Regional School Unit 5
Durham · Freeport · Pownal

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

Tom Gray, Superintendent of Schools
Kelly Wentworth, Director of Finance & Human Resources
Erica Mazzeo, Assistant Superintendent of Schools
Elisha Morris, Director of Instructional Support

TO: Colin Cheney, Kara Kaikini, Chris Savaiano

CC: Trevor Bean, Jill Hooper

FROM: Tom Gray, Superintendent

DATE: October 29, 2025

RE: Policy Meeting – November 6, 2025

The Policy Committee is scheduled to meet on November 6, 2025 at 4:15 p.m. via Google Meet at the following link: https://meet.google.com/iho-zozh-stu Or dial: (US) +1 661-527-0265 PIN: 730 283 666#

Agenda:

1. Law Change:
   - EBCF - Automated External Defibrillators (AED's)
   - EBBD - Temperatures Standards for Schools
   - JICJ - Cell Phones and Other Personal Electronic Devices in Schools

2. Regular Review:
   - JICK - Bullying
   - JICK-R - Bullying Administrative Procedure

3. Board Request:
   - None

AUTOMATED EXTERNAL DEFIBRILLATORS (AED'S)

The Board of Directors recognizes that from time to time medical emergencies may arise that warrant the use of an automated external defibrillator (AED). The RSU No. 5 School Department **should have at least one AED at each school and** may acquire one or more AEDs for use in its schools and at school athletic events.

RSU No. 5 will offer training to students on performing cardiopulmonary resuscitation (CPR) and use of an AED in accordance with such rules as may be adopted by the Maine Department of Education, and may require training for those school unit personnel who have been identified by the Superintendent, in consultation with the school physician, as needing such training to effectively carry out their job responsibilities.

The Superintendent shall be responsible for developing, in consultation with the school physician or other qualified expert and in accordance with the manufacturers' instructions, protocols for the use, storage, location, testing, and maintenance of the school unit's AEDs and for identification of school personnel who should be trained in the use of an AED.

Although the Board authorizes the acquisition of AEDs, it cannot and does not guarantee that an AED or a person trained in its use will be available at any particular school site or school-sponsored event.

Legal Reference: 14 MRSA § 164
20-A MRSA § 4009
22 MRSA § 2150-C
Maine Dept. of Educ. Rule Ch. 41

Cross Reference: EBCA – ~~Crisis Response~~ **Comprehensive Emergency Management** Plan
JLCE – First Aid and Emergency Medical Care

Adopted: April 28, 2010
Reviewed: December 14, 2011
Reviewed: November 29, 2017
Revised:

New Policy

MSMA SAMPLE POLICY-2025 NEPN/NSBA Code: EBBD

TEMPERATURE STANDARDS FOR SCHOOLS

Maine law (20-A MRSA § 1001(23)) requires school boards to adopt and implement a policy establishing standards for minimum and maximum temperatures for school buildings.

The Board believes that the optimal environment ("comfort zone") for teaching and learning is between a minimum of 68 **[OR: ____]** degrees and a maximum of 82 **[OR: ____]** degrees and adopts this as the "temperature standard" for the District's schools.

The Board recognizes that, due to age and manner of construction, the District's school buildings may not have HVAC (heating, ventilation, and air conditioning) systems capable of maintaining consistent temperatures in this range in some or all areas of the building. Some schools may have air conditioning in a few spaces, and some schools may have no air conditioning at all.

When temperatures in the building as a whole or in classrooms or other occupied spaces exceed the maximum comfort zone by _____degrees, schools are expected to take practicable measures to relieve heat **[OPTIONAL: and humidity-related]** discomfort, such as (but not limited to):

- Opening windows, when this can be done safely
- Pulling down shades or blinds
- Using fans and/or opening doors within the building to improve air circulation
- Turning off heat-producing electronics and equipment
- Having water readily available to students and staff
- Allowing students and staff to bring battery operated personal fans to school
- If an individual classroom is affected, allowing teachers to move students to a cooler area of the building (e.g., air-conditioned library or space on shaded side of the building) or, if feasible, to move students to a cooler "outside classroom" for continued instruction
- On days of extreme heat, considering rescheduling tests/exams to another day to enable more effective demonstration and evaluation of student performance

This does not preclude building administrators from acting preemptively in anticipation of a rise in building/classroom temperature to the point that will require action to be taken.

