2023**  
**Board Recognition of the Roll Back to the 2020 Federal Rule: 3/18/25**

### ***ACAD: Student Hazing***

Maine statute defines injurious hazing as "any action or situation, including harassing behavior, which recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school."

Injurious hazing activities of any type, either on or off school property, by any student, staff member, group or organization affiliated with this school unit, are inconsistent with the educational process and shall be prohibited at all times. No administrator, faculty member, or other employee of the school unit shall encourage, permit, condone, or tolerate injurious hazing activities. No student, including leaders of student organizations, shall plan, encourage, or engage in injurious hazing activities. Persons not associated with this school unit who fail to abide by this policy may be subject to ejection from school property and/or other measures as may be available under the law. Administrators, faculty members, students, and all other employees who fail to abide by this policy may be subject to disciplinary action which may include suspension, expulsion, or other appropriate measures.

In the case of an organization affiliated with this school unit which authorizes hazing, penalties may include rescission of permission for that organization to operate on school property or to receive any other benefit of affiliation with the school unit. These penalties shall be in addition to any civil or criminal penalties to which the violator or organization may be subject.

The Head of School shall assume responsibility for administering this policy. In the event that an individual or organization disagrees with an action -- or lack of action -- on the part of the Head of School as he/she carries out the provisions of this policy, that individual or organization may appeal to the full school board. The ruling of the board, with respect to the provisions of this policy, shall be final.

Legal Reference: 20-A MRSA §6553

**Board Revised & Re-Approval Date: 2/15/2022**

## ***AD: Mission and Vision Statement (Educational Philosophy/Mission)***

Maine Virtual Academy's (MEVA) mission is to develop each student's full potential with learner-centered instruction, research-based curriculum and educational tools and resources to provide a high-quality learning experience for grade 7-12 students who are in need of alternative educational options. MEVA will develop an Individualized Learning Plan (ILP) with specific learning goals to meet each student's needs. MEVA's rigorous curriculum is aligned to the eight Maine content areas, the Maine Learning Results, the Common Core State Standards and the Next Generation Science Standards. MEVA will demand the highest level of accountability from our Maine-certified teachers, our educational management system and our nationally recognized provider of educational services. The MEVA Board will contract with K12 Virtual Schools LLC for educational products and selected support services.

**Board Revised & Re-Approval Date: 2/15/2022**

## ***ADA: School System Goals and Objectives***

Maine Virtual Academy, an online public charter school authorized by the Maine Charter School Commission, offers Maine students in grades 7–12 an exceptional learning experience. With individualized learning approaches, Maine Virtual Academy will provide the tools kids need to succeed—in school and beyond. Maine Virtual Academy is the newest high-quality statewide online education program in Maine. As a public charter school which services students from the entire state of Maine, MEVA adheres to state and charter commission required policies.

**Board Revised & Re-Approval Date: 2/15/2022**

## ***ADAA: Commitment to Standards for Ethical and Responsible Behavior***

The School Board believes that promoting ethical and responsible behavior is an essential part of Maine Virtual Academy's educational mission and vision. The Board recognizes that ethics, constructive attitudes, responsible behavior, and "character" are important if a student is to leave school as a "responsible and involved citizen," as described in the Guiding Principles of the Maine Learning Results. The Board also recognizes that Maine law requires the adoption of a district-wide student code of conduct consistent with statewide standards for student behavior developed by the Commissioner of the Department of Education in compliance with 20-A MRSA § 254(11). The Board seeks to create and maintain a school climate in which ethical and responsible behavior can flourish. The Board believes that instilling a sense of ethics and responsibility in students requires setting positive expectations for student behavior as well as establishing disciplinary consequences for behavior that violates Board policy or school rules. Further, the Board believes that in order to teach ethical and responsible behavior, adults who interact with students must strive to model and reinforce ethical and responsible behavior. To that end, the Board supports an active partnership between schools and parents.

Recognizing that collaboratively identified core values are the foundation for a school culture that encourages and reinforces ethical and responsible student behavior, the Board is committed to the establishment and implementation of a process for identifying shared values and setting and enforcing standards for behavior, including prescription of consequences for unacceptable behavior. The process for identifying such shared values will invite and include the participation of Board members, school administrators, staff, parents, students, and the community. Core values

will be reviewed periodically, with opportunity for public participation. The Board will direct the Head of School to develop a process to assess school system progress toward achievement of an ethical and responsible school culture.

**Board Revised & Re-Approval Date: 2/15/2022**

### ***ADC/ADC-R: Tobacco Use & Possession and Administrative Procedure***

Smoking or possession of smoking materials or tobacco products (including E-Cigarettes, vape pipes or similar products) is not permitted on school grounds or at any school-sanctioned activity. Student will be asked to put it away immediately.

Disciplinary action and/or referral to law enforcement will be made for those in violation. In addition, the teacher chaperone will call the parent/legal guardian to inform them of their child's tobacco possession.

**Board Revised & Re-Approval Date: 2/15/2022**

### ***ADF: Commitment to Learning Results***

Maine Virtual Academy uses Maine's system of Learning Results. The Learning Results system is intended to serve as a foundation for education reform and to promote and provide assessment of student learning, accountability and equity. The Board recognizes that the legislative intent of the Learning Results system is to provide children with schools that reflect high expectations and create conditions where these expectations can be met. Maine Virtual Academy understands that implementation of the Learning Results system and the mandate to provide all students with equitable opportunities to meet the content standards of the system of Learning Results have broad implications for the school unit, including curriculum, budget, professional development, student assessment, professional evaluation, and graduation requirements. The Board directs the Superintendent/Head of School to develop a plan and timeline for implementing the Learning Results system and any appropriate administrative procedures. The Board further directs the Head of School to report to the Board on a monthly basis on progress toward implementing the Learning Results system.

Legal Reference: 20-A MRSA §§ 1001(6), 6208-6209 L.D. 1536, Chapter 51 Resolves Ch. 127 § 3 (Me. Dept. of Ed. Rule)

**Board Revised & Re-Approval Date: 3/15/2022**

### ***BBA: School Board Powers and Responsibilities***

As creatures of the Legislature, School Boards have those powers which are delegated to them by the Legislature. Section 1001 of Title 20-A sets forth the duties of School Boards.

Among the most important of a School Board's duties are the following:

1. Adoption of Policies. A School Board is responsible for the adoption of policies that govern the school department.
2. Management of School. A School Board is generally responsible for the overall management of

the schools, including the custody, maintenance and insurance of school buildings. The School Board is similarly responsible for the maintenance and operation of all school property.

3. Selection of Superintendent/Head of School. The selection of the Superintendent/Head of Schools is one of the most important duties of the School Board. Indeed, the Superintendent/Head of School serves in much the same capacity as a chief executive officer of a corporation. Since the Superintendent/Head of School has additional and specific powers granted to her under State law, it is extremely important that the School Board exercise great care in selecting the person who is to receive this authority. The eligibility requirements for Superintendent/Head of School's are set forth in Section 1051 of Title 20-A.

**Board Revised & Re-Approval Date: 3/15/2022**

### **BCB: BOARD MEMBER CONFLICT OF INTEREST**

Board service is a matter of public trust. In making decisions that affect the MEVA, Board members have the duty to act in the interest of the common good and for the benefit of the people they represent.

A conflict of interest may arise when there is an incompatibility between a Board member's personal interest and his/her responsibilities as an elected official in a matter proposed or pending before the Board. Board members have a legal and ethical responsibility to avoid not only conflict of interest, but the appearance of conflict of interest as well.

#### **Financial Interest**

A Board member has a financial interest in a question or contract under consideration when he/she or a member of his/her immediate family may derive some financial or other material benefit or loss as a result of the Board action. The vote of the Board is voidable if a Board member has a financial interest and votes on that question or is involved in the discussion, negotiation, or award of a contract or other action in which he/she has a financial interest.

In order to prevent the vote on a question or contract from being voidable, a Board member who has a financial interest must:

- A. Make full disclosure of his/her interest before any action is taken; and
- B. Abstain from voting, from the negotiation or award of the contract and from otherwise attempting to influence the decision.

The Secretary of the Board shall record in the minutes of the meeting the member's disclosure and abstention from taking part in the decision in which he/she has an interest.

It is not the intent of this policy to prevent a Board member from voting or the school unit from contracting with a business because a Board member is an employee of that business or has another, indirect interest but is designed to prevent the placing of Board members in a position where their interest in the schools and their interest in their places of employment may conflict and to avoid appearances of conflict of interest.

#### **Appearance of Conflict of Interest**

A Board member should do nothing to give the impression that his/her position or vote on an issue is influenced by anything other than a fair consideration of all sides of a question.

Board members shall attempt to avoid the appearance of conflict of interest by disclosure and/or by abstention.

### **Appointment to Office and Other Employment**

A Board member may not, during the time the member serves on the Board and for one year after the member ceases to serve on the Board, be appointed to any civil office of profit or employment position which has been created or the compensation of which has been increased by action of the Board during the time the member served on the Board.

### **Employment**

A member of the Board or spouse of a member may not be an employee in a public school within the jurisdiction of the Board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

### **Board Members as Volunteers**

A member of the Board, or spouse of a member, may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular, or extracurricular program or activity and reports directly to the Head of School, principal, athletic director, or other school administrator in a public school within the jurisdiction of the Board to which the member is elected, or in a contract high school or academy located within a supervisory union in which the member is a representative on the school committee.

Volunteer activities of a member of the Board or member's spouse other than in roles that are prohibited by this section may be prescribed by policies developed and approved by the Board.

### **Definitions**

For the purposes of this policy, the following statutory definitions apply:

A. "Employee" means a person who receives monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for a school administrative unit.

B. "Volunteer" means a person who performs personal services for a school administrative unit without monetary payments or benefits of any kind or amount.

Legal Reference:

20-A M.R.S.A. § 1002-1004

20-A M.R.S.A. § 1315 (SADS's)

30-A M.R.S.A. § 2604-2606

**Board Original Adoption: 5/14/2015**

**Board Revised & Re-Approval Date: 3/15/2022**

### **BCC: NEPOTISM**

It shall be the policy of the Board not to employ the spouse of a member of the Board of Directors. In addition, neither a Director nor his/her spouse may serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular or extra-curricular program or activity and reports directly to the Head of School, principal, athletic director or other school administrator.

No person shall be employed in a position where a member of the immediate family (spouse, brother, sister, parent, son or daughter) is responsible, in whole or in part, for the supervision and/or evaluation of the employee.

The Board may approve an exception to this policy where the Board determines that granting of such exception is in the best interest of the school system and does not violate existing State of Maine statutes.

Legal Reference: Title 20-A MRSA § 1002

**Board Original Adoption & Approved: 5/14/2015**

**Board Revised & Re-Approval Date: 3/15/2022**

**\**DDF: Student Activities Funds***

Revenues collected from gate receipts from athletic competitions, admissions to school entertainment events, profits from school stores, club and class dues, and student organization fundraising activities shall be deposited and accounted for in a student activities fund maintained for the school. Within this fund, separate accounts will be maintained for accounting purposes. These revenues will be considered school unit funds under the direct control of the Head of School, who may develop and implement procedures relative to these funds, and delegate specific responsibility for deposits, expenditures, and record keeping to the building principals and/or appropriate staff.

Procedures for management of student activities funds shall be consistent with sound business and accounting practices.

Student activity funds are to be used only for student activities that augment the school unit's programs; they are not intended to replace school unit funding for school unit programs and activities. Funds raised by approved student clubs or organizations or from classes shall be expended to benefit the specific club or organization or class. All expenditures from student activities funds must be approved in advance by the Head of School.

The senior class may decide how to disburse funds remaining in its class account after graduation. Such disbursements may include gifts to the school, to a scholarship fund, or used for an activity approved in advance by the Head of School. All of the class's outstanding obligations must be paid before the class may expend its remaining funds. Unexpended funds remaining one year after the class has graduated and any interest earned on these funds will be transferred to the general fund.

Student activity funds are part of the total fiscal operation of the District and shall be audited as part of the District's annual audit.

Cross Reference: JJE-Student Fundraising Activities

**Board Adoption Date: 7/18/2023**

**\*DJ-R: Federal Procurement Manual for Maine Schools - Federal Procurement**

***Administrative Procedure***

This Federal Procurement Manual governs the procurement and purchase of property, goods, and services using any federal award,<sup>1</sup> in whole or in part, that is subject to the Uniform Grant Guidance, codified at 2 CFR Part 200.

To the extent necessary or convenient, the Head of School or his or her designee, shall implement further written measures to ensure compliance with these procedures and any applicable federal laws and rules, including any applicable provisions of the Uniform Grant Guidance and the federal award terms and conditions. Any such written measures shall be made part of this manual.

**A. OVERVIEW**

The School Board expects all procurements of property, goods, or services made by the school unit using federal awards to be consistent with sound business practices and applicable federal laws and rules, including the Uniform Grant Guidance.

These administrative procedures, in combination with the school unit’s written policies—including but not limited to Policy DJ (Bidding/Purchasing) and Policy DJH (Purchasing and Contracting: Procurement Staff Code of Conduct)—are intended to comply with the federal requirement that the school unit must (1) use its own documented procurement procedures which reflect applicable federal, state, and local laws and regulations and (2) maintain written standards of conduct covering conflicts of interest—real and perceived—for staff engaged in the selection, awarding, or administration of a contract. (2 CFR § 200.318(a), (c).)

The Head of School or his or her designee, acting singly, (the “Purchasing Agent”) shall be responsible for implementing these administrative procedures and shall have direction and control over the purchasing of property, goods, and services for the school unit using federal funds.

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<sup>1</sup> A “federal award” is any federal financial assistance (including cost-reimbursement contracts) that a school unit receives either directly from a federal agency or indirectly from a pass-through entity such as the State education department. *See* 2 CFR § 200.38. Most, but not all, federal awards received by the school unit are subject to the Uniform Grant Guidance. To confirm whether a federal award is subject to the Uniform Grant Guidance, review the terms and conditions of the applicable grant agreement or cooperative agreement and the applicability provisions of the Uniform Grant Guidance, codified at 2 CFR

§ 200.101.

Wherever these administrative procedures are inconsistent with applicable federal laws and rules, or the terms and conditions of a federal award, the provisions of the applicable federal laws, rules, or award terms and conditions shall control.



## B. GENERAL PROCUREMENT PROCEDURES

- 1. Full and Open Competition.** All procurements must be conducted in a manner that provides full and open competition. Real or perceived unfair advantages will be avoided. Accordingly, the school unit will not (i) place unreasonable requirements on firms or vendors to qualify for a procurement, (ii) require unnecessary experience or use excessive bonding, (iii) use noncompetitive pricing practices between firms or affiliated companies, (iv) allow organizational conflicts of interest, (v) specify a “brand name” product without allowing firms or vendors to offer an equal alternate product, or (vi) allow any arbitrary action in the procurement process. To ensure objective contractor performance and eliminate unfair competitive advantage, firms or vendors that develop or draft specifications, requirements, statements of work, invitations for bids, or requests for proposals must be excluded from competing for such procurements. (2 CFR § 200.319(a).)
- 2. Responsible Contractors.** The school unit must award contracts only to responsible contractors who are able to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (2 CFR § 200.318(h).)
- 3. Oversight of Contractors.** The school unit must maintain a contract administration and oversight system to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. (2 CFR § 200.318(b).)
- 4. Fostering Economy and Efficiency.** The school unit must avoid purchasing unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase, and to using federal surplus equipment and property. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. To foster greater economy and efficiency, consideration should also be given to: (i) entering into state and local intergovernmental agreements or inter- entity agreements where appropriate for procurement or use of common or shared goods and services, (ii) using federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs, and (iii) using value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. (2 CFR § 200.318(d)-(g).)
- 5. Geographical Preferences Prohibited.** The school unit must conduct procurements so as to prohibit the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except (i) where applicable federal

statutes expressly mandate or encourage geographic preference or (ii) when contracting for architectural and engineering (A/E) services, so long as its application leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project. (2 CFR § 200.319(b).)

- 6. Clear and Accurate Technical Requirements.** The school unit must have written selection procedures for procurements that incorporate a clear and accurate description of the technical requirements for the goods or services to be procured, identify all requirements which offerors must fulfill, and identify all other factors to be used in evaluating solicitations. Technical descriptions (i) must not, in competitive procurements, contain features which unduly restrict competition; (ii) may include a statement of the qualitative nature of the goods or services to be procured; (iii) when necessary, must set forth those minimum essential characteristics and standards to which goods or services must conform if they are to satisfy their intended use; (iv) should avoid detailed product specifications if possible; and (v) may use a brand name or equivalent description as a means to define performance or other salient requirements of procurement when it is impractical or uneconomical to make a clear and accurate description of the technical requirements (the specific features of the named brand which must be met by offerors must be clearly stated). (2 CFR § 200.319(c).)

## C. PROCUREMENT METHODS AND THRESHOLDS

- 1. Methods of Procurement.** The school unit must use one of the following five methods of procuring goods or services: micro purchases, small purchases, sealed bids, competitive proposals (a.k.a. requests for proposals), and non-competitive proposals (a.k.a. sole source procurement). (2 CFR § 200.320.)
  - a. Micro purchases (less than \$3,500 as of October 1, 2015).** Micro purchases up to the federal micro purchase threshold (\$3,500 as of October 1, 2015)<sup>2</sup> may be made without soliciting competitive quotations if the Purchasing Agent considers the price to be reasonable. To the extent practicable, the Purchasing Agent must distribute repurchases equitably among qualified suppliers, vendors, or firms. (2 CFR §§ 200.67, 200.320(a).)
  - b. Small Purchases (\$150,000 or less as of October 1, 2015).** Small purchases up to the federal simplified acquisition threshold (\$150,000 as of October 1, 2015)<sup>3</sup> may be made using simple, informal procurement methods and without requiring sealed bids. For any such purchases, the Purchasing Agent must obtain price or rate quotes from an adequate number of qualified vendors or firms (preferably, from at least three

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<sup>2</sup> For procurements utilizing federal funds obtained prior to October 1, 2015, the micro purchase threshold is \$3,000. The threshold is subject to adjustment every five years in the Federal Acquisition Regulations.

<sup>3</sup> For procurements utilizing federal funds obtained prior to October 1, 2015, the simplified acquisition threshold is \$100,000. The threshold is subject to adjustment every five years in the Federal Acquisition Regulations.

qualified vendors or firms). The Purchasing Agent shall document any price or rate quotes received, whether written or oral. (2 CFR §§ 200.88, 200.320(b).)

- c. *Sealed Bids (over \$150,000 as of October 1, 2015)*.** For purchases in excess of the federal simplified acquisition threshold (\$150,000 as of October 1, 2015) where a complete, adequate, and realistic specification or purchase description is available, the Purchasing Agent shall issue a notice of written invitation for sealed bids in a manner reasonably calculated to attract qualified bidders and provide the bidders with sufficient response time. The invitation for bids shall provide a complete specification of the goods or services to be purchased. Bids shall be opened at the time and place prescribed in the invitation for bids. A firm fixed price (lump sum or unit price) contract award shall be made in writing to the lowest responsive and responsible bidder whose bid conforms to all material terms and conditions of the invitation to bid. Any or all bids may be rejected if there is a sound documented reason. (2 CFR §§ 200.88, 200.320(c).)
- d. *Requests for Proposals (over \$150,000 as of October 15, 2015)*.** For purchases in excess of the simplified acquisition threshold (\$150,000 as of October 1, 2015), when conditions are not appropriate for the use of sealed bids because the goods or services sought cannot be defined or specified such that bids will not be comparable, the Purchasing Agent shall issue a request for proposals (“RFP”) to solicit the goods or services. Typically, the RFP seeks proposals that are evaluated qualitatively such that price is not the primary evaluation criterion. Contracts may be awarded on either a fixed price or cost-reimbursement basis. If this procurement method is used, the following requirements apply:
- RFPs must be publicized in a manner reasonably calculated to attract qualified vendors or firms, and RFPs must identify all evaluation factors and their relative importance. Proposals shall be reviewed by the Purchasing Agent or a selection committee identified in the RFP. Any response to an RFP must be considered to the maximum extent practical;
  - Proposals must be solicited from at least two qualified sources; and
  - The Purchasing Agent shall award a contract to the responsible vendor or firm whose proposal is most advantageous to the school unit, with price and other factors considered; however, any and all proposals may be rejected if there is a sound documented reason.

The Purchasing Agent may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors’ qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, may only be used in procurement of A/E professional services. It cannot be used to purchase other types of services even if

A/E firms are a potential source to perform the proposed effort. (2 CFR § 200.320(d).)

*e. Non-Competitive Proposals (Sole Source); Emergencies.* Procurements may be made through a non-competitive process (i.e., through the solicitation of a proposal from only one source) only when one or more of the following circumstances apply:

- The item is available only from a single source;
- An exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The federal awarding agency or pass-through entity expressly authorizes non-competitive proposals in response to a written request; or
- After solicitation of a number of vendors or firms, competition is determined inadequate.

The Purchasing Agent must document the basis for the sole source procurement by documenting the basis for any exigency or emergency, obtaining express authorization from the federal awarding agency or pass-through entity, or demonstrating a good faith effort on the part of the school unit to solicit proposals from a number of sources. (2 CFR §§ 200.320(e), 200.324(b)(2).)

**2. Purchases Over \$25,000.** For purchases exceeding \$25,000, prior to contracting with a vendor, the Purchasing Agent shall use the System for Award Management (SAM) to search for the vendor by name, tax identification number, or another characteristic to make sure that the vendor has not been suspended or debarred from performing federally funded work. (2 CFR § 200.205.)

**3. Purchases Over the Simplified Acquisition Threshold (\$150,000 as of October 1, 2015).** The following additional procedures apply to purchases exceeding the simplified acquisition threshold:

*a. Cost/Price Analysis.*

- (i) The Purchasing Agent must perform a cost or price analysis in connection with every procurement in excess of the simplified acquisition threshold, including contract modifications. The method and degree of analysis depends on the facts surrounding the particular situation, but as a starting point, the Purchasing Agent must make independent estimates before receiving bids or proposals.
- (ii) The Purchasing Agent must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the

risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- (iii) Costs or prices based on estimated costs for contracts under a federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable under Subpart E (Cost Principles) of 2 CFR Part 200. The school unit may reference its own cost principles that comply with the federal cost principles.
- (iv) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(2 CFR § 200.323.)

**b. Bonding Requirements.** For construction or facility improvement contracts or subcontracts in excess of the simplified acquisition threshold, the following bonds, or equivalent, are required:

- (i) A bid guarantee from each bidder equivalent to 5% of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified;
- (ii) A performance bond on the part of the contractor for 100% of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract; and
- (iii) A payment bond on the part of the contractor for 100% of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(2 CFR § 200.325.)

**D. CONTRACTING WITH SMALL & MINORITY BUSINESSES,  
WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS  
AREA FIRMS**

The Purchasing Agent must take all necessary affirmative steps to assure that small & minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small & minority businesses and women's business enterprises on solicitation lists;

2. Assuring that small & minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small & minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small & minority businesses and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be allowed, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

(2 CFR § 200.321.

## E. CONTRACTS ARISING FROM PROCUREMENTS

1. **Contract Administrator.** Prior to the execution of a contract funded by a federal award, the school unit should name a Contract Administrator. The Contract Administrator shall be responsible for the tasks, technical requirements, service performance, and verification that payments are in compliance with the contract. (2 CFR § 200.319.)
2. **Contract Provisions.** Any contract entered into between the school unit and a firm or vendor who is to be compensated using a federal award or a portion thereof must contain the applicable contract provisions described in Appendix I. (2 CFR § 200.326.)
3. **Subrecipient and Contractor Determinations.** The school unit must make case-by-case determinations whether each agreement it makes for the disbursement of federal funds casts the party receiving the funds in the role of a subrecipient or a contractor. The school unit shall make this classification using its judgment based on the following factors, as well as any additional guidance supplied by the federal awarding agency:
  - a. **Contractors.** A contract is for the purpose of obtaining goods and services for the party's own use and creates a procurement relationship with the contractor. (See 2 CFR § 200.22.) Characteristics indicative of a procurement relationship between the school unit and a contractor are when the contractor (i) provides the goods and services within normal business operations; (ii) provides similar goods or services to many different purchasers; (iii) normally operates in a competitive environment; (iv) provides goods or services that are ancillary to the operation of the federal program; and (v) is not subject to compliance requirements of the federal program as a result of the agreement, though similar requirements may apply for other reasons.
  - b. **Subrecipients.** A subaward is for the purpose of carrying out a portion of a federal award and creates a federal assistance relationship with the subrecipient. (See 2 CFR § 200.92.) Characteristics which support the classification of a party receiving federal funds as a subrecipient include when the party (i) determines who is eligible to receive what federal assistance; (ii) has its performance measured in relation to whether objectives of a federal program were met; (iii) has responsibility for programmatic decision making; (iv) is responsible for adherence to applicable federal program requirements specified in the federal award; and (v) in accordance with its agreement, uses the federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

If the party receiving the funds is classified by the school unit as a subrecipient, the school unit must:

- (i) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information:

- Federal Award Identification: (a) Subrecipient name (which must match the name associated with its unique entity identifier); (b) subrecipient's unique entity identifier; (c) Federal Award Identification Number (FAIN); (d) federal award date (*see* 2 USC § 200.39) of award to the recipient by the federal agency; (e) subaward period of performance start and end date; (f) amount of federal funds obligated by this action by the school unit to the subrecipient; (g) total amount of federal funds obligated to the subrecipient by the school unit including the current obligation; (h) total amount of the federal award committed to the subrecipient by the school unit; (i) federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA); (j) name of federal awarding agency, school unit, and contact information for awarding official of the school unit; (k) CFDA number and name (the school unit must identify the dollar amount made available under each federal award and the CFDA number at time of disbursement); (l) identification of whether the award is R&D; and (m) indirect cost rate for the federal award (including if the *de minimis* rate is charged per 2 USC § 200.414).
  - All requirements imposed by the school unit on the subrecipient so that the federal award is used in accordance with federal statutes, regulations, and the terms and conditions of the federal award.
  - Any additional requirements that the school unit imposes on the subrecipient so as to meet its own responsibility to the federal awarding agency, including identification of any required financial and performance reports.
  - An approved federally recognized indirect cost rate negotiated between the subrecipient and the federal government or, if no such rate exists, either a rate negotiated between the school unit and the subrecipient or a *de minimis* indirect cost rate as defined in 2 USC § 200.414(f).
  - A requirement that the subrecipient permit the school unit and auditors to have access to the subrecipient's records and financial statements as necessary for the school unit to meet the requirements of 2 USC § 331.
  - Appropriate terms and conditions concerning closeout of the subaward.
- (ii) Evaluate each subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described below, which may include consideration of such factors as: (a) the subrecipient's prior experience with the same or similar subawards; (b) the result of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F—Audit Requirements—of 2 USC Part 200, and the extent to which the same or similar subaward has been audited as a major program; (c) whether the subrecipient has new personnel or new or substantially changed systems; and (d) the extent and results of federal awarding agency monitoring.



- (iii) Consider imposing specific subaward conditions upon a subrecipient as described in 2 USC § 200.207.
- (iv) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. School unit monitoring of the subrecipient must include: (a) reviewing financial and performance reports required by the school unit; (b) following up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the federal award provided to the subrecipient from the school unit detected through audits, on-site reviews, and other means; and (c) issuing a management decision for audit findings as required by 2 USC § 200.521. Depending on the school unit's assessment of risk posed by the subrecipient, the following monitoring tools may be useful to ensure proper accountability and compliance with program requirements and performance goals: (a) providing subrecipients with training and technical assistance; (b) performing on-site reviews of the subrecipient's program operations; and (c) arranging for agreed-upon-procedures engagements as described in 2 USC § 200.425 (audit services).
- (v) Verify that each subrecipient is audited as required by Part F (Audit Requirements) of 2 USC Part 200 when it is expected that the subrecipient's federal awards expanded during the respective fiscal year equaled or exceeded the threshold set forth in 2 USC § 200.501.
- (vi) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the school unit's own records.
- (vii) Consider taking enforcement action against noncompliant subrecipients as described in 2 USC § 200.338.

