

ACCOMMODATION OF SINCERE BELIEFS IN REQUIRED INSTRUCTION

The curriculum of the EUT is designed to meet statutory requirements and includes other areas of study deemed appropriate by the professional staff and the Principal. The curriculum includes topics and materials that are age and ability appropriate to the students.

The EUT 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(s) disagree. Students and their parent(s)/legal guardian(s) 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. Alteration of 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.

The EUT recognizes, however, that there could be topics in the curriculum which may be objectionable to individual students and/or parent(s)/legal guardian(s) based on their sincerely held religious, moral, or philosophical beliefs. Exemption from instruction which infringes on such beliefs may be requested by the parent(s)/legal guardian(s) or adult/emancipated student.

Requests for accommodation of beliefs in instruction must be made in writing to the building Principal and are subject to the approval of the Principal. The Principal shall notify the Director as soon as practicable of any request for accommodation from instruction and of his/her decision. If the Principal denies an accommodation request, the parent(s)/legal guardian(s) or adult/emancipated student may appeal to the Director.

In considering requests for accommodation, factors that the Principal should consider may include:

1. Whether the course of instruction is required by state law or regulations, or EUT policy.
2. Whether an accommodation will adversely affect the instruction provided to other students.
3. The educational importance of the material or instruction from which accommodation is requested.
4. Evidence regarding the sincerity of the belief on which the request is based.
5. Whether the school has a legal obligation to accommodate the exemption request. In the case of curriculum aligned with the System of Learning Results, if there is a conflict with the sincerely held religious beliefs of the student or his/her parent/legal guardian, accommodation in the curriculum shall be made for the student. If the accommodation is so great that the validity of the local assessment system is compromised, the Superintendent will determine how to address this, subject to approval of the Commissioner of Education.
6. Other factors that bear on the request.

When a student is exempted from any portion of the regular curriculum, 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 Principal in consultation with the classroom teacher, and shall meet the standards and objectives of the part of the curriculum that is being replaced

Legal Reference: 20-A M.R.S.A. § 6209

LD 1536, Chap. 51 Resolves

Ch. 127 § 3.07 (Me. Dept. of Ed. Rules)

Ch. 131 (Me. Dept. of Ed. Rules)

Adopted: December 8, 2021

EUT POLICY ON ADMINISTRATION OF STUDENT MEDICATION

Although the EUT discourages the administration of medication to students during the school day when other options exist, it recognizes that in some instances a student's chronic or short-term illness, injury, or disabling condition may require the administration of medication during the school day. The school will not deny educational opportunities to students requiring the administration of medication in order to remain in attendance and participate in the educational program.

The intent of this policy is to ensure the safe administration of medications to students by school personnel and to provide for authorization of student emergency self-administration of medication from asthma inhalers and epinephrine pens.

For the purpose of this policy, "medication" includes both prescription and non-prescription (over the counter) medications. "Physician" includes physicians, dentists, and other licensed health professionals when prescribing within the scope of their prescriptive authority (e.g., nurse practitioners). "Parent" refers to the student's parent or guardian. "Unlicensed personnel" refers to school staff who are not licensed by the State in any profession that allows for the administration of medicine (e.g., administrators, teachers, secretaries, education technicians, coaches, bus drivers).

The Division of State Schools – EUT disclaims any and all responsibility for the diagnosis, prescription of treatment, and administration of medication for any student and for any injury arising from a student's self-administration of medication.

Administration Of Medication By School Personnel

Parental Request

In the event that no reasonable alternative exists, the parent/guardian may request in writing that medication be administered to the student during the school day. The written request must include an acknowledgement and agreement that unlicensed personnel may administer the medication as per physician's instructions. In addition, the request shall indicate that information regarding the student's medication may be shared with appropriate school personnel. If they chose to do so, parents may reveal the reason (diagnosis) requiring the administration of medication. The provision of such information is optional, and disclosure shall not be compelled. Requests shall be valid for the current school year only.

Physician's Order

All parental requests must be accompanied by a written order from the student's physician substantiating the fact that the administration of a particular medication during the school day is necessary for the student's health and attendance in school. Such order must include:

- A. The student's name;
- B. The name and nature of the medication (e.g., tablets, liquid, drops);
- C. The individual dosage;
- D. The frequency, dosage, and duration of treatment;
- E. Potential side effects; and

- F. Any specific instructions or procedures for the administration of the particular medication to the student.

Parental requests must include information concerning the medical personnel to be contacted in the event complications arise with the administration of medication, including missed doses.

Any changes to the following shall require new written requests/orders as applicable:

- A. Information in the physician's original written order;
- B. Health care provider(s);
- C. Specific instructions or procedures for the administration of the particular medication to the student;
- D. Condition of the student; or
- E. Type of medication, dosage, and/or frequency.