[NOTE: MSMA advises superintendents/school administrators to be cautious when pressured to cancel school for a day when extreme heat is expected or to declare an "early dismissal," as this may affect the end date of the school year or length of the instructional day and will significantly impact working families.]

On cold days, when building and classroom temperatures hover near the minimum, schools are encouraged to incorporate more opportunities for physical activity during class time and may consider having extra layers of clothing available.

Families should ensure that their students are dressed appropriately for expected weather conditions.

Building administrators will be responsible for implementation of this policy, including identifying and planning for measures that are feasible in their schools.

This policy will be posted/made accessible to the public on the District's website.

Adopted: _____

Legal Reference: 20-A MRSA § 1001(23)

[NOTE: The full text of 20-A MRSA § 1001(23) is *"A school board shall adopt and implement a written policy establishing standards for minimum temperatures and maximum temperatures for school buildings. The policy must be posted on the school board's publicly accessible website. A school board shall seek guidance from [the Maine DOE] prior to adopting and implementing the written policy."*

As of the [date of MSMA's distribution of this policy], the DOE has not developed or issued such guidance.]

PLEASE NOTE *MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.*

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

New Policy

MSMA SAMPLE POLICY-2025 NSBA/MSMA Code: JICJ

CELL PHONES AND OTHER PERSONAL ELECTRONIC DEVICES IN SCHOOLS

The intent of this policy is to support a focused learning environment, minimize distractions, and promote student social and emotional well-being by regulating **[OR: setting expectations regarding]** the use of student personal cell phones, smart watches, and other personal electronic devices (PED's) during the school day and while students are participating in other school-sponsored activities. This policy applies to all student-owned personal electronic devices with or without Internet or cellular network connectivity capabilities, wearable or handheld.

OPTION ONE: A BELL TO BELL PROHIBITION

The following provisions apply to all students Pre-K through grade 12

- Students are not permitted to carry/wear or access personal cell phones, smart watches, or other PED's during the school day.
- Upon arrival at school, devices must be powered off and stored in lockers or designated storage areas.
- Cell phones, smart watches, and other PED's may only be used after dismissal.
- Cell phones, smart watches, and other PED's may be used during bus transportation
- Exceptions to the prohibition on use may be granted for monitoring or management of a health condition in accordance with a health care provider's order as incorporated into the student's individual health plan (IHP) (e.g., glucose monitoring); implementation of a student's IEP; a documented Section 504 accommodation for an individual student (e.g., use of assistive technology); or in emergency situations as authorized by staff **[OR: in emergency situations as authorized by staff in accordance with the school district's health and safety and emergency management plan]**.

(If the Board selects Option 1, when finished, proceed to the section header "Misuse of Cell Phones and Other Electronic Devices")

OPTION TWO: A TIERED APPROACH

Students Pre-K through Grade 8 [OR other grade range]: No Personal Use During the School Day

- Students are not permitted to carry/wear or access personal cell phones, smart watches, or other PED's during the school day.

- Upon arrival at school, devices must be powered off and stored in lockers or designated storage areas.
- Cell phones, smart watches, and other PED's may only be used after dismissal.
- Cell phones, smart watches, and other PED's may be used during bus transportation.
- Exceptions to the prohibition on use may be granted for monitoring or management of a health condition in accordance with a health care provider's order as incorporated into a student's individual health plan (IHP) (e.g., glucose monitoring); implementation of a student's IEP; a documented Section 504 accommodation for an individual student (e.g., use of assistive technology); or in emergency situations as authorized by staff **[OR: in emergency situations as authorized by staff in accordance with the school district's health and safety and emergency management plan]**.