(2 CFR §§ 200.330, 200.331.)

## F. RECORDS

- a. Recordkeeping.** The school unit must maintain records sufficient to detail the history of procurement. Records must include the following: (i) rationale for the method of procurement, (ii) selection of contract type, (iii) contract selection or rejection, and (iv) the basis for the contract price.
- b. Record Retention Requirements.** The school unit must maintain records related to each federal procurement for a period of three years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or school unit in the case of a subrecipient. The following exceptions apply:

- (i) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- (ii) When the school unit is notified in writing by the federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
- (iii) Records for real property and equipment acquired with federal funds must be retained for 3 years after final disposition.
- (iv) When records are transferred to or maintained by the federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the school unit.
- (v) Records for program income transactions after the period of performance. In some cases, federal fund recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the school unit's fiscal year in which the program income is earned.
- (vi) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

If the proposal, plan, or other computation is required to be submitted to the federal government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

If the proposal, plan, or other computation is not required to be submitted to the federal government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

(2 CFR §§ 200.318(i), 200.333.)

## G. PROTESTS AND CLAIMS

The school unit is solely responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements of goods or services under federal awards. Except as may be

otherwise provided in a written request for proposals or other solicitation of the school unit, these procedures are available to proposers for the purpose of handling and resolving disputes relating to such procurements, including evaluation and selection, protests of awards, disputes, and claims relating to the selection process and contract award.<sup>4</sup> A protestor must exhaust all of these administrative remedies before pursuing a protest with the federal grant agency or in any court of law. For purposes of this section, the term “proposer” means any person or entity that has submitted a bid or a proposal in response to an RFP or other solicitation to the school unit, or a person or entity that is a prospective bidder or offeror and who has a demonstrated direct economic interest in the results of the procurement.

- 1. Protest Submission Requirements.** To be considered by the school unit, a protest must be made in writing, supported by sufficient information to enable the protest to be fairly evaluated, and submitted within the time periods set forth herein. At minimum, protests must include (i) the name, phone number, and address of the protester; (ii) identification of the detailed and specific provision(s) of applicable federal or state law which would be allegedly violated by the procurement; (iii) copies of all exhibits, evidence, or documents supporting the protest; and (iv) a concise description of all remedies or relief requested.
- 2. Pre-Award Protests.** Pre-award protests are protests based upon the content of the solicitation documents. Any protest to the terms, conditions, or specifications set forth in a solicitation must be submitted to the Purchasing Agent or the contract administrator, if a contract administrator is identified in the solicitation, within 5 calendar days after the issuance of the solicitation. All such protests will be considered by the Purchasing Agent, or the contract administrator as appropriate, prior to the solicitation due date, and a written decision will be provided to the protestor. A decision of the Purchasing Agent or contract administrator is final, and no further protest or appeal of the terms, conditions, or specifications of any solicitation will be considered by the School Board.
- 3. Protests of Proposal Evaluations and Award Decision.** Proposers shall be notified of any award decision by a written or oral notice of the award. This notice shall be transmitted to each proposer at the address, email address, or telephone number contained in its proposal. Any proposer whose proposal has not lapsed may protest an award decision on any ground arising from the evaluation of proposals or the award decision, but not on any ground specified in the “Pre-Award Protests” category, above. Any such protest must be submitted to the Purchasing Agent or the contract administrator, if a contract administrator is identified in the solicitation, within 3 calendar days after notice of the award. All such protests will be considered by a Protest Review Subcommittee, composed of members selected by the School Board in its sole discretion. A written decision from the Protest Review Subcommittee stating the grounds for allowing or denying the protest shall be transmitted to the protestor before a final contract award is

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<sup>4</sup> These protest procedures are not available to contractors or third parties for the purpose of handling and resolving disputes, claims or litigation arising in the course of contract formation or contract administration. Any such disputes, claims or litigation will be handled and resolved in accordance with applicable contract terms, if any, and applicable law.

made. A decision of the Protest Review Subcommittee is final, and no further protest or appeal will be considered by the School Board.

(2 CFR § 200.318(k).)

#### **H. FEDERAL AWARDING AGENCY OR PASS-THROUGH ENTITY REVIEW**

1. The school unit must make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the school unit desires to have the review accomplished after a solicitation has been developed, the federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
2. The school unit must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
  - a.* The school unit's procurement procedures or operation fails to comply with the procurement standards in 2 CFR Part 200;
  - b.* The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
  - c.* The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;
  - d.* The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
  - e.* A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

The school unit is exempt from the pre-procurement review in this paragraph if the federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of 2 CFR Part 200.

3. The school unit may request that its procurement system be reviewed by the federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis.

4. The school unit may self-certify its procurement system. Such self-certification must not limit the federal awarding agency's right to survey the system. Under a self-certification procedure, the federal awarding agency may rely on written assurances from the school unit that it is complying with these standards. The school unit must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

(2 CFR § 200.324.)

## I. EXCEPTIONS TO THESE ADMINISTRATIVE PROCEDURES

The requirements set forth in these administrative procedures do not apply to:

1. Block grants awards authorized by the Omnibus Budget Reconciliation Act of 1981 (including Community Services);
2. Federal awards to local education agencies under 20 U.S.C. 7702-7703b (portions of the Impact Aid program, including federal payments relating to federal acquisition of school property and federal payments for students residing on military installations or Indian lands);
3. Federal awards authorized under the Child Care and Development Block Grant Act of 1990, as amended;
4. Entitlement awards under the National School Lunch Program, Commodity Assistance, Special Meal Assistance, Summer Food Service Program for Children, and Child and Adult Care Food Program of The National School Lunch Act;
5. Entitlement awards under the Special Milk Program, School Breakfast Program, and State Administrative Expenses of The Child Nutrition Act of 1966;
6. Classes of federal awards identified as exceptions by the Office of Management and Budget; or
7. Any circumstance where the provisions of federal statutes or regulations differ from the provisions of Part 200 of Title 2 of the Code of Federal Register.

(2 C.F.R. §§ 200.101-200.102.)

Legal Reference: 34 CFR Parts 74 and 80 (Education Department General Administrative Regulations ("EDGAR")) (for federal awards made prior to 12/26/2014)  
2 CFR Part 200 (Uniform Administrative Requirements) (for federal awards made on or after 12/26/2014)

Cross Reference: DJ – Bidding/Purchasing  
DJH – Purchasing and Contracting: Procurement Staff Code of Conduct

## APPENDIX I. REQUIRED CONTRACT PROVISIONS

All contracts made by the school unit for the procurement of property, goods, or services using a federal award must contain provisions covering the following, as applicable:

- A. Remedies (over \$150,000).** Contracts for more than the simplified acquisition threshold (currently \$150,000) must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for such sanctions and penalties as appropriate.
- B. Termination for Cause and Convenience (over \$10,000).** All contracts in excess of \$10,000 must address termination for cause and for convenience by the school unit, including the manner by which it will be effected and the basis for settlement.
- C. Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.360-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR Part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- D. Davis-Bacon Act, Copeland “Anti-Kickback” Act (construction contracts over \$2,000).**

When required by federal program legislation, all prime construction contracts in excess of \$2,000 awarded by the school unit must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144 and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “*Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction*”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The school unit must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The school unit must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “*Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States*”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The school unit must report all suspected or reported violations to the Federal awarding agency.
- E. Contract Work Hours and Safety Standards Act (over \$100,000).** Where applicable, all contracts awarded by the school unit in excess of \$100,000 that involve the employment of

mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- F. Rights to Inventions Made Under a Contract or Agreement.** If the federal award meets the definition of “funding agreement” under 37 CFR § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment, or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “*Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,*” and any implementing regulations issued by the awarding agency.
- G. Clean Air Act; Federal Water Pollution Control Act (over \$150,000).** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- H. Debarment and Suspension.** A contract award (*see* 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), “*Debarment and Suspension.*” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- I. Byrd Anti-Lobbying Amendment (over \$100,000).** Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the non-federal award.

## **Maine Virtual Academy (MEVA)**

### **Procurement Further Written Measures: Educational Products and Services.**

To support sound business practices for procuring educational products and services, **regardless of funding source:**

1. Consider/select reliable companies/vendors that have established successful track records. 'Reliable' means trustworthy and standard, without surprise, novel elements that may negatively alter the experience of MEVA students, families, and faculty.
2. Avoid duplicating the services and functions of previously contracted products.
3. Avoid educational products and services that reduce or replace student-teacher interactions. In other words, prioritize people and human contacts over robots and automated features, to the maximum extent possible.
4. Present proposed educational products to the Head of School, before sharing with teachers/support-teachers. The Head of School makes the final procurement decisions.
5. Aim to review and propose educational products and services within the annual budgeting window.

*-End of DJ-R-*

**Board Adoption Date: 9/17/24**



## ***\*DJH: Purchasing and Contracting: Procurement Staff Code of Conduct***

### **Conflict of Interest**

A conflict of interest would arise when the employee, Director or agent—or any member of their immediate family, their (business) partner, or an organization that employs or is about to employ any of these parties—has a financial or other interest in or a tangible personal benefit from a firm selected for the award considered for a contract. For the purpose of this policy, “immediate family” is defined as spouse, brother, sister, parent, son or daughter.

All employees of MEVA shall perform their duties in a manner free from conflict of interest to ensure that the school unit’s business transactions are made in compliance with applicable laws and regulations and in a manner that maintains public confidence in the schools.

No employee, Director or agent of MEVA shall participate in the selection, award or administration of a contract supported by federal funds or in any other transaction in which MEVA is a party if they have a real or apparent conflict of interest in the transaction.

#### **Conflict of Interest Disclosure**

All employees, officers or agents with real or apparent conflicts of interest as defined above must disclose the conflict of interest to the Head of School who will investigate the circumstances of the proposed transaction. The Head of School will exercise due diligence in investigating the circumstances of the transaction and, if necessary, will make reasonable efforts to find alternatives to the proposed transaction or arrangement that would not give rise to a conflict of interest. If the Head of School determines that the proposed transaction is in the best interest of MEVA and is fair and reasonable (and any apparent conflict of interest can be managed appropriately), they may proceed with the transaction. In the event that the Head of School may have a conflict of interest, an ad hoc subcommittee of the Board will investigate and make a determination regarding the transaction.

### **Staff Gifts and Solicitations**

MEVA employees, Director and agents are prohibited from soliciting or accepting gratuities, favors, money or anything of material monetary value from persons or entities doing business with, or desiring to do business with, the school unit. Employees, officers and agents of the MEVA may accept unsolicited items of nominal value such as those that are generally distributed by a company or organization through its public relations program.

### **Violations**

Employees of MEVA who violate this code of conduct may be subject to discipline, up to and including termination of employment and, if appropriate, referral to law enforcement.

Legal Reference: 34 CFR Parts 74 and 80 (Education Department General Administrative Regulations (“EDGAR”)) (for federal awards made prior to 12/26/2014)  
2 CFR § 200.318 (Uniform Administrative Requirements—General Procurement Standards) (for federal awards made on or after 12/26/2014)

Cross Reference: BCB - Board Member Conflict of Interest

DJ - Bidding/Purchasing Requirements

DJ-R - Federal Procurement Manual

**Board Revised & Re-Approval Date: 9/17/2024**

### **\*DJ - *Bidding/Purchasing Requirements***

The School Board expects all purchases made by the school unit to be consistent with applicable laws and sound business practices. The Head of School shall be responsible for developing and implementing administrative procedures for bidding and purchasing consistent with this policy. The Head of School and/or their authorized delegate shall have the power within the limits of the approved budget to approve and direct all purchases and expenditures in conformance with appropriate administrative procedures.

This policy is intended solely as an internal guide to purchasing by the school unit. It does not afford any vendor any property or contractual rights against the school unit. No vendor shall have any enforceable rights against the school unit based upon this policy or alleged violations of this policy. No vendor shall have any rights against the school unit until such time as a written contract between the vendor and the school units is executed by the vendor and an authorized representative of the school unit.

#### I. Legal Requirements Applicable to Bidding/Purchasing

##### A. Maine Legal Requirements.

Maine law requires the Board to competitively bid (1) property and casualty insurance; (2) school bus and transportation contracts in excess of \$4,000; (3) certain school building construction, alterations and repairs over \$250,000; (4) bond anticipation notes for state-subsidized school construction projects; and (5) lease purchase financing of buildings whose lease purchase costs qualify for state subsidy.

##### B. Federal Legal Requirements regarding Procurement Methods for Federally-Funded Contracts.

The Head of School or their designee shall be responsible for developing, updating as necessary, and implementing written administrative procedures (hereafter, the “Federal Procurement Manual”) to govern the procurement and purchase of property, goods, and services using any federal award that is subject to the Uniform Grant Guidance, codified at 2 CFR Part 200 (“UGG Federal Award”). The Federal Procurement Manual shall be consistent with all applicable federal laws and rules.

Notwithstanding any policy provision to the contrary, the procurement and purchase of property, goods, and services using a UGG Federal Award, in whole or in part, must comply with the Federal Procurement Manual. Wherever this policy or any of the school unit’s administrative procedures are inconsistent with federal laws or rules, the provisions of the federal laws or rules shall control.

#### II. Procurement Method Where Bidding/Purchasing Is Not Required by Law

##### 1. Procurement by Competitive Bidding

Where bidding is not required by law, it shall be the policy of the school unit to competitively bid purchases of equipment supplies, materials or services over \$50,000 provided that it is practical

and cost-effective to specify the materials or services with sufficient particularity to allow meaningful comparison of bids.

## 2. Procurement by Request for Proposal (RFP)

If competitive bidding is not utilized, the Head of School may seek Requests for Proposals (RFP) for purchases over \$50,000. An RFP identifies the need the school unit intends to meet, but permits the vendor to propose the manner in which the work is to be performed and the materials to be used.

## 3. Exception to Procurement by Competitive Bidding and Request for Proposal

The Head of School may forgo the competitive bid or RFP process only when they determine that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or obtaining an RFP. In each such case, the Board shall be informed of the Head of School's decision and the reasons for it as soon as practicable.

## III. Procedures for Bidding and Requests for Proposals

### 1. Bid Procedures.

#### 1. Notification.

The method of notification that the school unit uses to solicit bids and proposals shall be reasonably designed to attract qualified vendors. Depending upon the circumstances, such notification may include public advertising; and mailing to potential vendors.

The notification shall specify the deadline for submitting bids and the time and place of bid opening. Bid alternates shall be permitted at the discretion of the Head of School. The notice shall reserve the right of the school unit to reject any or all bids, and to waive technical or immaterial nonconformities in bids if in the best interest of the school unit, and to exercise judgment in evaluating bids.

2. Writing Requirement. Bids shall be in writing, sealed with an outside envelope or wrapper plainly marked "Bid, not to be opened until (insert appropriate date)," and mailed or filed with the Head of School of the unit.

3. Time of opening. A School Board member or employee of the school unit may not open a bid until the appointed time.

4. Public opening. At the time and place stated in the public notice of the request for bid, which must be open to the public, all bids shall be opened by the Head of School or their designee.

5. Reading. If any citizens who are not School Board members or employees of the school unit or any representatives of the press are present, bids shall, at that time, either be made available for examination by them or shall be read aloud in a manner plainly audible by those in attendance.

6. Awards. Bids are to be evaluated based on criteria appropriate for the project in question, and the contract will be awarded to the vendor whom the Head of School and School Board deem best able to meet the requirements of the school unit.

### 2. Request For Proposal Procedures

1. Solicitation and Submission. Proposals should be submitted in the manner specified in the RFP, which shall be appropriate for the goods or services being purchased. If requests for RFPs are solicited by direct contact with potential vendors, at least three vendors shall be contacted.
2. Contract Awards. Proposals are to be evaluated based on criteria appropriate for the project in question, and the contract will be awarded to the vendor whom the Head of School and School Board deem best able to meet the requirements of the school unit.

Legal Reference:

5 MRSA § 1743-A

20-A MRSA §§ 1001(14), 5401(13)(D); 5402

20-A MRSA § 1314

30-A MRSA § 6006-E

Maine State Board of Education Rules for Major Capital School Improvement Projects (Chapter 61, § 11(5))

Maine Department of Education and Maine Municipal Bond Bank Rules for Maine School Facilities Program and School Revolving Renovation Fund Program (Chapter 64, § 6)

34 CFR Parts 74 and 80 (Education Department General Administrative Regulations (“EDGAR”)) (for federal awards made prior to 12/26/2014)

2 CFR Part 200 (Uniform Administrative Requirements) (for federal awards made on or after 12/26/2014)

Cross Reference:

DJH — Purchasing and Contracting: Procurement Staff Code of Conduct

DJ-R - Federal Procurement Manual for Maine School Units; Administrative Procedure

**Board Adoption Date: 9/17/24**

***\*DKC: Expense Authorization and Reimbursement***

The Board recognizes that some Maine Virtual Academy business expenses involve initial payment by an employee or a Board member and that such expense may qualify for reimbursement. The purpose of this policy is to promote financial accountability by requiring prior authorization of expenditures and the establishment of procedures for the reimbursement of expenses.

**Authorization**

All employee expenses to be reimbursed must be pre-approved by the Head of School.

All Board member expenses to be reimbursed must be approved by the Board prior to the member's incurring the expense.

Expenses to be reimbursed may include transportation, lodging, registration fees, required materials, parking fees and other reasonable and necessary school business-related expenses.

**Reimbursement**

All requests for reimbursement must be itemized on an official Maine Virtual Academy form. Receipts for reimbursable expenses must be attached to the reimbursement form.

Automobile travel will be reimbursed at the current IRS mileage rate. Travel shall be by the most practical direct route and documentation shall include starting point, destination and miles travelled.

When circumstances dictate that a rental car is necessary and/or the most practical approach to travel, the least expensive car that will meet the purpose should be rented.

Reimbursement for commercial transportation will be based on coach/economy fares. Receipts are necessary for reimbursement for airfare.

**Unapproved Expenses**

Maine Virtual Academy employees and Board members who incur expenses that have not been approved in advance as required by this policy will be personally accountable for such expenses.

**Establishment of Reimbursement Procedures**

The Head of School/designee will be responsible for developing a schedule of reimbursement rates for school business expenses including those expenses requiring advance approval and specific rates of reimbursement. The Head of School/designee shall also develop procedures to address methods and times for submission of requests for reimbursement.

**Board Adoption Date: 3/21/2023**

***\*DN: School Properties Disposition***

The Head of School is authorized to determine when personal property (supplies, materials, equipment), as distinguished from real property, is obsolete or no longer of use to the school unit and to declare it surplus. Before property is declared surplus, it should be determined whether it may be useful in any other school within the school system.

Procedures for disposal of all surplus personal property shall be in accordance with the following:

- A. Other municipal departments are to be informed in writing of property declared surplus and are to have first option to purchase. The charges for municipal purchases shall be determined by the Head of School after consultation with the Board (or “Board’s Finance Committee”).
- B. Surplus property, including books, to be offered for sale shall be disposed of by sealed bid, public auction, or public sale. Public notice of any sale of surplus property shall be given at least one week in advance of an auction, sale or opening of sealed bids.
- C. Library books, textbooks and instructional materials are to be disposed of by a means most likely to offer promise of continuing educational benefit.
- D. Any surplus property which is offered for public sale and is not sold may be disposed of in a manner deemed advisable by the Head of School, including donation to non-profit agencies.
- E. Any property determined to be worthless, or for any reason is considered to be inappropriate for sale, shall be disposed of in a manner the Head of School deems appropriate after so informing the Board, with recycling as a priority where feasible.
- F. Any school unit identification that has been applied to the surplus property shall be removed or, if not possible to remove, be further identified to indicate the intended disposition and surplus nature (i.e., “SOLD BY”, “SURPLUS”). All revenues which result from the sale of surplus property shall be credited as miscellaneous income except in any instance where law requires that it be credited to a specific account. Legal Reference: 20-A MRSA § 7

**Board Revised & Re-Approval Date: 3/15/2022**

### ***EBAA: Chemical Hazards***

The Board is committed to providing a safe environment for students and employees. It is the policy of Maine Virtual Academy to follow safe practices in regard to the storage and handling of hazardous chemicals in its schools. MEVA will comply with all applicable Maine and federal laws and regulations concerning hazardous chemicals. The Head of School has responsibility for the safe handling and storage of hazardous chemicals in schools, the development of required written plans, the designation of a Chemical Hygiene Officer, and ensuring that staff is trained with respect to chemical hazards found in the workplace. Written plans shall include information regarding proper purchasing, labelling, storage, training, handling, and disposal of hazardous chemicals.

### **HAZARD COMMUNICATION STANDARDS**

Maine Virtual Academy will comply with OSHA’s Hazard Communication standard 29 CFR 1910.1200, as adopted and enforced by the Maine Department of Labor, which requires a written hazard communication (HazCom) plan, including a listing of chemicals being used in the schools; training of employees that handle these chemicals; and, for all employees, where safety data sheets (SDS) are located, and how to read them. This standard applies to hazard communications for hazardous chemicals such as those used in cleaning and disinfection, which may be found in custodial and food service areas, among other locations.

### ***Laboratory Science Chemicals***

Maine Virtual Academy will comply with OSHA standard 29 CFR 1910.1450, as adopted and enforced by the Maine Department of Labor, which addresses science laboratory chemicals. This standard applies to science

laboratory chemicals commonly found in chemistry and biology laboratories in schools. The Head of School will appoint an employee of the school unit as Chemical Hygiene Officer for Maine Virtual Academy. The Head of School ensures that employees with science/laboratory responsibilities are provided appropriate training on the specific hazards associated with the chemicals being used in school laboratories and how to read the SDS for these chemicals person appointed Chemical Hygiene Officer is preferably a science teacher or another staff member who is knowledgeable about the chemicals being used in school laboratories and stored in the schools. Legal Reference: 29 C.F.R. §§ 1910.12

**Board Revised & Re-Approval Date: 4/26/2022**

### **EBCA: *CRISIS PLAN – Emergency Management Plan***

**Special Notice:** During the current public health crisis (Covid-19), please feel free to contact school Administrators for any questions you may have, 207-613-8900 x 2000.

#### **What is an Emergency?**

A. A duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons or property caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake, intruder or other causes. This may be beyond the control of the services, personnel, equipment and facilities of the site and or academy/program and require the combined efforts of the State or other political subdivisions. Academy/Program facilities must be prepared to respond to an emergency or traumatic event in an organized and timely manner so that students and staff can continue to function effectively without additional trauma or the development of additional emergencies.

B. Academy/Program emergencies can be small and easily managed, or they can be large and difficult to manage. Every academy/program emergency must be managed in a way that ensures the safety of everyone involved. In order to provide a safe and secure teaching and learning environment, personnel must plan for the management of emergency events that cannot be predicted or prevented. This plan is designed to help you do that.

#### **Purpose:**

A. To effectively handle an emergency, a comprehensive Emergency Operations Plan must be developed and an Emergency Response Team must be organized before an emergency occurs. Our program's Emergency Operations Plan must be organized and all staff members trained in order to effectively prepare for maximum safety, efficiency and communication in the event of an emergency.

B. Students and parents must also understand that contingency preparation and procedures are necessary and are conducted for their safety and well-being. An overview of the plan will be explained and distributed to parents.

C. Planning, preparation, and training will help staff personnel learn the proper course of action in an emergency. This manual will provide step-by-step guidelines to help deal with emergencies that may occur. This manual cannot foresee all possible circumstances of an emergency. Staff must be prepared to evaluate all the circumstances and make sound judgments based on the situation. Staff will receive annual training in the emergency response plan.

D. A copy of this plan will be filed with the academy/program office.

## **Overview of Crisis Plan:**

In a crisis it helps to know where to turn for help. This manual provides specific sequential steps to take. These steps are guidelines to inform you of the most likely steps to take. Some common incidents have been addressed to help you in an emergency. Each site must conduct It is critical to evaluate the circumstances and determine the most appropriate course of action.

## **Health and Safety/Reporting Medical Needs**

In the unfortunate circumstance of a medical emergency at a face-to-face event such as (but not limited to) a field trip or state testing, MEVA staff and faculty receive basic first aid training. If your child has any medical needs, it is essential to let the Special Services Dept know which medications, where the medications need to be stored, and how to handle those medications for your child. We also strongly suggest that a guardian stays on-site. If there is an emergency, the school will call 911 and alert you as soon as possible.

## **Emergency Communications**

When an emergency condition exists, the CEO will notify the necessary personnel to respond to their area of assignment. The methods of communication listed below will be used. Notifications will be given in plain language. Code words shall not be used.

- A. Phone
- B. Runners
- C. Email

## **Media Relations**

The CEO will be prepared to deal with the media. A separate staging location will be pre- identified for media briefings. Unless the CEO gives permission, the CEO should be the point person for all media relations.

## **Emergency Contact Numbers/ Public Safety Agency Numbers**

- A. General Emergency: 911
- B. Police/Fire: 911
- C. Poison Control: 800 222 1222
- D. Maine General Medical Center Emergency Room: 207 626 1000

## **Evacuation Procedures**

1. CEO issues evacuation procedures.
2. CEO determines if students and staff should be evacuated outside of building. Direct students and staff to follow evacuation drill procedures and route. Follow alternate route if normal route is too dangerous.
3. Close all windows.
4. Turn off lights, electrical equipment, gas, water faucets, air conditioning and heating system.
5. Lock doors.

## **Lockdown/Shelter-In-Place**

Lock-down procedures may be issued in situations involving dangerous intruders or other incidents that may result in harm to persons inside school building.

1. CEO will issue lock-down order by announcing a warning over office phone system.
2. Direct all students, staff, and visitors into secure rooms.
3. Lock office doors and cover windows.
4. Move all persons away from windows and doors.



5. Have all persons get down on the floor.
6. Allow no one outside of the secure rooms until the Head of School gives the all-clear signal.
7. The Head of School will use a duress code to authenticate an all-clear signal

### **Reverse Evacuation**

Reverse Evacuation/Shelter-in-place provides refuge for students, staff and public within buildings during an emergency. Shelters are located in areas that maximize the safety of inhabitants. Safe areas may change depending on the emergency. Be prepared to go into lockdown/shelter-in-place once inside.

1. Identify safe areas in each building.
2. The leader warns students and staff to assemble in safe areas. Bring all persons inside building(s).
3. Teachers take class roster if students are on site.
4. Close all exterior doors and windows. Turn off any ventilation leading outdoors.
5. If advised, cover mouth and nose with handkerchief, cloth, paper towels.
6. Teachers should account for all students after arriving in the safe area
7. Office personnel must contact each teacher/classroom for a headcount
8. All persons must remain in safe areas until notified by an emergency responder

### **Fire**

In the event a fire or smoke from a fire has been detected:

1. Activate fire alarm.
2. Evacuate students and staff to a safe distance outside of building.
3. Follow normal fire drill route. Follow alternate route if normal route is too dangerous.
4. Teachers take class roster if students are on site.
5. Head of School must report incident to Fire Marshal and call 9-911
6. No one may re-enter building(s) until entire building(s) is declared safe by fire or police personnel.
7. Head of School notifies students and staff of termination of emergency.
8. Resume normal operations.