In those circumstances where the building principal believes that the prescription does not provide sufficient information for appropriate administration, or when the physician has indicated that he/she does not want the medication administered by unlicensed school personnel, he/she shall immediately inform the building principal who shall schedule a meeting including the school nurse, the building administrator, the parent(s) and appropriate professionals to discuss alternative options for administration of medication to the student.

Delivery and Storage of Medication

The student's parents shall deliver any medication to be administered by school personnel to the school in its original container. In the event that this is not practical, the parent must contact the school to make alternate arrangements.

No more than a 20-day (one month) supply of medication shall be kept at school, excluding inhalers and epinephrine pens. The parent is responsible for notifying the school of any changes in or discontinuation of a prescribed medication that is being administered to the student at school. The parent must remove any medication no longer required or that remains at the end of the school year.

The building principal shall be responsible for the appropriate and secure storage of medication kept at school.

Recordkeeping

School personnel and the student's parent shall count all medication brought to school. The number of capsules, pills or tablets, and/or the volume of other medications shall be recorded.

School staff administering medication shall document each instance the medication is administered including the date, time, and dosage given.

The building principal shall maintain a record including the parent's request, physician's order, details of the specific medications (including dosage and timing of medication), and documentation of each instance the medication is administered.

Records shall be retained according to the current State schedules pertaining to student health records.

Confidentiality

To the extent legally permissible, staff members may be provided with such information regarding medication and its administration as may be in the best interest of the student.

Administration of Medication

Medication may be administered during the school day by licensed medical personnel acting within the scope of their licenses. All unlicensed personnel (principals, teachers, education technicians, school secretaries, coaches, bus drivers, etc.) who administer medication must receive training before being authorized to do so.

The school nurse will evaluate the unlicensed person's skill, document the successful completion of training, and make recommendations to the building principal pertaining to authorization of the unlicensed person to administer medication. Training that shall be consistent with applicable Maine Department of Education rules, standards, recommendations, programs, and/or methodologies.

Administration of Medication During Off-Campus Field Trips and School Sponsored Events

The school will accommodate students requiring administration of medication during field trips or school-sponsored events as follows:

The building principal will determine whether an individual student's participation is contraindicated due to the unstable//fragile nature of his/her health condition, the distance from emergency care that may be required, and/or other extraordinary circumstances. The student's parent and primary care provider will be consulted in making this determination.

The parent must provide the appropriate number of doses needed for the duration of the field trip or school sponsored event.

When there are no contraindications to student participation, an appropriately trained staff member will be assigned to administer medication. The parent will be encouraged to accompany the student, if possible, to care for the student and administer medication. All provisions of this policy shall apply to medications to be administered during off-campus field trips and school-sponsored events.

Student Self-Administration of Asthma Inhalers and Epinephrine Pens

Students with allergies or asthma may be authorized by the building principal, in consultation with the school nurse, to possess and self-administer emergency medication from an epinephrine pen (EpiPen) or asthma inhaler during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication from an epinephrine pen or asthma inhaler if the following conditions have been met.

- A. The parent must request in writing authorization for the student to self-administer medication from an epinephrine pen or asthma inhaler. A written notice from the student's primary care provider must specify the name and dosage of the medication, frequency with which it may be administered, and the circumstances that may warrant its use.
- B. The student's parent/guardian must submit written verification to the school from the student's primary care provider confirming that the student has the knowledge and the skills to safely possess and use an epinephrine pen or asthma inhaler. The parent will be informed that the school cannot monitor the frequency and appropriateness of use when the student self-administers medication, and that the school unit will not be responsible for any injury arising from the student's self-medication.

Authorization granted to a student to possess and self-administer medication from an epinephrine pen or asthma inhaler shall be valid for the current school year only and must be renewed annually.

A student's authorization to possess and self-administer medication from an epinephrine pen or asthma inhaler may be limited or revoked by the building principal after consultation with the school nurse and the student's parent if the student demonstrates inability to responsibly possess and self-administer such medication.

To the extent legally permissible, staff members may be provided with such information regarding the student's medication and the student's self-administration as may be in the best interest of the student.

Sharing, borrowing, or distribution of medication is prohibited. The student's authorization to self-administer medication may be revoked and the student may be subject to disciplinary consequences for violation of this policy.