Students Grade 9-12 [OR other grade range]: Limited Use

- Students may carry cell phones and wear smart watches but must keep them silenced and stored in lockers or other designated storage areas during instructional time. This applies to all other PED's as well.
- Cell phones, smart watches, and other PED's may be used:
    - Before and after school.
    - During lunch
    - In hallways during "passing time"
    - During bus transportation
    - While participating in extracurricular activities/events, at the coach/activity advisor's discretion
    - During the school day for monitoring or management of a health condition in accordance with a health care provider's order as incorporated into the student's individual health plan (IHP) (e.g., glucose monitoring); implementation of a student's IEP; a documented Section 504 accommodation for an individual student (e.g., use of assistive technology); or in emergency situations as authorized by staff **[OR: in emergency situations as authorized by staff in accordance with the school district's health and safety and emergency management plan]**.
    - **[OPTIONAL]** In classrooms but only with explicit teacher permission for instructional purposes.

[If Option 2 has been selected, when finished, proceed to the next section, Misuse of Cell Phones and other Electronic Devices]

MISUSE OF CELL PHONES AND OTHER ELECTRONIC DEVICES

The use of a cell phone, smart watch, or any other electronic device in any manner that violates Board policy or school rules is prohibited. This includes but is not limited to bullying, harassment, cheating, and other violations of the student code of conduct.

Use of cell phones and other devices with cameras and/or voice recording capabilities is strictly prohibited in bathrooms, locker rooms, and other places where privacy is generally expected. In all other school locations, permission must be granted before photographing or recording another person. Student cell phones and other electronic devices may be subject to search if there is reasonable suspicion of a violation.

At all grade levels, violations of this policy may result in:

- A verbal warning.
- Confiscation of the cell phone, smart watch, or other device for the remainder of the day.
- For continued or repeated violations, a meeting with the student's parent/guardian may a be required.
- Repeated or serious violations may require a parent/guardian meeting and/or result in additional disciplinary consequences as provided in the school unit's Student Code of Conduct.

At all grade levels, parent communications concerning their child should be directed to the school office.

In the event of a school emergency, the school/district will communicate with parents as promptly as possible in accordance with the school unit's Health and Safety and Emergency Management Plan.

The school unit will not be responsible for loss, theft, or damage to student cell phones, smart watches, or other PED's students bring to school or onto school property, including school buses.

Schools will include the appropriate use of cell phones, smart watches, and other electronic devices with Internet and cellular connectivity in educating students and staff about digital citizenship, online safety, and responsible technology use.

Teachers and other school staff should be conscious of the impact of their own behavior on their students and avoid the use of their own cell phones, smart watches, and other electronic devices when engaged in classroom instruction or supervision of students, except as permitted in this policy.

Legal Reference: 20-A MRSA § 1001(23)

Cross Reference: GBCC–Employee Use of Cell Phones
IJNDB–Student Computer and Internet Use and Internet Safety
JIC–Student Code of Conduct
JIH–Questioning and Searches of Students

Adopted: _____

PLEASE NOTE *MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.*

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

BULLYING AND CYBERBULLYING PREVENTION IN SCHOOLS

~~The Board believes that bullying, including cyberbullying, is detrimental to student well-being and to student learning and achievement. It interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying affects not only students who are targets but also those who participate in and witness such behavior.~~

~~**Bullying Prohibited**~~

~~Bullying, including "cyberbullying," harassment and sexual harassment is not acceptable conduct in RSU5 and is prohibited.~~

~~Retaliation for the reporting of incidents of such behavior is also prohibited.~~

~~In adopting this policy, it is not the Board's intent to prohibit students from expressing their ideas, including religious, political and philosophical views 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 directly interferes with students' rights at school under applicable laws or with the educational mission, operations, discipline or general welfare of the schools.~~

I. Introduction

It is our goal for our school[s] to be a safe and secure learning environment for all students. It is the intent of the RSU No. 5 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 the [School Unit Name] schools, and the operation of the schools.