### **Fire Plan/Policy – Ballard Center**

1. If you discover a fire:
  - a. Rescue anyone in the fire room – if you will not be harmed
  - b. Pull the nearest fire alarm pull station. Fire pulls are always located by any exit door leading out of the building i.e. stairwell doors.
  - c. Call 911 and give them as much information as possible i.e. location in the building and nature of the fire if possible
  - d. contain the fire as much as possible by closing all doors and windows in the fire area. Clear the corridors of obstacles
  - e. Evacuate the building.
  - f. Ballard Center supervisor or designee will meet with the fire department at the Lobby entrance. Once the all clear is given by the ranking member of the Fire Department, they will relay to all building occupants.
2. If the Fire Alarm is Sounding in the Building
  - a. Maintenance staff will determine the location of the alarm and if it is actual or a false alarm. This information will be given to the Fire Department when they arrive.
  - b. All other staff will evacuate the building and meet in the lot across the street from the building.

## **Gas Leak**

### **If gas odor has been detected in the building:**

1. Evacuate students and staff to a safe distance outside of building.
2. Follow normal fire drill route. Follow alternate route if normal route is too dangerous.
3. Head of School notifies police and fire department (call 9-911) and the staff
4. Teachers take roll after being evacuated.
5. No one may re-enter building(s) until fire or police personnel declare entire building(s) safe.
6. Head of School notifies students and staff of termination of emergency.
7. Resume normal operations.

### **If gas odor has been detected outside the building:**

1. Head of School notifies police and fire department (call 9-911)
2. Head of School must report incident to Fire Marshal.
3. Head of School determines whether to shelter in place or evacuate. Fire personnel will assist with decision.
4. No one may re-enter building(s) until fire or police personnel declare entire building(s) safe.
5. Head of School notifies students and staff of termination of emergency.
6. Resume normal operations.

## **General Emergency**

1. Call 9-911 (if necessary) and the Head of School
2. Notify CPR/first aid certified persons in school building of medical emergencies, if necessary.
3. Seal off high-risk area.
4. Take charge of area until incident is contained or relieved.
5. Preserve Evidence: keep detailed notes of incident

## **Weather**

### **If a Severe Weather Watch has been issues in an area near school:**

1. Monitor Emergency Alert Stations or NOAA Weather Stations (National Weather Service, Weather Channel).
2. Bring all persons inside building(s).
3. Close windows and blinds.
4. Review severe weather drill procedures and location of safe areas. Severe weather safe areas are under desks and in hallways away from windows and large rooms.
5. Review “drop, cover, and hold” procedures with students

### **Severe Weather Warning has been issued in an area near school or severe weather has been spotted near school:**

1. Move students and staff to safe areas. Remind teachers to take class rosters.
2. Remind teachers to take class rosters
3. Ensure that students are in "drop, cover and hold" positions. Account for all students.
4. Account for all students
5. Remain in safe area until warning expires or until emergency personnel have issued an all clear signal.

**Board Revised & Re-Approval Date: 4/26/2022**

## **EBCC: *Bomb Threat***

If someone receives a bomb threat: Bomb threats are most commonly received via phone, but are also made in

person, via email, written note, or other means. Every bomb threat is unique and should be handled in the context of the facility or environment in which it occurs. Facility supervisors and law enforcement will be in the best position to determine the credibility of the threat. Follow these procedures:

1. Remain calm.
2. Notify authorities immediately: Notify your facility supervisor, such as a manager, operator, or administrator, or follow your facility's standard operating procedure. (See below for assistance with developing a plan for your facility or location.)
3. Call 9-1-1 or your local law enforcement if no facility supervisor is available.
4. Refer to the DHS Bomb Threat Checklist (next page) for guidance, if available.

For threats made via phone:

1. Keep the caller on the line as long as possible. Be polite and show interest to keep them talking.
2. DO NOT HANG UP, even if the caller does.
3. If possible, signal or pass a note to other staff to listen and help notify authorities.
4. Write down as much information as possible—caller ID number, exact wording of threat, type of voice or behavior, etc.—that will aid investigators.
5. Record the call, if possible.
6. For threats made in person, via email, or via written note, refer to the DHS Bomb Threat Checklist and DHS-DOJ Bomb Threat Guidance for more information.
7. Be available for interviews with facility supervisors and/or law enforcement.
8. Follow authorities' instructions. Facility supervisors and/or law enforcement will assess the situation and provide guidance regarding facility lock-down, search, and/or evacuation.

Information from: <https://www.dhs.gov/what-to-do-bomb-threat>

## BOMB THREAT PROCEDURES

*This quick reference checklist is designed to help employees and decision makers of commercial facilities, schools, etc. respond to a bomb threat in an orderly and controlled manner with the first responders and other stakeholders.*

Most bomb threats are received by phone. Bomb threats are serious until proven otherwise. Act quickly, but remain calm and obtain information with the checklist on the reverse of this card.

**If a bomb threat is received by phone:**

1. Remain calm. Keep the caller on the line for as long as possible. **DO NOT HANG UP**, even if the caller does.
2. Listen carefully. Be polite and show interest.
3. Try to keep the caller talking to learn more information.
4. If possible, write a note to a colleague to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
5. If your phone has a display, copy the number and/or letters on the window display.
6. Complete the Bomb Threat Checklist immediately. Write down as much detail as you can remember. Try to get exact words.
7. Immediately upon termination of call, **DO NOT HANG UP**, but from a different phone, contact authorities immediately with information and await instructions.

**If a bomb threat is received by handwritten note:**

- Call \_\_\_\_\_
- Handle note as minimally as possible.

**If a bomb threat is received by e-mail:**

- Call \_\_\_\_\_
- Do not delete the message.

**Signs of a suspicious package:**

- No return address
- Excessive postage
- Stains
- Strange odor
- Strange sounds
- Unexpected delivery
- Poorly handwritten
- Misspelled words
- Incorrect titles
- Foreign postage
- Restrictive notes

**\* Refer to your local bomb threat emergency response plan for evacuation criteria**

**DO NOT:**

- Use two-way radios or cellular phone. Radio signals have the potential to detonate a bomb.
- Touch or move a suspicious package.

### WHO TO CONTACT (Select One)

- **911**
- **Follow your local guidelines**

For more information about this form contact the DHS Office for Bombing Prevention at [OBP@dhs.gov](mailto:OBP@dhs.gov)



# Homeland Security

2014

## BOMB THREAT CHECKLIST

**DATE:** \_\_\_\_\_

**TIME:** \_\_\_\_\_

**TIME CALLER HUNG UP:** \_\_\_\_\_

**PHONE NUMBER WHERE CALL RECEIVED:** \_\_\_\_\_

### Ask Caller:

- Where is the bomb located?  
(building, floor, room, etc.) \_\_\_\_\_
- When will it go off? \_\_\_\_\_
- What does it look like? \_\_\_\_\_
- What kind of bomb is it? \_\_\_\_\_
- What will make it explode? \_\_\_\_\_
- Did you place the bomb? Yes No \_\_\_\_\_
- Why? \_\_\_\_\_
- What is your name? \_\_\_\_\_

### Exact Words of Threat:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Information About Caller:

- Where is the caller located? (background/level of noise) \_\_\_\_\_
- Estimated age: \_\_\_\_\_
- Is voice familiar? If so, who does it sound like? \_\_\_\_\_
- Other points: \_\_\_\_\_

Caller's Voice	Background Sounds	Threat Language
<input type="checkbox"/> Female	<input type="checkbox"/> Animal noises	<input type="checkbox"/> Incoherent
<input type="checkbox"/> Male	<input type="checkbox"/> House noises	<input type="checkbox"/> Message read
<input type="checkbox"/> Accent	<input type="checkbox"/> Kitchen noises	<input type="checkbox"/> Taped message
<input type="checkbox"/> Angry	<input type="checkbox"/> Street noises	<input type="checkbox"/> Irrational
<input type="checkbox"/> Calm	<input type="checkbox"/> Booth	<input type="checkbox"/> Profane
<input type="checkbox"/> Clearing throat	<input type="checkbox"/> PA system	<input type="checkbox"/> Well-spoken
<input type="checkbox"/> Coughing	<input type="checkbox"/> Conversation	
<input type="checkbox"/> Cracking voice	<input type="checkbox"/> Music	
<input type="checkbox"/> Crying	<input type="checkbox"/> Motor	
<input type="checkbox"/> Deep	<input type="checkbox"/> Clear	
<input type="checkbox"/> Deep breathing	<input type="checkbox"/> Static	
<input type="checkbox"/> Disguised	<input type="checkbox"/> Office machinery	
<input type="checkbox"/> Distinct	<input type="checkbox"/> Factory machinery	
<input type="checkbox"/> Excited	<input type="checkbox"/> Local	
<input type="checkbox"/> Laughter	<input type="checkbox"/> Long Distance	
<input type="checkbox"/> Lisp		
<input type="checkbox"/> Loud	<b>Other Information:</b>	
<input type="checkbox"/> Nasal	_____	
<input type="checkbox"/> Normal	_____	
<input type="checkbox"/> Ragged	_____	
<input type="checkbox"/> Rapid	_____	
<input type="checkbox"/> Raspy	_____	
<input type="checkbox"/> Slow	_____	
<input type="checkbox"/> Slurred	_____	
<input type="checkbox"/> Soft	_____	
<input type="checkbox"/> Stutter	_____	

Information from: <https://www.dhs.gov/what-to-do-bomb-threat>

End of Crisis Plan

**Board Original Adoption & Approved: 5/14/2015**

**Board Revised & Re-Approval Date: 4/26/2022**

## ***ECB: Maine Virtual Academy Integrated Pest Management Policy***

### **Maine Virtual Academy Integrated Pest Management Policy**

Pests can pose significant problems to people, property, and the environment. Pesticides pose similar risks. Children spend a great deal of time in schools and face greater potential for health effects resulting from pest and pesticide exposure. By reducing reliance on pesticides and incorporating low-risk control options, Integrated Pest Management (IPM) reduces both pests and pesticide risks. It is therefore the policy of this school to incorporate IPM procedures for controlling pests.

#### **Integrated pest management procedures**

IPM relies on pest monitoring and the most economical and least hazardous combination of cultural, physical, biological, and/or chemical controls to prevent unacceptable levels of pest activity and damage. The school will develop a site plan for school property that may experience pest problems. These plans will incorporate IPM and outline specific management tactics.

The full range of management options, including no action at all, will be considered. The choice of using a pesticide is based on a review of all other available options and a determination that these options are not acceptable or are not feasible. Non-chemical pest management methods are used whenever possible. Direct action will be used only when specific pest thresholds are reached. When it is determined that a pesticide must be used, the least hazardous material and method of application will be chosen. Pesticide applications will be timed to minimize their impact on school grounds. All pesticides will be handled according to state and federal law.

#### **Pest management objectives**

- Maintain a safe and sustainable school environment.
- Protect human health by suppressing pests that threaten public health and safety.
- Reduce exposure of humans, particularly children, to pesticides.
- Reduce or prevent pest damage to school properties.
- Reduce environmental pollution.
- Reduce the costs of pest management.
- Prevent pests from spreading beyond school property.
- Enhance the quality of life for students, staff, and others using school property.

#### **IPM Coordinator**

The school will appoint a school employee as the IPM Coordinator responsible for overseeing implementation of the IPM Policy and site plans. The Coordinator's responsibilities will include:

- Recording all pest sightings by school staff and students.
- Recording all pesticide use and making those records available.
- Making pesticide labels and material safety data sheets for all products applied available.
- Coordinating management activities with pest control contractors.
- Approving appropriate pesticide applications-methods, materials, timing, and location.
- Assuring that all of the pest control contractor's recommendations on maintenance and sanitation are carried out where feasible.
- Posting and notification of pesticide application.
- Evaluating the school's progress in implementing the IPM plan.

## **Education**

The school community will be educated about potential pest problems and IPM methods used to achieve the pest management objectives. From the very beginning, IPM should involve people from all segments of the school community.

## **Record keeping**

Pest sighting data sheets and pest control records will be kept current and accessible to verify the need for treatments and track the effectiveness of management activities. Pesticide records shall be maintained on site and meet the requirements of the Maine Board of Pesticides Control.

## **Notification/Posting**

A notice will be provided to school staff, students, and parents at the beginning of each school year briefly explaining the school's pesticide use policy. The notice must explain how the school will provide written notification at least 5 days before each high-risk pesticide application done during the regular school year and how signs will also be posted two working days before until 48 hours after high-risk treatments applied any time of year.

## **Pesticide storage and purchase**

Pesticide purchases will be limited to the amount needed for use during the year. Pesticides will be stored in an appropriate, secure site that is not accessible to students or unauthorized personnel and disposed of in accordance with label directions and state regulations.

## **Pesticide applicators**

Any person applying pesticides on school grounds will be trained in the principles and practices of IPM and licensed as a commercial pesticide applicator by the Maine Board of Pesticides Control. Applicators must follow state regulations and label precautions and must comply with the School IPM Policy and pest management site plans.

*This model policy is provided to Maine K-12 schools by the Maine School Integrated Pest Management Program, a partnership between the Maine Department of Agriculture, Food and Rural Resources, the Maine Board of Pesticides Control, and the University of Maine Cooperative Extension Pest Management Office*

**Board Revised & Re-Approval Date: 9/17/24**

## **GBEC: *Drug-Free Workplace***

MEVA is committed to protecting the safety, health and well-being of all Employees, customers, clients, and vendors in our workplace. "Workplace" includes school property, any school-sponsored activity, or any other site where you are performing work or representing the School. The term "drug" as used in this policy includes alcoholic beverages and prescription drugs, as well as illegal inhalants and illegal drugs and/or controlled substances including, but not limited to, marijuana, opiates (e.g., heroin, morphine), cocaine, phencyclidine (PCP), and amphetamines.

All Employees are expected to contribute to maintaining a drug-free workplace. Prohibited activities under this policy include the possession, use, sale, attempted sale, distribution, manufacture, purchase, attempted purchase,

transfer or cultivation of drugs in the workplace. Employees are also prohibited from being at the workplace with a detectable amount of drugs in their system. However, the use and/or possession of prescription drugs, when taken as directed and obtained with a valid prescription under federal law, is not a violation of this policy. As a condition of continued employment, all Employees must comply with this policy. An employee who engages in an activity prohibited by this policy shall be subject to disciplinary action, up to and including immediate termination of employment.

Contact the Employee Assistance Program (EAP) for information about the availability of treatment programs such as assistance provided by MEVA's health care plan coverage or drug and alcohol abuse rehabilitation and education programs.

This policy is not intended to replace or otherwise alter applicable U.S. Department of Transportation obligations or any other federal, state or local agency drug testing regulations related to a particular industry.

**Board Revised & Re-Approval Date: 4/26/2022**

### ***GBO: Family Care Leave and Medical Leave***

This Policy is in effect only where MEVA is a covered employer under applicable Maine law and when MEVA employs 15 or more employees. As provided under the Family and Medical Leave Act ("FMLA"), MEVA provides unpaid family and medical leaves of absence to eligible Employees.

Eligible Employee: To qualify to take family and medical leave, you must meet the following requirements the date your leave is to begin: a

1. You are an active full-time or part-time employee who works at a MEVA worksite where 15 or more MEVA Employees work in that worksite; and
2. You have been employed by MEVA for at least 12 consecutive months; and

Approved Reasons for Leave: FMLA leave may be taken for the following reasons:

1. A serious health condition of the employee;
2. The birth of the employee's child or the employee's domestic partner's child;
3. The placement of a child 16 years of age or less with the employee or the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
4. A child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition;
5. The donation of an organ of that employee for a human organ transplant; or
6. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces, as defined in Maine Revised Statutes, Title 37-B, Section 102, or the United States Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

Length of Family and Medical Leave - An eligible employee is entitled to up to 10 work weeks of family medical leave in any 2 years. The following conditions apply to family medical leave:

- A. The employee must give at least 30 days' notice of the intended date upon which family medical leave will commence and terminate, unless prevented by medical emergency from giving that notice.
- B. The employer may require certification from a physician to verify the amount of leave requested by the employee, except that an employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination, may submit certification from an accredited practitioner of those healing methods; and
- C. The employer and employee may negotiate for more or less leave, but both parties must agree.

Family medical leave granted under this subchapter may consist of unpaid leave. If an employer provides paid family medical leave for fewer than 10 weeks, the additional weeks of leave added to attain the total of 10 weeks required may be unpaid.

Leaves may be taken as intermittent leave or a reduced schedule when medically necessary for your own serious health condition or the serious health condition of a family member. An employee requesting intermittent leave/reduced schedule leave that is foreseeable based on planned medical treatment may be transferred temporarily to an available alternative position with equivalent pay and benefits, or to a part-time position with an equivalent hourly rate and benefits, if such a position better accommodates the need for intermittent leave/reduced schedule leave.

**Board Revised & Re-Approval Date: 4/26/2022**

### ***GCFB/GCFB-R: Recruiting and Hiring of Administrative Staff and Administrative Procedure***

The Board affirms its commitment to the strict prohibition of discrimination in employment on the basis of race, color, sex, sexual orientation, religion, ancestry or national origin, disability, age, pregnancy, or genetic information, and to the principle of affirmative action to obtain wide and representative candidate pools.

For the purpose of this policy, "race" includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

In accordance with 20-A MRSA, § 1001(13), the Head of School shall prepare a procedure designed to ensure nondiscriminatory practice in recruitment and hiring for all positions requiring administrator certification, as well as to result in selection of the most qualified candidates. This procedure shall be attached hereto as GCFB-R, and shall be reviewed periodically.

Moreover, upon each occasion of administrative vacancy, the Head of School shall review the procedure and make appropriate adaptations as may be warranted by special circumstances. In the case of a vacancy in the Superintendentcy, the School Committee shall review the procedure, adapting as appropriate.

In accordance with 20-A MRSA, § 4502 (4-A), the school unit's Affirmative Action Plan shall include a description of the status of the unit's nondiscriminatory administrator hiring practice and plans for in-service training programs on gender equity for teachers, administrators and the School Committee.



Legal Reference: 5 MRSA § 4576 (Maine Human Rights Act)  
20-A MRSA §§ 1001(13), 4502(4-A), 13011(6)

**Board Revised to include Crown Act Verbiage & Re-Approval Date: 7/18/2023**

### ***GCI: Professional Staff Development***

The Board recognizes the importance of developing, maintaining, and extending the skills of staff members and encourages employees to engage in programs and activities that will lead to their professional growth and increased competence.

The Head of School is authorized to initiate programs and activities which are designed to serve the following purposes:

- A. To provide a structure through which staff members can stay abreast of new developments in their areas of specialty;
- B. To familiarize staff members with new research and innovative teaching methods;
- C. To assist staff members in the process of change and school improvement; and
- D. To facilitate the development, implementation and evaluation of new programs.

Within budgetary limitations, visitations and attendance at conferences may be approved by the Head of School in accordance with Board policy.

Legal Reference: Chap. 125 (Maine Dept. of Ed. Rule)

**Board Revised & Re-Approval Date: 5/17/2022**

### ***GCOA/GCOC: Supervision and Evaluation of Professional Staff, and Administrative Staff***

MEVA is committed to attracting and retaining a qualified and competent workforce. Employees typically will receive an annual written performance review and may receive additional performance evaluations at other intervals by their direct supervisor and/or the Head of School. Written performance reviews will be based on overall performance in relation to your job responsibilities, achievements, and work behavior. Informal performance discussions typically occur throughout the year and encourage open supervisor-employee communication.

A positive performance review does not guarantee either an increase in compensation or continued employment. Raises, if given, may be based on a number of factors, such as the School's performance, department or group performance, and individual performance.

**Board Revised & Re-Approval Date: 5/17/2022**

### ***IGA: Curriculum Development and Adoption***

The curriculum at Maine Virtual Academy shall reflect continuous, sequential and specific instruction aligned

with the content areas of the Learning Results. Maine Virtual Academy recognizes that curriculum development, review and evaluation is an ongoing process and those programs and practices may need to be adjusted or revised to meet educational standards and to serve the best interests of students and the community. Therefore:

- A. Maine Virtual Academy expects the administration and staff to be sensitive to changing conditions that may require modifications in curriculum.
- B. Maine Virtual Academy expects all programs to be subject to ongoing review and evaluation to ensure that they meet the instructional needs of students.
- C. Maine Virtual Academy expects the school system to undertake intensive curriculum revision as needed.
- D. The Head of School is expected to lead the ongoing curriculum development and review process, and in aligning curriculum with educational standards and with advances in knowledge, educational research and “best practices.”
- E. Maine Virtual Academy expects that curriculum development and revision will be achieved with appropriate involvement of administrators, instructional and support staff, students, parents, community and the Board.
- F. Maine Virtual Academy/School board shall review and adopt all curriculum guides, course descriptions and courses of study prior to their implementation. The Head of School shall be responsible for establishing content area committees that will include representation from professional staff, including special educators, and others as appropriate.

**Board Revised & Re-Approval Date: 6/21/2022**

### ***IHBA: Individualized Education Plans and Special Education***

MEVA provides enrollment counseling to all students who have current Special Education or Section 504 eligibility. The enrollment counseling process is led by a Special Education Coordinator who holds a special education license in the state of Maine.

\*The enrollment process has two intended outcomes. First, it is an educational process for students and families to help them become familiar with the online learning model. Second, it allows the school the opportunity to better understand the students’ unique strengths and needs, to ensure adequate preparation to support student success.

\*When a student with current special education eligibility enrolls at MEVA, the parent/legal guardian, or the adult student if rights have been transferred, must provide consent for MEVA to obtain all special education records from the resident school district. These records are received via electronic fax or hard copy and are stored in a secure environment. In accordance with applicable federal and state law, only those persons authorized will have access to the records, including those staff members having a legitimate educational purpose for reviewing the records.

\*When a student enrolls with current special education eligibility and a current Individualized Education Plan (IEP), the student will be provided special education services and related services in accordance with the IEP. MEVA may request consent to conduct an evaluation or re- evaluation of the student in order to revise the IEP or determine appropriate placement in the Least Restrictive Environment (LRE). If a student enrolls with current special education eligibility, but no current IEP, the student will be provided with appropriate educational services until an IEP can be developed.

\*As soon as possible after enrollment, MEVA staff will complete progress monitoring using multiple measures (such as attendance monitoring, task and assignment completion, quality of work and grades) to determine if the

placement supports adequate academic progress. The Special Education Administrator of MEVA will convene an IEP team meeting as soon as possible. The IEP Team must include the following members:

- Parent (or adult student if rights have been transferred);
- Advisor/designee knowledgeable of the online general education curriculum/ resources
- Special education teacher or service provider (e.g., Speech Language Pathologist);
- General education teacher of the student (at least one);
- An individual who can interpret the instructional implications evaluation results;
- Other individuals at the discretion of the parent, student, or school district, who have knowledge or special expertise

If MEVA and the parent agree in writing that participation of a member of the IEP Team is not necessary because that team member's area of expertise is not being modified or discussed, that team member may be excused. The IEP team will review relevant progress monitoring, evaluation results, and the current IEP. They may also review existing eligibility or determine initial eligibility for special education services and related services, as well as revise or develop a current IEP and determine placement within the LRE. MEVA offers several types of academic support for students with special education eligibility. Course placement decisions are made jointly by the Special Education Administrator, MEVA Advisor, parent/learning coach, and student. Adaptations and modifications developed by the IEP team will be fully implemented.

**Board Revised & Re-Approval Date: 6/21/2022**

### ***IHBAA / IHBAA-R: Referral & Use of General Education Interventions & Administrative Procedures***

It shall be the policy of Maine Virtual Academy to refer all school-age students suspected of having a disability that requires special education to the IEP Team for an evaluation in all suspected areas of disability. Referrals of students to the IEP team may be made by parents at any time and by professional school staff regardless of the results of the initial child find activities, but after completion of the general education intervention process. Other individuals or agency representatives (including representatives of the Department of Health and Human Services) with knowledge of the child may also make referrals. Any such referral should be made in accordance with procedures that may be approved by the Head of School.

Regardless of the source of the referral, a referral will be considered received by the school unit on the date that the written referral is received by the office of the Special Education Administrator. It shall be signed and dated by the Special Education Administrator or designee, thereby indicating the date of the receipt of that referral. The Head of Schools, in consultation with the Special Education Administrator, may develop procedures for referral and the use of general education interventions within the local school unit, and may from time to time amend those procedures as necessary.

References: Me. Dept. of Ed. Reg. Ch. 101, §§ II(17), III, IV(2)(D), (E), V(4)(A) (July 2011).

**Board Revised & Re-Approval Date: 6/21/2022**

## ***IHBAC: Child Find Policy***

MEVA seeks to ensure that all students within its school are identified, located and evaluated who are school-age (5 through the school year in which they turn 20) and who are in need of special education and supportive assistance - including homeless children, state wards, state agency clients, students who have been suspended or expelled, students receiving home instruction, children incarcerated in county jails, children who have the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during the school year, highly mobile children (including migrant or homeless), and children who are suspected of being disabled and in need of special education and supportive assistance even though they are advancing from grade to grade.

MEVA's child find responsibility shall be accomplished through a school-wide process which, while not a definitive or final judgment of a student's capabilities or disability, is a possible indicator of special education needs. Final identification of students with disabilities and programming for such students occurs only after an appropriate evaluation and a determination by the IEP Team.

The child find process shall include obtaining data on each child through multiple measures, direct assessment and parent information regarding the child's academic and functional performance, gross and fine motor skills, receptive and expressive language skills, vision, hearing and cognitive skills.

If the child find process indicates that a student may require special education and supportive services in order to benefit from regular education, the student shall be referred to the IEP Team to determine the student's eligibility for special education services. School staff, parents or agency representatives or other individuals with knowledge of the child may refer children to the IEP team if they believe that the student, because of a disability, may be in need of special education and supportive services in order to benefit from regular education. Such a referral should follow the school's pre-referral and referral policy.

Legal Reference: 34 CFR § 300.111 (2066) Ch. 101, IV (2) (2007 (Me. Dept. of Educ. Regulations))

**Board Revised & Re-Approval Date: 6/21/2022**

## ***IHBAL: Grievance Procedure for Persons with Disabilities***

### **Federal Guidelines**

#### **§300.152 Minimum Maine complaint procedures.**

(a) Time limit; minimum procedures. Each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under §300.153 to—

- (1) Carry out an independent onsite investigation, if the SEA determines that an investigation is necessary;
- (2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
- (3) Provide the public agency with the opportunity to respond to the complaint, including, at a minimum
  - (i) At the discretion of the public agency, a proposal to resolve the complaint; and
  - (ii) An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with §300.506;

- (4) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this part; and
- (5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:

- (i) Findings of fact and conclusions; and
- (ii) The reasons for the SEA's final decision.

(b) Time extension; final decision; implementation. The SEA's procedures described in paragraph (a) of this section also must—

- (1) Permit an extension of the time limit under paragraph (a) of this section only if—
  - (i) Exceptional circumstances exist with respect to a particular complaint; or
  - (ii) The parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under Maine procedures) and the public agency involved agree to extend the time to engage in mediation pursuant to paragraph (a)(3)(ii) of this section, or to engage in other alternative means of dispute resolution, if available in the Maine; and
- (2) Include procedures for effective implementation of the SEA's final decision, if needed, including
  - (i) Technical assistance activities;
  - (ii) Negotiations; and
  - (iii) Corrective actions to achieve compliance.

(c) Complaints filed under this section and due process hearings under §300.507 and §§300.530 through 300.532.