Legal Reference: 20 – A.M.R.S.A. §§254; 4009 (4)
 28 C.F.R. Part 35 (Americans with Disabilities Act of 1990)
 34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973)
 34 C.F.R. Part 300 (Individuals with Disabilities Education Act)

Adopted: September 1, 2004

FIELD TRIP PROCEDURE FOR ADMINISTERING STUDENT MEDICATIONS

1. Any unlicensed personnel administering medications must hold documentation of their training in the administration of medication, including personnel administering medication on a field trip.
2. There must be written permission from the parent/guardian providing consent to administer the medication in school and a written physician's order and/or appropriately labeled original medication container.
3. Either a standardized preprinted medication label or preprinted envelope containing the information described below or medication in its original container will be used for students attending a field trip.
4. When using a preprinted label or preprinted envelope, the school nurse shall transfer the prescribed amount of medication needed for the field trip from the original medication container into the approved envelope and fill in the appropriate information on the envelope.
5. The envelope will be provided to the trained personnel for administration during the trip. The school nurse will provide a review of the medication and its administration to the trained personnel on an as needed basis. All trained personnel administering medication must understand what to do in an emergency.
6. The medication will be transported and stored in compliance with any special directions for the medication and will be secured as safely as possible.
7. The administration of medication on a field trip will duplicate as much as possible the guidelines found in the "Guidelines for Training of Non-Licensed Personnel in Medication Administration".
8. Medication will be administered to the student to assure that the right student receives the right medication, with the right dose, at the right time, by the right route. The trained personnel administering the medication will double check the student with the medication label and will double check the dose. The medication will be given within 30 minutes either side of the prescribed time.
9. Each school district will develop a method of documenting medications administered on the field trip, recording any unexpected occurrences, and a method of returning any medication not administered.

The medication envelope or label will contain the following information:

1. Date to be administered
2. Name of student
3. Name of medication
4. Dose to be given
5. Time to be given
6. Physician prescribing the medication
7. Special directions
8. Phone number of school nurse
9. Emergency directions

Adopted October 29, 2001

Revised August 2005

EUT POLICY ON ALTERNATIVE EDUCATION

Other Educational Programs

1. **Special education programs.** The commissioner shall provide special education and related services to all children with disabilities of the unorganized territory in accordance with the provisions of chapter 303, except that the commissioner shall carry out the duties of school administrative units and superintendents as described in that chapter.
2. **Preschool programs.** The commissioner may establish preschool programs for handicapped children between the ages of 3 and 5 years or contract with school administrative units to provide the programs.
3. **Other programs.** The commissioner may establish evening schools, day schools and educational programs for persons over 16 years of age residing in the unorganized territory and not attending school. Students in these schools or programs shall be subject to the same conditions and rules as students in other similar schools or programs established pursuant to the Title.

Reference: Title 20-A; chapter 119; subchapter 2; §3254-A

Alternative Instruction

Alternative Instruction may be substituted for attendance in a day school in the following cases when approved by the school principal.

- A. The person is enrolled in an approved special education program.
- B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner

Reference: Title 20-A; chapter 119; subchapter 2-A; §3271

EUT POLICY ON ALTERNATIVE PLACEMENT

Elementary or middle school parents choosing to enroll their child(ren) in a school other than the designated school must apply for an Alternative Placement. Parents must:

1. Complete the Alternative Placement Form;
2. Provide proof of residency in one of the Unorganized Territories,
3. Identify the desired alternative placement school, and
4. Provide compelling justifications for the request for alternative placement.

If approved by the Director of the EUT the student will be assigned to the alternative school. The EUT will pay the state approved tuition rate.

Transportation will not be provided to students approved for an alternative placement. Parents must provide transportation to/from the alternative school.

This agreement ends if a student moves outside of the Unorganized Territories during the school year. Any agreements regarding tuition and placement will have to be negotiated with the new town of residence.

Alternative placements must be requested/approved annually.

Approved: January 5, 2022

EUT POLICY ON ANIMALS IN SCHOOLS

- Permission must be obtained from the building administrator before any person may bring an animal on school property. Whenever pupils bring domesticated pets to school for educational purposes, the pupil shall consult with the teacher who will then request permission from the building administrator. NO ANIMAL MAY BE TRANSPORTED ON A SCHOOL BUS.
- No pet will be allowed in school without proof of current rabies vaccination (if appropriate)
- Wild animals will not be permitted in school unless the animal is under the control of a person trained in the care and management of the animal—i.e., zookeeper, game warden, biologist, etc. Pupils are not permitted to handle wild animals. BATS ARE NOT PERMITTED IN SCHOOL AT ANY TIME.
- All animals brought to school are to be restrained by the owner. The teacher is responsible for the supervision and control of pupils whenever there is an exhibit or activity involving animals in the school.
- If any person is bitten or injured by an animal on school premises, the building administrator or other responsible adult shall notify appropriate authorities (medical and animal control) and the Maine Department of Human Services, Bureau of Health.
- Children shall not be allowed in the area of any stray or wild animal that appears on school grounds until the animal has left the premises or is removed by an animal control officer, game warden, or other appropriate official.
- Animals kept in the classroom shall be housed in appropriate containers and cared for in a safe and humane manner. Arrangements shall be made for the care of animals on those days when school is not in session.
- No animal may be used as part of a scientific experiment when the normal health of the animal is affected, or where pain or distress is caused. Dissection shall be confined to the classroom and shall not be for the purpose of exhibition.