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.

~~**Definition of Bullying**~~

III. Bullying and Cyberbullying Defined

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

~~**Bullying**~~

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:

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

~~1.~~ **(a)** Physically harming a student or damaging a student's property; or

~~2.~~**(b)**Placing a student in reasonable fear of physical harm or damage to ~~his/her~~ **the student's** property;

OR

~~B.~~ **(2)** Interferes with the rights of a student by:

~~1.~~ **(a)** Creating an intimidating or hostile educational environment for the student; or

~~2.~~ **(b)** Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by the school; ~~or~~

OR

~~C.~~ **(3)** Is based on:

~~a.~~ A student's actual or perceived ~~characteristics identified in~~

~~5 MRSA § 4602 or 4684-A (including~~ race, color, ancestry, national origin, ~~sex,~~ sexual orientation; gender identity or expression; religion; physical or mental disability~~)~~ or **any** other distinguishing ~~personal~~ characteristics ~~(such as socioeconomic status; age; physical appearance; weight; or family status);~~ or **is based on**

~~b.~~ ~~A~~ **a** student's association with a person with one or more of these actual or perceived characteristics ~~or any other distinguishing~~

~~characteristics;~~ and that has the effect described in subparagraph ~~A.~~ **(1)** or ~~B.~~ **(2)** above. **(These behaviors might also meet the criteria for harassment as defined in board policy ACAA: Harassment and Sexual Harassment of Students.)**

~~Under Maine law:~~
~~"Sexual orientation" means a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.~~

~~"Gender Identity" means gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth.~~

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.**

~~**Cyberbullying**~~

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 ~~or~~ **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.**

~~**Definition of Harassment and Sexual Harassment**~~

~~Harassment includes but is not limited to verbal abuse based on race, color, sex, religion, ancestry or national origin, sexual orientation, disability (or other protected class.)~~

~~Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student's education.~~

~~**Definition of Retaliation**~~

C. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" also includes ~~reporting that is not made in good faith on an act of bullying.~~ **knowingly falsely reporting an act of bullying.**

D. "Substantiated" means that the outcomes of the investigation on the Responding Form (JICK-E2) 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:

~~A.~~ 1. Takes place at school or on school grounds, ~~at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events; or~~ **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

~~B.~~ **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 ~~the~~ **this policy's** definition of "bullying."

~~**Consequences for Policy Violations**~~

~~**Students**~~

~~Students who violate this policy may be subject to disciplinary action which may include suspension, expulsion or a series of graduated consequences including alternative discipline or other behavioral interventions.~~

~~The Board retains the right to impose disciplinary consequences for bullying and other conduct that occurs at any time or place that substantially disrupts the instructional program, operations of the schools or welfare of students.~~

~~Any student violating this policy may also be subject to civil or criminal penalties.~~

~~**School Employees and Others**~~

~~Administrators, professional staff and all other employees who violate this policy may be subject to disciplinary action up to and including dismissal, and in accordance with any applicable collective bargaining agreements.~~

~~Volunteers, contractors and visitors who violate this policy will be barred from school property until the Superintendent is satisfied that the person will comply with Maine's bullying law and this policy.~~

~~Any person violating this policy may also be subject to civil or criminal penalties.~~

~~Any school-affiliated organization that authorizes or engages in bullying or retaliation is subject to forfeiture of Board approval/sanctioning and/or suspension or revocation of its permission to operate on school grounds.~~

~~**Staff Training**~~

~~RSU5 will provide professional development and staff training in bullying prevention and response.~~

~~**Delegation of Responsibility**~~

~~The Superintendent will designate the school principal and/or other school personnel to be responsible for implementation/enforcement of this policy and associated procedures on the school level.~~

~~The Superintendent/designee will be responsible for developing and implementing procedures in accordance with applicable law to implement this policy.~~

~~**Dissemination of Policy**~~

~~This policy, any associated administrative procedures and the names of the person(s) responsible for implementing the policy/procedure at the school level will be provided, in writing to students, parents, school employees and volunteers in handbooks, and on the school unit's website and by such other means (if any) as may be determined by the Superintendent.~~

V. Reporting
Refer to the Reporting Form – JICK-E1

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. 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.