- (1) If a written complaint is received that is also the subject of a due process hearing under §300.507 or §§300.530 through 300.532 or contains multiple issues of which one or more are part of that hearing, the Maine must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in paragraphs (a) and (b) of this section.
  - (2) If an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties—
    - (i) The due process hearing decision is binding on that issue; and
    - (ii) The SEA must inform the complainant to that effect.
  - (3) A complaint alleging a public agency's failure to implement a due process hearing decision must be resolved by the SEA. Approved by the Office of Management and Budget under control numbers 1820-0030 and 1820-0600)
- (Authority: 20 U.S.C. 1221e-3) §300.153 Filing a complaint.

(a) An organization or individual may file a signed written complaint under the procedures described in §§300.151 through 300.152.

(b) The complaint must include—

- (1) A statement that a public agency has violated a requirement of Part B of the Act or of this part;
- (2) The facts on which the statement is based;
- (3) The signature and contact information for the complainant; and
- (4) If alleging violations with respect to a specific child—
  - (i) The name and address of the residence of the child;
  - (ii) The name of the school the child is attending;

- (iii) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), available contact information for the child, and the name of the school the child is attending;
- (iv) A description of the nature of the problem of the child, including facts relating to the problem; and
- (v) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

(c) The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §300.151.

(d) The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the SEA. (Approved by the Office of Management and Budget under control numbers 1820–0030 and 1820–0600) (Authority: 20 U.S.C. 1221e–3)

### **MEVA Grievance Procedure**

Disputes that are resolved at the local level may preserve and even strengthen the relationship between the school and the parent. While the parent always has the right to request Mediation or a Due Process Hearing and should always be informed of this right, many times issues can be resolved at a less intense level as system personnel and parents seek mutual understanding and agreement. The following four (4) step process may be used to resolve problems before they grow to the level requiring Mediation or a Due Process Hearing:

**Step One:** Contact the assigned Special Education Teacher or Special Education Administrator via e-mail and/or by phone.

**Step Two:** Hold an IEP team meeting to discuss concerns of the IEP team members.

**Step Three:** If ‘Step Two’ is unsuccessful, contact the MEVA Head of School via e-mail and/or by phone.

Although the goal should always be to resolve disputes at the local level, sometimes situations require the assistance of persons not directly involved with the issues at hand.

**Board Revised & Re-Approval Date: 6/21/2022**

### **IHBEA: *English Language Learners/Lau Plan***

#### **Section 1. Legal Foundation for Providing Effective Educational Services to Multilingual Learners\***

\*In Maine, students with a primary/home language other than English who are not yet proficient in English are referred to as multilingual learners. The US Department of Education refers to such students as English learners.

It is the policy of Maine Virtual Academy to provide effective language and content acquisition programming to students who are identified as multilingual learners.

According to the following federal legislation and Supreme Court decisions, we are aware that we must provide equitable access to education for all students, including students who are identified as multilingual learners:

### Federal Legislation

- Every Student Succeeds Act (ESSA) (2015) provides for strong accountability for the education of all children and for certain provisions specific to multilingual learners, especially under Titles I and III of the Act. ESSA also provides funds to states and local schools and universities to carry out the intent of the Act.  
<https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf> (full text)  
<https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/every-student-succeeds-act-essa> (U.S. Department of Education's official ESSA website)
- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of national origin (and other civil rights). <https://www.justice.gov/crt/fcs/TitleVI> (full text)
- Equal Education Opportunities Act of 1974 requires schools to "take appropriate steps" to assure equal access as stipulated in the Lau opinion below.  
<http://www.law.cornell.edu/topics/education.html>

### Supreme Court Decisions

- Lau vs. Nichols (1974) ruled that providing the same access to curriculum, instruction, and materials for multilingual learners as is provided to English dominant students is not in effect equitable:  
[http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0414\\_0563\\_ZS.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0414_0563_ZS.html)
- Plyler vs. Doe (1981) ruled that all students in public schools must be appropriately served, including any students who may not be documented as legal immigrants:  
[http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0457\\_0202\\_ZO.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0457_0202_ZO.html)
- Castañeda vs. Pickard (1981) case precedent requires schools to use a three-pronged approach to assure that they are following the spirit of the above decisions vis-à-vis: a practice grounded in sound educational theory; effective implementation of an appropriate program; assurance that the program is working through an evaluation and subsequent program modification to meet this requirement.

<https://web.stanford.edu/~hakuta/www/LAU/IAPolicy/IA1bCastanedaFullText.htm>

## Section 2: Multilingual Learner Identification

Legal Basis: Section 3111, Elementary and Secondary Education Act of 1965

Action Required by Federal Law and/or State Policy	In specific detail, when and how is this action accomplished in the SAU? Include the job title of the person responsible for ensuring that each action is completed.
Administration of the Maine DOE <a href="#">Language Use Survey</a> ( <i>Select Language Preference</i> )	The Language Use Survey is included with every registration packet given to all parents/guardians when they register a child for school in MEVA. Each building administrator is responsible for ensuring that registration packets include the most recent version of the Language Use Survey.
Translation/Interpretation Services Provided to Parents/Guardians	Translations of the Language Use Survey (provided by Maine DOE in 26 languages) are provided to parents/guardians as needed. Any parent/guardian that requires interpreting services is provided a qualified interpreter to complete registration materials, including the Language Use Survey. School staff will have access to a phone interpreting service when in-person interpreters are not readily available. Front office staff are responsible for ensuring that parents/guardians are provided the necessary translation/interpretation.
Referral of all Potential Multilingual Learners for Screening	If a Language Use Survey indicates that the student has a primary/home language other than English, then the building administrator will immediately contact the ESOL teacher.
Administration of English Language Proficiency Screener	If the child enrolls prior to the start of the school year, the ESOL teacher will contact the parent/guardian to schedule the screening. If the child enrolls after the start of the school year, the ESOL teacher will contact the parent/guardian to notify him/her when the screening will occur. The screener will be administered by the ESOL teacher.
Language Acquisition Committee Meeting to Develop Program of Services for Identified Multilingual Learners*	The ESOL teacher will notify members of the Language Acquisition Committee and the parents/guardians of the meeting. The meeting will be facilitated by the ESOL teacher. All committee members will have the opportunity to provide input. Translation and interpretation services are provided by qualified professionals as needed.

\* Students who are multilingual learners must be identified within 30 days of enrollment.

English Language Proficiency Screening Assessment Requirements		
Grade	Screening Assessment	Minimum Score Required to be Non-EL
Pre-k	preLAS	77
1 <sup>st</sup> semester K	WIDA Screener for Kindergarten	Oral Language Level 4.5
2 <sup>nd</sup> semester K/1 <sup>st</sup> semester 1 <sup>st</sup> grade	WIDA Screener for Kindergarten	Overall Composite Proficiency Level 4.5
2 <sup>nd</sup> semester 1 <sup>st</sup> grade-12 <sup>th</sup> grade	WIDA Screener Online	Overall Composite Proficiency Level 4.5



### Section III: Development of Individualized Language Acquisition Programs

Legal Basis: Title VI of the Civil Rights Act of 1964; Castañeda, 648 F.2d at 1009-10; Cf. 34 C.F.R. § 100.3(b)(1), (2); see also 20 U.S.C. §§ 6312(g)(1)(A)(viii) (Title I), 7012(a)(8) (Title III)

Appropriate placement and programming are determined by the Language Acquisition Committee (LAC) in the development of an Individualized Language Acquisition Plan (ILAP). Many factors are considered in designing a student’s program of supports, including but not limited to:

- Proficiency level
- Age/grade
- Parent/guardian and student preferences
- Previous educational experience
- Academic strengths

<b>Support Structures Available for Students who are Multilingual Learners</b>
Regular classroom instruction with modifications and ESOL strategies incorporated
Collaborative co-planning between ESOL teacher and general education teacher
In-class and/or pull-out supports with the ESOL teacher
Supplemental in-class and/or pull-out supports through an Ed Tech

<b>ACCESS for ELLs Proficiency Level</b>	<b>Recommended English Language Development Services (ELD)</b>	<b>Recommended time for ELD Services (Provided by a certified ESOL teacher)</b>
Level 1 - Beginning Level 2 - Entering	Intensive ELD Support	Minimum of 2 class periods/day
Level 3 - Developing	Cognitive Academic Language Support	Minimum of 1 class period/day
Level 4-4.5 - Expanding	Cognitive Academic Language Support	Minimum of 1 class period/day

If a parent/guardian declines services for their student(s), academic and family support is still provided through consultation with classroom teachers and interpreter/translation services as needed. Students whose parents/guardians have declined services will still be required to participate in the annual assessment of English language proficiency, ACCESS for ELLs/Alternate ACCESS. ESOL teachers will maintain a file on each student with copies of all relevant documents (state and local assessment scores, Language Acquisition Committee meeting minutes, ILAPs, progress reports) in their cumulative files.

## **Section IV: Meaningful and Equitable Access to Academic and Extracurricular Programs**

Legal Basis: 34 C.F.R. § 100.1-.2; 20 U.S.C. § 1703(f)

Multilingual learners are entitled to equitable access to all academic and extracurricular programs that their schools offer, such as college preparatory classes, Advanced Placement, dual enrollment, Gifted and Talented, Career and Technical Education, athletics, academic/career counseling, performing and visual arts, clubs, honor societies, and others.

Students have equal access to academic and extracurricular activities, including summer programming. Language proficiency levels will not determine a student's eligibility for such programming and activities. Information about these programs is provided through individual school communication from teachers, district leadership, and other staff and community members. All communications will be provided in a language that is understandable to each family, in written and/or oral formats.

## **Section V: Equitable Personnel, Facilities, and Materials**

Legal Basis: Title VI of the Civil Rights Act of 1964; 20 U.S.C. § 6826(c); Castañeda, 648 F.2d at 1013

Multilingual learners must be provided with sufficient, qualified teaching staff to meet their language learning and academic content acquisition needs, as well as facilities and materials of comparable quality to those of their peers.

ESOL services are provided through qualified ESOL teachers, who are certified through the State of Maine 660 ESOL endorsement. Staffing is adjusted according to need and number of students on teacher caseloads. ESOL teachers are available to consult with mainstream teachers and may also provide professional development to staff when possible. ESOL teachers maintain a classroom/office space in each building where multilingual learners attend. An ESOL program budget line is used to provide multilingual learners with equitable educational materials, comparable to those of their non- multilingual learner peers. Multilingual learners have full access to all educational opportunities and materials provided by MEVA.

## **Section VI: Annual English Language Proficiency Test Administration**

Legal Basis: 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III)

All identified multilingual learners will be administered ACCESS for ELLs/Alternate ACCESS annually according to federal and State of Maine Department of Education policy.

## **Section VII: Exit and Monitoring**

Legal Basis: 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III)

When a multilingual learner meets Maine's definition of English language proficiency on ACCESS for ELLs/Alternate ACCESS (currently an overall composite proficiency level of 4.5 or level P2 on Alternate ACCESS), the student is exited from multilingual learner status. Note that no other criteria may substitute for a proficient score on ACCESS for ELLs/Alternate ACCESS.

MEVA monitors the academic performance of all exited multilingual learners for two years to ensure that ESOL services are no longer needed. If a student's academic performance and progress is demonstrating that the student is no longer proficient in English, we will collect information from the student, parent, and staff to determine if there is another reason for a decline in performance (health, attendance, etc.) and make a plan of interventions before rescreening with the WIDA Screener Online. When rescreening is needed, a student who scores below an overall composite proficiency score of 4.5 must be reentered into multilingual learner status, provided ESOL services, and administered ACCESS for ELLs/Alternate ACCESS annually until exiting again.

## **Section VIII: Ongoing Program Evaluation**

Legal Basis: Castañeda, 648 F.2d at 1014-15

MEVA strives to provide an equitable and high-quality educational program for all multilingual learners. The effectiveness of ESOL teachers is assessed annually through the district-wide process of teacher evaluation. Longitudinal data collection and analysis methods are provided as needed via the Comprehensive Needs Assessment to ensure that long-term outcomes are comparable to those of students who were never multilingual learners. The following multilingual learner data will be reviewed annually, and program modifications will be made as necessary:

- State and local academic assessment scores
- Graduation rate
- Multilingual learner status exit rate
- Participation in advanced coursework (college prep, AP)

## **Section IX: Meaningful Communication with Parents/Guardians**

Legal Basis: Title VI of the Civil Rights Act of 1964; Titles I and III of the Elementary and Secondary Education Act of 1965

MEVA ensures meaningful communication with parents/guardians in a language they

can understand. Multilingual parents/guardians are notified about any program, service, or activity of the school district or individual schools. Per the [Dear Colleague Letter](#), under civil rights law schools must identify the interpretation/translation needs of all parents/guardians. MEVA does this through the intake process in the form of a question on registration paperwork.

The essential information provided to parents/guardians includes but is not limited to information regarding:

- language assistance programs
- special education and related services
- IEP meetings
- grievance procedures
- notices of nondiscrimination
- student discipline policies and procedures
- registration and enrollment
- report cards
- requests for parent/guardian permission for student participation in district or school activities
- parent/guardian-teacher conferences
- parent/guardian handbook
- gifted and talented programs
- magnet and charter schools
- health and wellness information provided by the district
- any other school and program choice options.

School building administrators provide annual training and support to office staff, teachers, school- based health care providers, and any other school- based staff on how to access interpreters and translation services for families.

## **Maine Virtual Academy (MEVA) Lau Procedures**

It is the policy of Maine Virtual Academy (MEVA) to provide equitable access for English learners. According to the Equal Education Opportunities Act (1974), this district must make an effort to do whatever is educationally appropriate to address the English and educational needs of the English language learner student so that he/she can compete with his/her same age English background peers. Qualifying students will be identified and placed in programs and services in accordance with statutory guidelines. MEVA will strive to provide a linguistically and culturally rich learning and teaching environment. It is the policy of MEVA to comply with all federal and state laws prohibiting discrimination against students on the basis of all civil rights categories.

### **Establish a Language Assessment Committee (LAC)**

The LAC will consist of an administrator, classroom teacher, ESL (English as a Second Language) teacher and/or director, and a parent or guardian when appropriate to support ELL (English Language Learner) students. Appropriate support staff, such as the academic advisor, will be included when they are involved in the student's program.

### **The responsibilities of the LAC and/or ESL Director include:**

1. Identify English Language Learner (ELL) students using the WIDA Screener Online (grades 7-12).
2. Develop an appropriate and effective language support program that assures ELL students will achieve the Learning Results and Proficiency Level Expectations.
3. Monitor the ELL student's progress on an on-going basis.
4. Notify parent or guardian of all decisions (in a language they comprehend) and their right to appeal ESL Services for their child. If a parent refuses ESOL services this must be documented, but parental refusal does not release the school or SAU from its responsibility to provide meaningful education to an English learner. If an English learner cannot make academic progress without ESOL services, the student has a right to ESOL services even if a parent refuses. Parental consent is not required to administer an English language proficiency screener or ACCESS for ELLs. Under state law SAUs are responsible for administering ACCESS for ELLs to all English learners, regardless of parental consent (20-A M.R.S. 6209(1- A)).
5. Determine when the ELL student meets the exit or reclassification standards through WIDA Assessment.
6. Monitor ELL students for two years after exiting ESL Services.

7. Make recommendations for programming for next school year.

In the event of conflict, the LAC has the final authority in decision making.

## Screening

All newly enrolled students (including transfers from other districts) will be initially screened for subsequent assessment through the **Home Language Survey** (located on the last page of this document) <https://www.maine.gov/doe/learning/multilinguallearner/policy/survey> and possibly the WIDA Screener Online (grades 7-12) during the enrollment process.

If a student has been previously identified as an English Language Learner (ELL) within the district, screening is not required upon transferring schools within the district, although English proficiency assessment is required annually in all communicative skills domains.

## Assessment of English Language Proficiency and Academic Skills

Within thirty school days of enrolling at the beginning of the school year, or within two weeks of enrolling mid-year, and initial screening by the **Home Language Survey**, possible ELL students will be assessed for a level of English Language Proficiency via the following:

1. WIDA Screener Online (grades 7-12)
2. Consultation with (mainstream) classroom teacher where appropriate
3. Anecdotal information from student, family and/or sponsors
4. Assessment of academic proficiency in First Language (optional)
  - a. Interview
  - b. Writing Sample
  - c. Anecdotal Records
  - d. School Records

## **Grade Level Placement**

Before making a permanent grade-level placement decision for an ELL student, the LAC and/or ESL Director will need to have pertinent background information about the child. That information would include, as a minimum:

1. the child's chronological age
2. the child's educational background
3. the child's English language proficiency level through WIDA assessments
4. the child's academic performance

With this information, which should have been collected as expeditiously as possible, the LAC will decide at what grade level the student should be placed. Under no circumstances will a student be placed in a grade level that is more than one year below his/her chronological age. Although it may seem logical to place an ELL child at a grade level that matches the kind of English skills he/she needs to acquire, it would be a great disservice to the child both socially and cognitively to do so. The LAC is obligated to provide a structured language support program that meets the ELL as well as content area needs of the student consistent with state and federal statute and case law precedent.

In the event of conflict, the LAC has the final authority in decision making.

## **Regarding the issue of grade-level retention**

On the whole, retention is only advisable when an ELL student is lagging behind peers socially and emotionally (and even that may not be appropriate). It stands to reason that an ELL will not be on grade level academically until he/she has had the opportunity to acquire the English skills and content necessary for success.

It is not appropriate to retain an ELL solely for the reason of limited English proficiency. The child has unique needs and must be given ample time from grade level to grade level to acquire English proficiency. The LAC accepts the research findings that the acquisition of another language for cognitive/academic language proficiency (CALP) can take anywhere from five to seven years under optimal circumstances of academic and ELP (English Language Proficiency) support.

The most advantageous way to avoid grade-level retention is to make accommodations for the ELL in the mainstream classroom and to maintain a close collaborative relationship between mainstream and ESL Services. If an ELL is referred for retention, the LAC should be included in that process to ensure that language proficiency is not the sole reason for the referral.

## **Programs**

Each student will be enrolled in a mainstream program to the extent possible and integrated into regular activities. The regular mainstream classroom teacher will share the responsibility of programming with a qualified ESL teacher at the weekly MTSS meetings and department meetings; appropriate instructional materials will support modifications and accommodations to the regular curriculum. ESL Services will be provided to maximize language support to maintain access to the Learning Results.

### **Some of the programs used in MEVA:**

**Pull Out:** An approach that utilizes the simplification of the English language to teach English language proficiency and subject area content simultaneously in a one-on-one or small group setting on top of mainstream instruction. Although the actual content is the same as that taught to non-ELL students, key concepts and vocabulary are targeted to fit the ELL's English language proficiency level. The ESL teacher will invite the students into breakout rooms, as well as small group and one-on-one sessions.

**Push In:** An approach that extends support and instruction into the classroom while maintaining the ELL's mainstream involvement. The ESL teacher will embed within the regular education classroom.

### **The following guidelines will be followed for the development of an ELL student's program:**

1. Instruction will be provided during the regular school hours.
2. ELL student's grade placement will be age appropriate.
3. The ESL teacher and mainstream classroom teacher will coordinate efforts to support the ELL student's acquisition of English and the Learning Results.



4. Instructional space will be provided to ELL students comparably with the space provided to non-ELL students.
5. The amount of time spent with the ESL teacher and/or one-on-one teacher assistance, will be determined on an individual basis, which is based on the ELL's WIDA ACCESS scores from the previous year.

In the event of conflict, the LAC has the final authority in decision making.

### **ESL Director Requirements**

1. Hold State of Maine Certification with ESL endorsement
2. Make modifications or revisions to the LAU Plan.
3. Reclassification or exiting of an ELL based on attaining proficiency.
4. Maintain a language development file on each student that receives ESL Services.
5. Be a part of all Language Assessment Committees (LAC).
6. Supervise ESL Services for MEVA.

### **ESL Teacher Requirements**

1. Hold State of Maine Certification with ESL endorsement
2. Administer evaluations to ELL students annually.
3. Communicate each trimester/quarter with parents regarding progress of students in a language they understand.
4. Reclassification or exiting of an ELL based on attaining proficiency.
5. Provide meaningful cultural and language information to student, teachers, and classmates.
6. Insure that ELL high school students receive appropriate career and educational information and that all post graduate opportunities are made equitably accessible to them.
7. Monitor students who have exited ESL Services for a period of two years.

## **Reclassification or Exit Criteria**

An assessment will be made when determining if an ELL student will be classified as a Fluent English Proficient (FEP) student. This will consist of the following: In order to exit from ESOL services, a student must demonstrate English language proficiency. The Maine Department of Education defines English language proficiency as a composite proficiency level of 4.5 on ACCESS for ELLs. No other measure qualifies.

## **Special Needs Placement:**

Determining special needs placement for students who are receiving ESL Services is a complex process. There may be a number of individual or combined factors determining why language and cultural minority students are achieving little academic progress over time; the normal process of second language acquisition, the acculturation process, different learning styles, motivation to learn, or the student's lack of prior schooling are a number of potential factors instead of intrinsic learning problems. Students may qualify for and have legal entitlement to both ESOL and special education services.

Appropriate screening is required to determine students' eligibility for each type of service. The ESL Director/Specialist must be involved throughout the process.

## **The following pre-referral process will be followed to determine the necessity for referral to special education:**

When the ELL student experiences continued, serious academic/social behavioral difficulty:

Examine systematic efforts to identify the source of difficulty.

- 1. Curriculum:** continuity of exposure, scope and sequence, ELL student's entry level skills, cognitive demands, mastery criteria, amount of practice exhibited in the native language.
- 2. Instruction:** sequencing of content, language use, effective teaching behaviors, coordination with other teachers.
- 3. Teacher:** qualifications, experience with ELL students, teaching style, expectations, perceptions, instructional management, behavior management.
- 4. ELL student:** Experiential background, native language proficiency, cultural characteristics, cognitive learning style, locus of control/attribution, self-concept, motivation.
- 5. Assessment:** learning standards, data collection procedures, modifications.

Examine the ELL student's individual and group behavior, parental perceptions, work samples, and teacher perceptions.

1. Cultural differences: country of origin, length of residence in US, age at arrival.
2. Language differences: first language characteristics, rate of progress in English, opportunities to use English outside of school, literacy skills in first language.
3. Environmental factors: background factors, attitudes on schooling, interruptions/traumas, frequency of school moves, family separation, family support for schooling, home environment factors.
4. Medical/physical factors: history, present conditions.
5. Achievement/performance factors: listening comprehension, oral expression, basic reading skills, reading comprehension, written expression.
6. Learning/behavior factors: visual discrimination, auditory discrimination, visual memory, auditory memory, visual motor coordination, attention/coordination, a social perception, problem solving, activity level, speech.

Parents, teachers, and support staff can initiate referral to Special Education through the Language Assessment Committee (LAC). Parents will be provided an interpreter if they cannot speak and comprehend English fluently. The Language Assessment Committee can refer a student to special education services for continued diagnosis and testing if systematic efforts to identify the source of the difficulty are unsuccessful. The Language Assessment Committee will gather the information and process the referral observing Special Education regulation timelines.

Depending upon the student's disability and Individual Education Plan (IEP), universal testing tools or accommodations may be needed in order to measure English language proficiency. When evaluating an English learner for learning disabilities, screening must be linguistically and culturally appropriate. It is advisable to measure a student's skills in the student's primary language in order to clarify whether challenges are due to a learning disability or English language development.

## **Program Evaluation**

In order to ensure the most effective and appropriate structured language support programming for English language learning children, a model for overall program evaluation must be developed and utilized consistent with state and federal statute. An annual program evaluation will illustrate: attainment of program outcomes, English language and content acquisition, attainment of learner outcomes, school climate and support for the program and children, the quality of instructional materials, the maintenance of information about students, the effectiveness of staff development

activities, the amount and effectiveness of mainstream ELL collaboration, the effectiveness of school and program communication with parents, and the implementation of the Lau Plan itself.

The program accountability and demonstration of outcomes will enhance the program's legitimacy in the school and will consummate the work and methods of the program toward the ultimate goal of continually improving instruction to meet learner instructional needs.

## **Caveats**

The following four circumstances could present themselves. The policy of the school committee is duly noted for each situation.

- 1.** English language learner students may be eligible for ESEA Title I and Title III services under the same criteria as other children and may receive those services. However, Title I and Title III services cannot supplant structured support services, such as ESL.
- 2.** Limited English proficiency is not a disability as defined by the Americans with Disabilities Act of 1994 and state special education regulations. If a language minority child is referred for a special education evaluation, a culturally and linguistically non-biased evaluation must comply with state and federal regulations.
- 3.** If a parent refuses ESOL services this must be documented, but parental refusal does not release the school or SAU from its responsibility to provide meaningful education to an English learner. If an English learner cannot make academic progress without ESOL services, the student has a right to ESOL services even if a parent refuses. Parental consent is not required to administer an English language proficiency screener or ACCESS for ELLs. Under state law SAUs are responsible for administering ACCESS for ELLs to all English learners, regardless of parental consent (20-A M.R.S. 6209(1-A)).
- 4.** ELL students (not including transfers) in their first year of student enrollment may be exempted from the ELA portion of the MEA, however, not from ESL based mandated tests.

## **Legal References:**

### ***Civil Rights Act (Title VI) of 1964***

No person in the United States shall, on the grounds of race, color, or natural origin be excluded from participation in, be denied under the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

### ***Lau v. Nichols: U.S. Supreme Court decision of 1974***

“There is no equality of treatment merely by providing students with the same facilities, textbook, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education.”

### ***Memorandum, May 25, 1970 Dept. of HEW***

“Where inability to speak and understand the English language excluded national origin-minority children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

### **Office of Civil Rights, Fall, 1985 memo on the May 23, 1970 Memorandum**

"Title VI rights are for individual rights, thus LEA's must heed the May 25th memorandum even if they have only a single Limited English Proficient (LEP) Student."

**Added to Board Manual: 11/18/24**

## **IHBG/IHBGA: *Homeschooling & Participation in School Programs***

Parents/guardians who wish to have their children fulfill the compulsory school attendance law through equivalent education by home schooling must comply with the provisions of 20-AMRSA § 5001-A(3)(A)(4). The parent can work with the neighborhood public school regarding school programs.

The student's parent/guardian must provide a written notice of intent to provide home instruction simultaneously to the Superintendent of the school unit in which the student resides and to the Commissioner of the Department of Education within ten calendar days of the beginning of home instruction. The notice must contain the following information:

1. The name, signature and address of the student's parent/guardian;
2. The name and age of the student;
3. The date the home instruction program will begin;
4. A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts, and, in at least one grade from grade 6 to 12, Maine studies.

**Board Revised & Re-Approval Date: 7/19/2022**

## **IHCDA: *Post Secondary Enrollment Options***

MEVA students have access to Dual Enrollment programs for enrichment and for academic credit. The following are the kinds of Dual Enrollment programs that MEVA students may access:

- Career and Technical Education through a student's local Regional Vocational Centers.
  - Early College courses through the University of Maine's Early College program – ExplorEC
- Students seeking to access vocational programs must meet the admissions requirements specific to their local Region Center. Students looking to take Early College courses must meet MEVA requirements and the requirements of the Early College program. The Head of School must make all final decisions on approval.

**Board Revised & Re-Approval Date: 7/19/2022**

## **IJJ: *Instructional and Library Materials Selection***

MEVA will provide textbooks, software, and required materials for all core academic courses required for graduation. Most textbooks will be an online version accessible through the Learning Management System. Hardback textbooks will only be provided in the event the course does not contain an online version or the student is required by a student's IEP and/or Section 504 Plan. Students/families may be responsible for expenses associated with optional software or optional materials for selected non-core courses such as technology courses. Computer hardware (if ordered) will be shipped to students via USPS or FedEx with delivery confirmation. Shipments will carry insurance to cover the cost of replacing the system. Students/families will be notified of the method of delivery, the expected arrival date, and the tracking number of the package(s). The student or a parent/guardian must sign for the package.

If there is an issue with any of the instructional materials, the family is to fill out the Challenge of

Instructional Materials Form and submit to the Head of School.  
Maine Virtual Academy is a virtual school and does not have an on-site library.

**Board Revised & Re-Approval Date: 7/19/2022**

**IJJ-E: CHALLENGE OF INSTRUCTIONAL MATERIALS FORM**

Type of Material:  Book  Magazine/Periodical  Film  Recording  
 Software  Other (Please specify) \_\_\_\_\_

Author (if known) \_\_\_\_\_

Title \_\_\_\_\_

Publisher (if known) \_\_\_\_\_

Person making complaint: \_\_\_\_\_

Telephone \_\_\_\_\_ Address \_\_\_\_\_ Town \_\_\_\_\_

Complainant represents:  Him/herself

Organization \_\_\_\_\_

Other group \_\_\_\_\_

1. To what portion of the material do you object? (Please be specific, cite pages, scenes, etc.)  
\_\_\_\_\_

2. What do you feel might be the negative result of reading/viewing/hearing this material?  
\_\_\_\_\_

3. For what age group would you recommend this material? \_\_\_\_\_

4. Is there anything good about this material? \_\_\_\_\_

5. Did you read/view/hear all of the material? \_\_\_\_\_ If not, what parts did you  
read/view/hear? \_\_\_\_\_

6. Are you aware of the professional reviews/judgment of this material? \_\_\_\_\_

7. What do you believe is the theme and/or intention of this material? \_\_\_\_\_

8. What would you like the school to do about this material?

Do not assign it to my child.

Do not assign it to any students.

Withdraw it from the library and/or instructional program.

Refer it to the Educational Media Review Committee for evaluation.

Adopted from the MAINE SCHOOL MANAGEMENT ASSOCIATION

**Board Revised & Re-Approval Date: 7/19/2022**

## ***IJNDB: Student Computer and Internet Use and Internet Safety***

Maine Virtual Academy has done due diligence to protect students' personal information and to guard against cyber predators by installing anti-virus software and security settings on each MEVA issued student computer. Students are responsible for installing updates and patches for anti-virus software. Students must not change the security settings of the computer.

School email addresses for students do not allow them to email other students for security reasons. In addition, every email the student receives in their school email inbox is automatically forwarded to the student's learning coach.

Students must sign an Acceptable Use Agreement governing their use of the on-loan hardware, the internet and email. Students who are found to be in breach of the Acceptable Use Agreement, or have been withdrawn from the school, must return the computer following directions provided for them as shipping labels are provided for the family.

**Board Revised & Re-Approval Date: 7/19/2022**

## ***IKE: Promotion, Retention & Acceleration Policy***

- a. Based on a student's ILP and/or IEP, MEVA reserves the right to promote or retain a middle school student.
- b. However, if a Parent makes a specific request to retain a student, the Head of School (HOS) must approve the retention. If the HOS approves, then the Guidance Counselor will retain the student and the student will retake the middle school courses from the previous year.
- c. If a Parent or the school does not request that a student is retained, then middle school students are promoted to the next grade-level at MEVA.
- d. High school students who are off-track to graduate may still be promoted to the next grade-level, with the expectation that they will make-up courses and complete necessary post-secondary planning to graduate with their cohort (students' state assigned cohort year does not change). Further information on requirements to meet graduation are located in the "Parent Student Handbook".

## ***Dual Enrollment Credit Offering***

MEVA students have access to Dual Enrollment programs for enrichment and for academic credit. The following are examples of the kinds of Dual Enrollment programs that MEVA students may access:

- Career and Technical education through a student's local Regional Vocational Centers.
  - Early College courses through the University of Maine's Early College program – Explore EC
- Students seeking to access vocational programs must meet the admissions requirements specific to their local Region Center. Students looking to take Early College courses must meet MEVA requirements and the requirements of the Early College program. For more information on Dual Enrollment opportunities and questions about access, please speak with the Guidance Counselor.

## ***Accelerated Graduation***

Graduation at an accelerated rate will be considered upon petition, subject to school policy and approval by the Head of School (HOS).

Approval is granted when the student can show the following:

- 1) Parent/Guardian consent to accelerated graduation, if the student is a minor;



- 2) A "legitimate need" to graduate early (legitimate need can be displayed in a number of ways - examples: need to work full time to support oneself or family, desire to enter college early, desire to join the military upon turning 18 during the current or before the start of the next school year),
- 3) A clear post-secondary plan for the student. Students and/or families seeking accelerated graduation who take courses outside of MEVA or ExplorEC towards that end may be fully responsible for materials, fees, tuition, and other expenses associated with those non-MEVA courses and activities.
- 4) Complete any additional requirements issued by the school, as determined by the HOS.

### ***Diploma Authorization***

Students who graduate from MEVA with at least the minimum number of credits, in accordance with the Maine Department of Education requirements, will earn a diploma from Maine Virtual Academy.

-End of IKE Policy

**Board Revised & Re-Approval Date: 9/20/2022**

### ***IKF: Graduation Requirements***

To earn a diploma from Maine Virtual Academy (MEVA), students must meet the Maine Department of Education's graduation requirements, as well as satisfy the parameters outlined in the MEVA Parent/Legal Guardian Student Handbook.

Maine Department of Education Graduation Requirements (for informational purposes):

- A. English--4 years or the equivalent in standards achievement;
- B. Social studies and history, including American history, government, civics and personal finance--2 years or the equivalent in standards achievement;
- C. Mathematics--2 years or the equivalent in standards achievement;
- D. Science, including at least one year of laboratory study--2 years or the equivalent in standards achievement; and
- E. Fine arts, which may include art, music, forensics, or drama--one year or the equivalent in standards achievement.

Students seeking help accessing and/or understanding their progress towards graduation should speak with the Guidance Counselor for support.

**Board Revised & Re-Approval Date: 9/20/2022**

### ***ILA: Student Assessment/Local Assessment System***

Proctored exams – virtual and in-person: Students are required to take the (virtual) Northwest Educational Assessments (NWEA) in grades 7-11, the Accuplacer (virtual) in grade 12, and the face-to-face Maine Educational Assessment (MEA Math & ELA) for grades 7,8, and 10. MEA Science (in-person) for grades 8, and 11. The NWEA and Accuplacer are proctored virtually so students may take their exams at home. However, the MEA Math, ELA & Science may be administered face-to-face in multiple remote locations across the State of Maine. Locations, dates, and times of the MEA's will be communicated via email in a timely fashion. A system is used to pair families to the nearest testing location to their home. For more information on testing opt outs, please refer to the Parent Student Handbook.

**Board Revised & Re-Approval Date: 9/20/2022**

## **ILD: Student Submission to Surveys, Analysis, and Evaluations**

As part of Maine Virtual Academy's (MEVA) continuous school improvement process, MEVA will develop, distribute, and collect school climate feedback via surveys from students/parents about their experience, which may include:

- Enrollment process.
- Course registration process.
- Orientation process.
- Material distribution and return.
- Student/teacher relationships.
- Academic advising experience.
- School/Home communications.
- Courses and classrooms.

Data collected in surveys will be considered the property of MEVA. MEVA will use this data to make improvements for the school community.

### **PROTECTION OF PUPIL RIGHTS ACT (PPRA)**

Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA) PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income, other than as required by law to determine program eligibility.

- Receive notice and an opportunity to opt a student out of –

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law or the Individuals with Disabilities Act; and
3. Activities involving collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling or otherwise distributing the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of

developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

•Inspect, upon request and before administration or use –

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum if the instructional material will be used in connection with any survey, analysis, or evaluation as part of any survey funded in whole or in part by a program of ED. These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

MEVA will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. MEVA will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. MEVA will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. MEVA will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

**Board Revised & Re-Approval Date: 9/20/2022**

### ***IMBB: Exemption from Required Instruction***

The curriculum of the school unit is designed to reflect the learning expectations for all students in all content areas of the system of Maine Learning Results, as well as other statutory and regulatory requirements and content areas specified by Maine Virtual Academy (MEVA). MEVA acknowledges that from time-to-time individual students may be exposed to some ideas and materials with which they or their parent(s)/legal guardian disagree. Students and their parent(s)/legal guardian cannot be required to adopt ideas with which they disagree, but such disagreement alone is not a sufficient basis to exempt a student from the prescribed curriculum. Exemptions from the required curriculum should be minimized because they can detract from the overall instruction provided to the class as a whole and the educational objectives sought to be achieved by the curriculum. MEVA recognizes, however,

that there could be topics in the curriculum which may be objectionable to individual students and/or parent(s)/legal guardian based on their particular sincerely held religious, moral or philosophical beliefs. Exemption from instruction which infringes on such beliefs may be requested by the parent(s)/legal guardian. Requests for exemption from instruction must be made in writing to the Head of School (HOS) and are subject to HOS approval. Exemption from required instruction does not excuse the student from meeting the requirements of the Maine Learning Results or from total credit hours or other requirements for graduation, or from performing alternative work.

In considering requests for exemption, factors that the HOS should consider may include:

- A. The alignment of the curriculum with the system of Maine Learning Results;
- B. Whether the course or content area is required by state law or board policy;
- C. The educational importance of the material or instruction from which exemption is requested;
- D. Evidence regarding the sincerity of the belief on which the request is based;
- E. Whether the school has a legal obligation to accommodate the exemption request
- F. The effect of exemption or accommodation on the validity of the local assessment system; and
- G. Other factors that bear upon the particular request.

Exemption from required instruction does not excuse the student from meeting the requirements of the Learning Results or from total credit hours or other requirements for graduation, or from performing alternative work.

When the Head of School determines that the curriculum that has been aligned with the system of Learning Results conflicts with sincerely held religious beliefs of a student or his/her parent or legal guardian, reasonable accommodation in the curriculum shall be made for the student, within the scope of existing resources. Alternative instruction may be provided by the school or through approved independent study. Any alternative instruction shall be approved in advance by the Head of School in consultation with appropriate instructional staff and shall meet the standards and objectives of the part of the curriculum that is being replaced.

When a student is exempted from any portion of the regular curriculum for other than religious reasons (exemption based on sincere philosophical or moral beliefs), the staff will make reasonable efforts, within the scope of existing resources, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school or through approved independent study. Any alternative instruction shall be approved in advance by the Head of School in consultation with the classroom teacher, and shall meet the standards and objectives of the part of the curriculum that is being replaced. When requests for exemption are made for religious, philosophical or moral reasons, a parent/guardian who is dissatisfied with the HOS's decision may appeal to the Board, whose decision shall be final.

Legal Reference: 20-A MRSA § 6209 LD 1536, Chap. 51 Resolves Ch. 127 § 3.07 (Me. Dept. of Ed. Rules) Ch. 131 (Me. Dept. of Ed. Rules)

**Board Revised & Re-Approval Date: 9/20/2022**

### ***JEA: Compulsory Student Attendance***

Under Maine State Law, full-time attendance is required of all children from their 6th to their 17th birthday except a student who has:

- i. Reached the age of 15 years or completed the 9th grade;

- ii. Permission to leave school from that person's parent;
- iii. Been approved by the Head of School for a suitable program of work and study or training;
- iv. Permission to leave school from the Head of School; and
- v. Agreed in writing with that person's parent and the Head of School to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the MEVA board.

**Board Revised & Re-Approval Date: 9/20/2022**

### ***JFABD: Admission of Homeless Students***

Maine Virtual Academy recognizes that homelessness alone should not be a sufficient reason to separate students from the mainstream school environment. Maine Virtual Academy will strive to ensure that homeless students are identified and provided access to the same free and appropriate public education provided to other students in the school system. In accordance with federal and state law and regulations, the school unit will provide homeless students with access to the instructional programming that supports achievement of the content standards of Maine's system of Learning Results and to other services for which they are eligible. Students shall not be segregated into a separate school or program based on their status as homeless, nor shall they be stigmatized in any way.

#### **I. DEFINITIONS**

A. "Homeless" students are those who lack a fixed, regular, and adequate nighttime residence and include the following:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
2. Children and youths who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as regular sleeping accommodation for human beings.
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
4. Migratory children who meet one of the above-described circumstances.

B "School of origin" means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

C. "Unaccompanied youth" refers to a youth not in the physical custody of a parent or guardian (e.g., runaway and "throw away" children and youth).

#### **II. ENROLLMENT/PLACEMENT**

The school unit will determine, according to the best interest of the child or youth, whether the child or youth will be enrolled in the school of origin or in the public school that non-homeless students who live in the attendance area in which the child is actually living are eligible to attend. In determining the best interest of the child or youth, the school unit will, to the extent feasible, keep the child or youth in the school of origin, unless doing so is contrary to the wishes of the parent. If the youth is unaccompanied by a parent or guardian, the homeless liaison will assist in placement and enrollment decisions, with the views of the youth taken into

consideration. The school selected shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, immunization records, evidence of residency, or other documentation. The school unit may require a parent or guardian of a homeless child or youth to provide contact information. The school unit must provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of the homeless child or youth if the school unit sends the child or youth to a school other than the school of origin or other than a school requested by the parent or guardian. In the case of an unaccompanied youth, the homeless liaison will provide notice of the right to appeal. The enrolling school shall contact the school last attended by the child or youth to obtain relevant academic and other records. If the child or youth needs to obtain immunizations or immunization or medical records, the parent or guardian of the homeless child or youth will be referred to the homeless liaison for assistance.

Link to the definition on what qualifies as McKinney Vento <https://nche.ed.gov/mckinney-vento-definition/> Legislation on McKinney Vento <https://nche.ed.gov/legislation/mckinney-vento/>

**Board Revised & Re-Approval Date: 10/18/2022**

## ***JFC: Student Withdrawal from School (Dropout Prevention Committee)***

### **1. Committee**

The Superintendent/Head of School, with school board approval, shall annually establish a separate dropout prevention committee for each individual school unit under the Head of School's supervision.

In order to reduce the school dropout rate, the Head of School shall establish a Dropout Prevention Committee to study the problem of dropouts, habitual truancy, and the need for alternative programs for 7<sup>th</sup> through grade 12 as served by MEVA. The Committee will meet at least annually, make recommendations for addressing the problem, and submit a plan of action to the Board in accordance with the provisions in Maine law.

The Committee will consider the following when developing its plan: reasons why students drop out of school; maintenance of continuing contacts with recent dropouts in order to extend opportunities for alternate educational programs, counseling, and referral; education of teachers and administrators about the dropout problem; use of human services programs to help dropouts; the Board's policies on suspension, expulsion, and other disciplinary action; and discriminatory practices and attitudes within the unit.

### ***2. Committee Membership***

As required by law, the Dropout Prevention Committee shall be composed of the following members:

- A. A member of the school board selected by the board;
- B. A school administrator selected by the Superintendent/Head of School;
- C. A teacher and a school counselor selected by the school administrative unit's teacher organization;
- D. A parent selected by the local organized parent group or by the Board if no such group exists;
- E. A school attendance coordinator from the district by the Superintendent/Head of School;

F. A high school student selected by the Dropout Prevention Committee members selected in paragraphs A to E;

G. A dropout selected by the Dropout Prevention Committee members selected in paragraphs A to E; and

H. A community resident of the district selected by the Dropout Prevention Committee members selected in paragraphs A to E.

A dropout prevention committee may increase its membership by majority vote.

**3. Terms and vacancies:** Members shall serve in accordance with policy established by the school board.

**4. Chair:** The dropout prevention committee shall select a chair from among its members.

**5. Responsibilities:** The following provisions apply to responsibilities of the dropout prevention committee.

A. The dropout prevention committee shall:

(1) Study the problem of dropouts and truancy and the need for alternative education programs, kindergarten to grade 12;

(2) Make recommendations for addressing the problems; and

(3) Submit a plan of action to the school board, in accordance with [section 4502, subsection 5, paragraph L-1](#).

B. The dropout prevention committee shall consider the following when developing its plan:

(1) Reasons why students drop out of school;

(2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for alternative education programs, counseling and referral;

(3) Education of teachers and administrators about the dropout problem;

(4) Use of human services programs to help dropouts;

(5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and

(6) Discriminatory practices and attitudes within the school administrative unit.

**6. Annual report:** The dropout prevention committee shall meet at least annually to review its plan and to make recommendations to the school board.

**7. Department assistance:** The department shall provide technical assistance to a dropout prevention committee on request to the Office of Truancy, Dropout Prevention and Alternative Education.

*Legal Reference: 20-A MRSA §§ 5001-A; 5051-A; 5102-5104-A*

*Cross Reference: JEA - Compulsory Attendance*

## ***Student Withdrawal from School***

### **Procedure Provisions**

- a. Maine Virtual Academy must follow certain procedures when students withdraw from the program. This document details what is done from the point when the school becomes aware of a withdrawal to when the withdrawal is finalized in the

school systems.

- b. *Voluntary Withdrawal*- To voluntarily withdraw a student from MEVA, parents/guardians (or students who are 18 year of age or older) should notify the school administration via phone as far in advance of the withdrawal as possible. An exit interview must be completed with an administrator before a student is withdrawn. All requests for transfer of student records will be initiated by the school in which the student will be enrolled.
- c. As a public charter school, the school is responsible to reach out to the legal guardian until the legal guardian follows the proper withdrawal steps with the Registrar.

## II. Procedures

- a. A school staff member (teacher, advisor, administrator, etc.) becomes aware of a student withdrawal. This is typically in the form of a phone call email from a student or email from the parent.
- b. Staff members need to notify the Registrar, so the student's family can be directed by the Registrar to complete proper steps to withdraw.
- c. Occasionally, MEVA is notified of a student's withdrawal with a record request form from the student's next school. In those cases, the Registrar contact the legal guardian to confirm the withdrawal and reason(s) for it.
- d. The Registrar withdraws all MEVA students.
- e. The Registrar uses the Stride K12 exit interview electronic forms.
- f. Once the form comes up click on I agree and continue
- g. Fill out the form and sign and initial it
- h. Click finish
- i. When the forms come back up save a copy of the exit interview in the student withdrawal file.
- j. The Legal Guardian is emailed an exit survey to complete the withdrawal process.

*End of Dropout Policy*

**Board Revised & Re-Approval Date: 10/18/2022**

### ***JICH: Drug and Alcohol Use by Students***

Maine Virtual Academy and the school board support a safe and healthy learning environment for students that are free of the detrimental effects of drugs, tobacco products and alcohol. Accomplishing this goal requires a cooperative effort among school staff, students, parents, law enforcement and organizations concerned with the use of drugs, tobacco products and alcohol by school-aged youth. Any such incident is to be reported to the Head of School immediately and to the legal guardian of the student. The Head of School will follow the disciplinary process as outlined in the "Virtual Classroom & Face to Face School Events Conduct" policy on (page 29), within the latest Board approved Parent and Student Handbook housed on the school website <https://www.mainevirtualacademy.org/>

**Board Revised & Re-Approval Date: 10/18/2022**

### ***JICIA: Weapons, Violence, and School Safety Policy***

The Maine Virtual Academy School Board prohibits any individual from possessing, using, or storing a weapon on school premises, school buses, or off school grounds at school related



activities. You shall not discharge, display, use or threateningly use any firearm, explosive, matches, lighters or weapons on school grounds. A weapon is defined by the school board as any object that by the manner in which it is used, or intended use, could cause bodily harm. Up to a five day suspension and/or referral to law enforcement will be made for those in violation.

**Board Revised & Re-Approval Date: 10/18/2022**

### ***JICK: Harassment, Intimidation, and Bullying***

No one should be subjected to harassment, intimidation or bullying at school for any reason. Therefore, it is the policy of MEVA that all students will deal with all persons in ways which convey respect and dignity. Harassment, intimidation or bullying in the form of name-calling, taunting, gestures, unwelcomed conduct, jokes, pictures, slurs, ridicules, or sexual harassment are prohibited. Such conduct referencing or directed at an individual or group that demeans that person/group on the basis of race, ethnicity, religion, gender, sexual orientation, creed, age, disability or other extraneous factors is prohibited and shall be grounds for disciplinary action.

Sexual harassment includes all unwanted, uninvited, and non-reciprocal sexual attention as well as the creation of an intimidating, hostile or offensive school or work environment. This can include:

- Sexually suggestive looks or gestures
- Sexual jokes, pictures or teasing
- Pressure for dates or sex
- Sexually demeaning comments
- Deliberate touching, cornering or pinching
- Attempts to kiss or fondle
- Threats, demands or suggestions that favors will be granted in exchange for sex or tolerance of sexual advances

MEVA has a zero-tolerance policy towards intimidation, harassment, bullying, fighting, and racial and/or sexual harassment as such actions are considered violent acts against others. These behaviors cannot be tolerated, and the natural consequence is to be barred from interactions with others.

A warning letter will be sent to the student and/or legal guardian/learning coach for the first harassment, bullying, or intimidation offense requiring the student (and parent if applicable) to communicate with the teacher or Advisor. Subsequent offenses may lead to suspensions in accordance with the School discipline policy.

MEVA will promptly and thoroughly investigate reports of harassment, intimidation and bullying, whether of a physical or of a nonphysical form. If it is determined that either has occurred, MEVA will act appropriately within the discipline codes of MEVA and will take reasonable action to end such behavior.

If deemed necessary, bullying incidents will be reported to the state every quarter.

### ***Bullying and Cyber Bullying***

***Sources Used: Maine Department of Education***

#### **I. Introduction**

It is our goal for our school to be a safe and secure learning environment for all students. It is the intent of the MEVA Board to provide all students with an equitable opportunity to learn. To that end,

the Board has a significant interest in providing a safe, orderly, and respectful school environment that is conducive to teaching and learning.

Bullying and other forms of peer mistreatment are detrimental to the school environment as well as student learning, achievement, and well-being. Peer mistreatment interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying and other forms of peer mistreatment affect not only students who are targets but also those who participate in and witness such behavior. These behaviors must be addressed to ensure student safety and an inclusive learning environment.

It is not the Board's intent to prohibit students from expressing their ideas, including ideas that may offend the sensibilities of others, or from engaging in civil debate. However, the Board does not condone and will take action in response to conduct that interferes with students' opportunity to learn, the educational mission of Maine Virtual Academy, and the operation of the school.

## **II. Prohibited Behavior**

The following behaviors are prohibited:

1. Bullying;
2. Cyberbullying;
3. Harassment and Sexual Harassment (as defined in board policy ACAA);
4. Retaliation against those reporting such defined behaviors; and
5. Making knowingly false accusations of bullying behavior.

Any person who engages in any of these prohibited behaviors that constitutes bullying shall be subject to appropriate disciplinary actions.

## **III. Bullying and Cyberbullying Defined**

"Bullying" and "Cyberbullying" have the same meaning in this policy as in Maine law:

A. "Bullying" includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

(1) Has, or a reasonable person would expect it to have, the effect of:

(a) Physically harming a student or damaging a student's property; or

(b) Placing a student in reasonable fear of physical harm or damage to the student's property;

**OR**

(2) Interferes with the rights of a student by:

(a) Creating an intimidating or hostile educational environment for the student; or

(b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school;

**OR**

(3) Is based on a student's actual or perceived race, color, national origin, ancestry, religion, physical or mental disability, gender, sexual orientation, or any other distinguishing characteristic, or is based on a student's association with a person with one or more of these actual or perceived characteristics, and that has the effect described in subparagraph (1) or (2) above. (These behaviors might also meet the criteria for harassment as defined in board policy ACAA: Harassment and Sexual Harassment of Students.)

Examples of conduct that may constitute bullying include, but are not limited to:

1. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;
2. Behavior that is likely to harm someone by damaging or manipulating his or her relationships with others, including but not limited to gossip, spreading rumors, and social exclusion;
3. Non-verbal threats and/or intimidations such as use of aggressive, menacing, or disrespectful gestures;
4. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally or in writing;
5. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
6. Blocking access to school property or facilities;
7. Stealing or hiding books, backpacks, or other possessions;
8. Stalking; and
9. Physical contact or injury to another person or his/her property.

B. “Cyberbullying” means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

Examples of conduct that may constitute cyberbullying include, but are not limited to the following actions on any electronic medium:

1. Posting slurs or rumors or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually oriented material about a student on a website, an app, in social media, or any other electronic platform;
2. Posting misleading or fake photographs or digital video footage of a student on websites or creating fake websites or social networking profiles in the guise of posing as the targeted student;
3. Impersonating or representing another student through the use of that other student’s electronic device or account to send e-mail, text messages, instant messages (IM), phone calls or other messages on a social media website;
4. Sending e-mail, text messages, IM, or leaving voice mail messages that are mean or threatening, or so numerous as to bombard the target’s e-mail account, IM account, or cell phone; and
5. Using a camera phone or digital video camera to take and/or send embarrassing or “sexting” photographs of other students.

C. “Retaliation” means an act or gesture against a student for asserting or alleging an act of bullying. “Retaliation” also includes knowingly falsely reporting an act of bullying.

D. “Substantiated” means that the outcomes of the investigation on the Responding Form (housed in the forms section at the end of this manual) provide clear evidence to prove that bullying or cyberbullying, as defined in policy, did occur.

E. “Alternative discipline” means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student’s specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student’s misbehavior.

#### **IV. Application of Policy**

A. This policy applies to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation, all of whom have the responsibility to comply with this policy.

B. This policy applies to bullying that:

1. Takes place at school or on school grounds, meaning: a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles.
2. Takes place while students are being transported to or from schools or school-sponsored events;
3. Takes place at any school-sponsored event, activity, function, program, instruction or training; or
4. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in this policy's definition of bullying.

## **V. Reporting**

*Refer to the Reporting Form – JICK-E1* (link

<https://www.maine.gov/doe/schoolsupports/climate/bullyingprevention>)

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel.

A. School staff, coaches and advisors for extracurricular and cocurricular activities are required to report alleged incidents of bullying to the school principal or other school personnel designated by the superintendent or Head of School. Any other adult working or volunteering in a school will be encouraged to promptly report observed or suspected alleged incidents of bullying to the building principal or school personnel designated by the superintendent or Head of School.

B. Students who are believed to have been bullied or are aware of incidents of bullying are strongly encouraged to report this behavior to a staff member or school administrator.

C. Parents and other adults who believe that an incident of bullying has occurred are encouraged to report this behavior to a staff member or school administrator.

D. Acts of reprisal or retaliation against any person who reports an alleged incident of bullying are prohibited. Any student who is determined to have knowingly falsely accused another of bullying shall be subject to disciplinary consequences.

## **VI. Responding**

*Refer to the Responding Form – JICK-E2* (link

<https://www.maine.gov/doe/schoolsupports/climate/bullyingprevention>)

The school principal or a Head of School's designee will:

A. Promptly [OR: within \_\_\_ days] investigate and respond to allegations of bullying behavior;

B. Keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report alleged and substantiated incidents to the superintendent or Head of School;

- C. Inform parent(s) or guardian(s) of the student(s) who was alleged to have bullied AND of the student(s) who was believed to have been bullied that a report of an alleged incident of bullying has been made;
- D. Communicate to the parent(s) or guardian(s) of a student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student(s) who was believed to have been bullied and to prevent further acts of bullying;
- E. Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken;
- F. Communicate with local or state law enforcement agency if it's believed that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act may be appropriate.