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

The school principal or a superintendent'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;

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

The school principal or a superintendent'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 superintendent'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.

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 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 superintendent'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 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;**

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 - Harassment and Sexual Harassment of Students
ACAD - Hazing
AD - Educational Mission and Vision
ADAA - School System Commitment to Standards for Ethical and Responsible Behavior
~~ADF - School District Commitment to Learning Results~~
CHCAA - Student Handbooks
GCI - Professional Staff Development Opportunities
IJNDB-R - Student Technology, Internet Use, and Internet Safety Rules
JI - Student Rights and Responsibilities
JIC - Student Code of Conduct
JICC - Student Conduct on Buses
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
KLG - Relations with Law Enforcement Authorities

Adopted: July 8, 2009
Revised: March 27, 2013
Revised: April 29, 2020

BULLYING AND CYBERBULLYING ADMINISTRATIVE PROCEDURE

This procedure is intended as guidance for **the** school ~~administrators~~ **principal or superintendent's designee** ~~in carrying out their responsibilities when bullying is alleged to have occurred. It provides important definitions as well as steps for reporting, investigating and responding to allegations of bullying.~~ **to address an alleged bullying incident. Definitions, as well as steps for reporting, responding to, and remediating allegations of bullying, are provided.**

~~Bullying~~ ~~b~~**B**ehavior alleged to be based on **a targeted student's actual or perceived** race, color, ancestry, national origin, sex, sexual orientation(**including gender identity and expression**), religion or disability should be addressed under the ~~procedures set forth in the~~ Student Harassment and Sexual Harassment procedure, ACAA-R~~, rather than under this procedure.~~

Definitions

The following terms are defined in Maine Public law, Chapter 659 and 20-A M.R.S.A. §6554:

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.

"Bullying" includes cyberbullying.

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.

C. "Retaliation means" an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" can also include knowingly false reporting of bullying.

D. "School grounds" means 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.

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.

~~**Bullying Reports**~~

~~**Students and Parents/Guardians**~~

~~Students who believe they have been bullied, or who have witnessed or learned about an act of bullying should report this behavior to the building principal.~~

~~Parents/guardians may report bullying on behalf of their children or when they have witnessed or are aware of the occurrence of bullying.~~

~~Reports of bullying may be made anonymously.~~

~~Any student who has been determined to have knowingly made a false report of bullying will be subject to disciplinary consequences.~~

~~No disciplinary action shall be taken against a student unless the report has been substantiated.~~

~~**School Employees**~~

~~For the purposes of this procedure, "school employees" includes coaches, advisors for cocurricular or extracurricular activities and volunteers.~~

~~All school employees are expected to intervene when they see acts of bullying in progress and are required to report incidents of bullying they have witnessed or become aware of to the building principal as soon as practicable.~~

School employees who fail to report bullying or who have made a false report of bullying will be subject to disciplinary consequences up to and including termination, in accordance with any applicable collective bargaining agreement.

Others

Contractors, service providers, visitors or community members who have witnessed or become aware of bullying are encouraged to report such incidents to the building principal.

Form of Reports

Complaints or reports of bullying may be made orally or in writing, but all reports will be recorded in writing by school personnel authorized to receive complaints or reports, using the school unit's reporting form (JICK-E1).

School employees are required to make reports of bullying to the principal in writing. Although students, parents and others, as identified above, may make bullying reports anonymously, all persons reporting incidents of bullying are encouraged to identify themselves.

The building principal will forward a copy of the report to the Superintendent by the end of the next school day.