## **VII. Remediation**

Refer to the Remediation Form – JICK-E3 (link <https://www.maine.gov/doe/schoolsupports/climate/bullyingprevention>)

The school principal or a Head of School's designee will:

- A. Identify the specific nature(s) of the incident.
- B. Apply disciplinary actions, which may include but are not limited to, imposing a series of graduated consequences that include alternative discipline. In determining the appropriate response to students who engage in bullying behavior, school administrators should consider the type of behaviors, the frequency and/or pattern of behaviors, and other relevant circumstances. Alternative discipline includes, but is not limited to:
  - 1. Meeting with the student and the student's parents/guardian;
  - 2. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
  - 3. Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option;
  - 4. Counseling;
  - 5. Anger management;
  - 6. Health counseling or intervention;
  - 7. Mental health counseling;
  - 8. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
  - 9. Community service; and
  - 10. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.
- C. Remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services.

## **VIII. Appeal**

Notification shall be provided to parent(s), guardian(s) and students of the right to appeal a decision of a school principal or a Head of School's designee related to taking or not taking remedial action in

accordance with this policy. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent or Head of School.

## **IX. Assignment of Responsibility**

A. The School Board is responsible for:

1. Annually providing written versions of this policy and related procedures to students, parent(s) and guardian(s), volunteers, administrators, teachers and school staff;
2. Posting this policy and related procedures on the school administrative unit's publicly accessible website; and
3. Including in student handbooks a section that addresses in detail this policy and related procedures.

B. The Superintendent or Head of School is responsible for:

1. Oversight, implementation, and enforcement of this policy and its procedures;
2. Designating a school principal or other school personnel to administer the policies at the school level;
3. Developing a procedure for publicly identifying the Head of School's designee or designees for administering the policies at the school level;
4. Ensuring that the prohibition on bullying and retaliation and the attendant consequences apply to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation;
5. Ensuring that any contractor, visitor, or volunteer who engages in bullying is barred from school grounds until the Superintendent or Head of School is assured that the person will comply with the policies of the school board;
6. Ensuring that any organization affiliated with the school that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school;
7. Providing professional development and staff training in the best practices in prevention of bullying and harassment and implementation of this policy;  
[NOTE: The law requires “training and instructional materials related to the policy” be posted on the Maine Department of Education’s website. See “Bullying Prevention Resources” at <http://www.maine.gov/doe/bullying/resources/> for further information]
8. Filing the SAU policy that addresses bullying and cyberbullying with the Maine Department of Education; and
9. Ensuring that substantiated incidents of bullying and cyberbullying are reported to the Maine Department of Education on at least an annual basis.

Legal Reference: 20-A M.R.S.A. § 254 (11-A)  
20-A M.R.S.A. § 1001(15), 6554  
Maine Public Law, Chapter 659

Cross Reference: AC - Nondiscrimination, Equal Opportunity  
ACAA - Harassment and Sexual Harassment of Students  
ACAA-R – Student Discrimination and Harassment Complaint  
Procedure  
ACAD – Hazing  
AD – Educational Philosophy/Mission  
ADAA – School System Commitment to Standards for Ethical and  
Responsible Behavior  
CHCAA - Student Handbooks  
GCI – Professional Staff Development  
IJNDB – Student Computer and Internet Use and Internet Safety  
JI - Student Rights and Responsibilities  
JIC - Student Code of Conduct  
JICIA - Weapons, Violence and School Safety  
JK - Student Discipline  
JKD - Suspension of Students  
JKE - Expulsion of Students  
JRA-R – Student Education Records and Information Administrative  
Procedures

\*Title IX, Bullying, and Cyberbullying Reporting Form can be found on the MEVA website and towards the end of this handbook.

**Board Revised & Re-Approval Date: 10/18/2022**

**\*JJE: *Student Fundraising Activities***

The Board recognizes that it is responsible for providing through the budget process the resources necessary to support the school unit’s instructional program. However, the Board acknowledges that student organizations may wish to engage in fundraising in order to support their activities, to provide funding for social events and/or student travel, to benefit the school or community, or for humanitarian purposes.

It is the purpose of this policy to provide guidelines for student participation in fundraising activities.

A. Fundraising Guidelines

The following general guidelines apply to fundraising by student organizations. These guidelines and additional considerations shall apply to student participation in fundraising conducted for other purposes.

1. All student fundraising activities must be approved in advance by the head of school. There must be sufficient educational or financial benefits to the school and/or students to justify the fundraising activity.
2. Student fundraising activities must be supervised by an administrator, teacher, or activity advisor.
3. The activity must be one in which schools and students may appropriately engage, and must not subject the schools or students to unnecessary risk or

responsibility. In the event there is a question regarding the appropriateness of a proposed activity or the proposed fundraising activity is one that is new to the school system, the faculty shall consult with the head of school.

4. Participation by students shall be voluntary.
5. The activity must not be unduly demanding of student or staff time or work. Neither students nor staff should miss instructional time to plan or implement fundraising activities, acquire, demonstrate or distribute products, solicit sales, or to collect or record monies. Students may participate in fundraising activities during non- instructional time, such as lunch periods and before and after school.
6. There shall be no mandatory quotas for product sales or donations.
7. Class time will not be used for distribution of promotional materials.
8. Students participating in fundraising activities are expected to conduct themselves in accordance with Board policies, school rules and the student code of conduct.
9. In the interest of student safety, activities involving door-to-door solicitation by elementary level students are prohibited.
10. Club and class dues shall be determined by the club or class officers in consultation with the club or activity advisor. The head of school shall have final authority over the setting of club and class dues.
11. The administrators, teachers, or advisors supervising fundraising activities will be responsible for the collection, monitoring, deposit into student activity accounts, and disbursement of funds raised in accordance with the Board's policy DFF, Student Activities Funds Management (or other applicable policy code and title).

**B. Solicitation of Funds By and From Students for Humanitarian or Charitable Organizations**

Student fundraising may be conducted to benefit humanitarian or charitable organizations or purposes only as follows:

1. The fundraising activity or charity drive must be sponsored by a recognized school club or student organization and approved in advance by the head of school.
2. The activity or drive must be supervised by an administrator or teacher.
3. Instructional time should not be used for planning or soliciting funds.
4. Class time should not be used for distribution of promotional materials.



5. Participation in or donation to any fundraising activity shall be optional. Under no circumstances will any student be compelled to participate or donate, or be penalized for not participating or donating.
6. Fundraising activities must be conducted in accordance with the guidelines in Section A of this policy.
7. The administrator or teacher charged with supervising the fundraising activity or drive will be responsible for the collection, monitoring and disbursement of funds raised. Use of any student activity account must be in accordance with the Board's policy DFF (or other code), Student Activities Funds Management.

C. Use of Students in PTO/Parent Group Fundraisers

The Board recognizes that PTO's and other parent groups may wish to involve students in fundraising activities. The following provisions apply to student participation in such activities:

1. Any fundraising activity sponsored by a PTO or other parent group that involves student participation must be approved in advance by the head of school and be conducted in consultation with the head of school and staff.
2. Participation should provide a positive experience for students.
3. Participation by staff and students shall be voluntary.
4. Instructional time will not be used for fundraising activities or solicitations.
5. All activities must be conducted in accordance with the fundraising guidelines in Section A of this policy.

D. Coordination of Fundraising Activities

PTO's and other parent groups are encouraged to coordinate their fundraising activities with student organization-initiated fundraisers in order to avoid burdening local businesses and the community.

The Board encourages the use of a fundraising calendar at the school to assist in spreading fundraisers over the school year.

Cross Reference: DFF-Student Activities Funds Management (alternative code JJF)

**Board Adoption Date: 7/18/2023**

***JJIF: Management of Concussions and other Head Injuries***

Maine Virtual Academy students may choose to participate in their neighborhood school

athletics, as MEVA does not have their own athletic teams. In those cases, MEVA will follow the neighborhood school's process for handling the management of concussions and other head injuries. In most cases, at the beginning of each school year, students and parents of students who will be participating in their neighborhood school-sponsored athletic activities will be provided information regarding

A. The risk of concussion and other head injuries and the dangers associated with continuing to participate when a concussion or other head injury is suspected;

B. The signs and symptoms of concussion and other head injuries; and

C. The school unit's protocols for 1) removal from the activity when a student is suspected of having sustained a concussion or other head injury, 2) evaluation, and 3) return to participation in the activity ("return to play"). The student and his/her parent(s) must sign a statement acknowledging that they have received and read this information.

**Board Revised & Re-Approval Date: 10/18/2022**

## ***JIC/JK: Conduct and Discipline***

### ***Student Code of Conduct Overview (Includes webcam usage)***

MEVA recognizes and strives to meet the individual needs of each student through programs which promote the development of self-esteem, cooperation and vision. This expanded view of school will result in well-educated, productive and socially responsible citizens. To this end, we believe the school should reflect the desires and expectations held by our community for our children, and that the school must provide an environment that ensures the safety and well-being of students. For this reason, it is important that the school have clear expectations and guidelines for students.

### ***\*PROHIBITED USE OF RECORDING DEVICES***

To encourage open channels of communication among Teachers (Employees) and to ensure the privacy of our Teachers (Employees), Students, and the integrity of our school information, you may not openly or secretly, photograph, tape, record, or videotape, any conversation, communication, classes/sessions, activities/events, and field trips during a school day.

You are restricted from using the recording or camera functions on any electronic communication devices to record MEVA students at any time, unless the recording is for an educational purpose ***authorized*** by MEVA. Students who need to review missed live sessions, can access the recording links by going into their course and clicking on the module they missed. Within the module there is a recording link of the missed live session. If a link is missing, please contact the teacher for further direction.

### ***Virtual Classroom and Face-to-Face School Events Conduct***

In order for virtual classroom sessions and school events and activities to be educationally effective and safe for students, all students should abide by a standard set of rules. The following rules govern student conduct in the virtual classroom as well as face to face events:

- Students' written and oral communications must be free of vulgar, belittling, or offensive language
- Students must abide by rules established by the course instructor or administrator

- Students must comply with instructions communicated orally or in writing by the instructor or administrator
- Students are not to be in possession of weapons, tobacco, or drugs at face-to-face events
- Students may not display affiliation with a gang

Students who violate the virtual classroom rules and/or face-to-face events rules of conduct, will be warned by the instructor to correct their behavior. If the student does not comply with the instructor's instructions, s/he will be removed from the virtual classroom for the rest of the session. The learning coach can then expect a phone call from the classroom teacher to address the behavior and ensure it does not happen again. If a student has been removed from a virtual classroom, the student may receive read-only privileges in the virtual classroom for the rest of the semester or until the instructor deems it appropriate to restore all classroom privileges to the student. If student does not comply at a face to face event, the student's parents may be called and student may be asked not to attend future face to face events.

***Use of Language and Images (includes webcam usage)***

Students must not use vulgar, obscene, abusive or demeaning language, writing, pictures, signs or acts in written or oral communications, including email, discussion board, listserv, virtual classroom, student websites, or in photographs. Students are prohibited from posting content from or links to suggestive, lewd or otherwise inappropriate websites.

***Dress Code (includes webcam usage)***

Appropriate attire (free from offensive language and images) shall be worn at all school activities and classroom webcam activities.

***Personal Respect (includes webcam usage)***

MEVA administrators, instructors and students know that personal respect is the foundation of learning. Language, comments, or images that show a lack of respect for individuals or groups will lead directly to disciplinary action.

***Defiance (includes webcam usage)***

Students should follow the requests of school staff; failure to do so is defiance toward school personnel or rules. Defiance is defined as defying instructions of school personnel, the bold resistance of school authority, and/or contemptuous behavior or attitude that is manifested by breaking of school rules. Acts of defiance may result in disciplinary action.

***Plagiarism and Cheating***

Cheating (giving or receiving information) and plagiarism on class work may result in a zero grade for the assignment without the opportunity to complete an additional assignment to make up lost points.

The following procedure governs identification and discipline for instances of academic dishonesty:

1st Offense: The teacher will setup and participate in a phone conference with the family and log the information in the school system. The teacher will alert the head of school. The student will not receive credit for the plagiarized assignment. In addition, he or she will be required to review the plagiarized lesson and complete the plagiarized lesson for 70% of the original points.

2nd Offense: The student and parent will attend a conference with the head of school and teacher. The student may not be allowed to rewrite/redo the assignment.

Continued Offenses: Additional disciplinary action may be taken and may result in failure of the course.

### ***Academic Freedom/Students Rights***

In addition to other rights established by law, each student served by MEVA shall possess the following substantive rights, and no school district shall limit these rights except for good and sufficient cause:

- No student shall be unlawfully denied an equal education opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, gender, sexual orientation, pregnancy, marital status, previous arrest, previous incarceration or a physical, mental or sensory handicap.
- All students possess the constitutional right to freedom of speech and press, the constitutional right to peaceably assemble (see Freedom of Assembly) and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have their schools free from sectarian control or influence, subject to reasonable limitations upon the time, place and manner of exercising such right.
- All students possess the constitutional right to be secure in their persons, papers and effects against unreasonable searches and seizures.
- All students shall have the right to be free from unlawful interference in their pursuit of an education while in custody of a common school district.
- No student shall be deprived of the right to an equal educational opportunity in whole or in part by a school district without due process of law.
- The foregoing enumeration of rights shall not be construed to deny or disparage other rights set forth in the constitution and the laws of the State of Maine or the rights retained by the people.

### ***Technology Usage (includes webcam usage)***

MEVA has done due diligence to protect students' personal information and to guard against cyber predators by installing anti-virus software and security settings on each MEVA issued student computer. Students are responsible for installing updates and patches for anti-virus software. Students must not change the security settings of the computer.

Students and/or parents must sign an Acceptable Use Agreement governing their use of the on-loan hardware, the internet and email.

Students who are found to be in breach of the Acceptable Use Agreement, or have been withdrawn from the school, must return the computer and printer to MEVA. Students/families who do not comply with the return request will be liable for the cost of the computer. The "Acceptable Use Policy" is housed within the latest Board approved Parent & Student Handbook <https://www.mainevirtualacademy.org/> on (page 44), the contract and expanded policy can be found on (page 82).

### ***Discipline Process***

The most effective discipline is taught and dealt with before problems arise. It is a learning process

that should be Instructor directed. This being said - when applicable - internal interventions will be utilized prior to the referral process.

The teacher will try to positively redirect the student. If this doesn't work, the Instructor will call the learning coach to explain the situation and reiterate expectations. The instructor will log the phone conversation in the school system.

If the problem persists during next class, the teacher is to email the Head of School and Advisor a detailed email and a system note which states the nature of the problem and what the teacher did to try to defuse or solve the situation. The student may then be referred to the Head of School.

Within one school day of receipt of the referral, the student will communicate with the Head of School to review the incident and develop a plan to return to the class, which will include communication with and a response from the parent.

The Head of School will contact the student's parent by the parent's preferred method of contact (phone or email) to review concerns relating to the disciplinary incident.

The student will miss the virtual classroom session from which s/he was excluded, and is responsible for viewing the recording. If necessary, s/he may be blocked from participating in further live sessions, the discussion board and/or the course itself.

If the student doesn't follow through with the agreed-upon plan, he/she will be referred to the Head of School and Academic Advisor again.

With each additional referral, the student will be assigned a consequence or disciplinary step to be determined based on the student's behavior.

Additional referrals may result in continued suspension from school, and the need for a conference between the student/parent and Head of School to develop a plan for return to class.

It should be noted that there are instances where this process may be altered. Behaviors such as violence toward others, bullying, harassment, intimidation, disrespect toward instructors, non-compliance, and other behaviors that a staff member deems as disruptive to an orderly learning environment, may result in an automatic referral to the Head of School.

Instructors may not re-admit a student to the online classroom until they have communicated with the Head of School.

### ***Discipline Appeal Process***

A parent or student has a right to appeal disciplinary action. If an appeal is desired, a letter must be received by the Head of School within ten (10) school business days (Monday through Friday, 8 a.m. to 4 p.m.) with an official request for an appeal hearing.

### ***Re-admission after Suspension/Expulsion***

A student who has been long-term suspended or expelled from MEVA and wishes to be considered for entrance or readmission to MEVA must appeal to the MEVA Head of School. In the case of expulsion, entrance or re-admission will be considered based on review of the offenses resulting in expulsion and a review of the student's re-entry plan.

**Board Revised & Re-Approval Date: 10/18/2022**

## ***JKAA: Policy On Use Of Physical Restraint & Seclusion***

The Maine Virtual Academy Governing Board has adopted this policy and the accompanying procedures to implement the standards for use of physical restraint and seclusion with students, as required by state law and regulations, and to support a safe school environment. Physical restraint and seclusion, as defined by this policy, may only be used as an emergency intervention when the behavior of a student presents an imminent risk of serious physical injury to the student or others.

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

The Head of School has overall responsibility for implementing this policy and the accompanying procedure, but may delegate specific responsibilities as they deems appropriate.

### **1. Definitions**

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

#### **A. Physical restraint:**

1. A personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, or head freely.

#### **B. Physical restraint does not include any of the following:**

1. Physical escort: A temporary, voluntary touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location.
2. Physical prompt: A teaching technique that involves voluntary physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
3. The use of adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement than would be possible without the use of such devices or supports.
4. The use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

#### **C. Seclusion:**

1. The involuntary isolation or confinement of a student alone in a room or clearly defined area from which the student does not feel free to go or is physically denied exit.

#### **D. Seclusion does not include:**

1. A timeout, An intervention where a student requests, or complies with an adult request for a break.

## 2. Procedures for Implementing Physical Restraint and Seclusion

The requirements for implementing physical restraint and seclusion, as well as incident notices, documentation and reporting are included in the accompanying procedure, JKAA-R.

## 3. Annual Notice of Policy/Procedure

**Maine Virtual Academy** shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Head of School/designee.

## 4. Staff Training Requirements

- A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- B. **Maine Virtual Academy** will ensure that there are a sufficient number of administrators/designees, special education and other staff who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff shall be updated annually and maintained in the Head of School's Office, in each school office and in the school unit's Comprehensive Emergency Management Plan.
- C. The Department of Education shall maintain a directory of approved training programs on its website at <http://maine.gov/education/>. The list of approved training programs may include regional training programs and regional "train the trainer" model programs. These training programs must require participants to demonstrate competency to achieve certification, and must include instruction in at least the following core components:
  1. The use of non-physical interventions for responding to potentially dangerous behaviors, including de-escalation and the use of positive alternatives;
  2. Identification of dangerous behaviors that may indicate the need for physical restraint or seclusion and methods for evaluating the risk of harm to determine whether such interventions are warranted;
  3. Instruction and simulated experience in administering safe physical restraint techniques across a range of increasingly restrictive interventions, including the safe movement of a student, and in recognizing and avoiding positions involving a high risk of restraint-related positional asphyxia (restricting a student's ability to breathe);
  4. The effects of physical restraint and seclusion on a student, including monitoring physical and psychological signs of distress and when to obtain medical assistance in compliance with the covered entity's procedures for emergency interventions;
  5. The risks and realities of physical restraint and seclusion; and
  6. A review of the process of student and staff debriefing.

## 5. Parent/Legal Guardian Complaint Procedure

A parent/legal guardian who has a complaint concerning the implementation of this policy/procedure must submit it in writing to the Head of School as soon as possible. The Head of School/designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days of receiving the complaint, if practicable.

A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the results of the local complaint process and may initiate its own investigation at its sole discretion. The Department shall issue a written report with specific findings to the parent/legal guardian and the school unit within 60 calendar days of receiving the complaint. If a violation is found, the department shall develop a corrective action plan by which the school will achieve compliance.

Legal References: 20-A M.R.S.A. §§ 4014, 4502(5)(M); 4009

Me. DOE Reg., ch. 33

Cross References: JKAA-R – Procedures on Physical Restraint and Seclusion

JK – Student Discipline

EBCA – Comprehensive Emergency Management Plan

***Date of Board Revision & Re-Approval; 2/27/2024***



## ***JKAA-R: Administrative Procedures On Physical Restraint & Seclusion***

These procedures are established for the purpose of meeting the obligations of **Maine Virtual Academy** under state law/regulations and Board Policy JKAA governing the use of physical restraint and seclusion. These procedures shall be interpreted in a manner consistent with state law and regulations.

### **1. Physical Restraint**

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

This procedure does not preclude law enforcement personnel from implementing physical restraints consistent with their professional responsibilities.

#### **A. Permitted Uses of Physical Restraint**

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

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

2. Prescribed medications, harnesses, seat belts and other assistive or protective devices may be used as permitted by law and described in Policy JKAA.
3. Parents/legal guardians may be requested to provide assistance with their child at any time.

#### **B. Prohibited Forms and Uses of Physical Restraint**

1. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Physical restraint used solely to prevent property destruction or disruption of the environment in the absence of a risk of serious physical injury.

3. Physical restraint that is life threatening, restricts breathing or restricts blood flow to the brain, including prone restraint.

4. Physical restraint that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-downs (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting. Restricting the free movement of the diaphragm or chest that restricts the airway so as to interrupt normal breathing or speech (restraint-related positional asphyxia) of a student.

5. Physical restraint that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if documented in:

- A health care directive or medical management plan;
- A school-approved behavior plan;
- An IEP or an Individual Family Service Plan (IFSP); or
- A school-approved 504 or ADA plan.

6. Aversive procedures, and mechanical and chemical restraints.

a. Aversive procedures are defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to infliction of bodily pain (e.g., hitting, pinching, slapping); water spray; noxious fumes; extreme physical exercise; costumes or signs.

b. Mechanical restraints are defined as any restraint that uses a device to restrict a student's freedom of movement. Such restraints do not include adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement, or the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

c. Chemical restraints are defined as the use of drug or medication that is not prescribed as the standard treatment of a student's medical or psychiatric condition by a licensed physician or other qualified health professional acting under the scope of the professional's authority

under state law that is used on a student to control behavior or restrict freedom of movement.

**C. Monitoring Students in Physical Restraint**

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

**D. Termination of Physical Restraint**

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

## **2. Seclusion**

To the extent possible, seclusion will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated seclusion in an emergency, trained staff must be summoned to the scene as soon as possible.

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

### **A. Permitted Uses and Location of Seclusion**

1. Seclusion may be used only as an emergency intervention, when the behavior of a student presents an imminent risk of serious bodily injury to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.

The seclusion must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person. “Serious physical injury” is a physical injury that a reasonable person would consider to be serious for the victim if it were to occur.

2. Seclusion may be achieved in any part of a school building with adequate light, heat, ventilation and of normal room height.
  - a. Seclusion may not take place in a locked room.
  - b. If a specific room is designated as a seclusion room, it must be a minimum of sixty (60) square feet; have adequate light, heat and ventilation; be of normal room height; contain an unbreakable observation window in a wall or door; and must be free of hazardous material and objects which the student could use to self-inflict bodily injury.
3. Parents/legal guardians may be requested to provide assistance with their child at any time.

**B. Prohibited Uses of Seclusion**

1. Seclusion used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Seclusion used solely to prevent property destruction or disruption of the environment in the absence of an imminent risk of serious physical injury to the student or another person or injury or harm to self or others.
3. Seclusion that is life threatening.
4. Seclusion that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if documented in:
  - A health care directive or medical management plan;
  - A school-approved behavior plan;
  - An IEP or IFSP; or
  - A school-approved 504 or ADA plan.

**C. Monitoring Students in Seclusion**

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

**D. Termination of Seclusion**

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting an imminent risk of serious physical injury to the student or others, and the seclusion must be discontinued as soon as the imminent risk ceases.

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

#### **4. Notification and Reports of Physical Restraint and Seclusion Incidents**

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

##### **A. Notice Requirements**

After each incident of physical restraint or seclusion:

1. A staff member involved in the incident shall make an oral notification to the administrator/designee as soon as possible, but no later than the end of the school day.
2. An administrator/designee shall notify the parent/legal guardian about the physical restraint or seclusion (and any related first aid provided) as soon as practical, but within the school day in which the incident occurred. The administrator/designee must utilize all available phone numbers or other available contact information to reach the parent/legal guardian. If the parent/legal guardian is unavailable, the administrator/designee must leave a message (if the parent/legal guardian has a phone and message capability) to contact the school as soon as possible. The parent/legal guardian must be informed that written documentation will be provided within seven (7) calendar days.
3. If the physical restraint or seclusion incident occurred outside the school day, the notifications must be made as soon as possible and in accordance with the school unit’s usual emergency notification procedures.

4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the **Maine Virtual Academy's** emergency notification procedures shall be followed and an administrator/designee shall notify the Maine Department of Education within twenty-four (24) hours or the next business day.

## **B. Incident Reports**

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

The incident report must include the following elements:

1. Student name;
2. Age, gender and grade;
3. Location of the incident;
4. Date of the incident;
5. Date of report;
6. Person completing the report;
7. Beginning and ending time of each physical restraint and/or seclusion;
8. Total time of incident;
9. Description of prior events and circumstances;
10. Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, the reasons why;
11. The student behavior justifying the use of physical restraint or seclusion;
12. A detailed description of the physical restraint or seclusion used;
13. The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
14. Description of the incident, including the resolution and process of returning the student to his/her program, if appropriate;

15. Whether the student has an IEP, 504 Plan, behavior plan, IHP (individual health plan) or any other plan.
16. If a student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification, and any treatment administered;
17. The date, time and method of parent/legal guardian notification;
18. The date and time of administrator/designee notification.
19. Date and time of staff debriefing.

Copies of the incident reports shall be maintained in the student's file and in the school office.

## **5. School Unit Response Following the Use of Physical Restraint or Seclusion**

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

1. Review the incident with all staff persons involved to discuss:

(a) whether the use of physical restraint or seclusion complied with state and school board requirements and

(b) how to prevent or reduce the need for physical restraint and/or seclusion in the future.

2. Meet with the student who was physically restrained or secluded to discuss:

(a) what triggered the student's escalation and

(b) what the student and staff can do to reduce the need for physical restraint and/or seclusion in the future.

B. Following the meetings, staff must develop and implement a written plan for response and de-escalation for the student. If a plan already exists, staff must review it and make revisions, if appropriate. For the purposes of this procedure, "de-escalation" is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk of injury or harm.



**6. Procedure for Students with Three Incidents in a School Year**

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

**A. Special Education/504 Students**

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

**B. All Other Students**

1. A team consisting of the parent/legal guardian, administrator/designee, a teacher for the student, a staff member involved in the incident (if not the administrator/designee or teacher already invited), and other appropriate staff shall meet within ten (10) school days to discuss the incidents.

2. The team shall consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is made, the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan).

**7. Cumulative Reporting Requirements**

**A. Reports Within the School Unit**

1. Each building administrator must report the following data on a quarterly and annual basis:

- a. Aggregate number of uses of physical restraint;
- b. Aggregate number of students placed in physical restraint;
- c. Aggregate number of uses of seclusion;
- d. Aggregate number of students placed in seclusion;

e. Aggregate number of students with disabilities having IEPs or 504/ADA plans who are placed in physical restraint;

f. Aggregate number of students with disabilities having IEPs or 504/ADA plans who are placed in seclusion;

g. Aggregate number of serious physical injuries to students related to the use of physical restraints;

h. Aggregate number of serious physical injuries to students related to the use of seclusion;

i. Aggregate number of serious physical injuries to staff related to the use of physical restraints; and

j. Aggregate number of serious physical injuries to staff related to the use of seclusion.

2. The Head of School shall review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.

**B. Reports to Maine Department of Education**

1. The Head of School shall submit an annual report to the Maine Department of Education on an annual basis that includes the information in Section 7.A.1 above. The parent complaint procedure is located in policy JKAA: Policy On Use Of Physical Restraint & Seclusion within section 5.

Legal Reference: 20-A M.R.S.A. §§ 4014, 4502(5)(M); 4009

Me. DOE Rule., ch. 33

Cross Reference: JKAA-R – Procedures on Physical Restraint and Seclusion

JK – Student Discipline

EBCA – Comprehensive Emergency Management Plan

***Date of Board Revision & Re-Approval; 2/27/2024***

## ***JKF/JKF-R: Disciplinary Removal of Students with Disabilities & Administrative Procedure***

MEVA has numerous safeguards governing the discipline and removal of students with disabilities, including what is known as a “manifestation determination” when questions surround whether a student’s disability contributed to attendance or behavior/conduct leading to discipline, which may or may not trigger the need for MEVA to implement a Functional Behavioral Assessment (FBA) or Behavior Intervention Plan (BIP). The Special Education Director will decide on the best way to handle the situation, given the specific circumstances of the situation.

### **Federal Guidelines**

(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to

Determine:

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or

(ii) If the conduct in question was the direct result of the LEA’s failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child’s disability if the LEA, the parent, and relevant members of the child’s IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child’s IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child’s disability, the IEP Team must:

(1) Either:

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph(g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(g) Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days

without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

- (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
- (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or
- (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in §300.504.

(i) Definitions. For purposes of this section, the following definitions apply:

- (1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- (2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- (3) Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- (4) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code. (Authority: 20 U.S.C. 1415(k)(1) and (7))

## **Dispute Resolution**

### **Federal Guidelines**

#### **§300.152 Minimum Maine complaint procedures.**

(a) Time limit; minimum procedures. Each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under §300.153 to—

- (1) Carry out an independent on-site investigation, if the SEA determines that an investigation is necessary;
- (2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
- (3) Provide the public agency with the opportunity to respond to the complaint, including, at a minimum
  - (i) At the discretion of the public agency, a proposal to resolve the complaint; and
  - (ii) An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with §300.506;
- (4) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this part;

and

(5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:

- (i) Findings of fact and conclusions; and
- (ii) The reasons for the SEA's final decision.

(b) Time extension; final decision; implementation. The SEA's procedures described in paragraph (a) of this section also must—

- (1) Permit an extension of the time limit under paragraph (a) of this section only if—
  - (i) Exceptional circumstances exist with respect to a particular complaint; or
  - (ii) The parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under Maine procedures) and the public agency involved agree to extend the time to engage in mediation pursuant to paragraph (a)(3)(ii) of this section, or to engage in other alternative means of dispute resolution, if available in the Maine; and
- (2) Include procedures for effective implementation of the SEA's final decision, if needed, including
  - (i) Technical assistance activities;
  - (ii) Negotiations; and
  - (iii) Corrective actions to achieve compliance.

(c) Complaints filed under this section and due process hearings under §300.507 and §§300.530 through 300.532.

(1) If a written complaint is received that is also the subject of a due process hearing under §300.507 or §§300.530 through 300.532 or contains multiple issues of which one or more are part of that hearing, the Maine must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in paragraphs (a) and (b) of this section.

(2) If an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties—

- (i) The due process hearing decision is binding on that issue; and
- (ii) The SEA must inform the complainant to that effect.

(3) A complaint alleging a public agency's failure to implement a due process hearing decision must be resolved by the SEA. Approved by the Office of Management and Budget under control numbers 1820-0030 and 1820-0600 (Authority: 20 U.S.C. 1221e-3) §300.153 Filing a complaint.

(a) An organization or individual may file a signed written complaint under the procedures described in §§300.151 through 300.152.

(b) The complaint must include—

- (1) A statement that a public agency has violated a requirement of Part B of the Act or of this part;
- (2) The facts on which the statement is based;

- (3) The signature and contact information for the complainant; and
  - (4) If alleging violations with respect to a specific child—
    - (i) The name and address of the residence of the child;
    - (ii) The name of the school the child is attending;
    - (iii) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney- Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), available contact information for the child, and the name of the school the child is attending;
    - (iv) A description of the nature of the problem of the child, including facts relating to the problem; and
    - (v) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
  - (c) The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §300.151.
  - (d) The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the SEA.
- (Approved by the Office of Management and Budget under control numbers 1820–0030 and 1820–0600) (Authority: 20 U.S.C. 1221e–3)

## **MEVA**

Disputes that are resolved at the local level may preserve and even strengthen the relationship between the school and the parent. While the parent always has the right to request Mediation or a Due Process Hearing and should always be informed of this right, many times issues can be resolved at a less intense level as system personnel and parents seek mutual understanding and agreement. The following four (4) step process may be used to resolve problems before they grow to the level requiring Mediation or a Due Process Hearing:

**Step One:** Contact the assigned Special Education Teacher or Special Education Manager via e-mail and/or by phone.

**Step Two:** Hold an IEP team meeting to discuss concerns of the IEP team members.

**Step Three:** If ‘Step Two’ is unsuccessful, contact the MEVA Head of School via e-mail and/or by phone.

Although the goal should always be to resolve disputes at the local level, sometimes situations require the assistance of persons not directly involved with the issues at hand.

## **Stay Put**

During the pendency of any administrative or judicial proceeding, including mediation (if the school district or other public entity voluntarily agrees to participate in mediation), unless the school district and the parents or student (if at least 18 years of age or emancipated) otherwise agree, the student shall remain in his or her present educational placement and continue in his or her present eligibility status and special education and related services, if any. If mediation fails to resolve the dispute between the parties, the parent (or student if 18 years of age or older or emancipated) shall have 10 days after the mediation concludes to file a request for a due process

hearing in order to continue to invoke the “stay put” provisions of this subsection (j). The costs for any special education and related services or placement incurred following 45 days after the initial request for evaluation shall be borne by the school district if the services or placement is in accordance with the final determination as to the special education and related services or placement that must be provided to the child, provided that during that 45-day period there have been no delays caused by the child's parent.

**Board Revised & Re-Approval Date: 11/15/2022**

### ***JLCB: State Immunization Requirements/Immunization of Students***

Maine School Immunization Requirements All children enrolled in a public or private school in Maine must have the following immunizations.

#### Required for Kindergarten entry:

- 5 DTaP (4 DTaP if 4th is given on or after 4th birthday)
- 4 Polio (3 Polio if the 3rd is given on or after the 4th birthday)
- 2 MMR (measles, mumps, rubella) • 2 Varicella (chickenpox) Required for PreK entry:
- 4 DTaP
- 3 Polio
- 1 MMR
- 1 Varicella (chickenpox)

#### Required for 7th grade entry:

- All previously required vaccines
- 1 Tdap
- 1 Meningococcal Conjugate Vaccine (MCV4)

#### Required for 12th grade entry:

- All previously required vaccines
- 2 MCV4 (only one dose is required if the 1st dose is given on or after 16th birthday)

#### **OR**

- Medical exemption for one or all vaccines
- Laboratory evidence of immunity to specific diseases or reliable history of disease documented by a physician or other primary care provider
- Philosophical or religious exemptions are only allowable for students with an IEP and exemption in place prior to September 1, 2021

Each immunization entry must include the vaccine type, date administered and the name of the provider. As of September 1, 2021 only medical exemptions are allowable except as described in Title 20-A §6355

-Updated information can be submitted via the Parent Enrollment Portal under Immunizations or submitted directly to the school Registrar.

**Board Revised & Re-Approval Date: 11/15/2022**

### ***JLCC: Communicable/Infectious Diseases***

Teachers shall be alert to signs of illness and communicable disease and refer students who show such symptoms. All students under quarantine shall be excluded from face to face school functions. Quarantine regulations established by the Bureau of Health shall be observed. The Head of School shall contact the school nurse. The school nurse shall be responsible for notifying the local health department of all students having a communicable disease as required by law and Department of Education rules. The Head of School shall be notified of all communicable disease cases and contacts in the school. Students who have other types of communicable diseases shall be excluded from school as prescribed by law, or shall observe other protective procedures according to recommendations issued by the attending physician. When a student returns to face to face school events after having had a communicable disease, a certificate from the attending physician is required. The Head of School must give permission before the student is readmitted to face to face events. Legal Reference: 5 MRSA § 19201 et seq. 20-A MRSA §§ 1001.11-A, 6301 22 MRSA §§ 801, 802, 806, 823, 824

**Board Revised & Re-Approval Date: 11/15/2022**

### ***JLCD: Administration of Medication to Students***

In the unfortunate circumstance of a medical emergency at a face-to-face event such as (but not limited to) a field trip or state testing, MEVA staff and faculty receive basic first aid training. If a child has any medical needs, it is essential that the legal guardian let the Special Services Dept know which medications, where the medications need to be stored, and how to handle those medications with the child. Maine Virtual Academy also strongly suggests that a guardian stays on-site. If there is an emergency at a face to face school function or event, the school will call 911 and alert as soon as possible.

**Board Revised & Re-Approval Date: 11/15/2022**

### ***JLDBG: Reintegration of Juveniles from Juvenile Correctional Facilities***

Maine law requires the establishment of a reintegration team to assist a student entering a public school from a juvenile correctional facility. Maine Virtual Academy recognizes the need for advance planning and appropriate confidentiality in these circumstances. The Head of School shall be responsible for determining whether a student will be accepted or denied access to school based on compliance with the juvenile's rehabilitation plan as it affects reintegration. Access may be denied until the Head of School is satisfied that conditions have been met. Maine Virtual Academy will comply with reintegration standards established by the Maine Department of Education. The Head of School will be responsible for overseeing the transition of students from juvenile correctional facilities based on the following guidelines.



- A. Within ten days of receiving information from the Department of Corrections concerning the release of a juvenile offender, the Head of School shall establish and convene a meeting of a reintegration team to review information received from the Department of Corrections, evaluate the student's individual educational needs, and determine what additional information may be relevant.
- B. The reintegration team shall include at a minimum the director of special services, the principal/designee of the school to which the student will be admitted, at least one classroom teacher to which the student will be assigned or who is involved in the school's student assistance team, the student's parent/guardian/custodian, and a guidance counselor. The student's juvenile correctional officer or other representative from the Department of Corrections may be invited to attend.
- C. The reintegration team will determine, on the basis of need, which school employees should be given (OR receive information OR have access to) information that would otherwise be considered confidential. The nature and extent of information provided should be limited to that needed to implement the student's reintegration plan and ensure the health and safety of the student, the safety of the school's students and staff, and the integrity of school property.
- D. The Head of School/designee will be responsible for ensuring that confidentiality training, including a review of the school unit's policy and administrative procedures pertinent to records from the juvenile criminal justice system, including the juvenile correctional facility, and to all student educational records under the Family Education Records and Privacy Act (FERPA), is provided to all school employees who have access to this information.
- E. Before the student enters school, at least one additional meeting of the reintegration team shall be held to develop an individualized plan for the student's reintegration based on the student's educational needs and the options available within the school system. This meeting should include the student as well as the members of the reintegration team. The reintegration plan will address the student's educational program, participation in activities (including co-curricular and extracurricular activities), and access to school facilities (including transportation).
- F. Placement in grade, class, and/or school programs will be based on the student's abilities and academic achievement demonstrated in prior educational settings, including the student's stay at the juvenile correctional facility. The Head of School will be responsible for evaluating the student's transcript and portfolio from the juvenile correctional facility to assess progress toward meeting the content standards of the Learning Results. The Head of School may require the student to participate in additional tests or other demonstrations of skill or knowledge, consistent with the local assessment system, for the purpose of determining appropriate placement.
- G. The Head of School will be responsible for developing and implementing a process for monitoring and reporting a student's progress and compliance with the reintegration plan and for modifying the plan as needed.

Legal Reference: 20-A MRSA §§ 254(12), 1055(12), 2902(10), 4502(5)(0), 6001-B(1), 6001-B(2), 6001-B(3-A) 15 MRSA § 3009

**Board Revised & Re-Approval Date: 11/15/2022**

## ***JRA: Student Education Records & Information***

Maine Virtual Academy shall comply with the Family Educational Rights and Privacy Act (“FERPA”) and all other federal and state laws and regulations concerning confidentiality and maintenance of student records and student information.

### **A. Directory Information**

Maine Virtual Academy designates the following student information as directory information: name, participation and grade level of students in recognized activities and sports, dates of attendance in the school unit, and honors and awards received. Maine Virtual Academy may disclose directory information if it has provided notice to parents (and eligible students over 18) and has not received timely written notice refusing permission to designate such information as directory information.

### **B. Military Recruiters/Higher Education Access to Information**

Under federal law, military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and Maine Virtual Academy must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent.

### **C. Information on the Internet**

Under Maine law, the Maine Virtual Academy shall not publish on the Internet any information that identifies a student, including but not limited to the student’s full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents’ names, without written parental consent.

### **D. Transfer of Student Records**

As required by Maine law, the Maine Virtual Academy sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records (except for confidential health records for which consent for dissemination has not been obtained).

### **E. Designation of Law Enforcement Unit**

School units may disclose student education records without parental consent to personnel of its law enforcement unit, provided that they have been designated as school officials with legitimate educational interests for the purpose of compliance with FERPA. The Board hereby designates Local/State Police Departments as Maine Virtual Academy’s law enforcement unit for the purpose of disclosure of student education records under FERPA.

### **F. Health or Safety Emergency Emergencies**

As permitted by FERPA, the school unit may disclose personally identifiable information from a student’s educational record to appropriate parties, including parents of an eligible student, if taking into account the totality of the circumstances, it determines that there is an articulable and significant threat to the health or safety of the student or other individuals and that knowledge of

the information is necessary to protect the health or safety of the student or other individuals. In the event of disclosure, the school unit will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the school unit has disclosed and maintain such record with the student's educational record.

#### G. Administrative Procedures and Notices

The Head of School is responsible for developing and implementing any administrative procedures and parent notices necessary to comply with the applicable laws and regulations concerning student education records and information. Notices shall be distributed annually to parents and eligible students concerning their rights under these laws and regulations. A copy of this policy shall be posted in each school.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99 20 U.S.C. § 7908 20-A M.R.S.A. §§ 6001, 6001-B Ch. 101, 125 (Me. Dept. of Ed. Rules)

**Board Revised & Re-Approval Date: 12/20/2022**

#### ***JRA-R: Student Education Records & Information and Administrative Procedure***

Maine Virtual Academy, in compliance with Federal Laws 93-308 and 93-568, presents these facts for the information of parent(s) and/or guardian(s) and students.

Student records are open for review and inspection by parents/guardians or students 18 years of age or older. Students 16 years of age or older or who are emancipated have the right to give informed consent regarding their records, with some exceptions. Information regarding students 14 years of age or older with HIV/AIDS or a sexually transmitted disease may be released by the student only.

Appointments may be made at the Advisor's office for viewing cumulative records of grades, and/or achievement test scores. MEVA, in compliance with the Family Educational Rights and Privacy Act (FERPA), have adopted a policy regarding student education records and the release of student information. This procedure is set forth in the FERPA policy which is included in this manual.

Records will be stored in accordance with state standards and MEVA policies.

MEVA will maintain and store the following records:

1. Student Information Forms/Demographics
2. National and State Assessment Results
3. Student Transcripts

**Note:** For any grade appeal requests, please review the process housed within the Parent Student Handbook.

**Board Revised & Re-Approval Date: 12/20/2022**

## ***JRA-E: Notification of Rights Under FERPA***

At MEVA, safeguards are in place for proper access to student records by phone and electronically. The Family Educational Rights and Privacy Act (FERPA) afford parents and students turning the age of 18 or are over 18 years of age (eligible students) certain rights with respect to the student's education records. They are:

A. The right to inspect and review the student's education records within 45 days of the day Maine Virtual Academy (MEVA) receives a request for access.

Parents or eligible students should submit to the Head of School a written request that identifies the record(s) they wish to inspect. The HOS will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

B. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask Maine Virtual Academy to amend a record that they believe is inaccurate or misleading. They should write the Head of School, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If the Maine Virtual Academy decides not to amend the record as requested by the parent or eligible student, the Maine Virtual Academy will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment.

Additional information regarding

the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

C. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school unit as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; person or company with whom the school unit has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

Upon request, the Maine Virtual Academy discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

D. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Maine Virtual Academy to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

E. The Maine Virtual Academy may make public at its discretion personally identifiable information from the education records of a student without parental consent if that information has been designated as directory information by the school. This school unit has designated the following information as directory information: the student's name, participation in officially recognized activities and sports, weight and height of athletes, and honors and awards received.

Such information will not be disclosed if the parent of the student informs the school unit in writing within 10 days of the first student day of the school year or within 10 days after enrollment that such information is not to be designated as directory information with respect to that student. Any such notice should be sent to the Head of School at the following address:

Maine Virtual Academy  
Ballard Center  
6 East Chestnut St., Suite 230  
Augusta, ME 04330

F. Federal law permits military recruiters and institutions of higher learning to request and receive the names, addresses and telephone numbers of high school students upon request, unless the student's parent or eligible student notifies the school unit that he/she does not want such information released. Such information will not be disclosed if the student's parent or eligible student notifies the school unit, in writing, that such information should not be released without his/her written consent. Any such notice should be sent to the Head of School at the following address:

Maine Virtual Academy  
Ballard Center  
6 East Chestnut St., Suite 230  
Augusta, ME 04330

G. Under Maine law, Maine Virtual Academy shall not publish on the Internet without written parental consent any information whether directory or otherwise, that identifies a student, including but not limited to the student's full name, photograph, personal biography, email address, home address, date of birth, social security number and parents' names.

### **FERPA OPT-OUT DIRECTORY**

[Note: Per 34 C.F.R. § 99.37(d), a school or school district may adopt a limited directory information policy. If a school or school district does so, the directory information notice to parents and eligible students must specify the parties who may receive directory information and/or the purposes for which directory information may be disclosed.] The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that MEVA, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, MEVA may disclose appropriately designated "directory information" without written consent, unless you have advised the School District to the contrary in accordance with MEVA procedures. The primary purpose of directory information is to allow the MEVA to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook; • Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. [Note: These laws are Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).]

If you do not want MEVA to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify MEVA in writing by the first day of school, as identified in the school calendar located on the website [www.mainevirtualacademy.org](http://www.mainevirtualacademy.org). MEVA has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Major field of study
- Grade level
- Participation in officially recognized activities and sports
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized use.

To Submit an “Opt Out Request” please contact in writing by mail or e-mail, use subject line “OPT OUT” to the Registrar: [Mcrosby@mainevirtualacademy.org](mailto:Mcrosby@mainevirtualacademy.org) or in writing at:

Maine Virtual Academy  
 6East Chestnut Street  
 Augusta, ME 04330  
 Phone: 207-613-8900 x 2000

***KBF: Title IA Parent Involvement Policy***

This school policy for Maine Virtual Academy (MEVA) has been developed in consultation with the parents/guardians of students participating in Title IA programs at MEVA. The policy includes a “School-Parent Compact” that outlines the way parents, school staff, and students will share the responsibility for improved student academic achievement. The Head of School will be responsible for distributing this policy to parents/guardians of students participating in the school Title IA programs.

**I. PARENT INVOLVEMENT MEETINGS**

The school shall convene an annual meeting at a convenient time to which all parents/guardians of participating children shall be invited and encouraged to attend to inform them of the school’s participation under Title IA, explain the right of parents to be involved, and to encourage their involvement in the planning, review, and improvement of the school’s Title I programs and parent involvement policy. The school will offer at least two (2) other meetings during the school year, held at various times in the morning or evening for parents/guardians of students participating in Title IA programs.

The Head of School/Title IA Coordinator will:

- A. Invite parents/guardians of participating children to the annual meeting and to other meetings held during the school year;
- B. Provide an overview of Title IA and the programs the school provides under Title IA;
- C. Explain the rights of parents/guardians to be involved in developing and reviewing the school’s parent involvement policy, including the School-Parent Compact;
- D. Provide a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet;
- E. Give parents/guardians an opportunity to ask questions and engage in informal discussion about student achievement and school performance;
- F. Respond to requests from parents for opportunities for regular meetings to formulate suggestions and to participate (as appropriate) in decisions relating to the education of their children;
- G. Invite parents/guardians to serve on the Parent Advisory Committee and/or other school or district-level Title IA committees;
- H. Invite parents/guardians to participate in the planning, review, and improvement of programs under Title IA and the school-parent involvement policy and establish a schedule for this activity;

- I. With the input of parents/guardians, establish a process by which an adequate representation of parents/guardians can be assured;
- J. Describe the process by which parents/guardians may express concerns and complaints if they are dissatisfied with the Title IA program;
- K. Engage school-based parent organizations in outreach to parents/guardians of students participating in Title IA; and
- L. Arrange for child care so that parents/guardians who would otherwise be unable to attend may do so.

## II. SCHOOL-PARENT COMPACT

This School-Parent Compact describes how parents, school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will develop a partnership to help children achieve the State's academic achievement standards.

- A. The school is responsible for providing a high-quality curriculum and instruction in a supportive and effective learning environment that enables students served under Title IA to meet the State's academic achievement standards.
- B. Parents/guardians will be encouraged to support their children's learning by:
  - 1. Monitoring their children's attendance;
  - 2. Providing assistance and encouraging their children to complete homework assignments;
  - 3. Encouraging their children to ask for help from teachers or classroom aides (Ed Techs) when needed;
  - 4. Talking with their children about the school day;
  - 5. Reading to or with their children;
  - 6. Monitoring and limiting their children's technology usage;
  - 7. Volunteering in the classroom and for school-related activities such as field trips;
  - 8. Participating, as appropriate, in decisions related to the education of their children; and
  - 9. Enrolling their children in extracurricular and age-appropriate, community-based, after-school activities.
- C. The school will address the importance of communication between parents and teachers on an ongoing basis by:
  - 1. Scheduling one or more parent-teacher meetings annually for parents/guardians of elementary school level students during which the Compact shall be discussed as it relates to the individual child's achievement.
  - 2. Providing reports to parents/guardians on their children's progress;



3. Providing parents/guardians with reasonable access to staff to discuss issues related to their children's learning;
4. Welcoming parents as volunteers in the classroom; and
5. Providing adequate supervision and feedback for parents/guardians who volunteer.

Legal Reference: 20 U.S.C. § 6318

**Board Revised & Re-Approval Date: 12/20/2022**

### **MAINE VIRTUAL ACADEMY TEACHER CERTIFICATION EXEMPTION POLICY**

Maine Virtual Academy (MEVA) will comply with Maine law and its charter contract with the Maine Charter School Commission by employing full-time teachers that either hold an appropriate teaching certificate or that become certified within three years after the date that they are hired, except that Maine Virtual Academy (MEVA) may employ full-time teachers that do not hold an appropriate teaching certificate if they have an advanced degree, professional certification or unique expertise or experience in the curricular area in which they teach.

In evaluating whether to approve an exception to the teaching certificate requirement under the standard outlined above, unique expertise or experience may be based on professional and/or educational expertise or experience. Unique professional expertise or experience is defined to include having worked in an applicable trade or STEM profession (outside of education) in the content area taught, or having received national or state recognition in the content area taught. Military experience/training will be considered in determining an employee's unique expertise or experience.

Unique educational expertise or experience is defined as having taught as a college professor in the applicable content area and/or holding a PhD. in the applicable content area. An advanced degree must be within the content area that the teacher instructs and assesses.

Educators will be required to be certified in Maine, unless Maine Virtual Academy (MEVA) determines that the exception to the teaching certificate requirement applies. It is preferred that all teachers will have Maine teaching certifications in the given field of instruction. If the teacher is not certified at the time of hire and Maine Virtual Academy (MEVA) has determined that the exception does not apply, the Head of School will work with the teacher to develop a timeline of when the appropriate teaching certificate will be achieved. If the teacher fails to achieve a professional certificate in the content area for which the teacher was hired, within three years of the date of hire, the teacher will not be eligible for continued employment.

Maine Virtual Academy (MEVA), consistent with its charter contract, shall not employ as teacher or other instructional personnel any person whose certification, authorization or approval has been revoked or is currently suspended.

The Head of School will serve as the Certification Administrator for the school and will complete all certification reports to ensure Maine Virtual Academy (MEVA) is in full compliance with Maine law and the charter contract.

**Board Revised & Re-Approval Date: 12/20/2022**



# **Additional Board Policies/Procedures**

### **\*Check Signatory Procedure**

Accounting and payroll programs are only accessible to administration and are password protected.

Assets are inventoried, cash withdrawals require Head of School signature. Any check over \$10,000

requires both an email approval by the Treasurer attached to the invoice, and CEO (Head of School) signature on the check, unless it is a check for routine payments, including Stride, Inc., health benefits, insurance premiums, rent, and pension contributions to MainePERS. In these cases, the CEO (Head of School) signature is sufficient. All electronic fund transfers in excess of \$10,000 for payment of invoices require email approval by the Treasurer, unless payments are for routine payments listed above.

**Board Approval Date: 10/17/2023**

### **\*Travel Administrative Procedure**

All substantiated business travel will be reimbursed at the current allowable Federal standard mileage rate. Actual cost of tolls and parking will also be reimbursed, we do not reimburse for gas. If eligible for reimbursement, the appropriate expense form documenting mileage, tolls, parking expenses and all other allowed reimbursed expenses must be submitted within 30 days of travel, along with supporting documentation and/or **detailed** receipts.

For all travel that is not overnight, the maximum meal reimbursement for the day will be \$30.00 (excluding alcoholic beverages). MEVA will not cover your breakfast (unless you stayed overnight), as we do not cover your breakfast when you come to the office. Any overnight business travel must be approved in advance. When approved, meals up to \$60.00/day (excluding alcoholic beverages, desserts, and appetizers unless the appetizer is your main meal) and lodging will be reimbursed by the school. All meal reimbursements must include the details of the charges. If the details are not provided (itemized receipt), the reimbursement will be declined for the meal. If you go with another faculty member, remember to have separate meal receipts. DO NOT put meals on one meal check/receipt.

If you leave from home the mileage reimbursement will be calculated by the distance traveled, minus your normal commute distance to the MEVA office or the distance from the MEVA office to the destination, whichever is less.

If using a personal automobile on school business, employees must provide proof of satisfactory automobile insurance coverage on an annual basis. All operators must possess and maintain a valid driver's license.

**Board Approval Date: 3/21/2023**

### **\*Vacation/PTO/Breaks**

MEVA recognizes the need for employees to take time off to relax and recharge. As a result, most employees of MEVA are provided time off during the Holiday; winter; spring; and summer breaks. The dates of these breaks will be determined and added to the school calendar. The Head of School and/or Board reserve the right to amend this schedule. Employees are expected to schedule trips and other vacations during holidays; winter; spring and summer breaks. Requests for all time off (paid and unpaid) must be pre-approved by the Head of School. Unpaid time off will only be granted in extenuating circumstances. Vacation or PTO leave is determined by an employee's job classification, negotiated agreement and employment schedules. Employees must send a request for vacation or PTO to the Head of School, Supervisor and HR by email for approval. PTO hours do not carry over from year to year. 40 hours of unused vacation time will carry over from year to year, up to a maximum of 40 hours, effective July 1, 2024. Up to 360 hours of employees banked vacation, earned prior to July 1, 2024, will be frozen. Unused vacation time will be paid to employee in good standing upon separation from the service or to a beneficiary or estate upon death. Please refer to the Employee Handbook for additional information surrounding policies relating to time off.

**Board Approval Date: 12/19/2023**

### **\*Telework Policy**

Maine Virtual Academy (MEVA) is a leader in workplace innovation and environmental stewardship. To that end, MEVA has developed a Telework Policy and Procedure to provide the framework and expectations for the following:

- Supporting employee wellbeing and work/life balance,
- Recruitment and retention of a skilled workforce,
- Supporting the needs of students and their families,
- Protecting our climate through lower greenhouse gas emissions and a reduced carbon footprint,
- Protecting MEVA's operational and financial interests.

This policy will be evaluated on an ongoing basis and is subject to revision at the discretion of the MEVA governing board. Any revisions will supersede prior versions.