Interim Measures

The building principal may take such interim measures as they deem appropriate to ensure the safety of the targeted student and prevent further bullying and will inform the parents of the targeted student of measures taken.

Investigation

The principal will ensure that all reports of bullying and retaliation are investigated promptly and that documentation of the investigation, including the substance of the complaint or report and the outcome of the investigation is prepared and forwarded to the Superintendent within a reasonable period of time.

The determination of whether particular conduct constitutes bullying requires reasonable consideration of the circumstances, which include the frequency of the behavior at issue, the location in which the behavior occurs, the ages and maturity of the students involved, the activity or context in which the conduct occurs, and the nature and severity of the conduct.

Response to Bullying by Students

If bullying has been substantiated, the building principal or designee as appropriate under the circumstances will determine the appropriate disciplinary consequences, which may include detention, suspension or expulsion; alternative discipline; remediation; and/or other intervention.

~~In order to remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, the principal may consider the following alternatives, which include but are not limited to:~~

~~A. Meeting with the student and the student's parents/guardians;~~

~~B. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;~~

~~C. Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;~~

~~D. Counseling;~~

~~E. Anger management;~~

~~F. Health counseling or intervention;~~

~~G. Mental health counseling;~~

~~H. Participation in appropriate social emotional cognitive skill building and resolution and restorative conferencing;~~

~~I. Community service; and~~

~~J. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.~~

~~If the bullying behavior appears to be a criminal violation, the building principal will notify local law enforcement authorities.~~

~~If bullying has been substantiated, the building principal will provide written notification to:~~

~~A. The parents/guardians of the targeted student, including the measures being taken to ensure the student's safety; and to~~

~~B. The parents/guardians of the student found to have engaged in bullying, including the process for appeal.~~

~~All communications to parents must respect the confidentiality of student and employee information as provided by federal and Maine law and regulations.~~

~~Appeals~~

~~Any appeal of the building principal's decisions in regard to consequences for bullying must be submitted, in writing, within 14 calendar days of the parental notification. The~~

~~Superintendent will review the investigation report and actions taken and decide whether to sustain or deny the appeal. The Superintendent's decision shall be final.~~

Reports of Bullying

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel using the school unit's Reporting Form (JICK-E1).

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. 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.

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.

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.

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

Reports of alleged bullying may be made anonymously, except by school staff, coaches and advisors, but in no instance will disciplinary action be taken against any person or organization affiliated with the schools solely on the basis of an anonymous report.

The school principal or superintendent's designee will forward a copy of the completed Reporting Form to the superintendent.

Safety Measures

The school principal or superintendent's designee will communicate to the parent(s) or guardian(s) of the student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student who was believed to have been bullied and to prevent further acts of bullying.

These measures are documented on the Responding Form (JICK-E2)

Responding/Investigation

The school principal or superintendent's designee will:

- **Ensure that all reports of alleged bullying are investigated and responded to promptly [OR: within ___ days] and that documentation of the investigation is provided to the superintendent within a reasonable period of time using the Responding Form (JICK-E2).**

- **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;**

- **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;**

- **Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken;**

- **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.**

Remediation

If it is determined that there is a substantiated incident of bullying, the school principal or superintendent's designee will:

- **Determine the specific nature(s) of the incident, alternative discipline actions, and appropriate consequences;**

- **Complete the Remediation Form (JICK-E3);**

- **Provide a copy of the Remediation Form to the superintendent; and**

- **Assure that the substantiated incident of bullying is reported to the Maine Department of Education.**

Appeal

The parent(s) or guardian(s) and student must be notified of the right to appeal the school principal's or superintendent's designees' decision related to taking or not taking remedial action as identified in the appeals procedure established by the school board.

Cross Reference: ACAA-R – Student Harassment and Sexual Harassment Procedure
JICK – Bullying **and Cyberbullying Prevention in Schools**
JRA-R – Student Education Records and Student Information

Adopted: March 27, 2013
Revised: April 29, 2020