#### **General provisions:**

1. Telework is a mutually agreed upon work arrangement where an employee performs assigned duties and authorized activities during school hours at an agreed upon telework site on a regular or occasional basis. Teleworking is discretionary workplace flexibility based on operational need. Not all employees or positions are eligible to telework.
2. A Telework Authorization may be adjusted or terminated in response to a request from the

employee or at the discretion of the Head of School. A Telework Authorization can be adjusted or terminated by the Head of School for reasons including but not limited to: if an employee's performance does not meet expectations, if the teleworking arrangement fails to meet organizational needs, including if the employee is unable to perform their work in a safe, effective and secure manner, or if the employee fails to meet the requirements of their Telework Authorization and this policy. Eligible employees may be allowed to telework part-time or full time, based on employee request, operational need, pending Head of School approval.

3. Two types of Telework Authorizations are available:
  - a. *Regular telework*: Regular Telework Authorizations are approved by the Head of School for an ongoing agreed upon work schedule. Teleworking days and hours will be determined in advance and, in general and based on operational need, will not vary. The arrangement can last for a defined period or can continue indefinitely with regular review.
  - b. *Occasional telework*: Occasional Telework Authorizations are approved by the Head of School on a case-by-case basis, are infrequent, and not regularly scheduled. Occasional teleworking can allow employees flexibility to attend appointments, continue to perform work during workplace disruptions including emergency situations, or provide uninterrupted time for project work.
4. Telework employees may or may not be assigned a permanently designated workspace at the MEVA headquarters location. The Head of School will assign employee workspaces when Telework Authorizations are reviewed. Generally, workspaces will fall into three categories:
  - a. Dedicated, permanently assigned, workspaces that are not shared.
  - b. Dedicated, permanently assigned workspaces that are shared, where two (2) or more staff members "rotate" use on a set schedule; and
  - c. "Drop in" or "hoteling" spaces that consist of unassigned seating that is available either on a first- come, first-served basis, or is reserved.
5. A Telework Authorization does not represent an official assignment of headquarters (different rules apply to employees with an official assignment of headquarters at their home). The employee's official headquarters will remain the MEVA office location where the employee is generally expected to report for on- site work, whether or not the employee has a dedicated, permanently assigned workspace at that location, and regardless of the number of days per week the employee is expected to report to that location. When an employee travels/commutes to the MEVA headquarters location, mileage between the employee's telework location and MEVA headquarters is not reimbursable.
6. For Telework Authorizations by the Head of School, an employee will designate an area as a telework workspace that allows for privacy and confidentiality of work and is removed from other distractions at the telework location. The employee must maintain the designated workspace in a safe condition, free from hazards and other dangers. The employee will work at the designated teleworking location during their agreed upon work schedule unless they have received prior written approval by the Head of School to temporarily work elsewhere. 'Temporarily' is typically defined as fewer than three consecutive weeks.
7. Teleworkers are covered under the State of Maine Workers Compensation Act when performing official duties in the agreed upon telework workspace. If an employee becomes injured while performing their duties via teleworking, they must report the injury to the Head of School (via

email)immediately.

8. The teleworker must protect MEVA-owned equipment from possible theft and/or damage and ensure the security of all official or confidential data and documents. Appropriate IT, data and document security and safety requirements are established to ensure the security of confidential information during storage, transfer, or use at a telework site. Teleworkers shall complete annual compliance training within the expected window.
9. Operating costs associated with an employee's use of a teleworking location or use of personal equipment at a telework location, including but not limited to maintenance, insurance, and utilities, are not reimbursable by MEVA. MEVA is not liable for damages to an employee's personal or real property while an employee is teleworking.
10. The employee is responsible for determining any income tax implications of maintaining a telework site at their home (home office). MEVA will not provide tax guidance; employees are encouraged to consult with a qualified tax professional to discuss income tax implications.
11. MEVA owned equipment in use at an agreed upon telework location will be covered by the school's insurance, subject to relevant terms and conditions including the responsibility of the employee to ensure the equipment is adequately safeguarded and secured. Teleworkers should consult with their personal insurance agent to ensure there are no coverage deficiencies or adverse impacts to personal property or liability insurance.
12. Telework Authorizations are intended for employees who live within the State of Maine, due to the complexity of labor laws, tax requirements, and other rules and regulations.
13. Employee performance and productivity is subject to supervision and monitoring whether the employee is working on-site or teleworking.

**Eligibility:**

1. Positions eligible for teleworking are assessed according to the functions and duties of the position. Eligibility for teleworking is determined by the Head of School. Positions eligible for telework are typically those involving tasks and work activities that are portable, measurable, and not dependent on the employee being in the traditional worksite.
2. To be eligible for telework, employees must demonstrate: dependability, ability to handle responsibility, ability to self-motivate, ability to prioritize work effectively, ability to utilize good time- management skills, ability to work with their supervisor to clearly define tasks and performance expectations appropriate for telework, and ability to establish an appropriate telework workspace.
3. Positions not eligible for telework are those that involve tasks not suitably performed away from the office. This can include but is not limited to positions that require an employee's physical presence to perform the functions and duties of the position.

**Scheduling, time and attendance:**

1. Teleworking days and hours will be determined in advance and, in general and based on operational need, will not vary. Teleworkers are expected to adhere to their work schedule and telework hours as approved by the Head of School; schedules will be developed based on operational need. Occasional, non-recurring schedule changes may be approved by the Head of School on a case-by-case basis, based on operational need and availability of workspace. Long-term or permanent changes to the telework schedule will require an updated Telework authorization and must be approved by the Head of School in advance.
2. The Head of School may, based on operational need, require the employee to work from MEVA headquarters or other physical location on a regularly scheduled teleworked day. Advance notice will be provided when possible, however, if unforeseen circumstances arise an employee may be required to report to their headquarters or other physical location during agreed upon telework hours with little or no advance notice. When employees are required to work from MEVA headquarters or other physical locations on a scheduled telework day, the Head of School may (but is not required to) approve an employee request to reschedule the telework day, subject to operational requirements.
3. Employees are required to participate in meetings regardless of work location and may be required to attend meetings in person. Teleworking employees shall not request to reschedule meetings based on their telework schedule. An employee is not permitted to delegate normally assigned duties to co-workers because the employee is unable to complete the task as a result of teleworking or does not have access to the necessary equipment at the telework site.
4. Except when engaged in other work-related activity, teleworkers must be reachable and responsive during their agreed upon telework hours via email or other agreed upon method, approved by the Head of School.
5. Teleworkers are required to provide the Head of School with access to an up-to-date schedule including details regarding work schedule and times available and unavailable, via their Google calendar or other agreed upon method.
6. Teleworking employees are expected to be focused on their work, in a dedicated space, during work hours.
7. Should technical or other difficulties arise while teleworking, such as loss of internet, loss of power, increased telework location distractions, etc. the teleworker must notify their supervisor and the Head of School and begin alternate work arrangements. A teleworker must work with their supervisor in advance to establish alternate work arrangements which may include reporting to the MEVA headquarters location if space allows, adjusting their work schedule for the day, or ensuring that the teleworker has work with them that can be accomplished without internet connectivity.



**Equipment and supplies:**

1. MEVA will not be responsible for furnishing or maintaining telework site workspaces.
2. MEVA will only assign one set of IT equipment to an employee, based on the nature and type of work performed and as approved by the Head of School; this can include a laptop, docking station, keyboard, mouse, appropriate number of monitors, printer, etc. If an employee has a designated workspace and equipment at their headquarters location, they will not be provided duplicate equipment for a telework location. A detailed inventory will be maintained of any equipment removed from an employee's headquarters location to a telework worksite.
3. Office supplies such as paper, pens, etc. should be obtained at the MEVA headquarters, and the teleworker may take such supplies as are necessary to perform job functions and may not be used for personal activities; if an employee chooses to purchase supplies, out-of-pocket expenses will not be reimbursed without prior approval from the Head of School.
4. Family members and friends of teleworkers are not authorized to use MEVA-owned equipment.
5. All MEVA-owned equipment must be returned at the conclusion of the Telework Authorization, termination of employment, or at the school's request.

**Security considerations:**

1. Failure to comply with any security policies, procedures and guidelines may result in immediate termination of a Telework Authorization.
2. Telework must be performed using MEVA-owned equipment.
3. Security of all MEVA data and protection of MEVA-owned equipment and property containing confidential information will be ensured by the teleworker.
4. Materials and workspace must be secured when not working if the employee works with any Personally Identifiable Information or other confidential or sensitive information.

**MEVA Employee Responsibilities:**

1. Designate an area as a telework workspace that allows for privacy and confidentiality of work and is removed from other distractions at the teleworking location. Notify the Head of School in advance of making any changes to teleworking location, temporary (typically fewer than three consecutive weeks) or permanent, which may require a new authorization. (The employee will work at the designated teleworking location during their agreed upon work schedule unless they have received prior written approval by the Head of School to temporarily work elsewhere).
2. Furnish and maintain the designated telework workspace in an ergonomically correct and safe condition, free from hazards and other dangers to the employee and other MEVA personnel. The employee must notify the Head of School if they need or want an ergonomic assessment, which can be arranged with the MEVA Human Resources Manager. The employee must agree to correct the workspace as advised in the assessment. The employee is responsible for the

- payment for any needed furniture or workspace alterations.
3. Ensure adequate internet connection that allows for participation in work-related activities and meetings via audio and video when required. The amount of internet speed required will vary based on the requirements of the position.
  4. Comply with office policies or supervisor/manager requests to enable their camera for meeting attendance.
  5. Adhere to MEVA's telework and school/work hours unless an alternate arrangement is approved by the Head of School.
  6. Maintain a level of performance that meets expectations.
  7. Be reachable and responsive during MEVA's telework hours.
  8. Provide their supervisor with access to an up-to-date schedule via the employee's Google Calendar.
  9. Be prepared to report to office/headquarters or other physical location on designated telework days if necessitated by work requirements or if directed by the Head of School.
  10. Protect MEVA-owned equipment from possible theft and/or damage and ensure the security of all official or confidential data and documents.
  11. Complete annual compliance training within the expected window.
  12. Adhere to employment guidelines specified in the MEVA Employee Handbook and governing board policies. All MEVA employees are 'at will.'

**Board Adoption Date: 3/19/24**

*\*\*See the "Additional Forms" section at the end of this Manual for the Telework Authorization Procedure Form.*

### **\*Maine Virtual Academy (MEVA) Intellectual Property Policy and Procedure**

The purpose of this policy and procedure is to help our faculty navigate the basic issues and avoid the pitfalls surrounding easy publication/copyrighting and marketing venues that are currently on the internet. We want to clarify ownership of employees' outputs, bolstering a collaborative, safe, and communicative work environment.

**Intellectual Property** shall mean inventions, discoveries, practices, research data, works of authorship and software/applications, and digital/tangible research/development property regardless of whether subject to protection under patent, trademark, copyright, publication, or other laws.

#### **Intellectual Property Owned by MEVA:**

1. MEVA shall own Intellectual Property that is generated, conceived, created, or first reduced to practice:
  - in the conduct of MEVA activities, including, but not limited to, studies under a third-party contract with MEVA; or
  - with the significant use of funds or facilities (digital/tangible) administered by MEVA; or
  - within the course or scope of the inventor's/creator's employment at MEVA.
2. An inventor or creator of MEVA Intellectual Property has no independent right or authority to convey, assign, encumber, copyright, or license such Intellectual Property other than to MEVA.

#### **Intellectual Property Not Owned by MEVA:**

1. MEVA will not claim ownership to Intellectual Property that is generated, conceived, created, or first reduced to practice:
  - outside of the conduct of MEVA activities; and
  - without the significant use of funds or facilities (digital/tangible) administered by MEVA; and
  - outside of the course and scope of the inventor's/creator's employment at MEVA.

**Individuals Subject to Intellectual Property Policy:**

1. This Intellectual Property Policy will apply to anyone employed by MEVA, including contractors.

**Administrative Procedure:**

1. The creator shall disclose intellectual property for patent, trademark, copyright, and/or publication to the MEVA Head of School in writing, utilizing the MEVA Intellectual Property Disclosure Form.
2. The creator shall disclose intellectual property that has the potential for commercial development to the MEVA Head of School in writing, utilizing the MEVA Intellectual Property Disclosure Form.
3. The MEVA Head of School shall make the decision with respect to the ownership of intellectual property. Decisions may be appealed to the MEVA governing board.

**Respect the Rights of Others:**

1. Do not use, copy, or publish intellectual property belonging to MEVA or any other entity or person unless you have the legal right to do so. Examples include corporate brands, logos, trademarks, photos, essays, video, music, and other proprietary information. Always respect the privacy rights of other people and give credit where credit is due. Fostering continuous creativity, MEVA promotes collaboration, communication, and shared invention/development across the faculty, where everyone's contribution is celebrated and valued.

MEVA Policy/Procedure References: Request for Collegiate Research and/or 3rd Party Studies.

*\*\*See the "Additional Forms" section at the end of this Manual for the Intellectual Property Disclosure Form*

**Board Adoption Date: 9/17/24**



# **Additional Forms**

## **Bullying, Cyber-Bullying Reporting Form**

### **MAINE VIRTUAL ACADEMY**

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel.

Upon completion of this form, or when providing a verbal report, submit to designated personnel or administrative office.

Date the alleged incident of bullying is being reported: \_\_\_\_\_

Person(s) reporting the alleged incident(s) of bullying (this is optional as reports can be made anonymously, except when reported by staff, coaches and advisors): \_\_\_\_\_

Person(s) completing this form (if different than person listed above and not anonymously reporting): \_\_\_\_\_

Person reporting is: student    Parent    grandparent guardian    school staff  
coach    advisor    other \_\_\_\_\_

Contact information of person reporting (optional):

Home or work phone: ( ) \_\_\_\_\_

Cell phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Home address: \_\_\_\_\_

#### **Details**

Name of student(s) who is believed to have been bullied: \_\_\_\_\_

Name of the student(s) or adult(s) who is alleged to have bullied: \_\_\_\_\_

Date(s): \_\_\_\_\_

Time(s)/time(s) of day: \_\_\_\_\_

Location(s) of incident(s): \_\_\_\_\_

Were there any witnesses?     yes     no

May the school personnel conducting an investigation contact these witnesses?

yes     no

If so, please provide names of witnesses to be contacted during the investigation:

Please provide a description of incident(s) and include any supporting documentation:|

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(use additional pages, if needed)

I agree that the information on this form is accurate and true to the best of my knowledge and belief.

Date: \_\_\_\_\_

Signature of person reporting (optional): \_\_\_\_\_

\*\*\*\*\*

**FOR OFFICE USE ONLY:**

Received by:                      Date:  
Position/title:

Copy to Head of School/Superintendent on:  
Date

Copy received:  
Signature of Head of School/Superintendent:

~End of Bullying Form~

# Maine Virtual Academy

## TITLE IX FORMAL COMPLAINT FORM

**PURPOSE:** The purpose of this Title IX grievance formal complaint form is to gather the essential basic facts of the alleged actions in order that, prompt and equitable resolutions of complaints based on sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX of the Education Amendments of 1972 (“Title IX”) can be resolved as expediently and appropriately as possible.

This form **only applies** to complaints alleging discrimination prohibited by Title IX (including sexual harassment and sexual violence). Complaints of alleged sex discrimination, including sexual harassment, brought forth by students, Parents/guardians, current or prospective employees, and other members of the school community will be promptly investigated in an impartial and in as confidential a manner as reasonably possible, so that corrective action can be taken if necessary. A **“formal complaint”** is a document filed by a complainant **or** signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. **INSTRUCTIONS:** Individuals alleging Title IX discrimination through a formal complaint and requesting review are required to complete this form and submit it to the appropriate administrator as soon as possible after the occurrence of the alleged discrimination. However, it should be noted, there is no time limit or statute of limitations on a complainant’s decision to file a formal complaint.

5. Contact our **Title IX Coordinator’s**: *Point of Contact for Student/Families*: Dan Pierce & Heather Tyler, Guidance Counselors; 6 East Chestnut St. Suite 230, Augusta, ME 04330; Phone: 207-613-8900 ext. 2003.
6. *Point of Contact for Employees & Third Parties*: Jillian Dearborn, Human Resources Manager/Accounts Payable; 6 East Chestnut St. Suite 230, Augusta, ME 04330; Phone: 207-613-8900 ext. 2016.

### FORMAL COMPLAINANT STATEMENT

Name of Complainant:

Contact information:

Home Address/City/State/Zip/Home Phone/Email:

Student Grade:

1. **Nature of Grievance:** Please describe the action you believe may be sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX and identify with reasonable particularity any person(s) you believe may be responsible. Please attach additional sheets, if necessary:

2. When did the actions described above occur?

3. **Are there any witnesses to this matter?** (Please circle) **Yes No**

4. **If yes, please identify the witnesses:**

5. Did you discuss this matter with any of the witnesses identified in Item 4?  
(Please circle) **Yes No**

6. If yes, please identify: Person to whom you have spoken:

Date:

Method of communication:



**7. Have you spoken to any administrator(s) or other District employee(s) about this matter? (Please circle) Yes No**

**If yes, please identify: Person to whom you have spoken:**

**Date:**

**Method of communication:**

**8. Please describe the result of the discussion(s) identified in Item 7:**

**9. Please provide any additional information that would be important to this complaint:**

**PLEASE ATTACH ANY STATEMENTS, NAMES OF WITNESSES, REPORTS, OR OTHER  
DOCUMENTS WHICH YOU FEEL ARE RELEVANT TO YOUR COMPLAINT.**

*I certify that the foregoing information is true and correct.*

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Print Name

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Signature

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Date

~End of Title IX Complaint Form~



6 East Chestnut Street, Suite 230  
Augusta, ME 04330  
Phone: 207-613-8900  
Fax: 603-836-0489

### Request for Collegiate Research and/or 3<sup>rd</sup> Party Studies

All parties involved in educational research must abide by FERPA & PPRA laws and rules, in protecting the privacy of student information and rights. Reference FERPA; <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>; Reference PPRA; <https://studentprivacy.ed.gov/faq/what-protection-pupil-rights-amendment-ppra>

The disclosure or distribution of identifiable information of students is not permitted. The use of anonymity will be required for written studies, presentations, and any publications involved. Students that are considered participants or subjects in any type of research or study, must have signed consent from a legal guardian for any student under the age of 18. Consent forms must be submitted to the Head of School prior to the project start.

Date of Request: \_\_\_\_\_

MEVA Faculty Full Name (If Applicable): \_\_\_\_\_

Party Requesting Approval: \_\_\_\_\_ (College, University, 3<sup>rd</sup> Party Research Company)

Please summarize the purpose of study below: (additionally, please attach a copy of your research plan or outline to this form)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please clearly outline your methods in keeping student information confidential;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Head of School Review Date: \_\_\_\_\_

HOS Requesting Additional Clarification: Yes \_\_\_ No \_\_\_

Comments Associated with Clarification:

\_\_\_\_\_  
\_\_\_\_\_

**Head of School Approval Date:** \_\_\_\_\_

**HOS Signature:** \_\_\_\_\_

~End of Collegiate Research Request Form~



### \*Course Reimbursement Form

During the academic year, MEVA will reimburse teachers up to \$1,500.00 per semester (\$3,000.00/ academic year) for content course classes or exam expenses for staff who are working towards Maine Certifications and/or Highly Qualified Status. Classes and materials that are available for reimbursement must be in the staff member’s current content department at MEVA. Exam fees for the Praxis series may be covered pending approval by the CEO/Head of School under PD (different form). Travel costs, meals, tolls and any expense beyond the class cost and materials for the class or cost of the test **will not** be eligible for reimbursement. An employee will not be eligible for course reimbursement if they withdraw from an approved course or if the approved course is canceled. The employee is required to immediately notify the HR/Business Manager if they withdraw from an approved course or if the course is canceled. If the employee receives an incomplete in a course, the employee will have until the end of the following semester in which to complete the work and have the incomplete removed. Failure to complete the work will prohibit the employee from participating in the tuition reimbursement plan and any advance payments received must be repaid to MEVA. Reimbursement is contingent upon earning B- or higher. Failure to satisfy the minimum passing grade will result in denial of payment and/or the employee shall repay the full amount of the advance for the course to MEVA.

#### Reimbursement Approval Process

1. Submit class/test documentation for approval to the CEO/Head of School **prior** to taking the class or exam.
2. Complete the course/exam and receive a grade of B- or higher and/or an exam score that exceeds the Maine Department of Education cutoff.
3. Submit documentation of grade/score along with receipts and the signed approval form to the MEVA HR/Business Office Mgr.
4. **Upon receipt of reimbursement (or payment to the school directly on the staff members behalf), the staff member agrees to continue working for one additional school year at MEVA.** If the staff member leaves MEVA before completing one full school year of service following the reimbursement, the monies paid out will be deducted from the employee’s final paycheck.

Course Name	Content Area Addressed	Cost of Course/Materials/Test

CEO Initial Approval of Reimbursement: \_\_\_\_\_ Date: \_\_\_\_\_

**Employee Agreement:** I, \_\_\_\_\_, agree to work for MEVA for the full school year and understand that if I leave sooner, I will have the monies that I received (or paid on my behalf) for tuition reimbursement deducted from my final paycheck at MEVA. If a class is taken during the summer, then you agree to work for MEVA for the following full school year and understand that if I leave sooner, I will have the monies that I received (or paid on my behalf) for tuition reimbursement deducted from my final paycheck at MEVA.

\_\_\_\_\_  
Signature

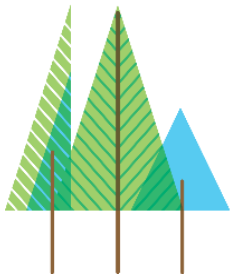
\_\_\_\_\_  
Date

**HR/Office Manager Approval:** \_\_\_\_\_

Date: \_\_\_\_\_

**Board Adoption Date: 4/25/2023**

~End of Course Reimbursement Form~



# MAINE VIRTUAL ACADEMY

Ballard Center  
6 East Chestnut Street  
Suite 230  
Augusta, Maine 04330  
Phone: 207-613-8900  
Fax: 603-836-0489

## MEVA GOVERNING BOARD MEMBER CONFLICT-OF-INTEREST DISCLOSURE STATEMENT

Please initial in the space at the end of Item A or complete Item B, whichever is appropriate; complete the balance of the form; sign and date the statement; and return it to the board chair.

A. I am not aware of any relationship or interest or situation involving my family or myself that might result in, or give the appearance of being, a conflict of interest between such family member or me on one hand and Maine Learning Innovations / Maine Virtual Academy on the other.

Initials: \_\_\_\_\_

B. The following are relationships, interests, or situations involving me or a member of my family that I consider might result in or appear to be an actual, apparent, or potential conflict of interest between such family members or myself on one hand and Maine Learning Innovations / Maine Virtual Academy on the other.

Initials: \_\_\_\_\_

Corporate (either nonprofit or for-profit) directorships, positions, and employment

\_\_\_\_\_

Memberships in the following organizations:

\_\_\_\_\_

Contracts, business activities, and investments with or in the following organizations:

\_\_\_\_\_

**MEVA GOVERNING BOARD MEMBER  
CONFLICT-OF-INTEREST DISCLOSURE STATEMENT  
(CONTINUED)**

Other relationships and activities:

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My primary business or occupation at this time:

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I have read and understand Maine Learning Innovations / Maine Virtual Academy's Conflict-of-Interest Policy and agree to be bound by it. I will promptly inform the board chair of Maine Learning Innovations / Maine Virtual Academy of any material change that develops in the information contained in the foregoing statement.

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Type/Print Name

---

Signature

---

Date

~End of Board Member Conflict of Interest Form~





## **\*Maine Virtual Academy (MEVA) Telework Authorization Procedure Form**

MEVA and I agree I may telework to perform portions of my assigned duties at a remote physical location.

*(For more information, please refer to the Telework Policy within the Additional Board Policies section of this manual)*

**Telework physical location:** \_\_\_\_\_

**Typical number of days per week:** \_\_\_\_\_

Employee agrees to the following responsibilities:

1. Designate an area as a telework workspace that allows for privacy and confidentiality of work and is removed from other distractions at the telework location. Notify the Head of School in advance of making any changes to telework location, temporary (typically fewer than three consecutive weeks) or permanent, which may require a new authorization. (The employee will work at the designated telework location during their agreed upon work schedule unless they have received prior written approval by the Head of School to temporarily work elsewhere.)
2. Furnish and maintain the designated telework workspace in an ergonomically correct and safe condition, free from hazards and other dangers to the employee and other MEVA personnel. The employee must notify the Head of School if they need or want an ergonomic assessment, which can be arranged with the MEVA Human Resources Manager. The employee must agree to correct the workspace as advised in the assessment. The employee is responsible for the payment for any needed furniture or workspace alterations.
3. Ensure adequate internet connection that allows for participation in work-related activities and meetings via audio and video when required. The amount of internet speed required will vary based on the requirements of the position.
4. Comply with office policies or supervisor/manager requests to enable their camera for meeting attendance.
5. Adhere to MEVA's telework and school/work hours unless an alternate arrangement is approved by the Head of School.
6. Maintain a level of performance that meets expectations.
7. Be reachable and responsive during MEVA's telework hours.
8. Provide the Head of School with access to an up-to-date schedule via the employee's Google Calendar.
9. Be prepared to report to office/headquarters or other physical location on designated telework days if necessitated by work requirements or if directed by the Head of School.
10. Protect MEVA-owned equipment from possible theft and/or damage and ensure the security of all official or confidential data and documents.
11. Complete annual compliance training within the expected window.
12. Adhere to employment guidelines specified in the MEVA Employee Handbook and governing board policies. All MEVA employees are 'at will.'

**Employee:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Head of School:** \_\_\_\_\_

*~End of Telework Authorization Procedure Form~*



## **Maine Virtual Academy (MEVA) Intellectual Property Disclosure Form**

Please provide as much information as you can related to your innovation.

*(For more information, please refer to the Intellectual Property Policy within the Additional Board Policies section of this manual)*

Disclosure Form Submission Date: \_\_\_\_\_

First and Last Name: \_\_\_\_\_

MEVA Email Address: \_\_\_\_\_

### 1. Title of Innovation.

Provide a short, descriptive title of the innovation.

### 2. Reason for Innovation.

What led to the conception and development of the innovation? What problem were you trying to solve? What deficiencies were you trying to overcome?

### 3. Description of Innovation.

Provide a detailed description of the innovation. Describe the significant parts, features, functions, and/or processes of your innovation.

### 4. Uniqueness.

Explain how this idea is different from similar and/or competing practices/developments/technologies. Specifically, what parts of the innovation or steps in the process are unique compared to others that you know about?

#### 5. Marketability.

Explain how the innovation is better than other similar practices/developments/technologies or how it interacts with other practices/developments/technologies in a way that meets longstanding needs in a particular field. Do you know of companies or organizations that may be interested in using the innovation?

#### 6. Utility, Replication and Adoption.

How will the innovation be used and who will benefit from its use? How much effort would be required to replicate the innovation? Could it be used for multiple purposes? Is this innovation part of a larger vision or related to innovations that have previously been submitted or may be submitted in the future?

#### 7. Contributors.

List the Contributors who participated in the innovation. Please include full names and email addresses.

#### 8. Conception.

Was this innovation conceived during the performance of a research/development project? If so, what is the name of the project?

#### 9. Grant or Funding Information.

Include any funding or sponsored research/development information (Source of funding, Grant Number, etc.) Are you aware of any intellectual property reporting requirements under the contract for the research/development project?

10. Disclosure details:

Have you disclosed this to anyone outside of MEVA? If so, what were the circumstances?

11. Publication.

Do you have plans to publish/copyright this innovation or disclose it to others outside of MEVA? If so, describe the plans.

*~Please submit the completed form to the Head of School via email attachment~*

*-End of Intellectual Property Form-*