7 MRSA § 3971

22 MRSA § § 801-825

Effective Date: Jan 1, 1998

EUT POLICY ON ASSIGNMENT OF STUDENTS TO DESIGNATED SCHOOLS

It is the intent of the Education in the Unorganized Territories (EUT) to ensure that all persons who have attained the age of 5 years on October 15th and have not reached 20 years of age before the start of the school year and who reside with a parent in the unorganized territory or who are resident emancipated minors or residents at least 18 years old are eligible to attend elementary and secondary schools and to receive appropriate special education and related services without charge to themselves or their parents. (20-A §3251).

Elementary pupils

The Unorganized Territories Education Division operates 3 Elementary Schools for resident students of the Unorganized Territories within and around its boundaries. The schools are the Connor Consolidated School in Connor TWP, Edmunds Consolidated School in Edmunds TWP, and the Kingman Elementary School in Kingman.

All other elementary & middle school students residing in other Unorganized Territories statewide are to be enrolled in the designated school/district. Enrollment in the designated schools is mandatory unless the Alternative Placement Request process is followed and approved by the Unorganized Territories Director of Education.

The EUT will make every effort to provide transportation of PreK-8 students to the designated school. The costs of transportation for students under this section may be paid in full or in part by the commissioner except that the commissioner may not reimburse parents for the transportation of a student.

Secondary students

Any Unorganized Territories eligible resident secondary student may attend as a tuition student any public or private secondary school approved for tuition purposes under [section 2951](#) to which that tuition student may gain entrance. Tuition students shall be entitled to all privileges and benefits, and shall be subject to the same rules as resident students of a receiving school administrative unit or other enrolled students of a receiving private school. The EUT will designate a high school for EUT students to attend within their region, but parents may apply for admission, enroll, and designate another secondary school for their student to attend. If accepted in the enrolling school, the EUT shall pay tuition for each tuition student in an amount equal to the official EUT secondary tuition rate approved pursuant to [section 7302](#) for the receiving school for nonresident students as long as the student maintains a satisfactory standard of deportment and scholarship. **§3253-A.**

Transportation.

Transportation to designated secondary schools may be paid in full or in part by the commissioner except that the commissioner may not reimburse parents for the transportation of a student. If a secondary student elects to attend and is accepted to enroll in a non-designated secondary school the EUT may assist in seeking alternative transportation. Parents may be required to transport secondary school students who attend a non-designated secondary school.

Adopted: January 5, 2022

EUT POLICY ON BOMB THREATS/TERRORISTIC THREATS

The EUT recognizes that bomb threats are a significant concern to the EUT. Whether real and carried out or intended as a prank or for some other purpose, a bomb threat represents a potential danger to the safety and welfare of students and staff, and to the integrity of school property. Bomb threats disrupt the instructional program and learning environment, and also place significant demands on school financial resources and public safety services. These effects occur even when such threats prove to be false.

Any bomb threat will be regarded as an extremely serious matter and treated accordingly.

A. Conduct Prohibited

No person shall make, or communicate by any means, whether verbal or non-verbal, a threat that a bomb has been, or will be, placed on school premises. Because of the potential for evacuation of the schools and other disruption of school operations, placement of a bomb or of a “look-alike” bomb on school premises will be considered a threat for the purpose of this policy.

It is also a violation of EUT policy to communicate by any means that any toxic or hazardous substance or material has been placed or will be placed on school premises with the intent to endanger the safety and welfare of students or staff and/or to disrupt the operations of the schools. For the purpose of this policy, “toxic or hazardous substance or material” means any material or substance, or “look-alike substance”, including biomedical materials or organisms, that, when placed as threatened, could be harmful to humans.

B. Definitions

1. A “**bomb**” means an explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, “Molotov cocktail” or another destructive device.
2. A “**look-alike bomb**” means any apparatus or object that conveys the appearance of a bomb or other destructive device.
3. A “**bomb threat**” is the communication, by any means, whether verbal or non verbal, that a bomb has been, or will be, placed on school premises, including possession or placement of a bomb or look-alike bomb on school premises.
4. “**School premises**” means any school property and any location where any school activities may take place.

C. . Reporting of Bomb Threats

A student who learns of a bomb threat or the existence of a bomb on school premises must immediately report such information to the principal, teacher or other employee in a position of authority.

An employee of the EUT who learns of a bomb threat shall immediately inform the building

administrator. The building administrator shall immediately take appropriate steps to protect the safety of students and staff in accordance with the EUT's bomb threat procedure and inform the Director of the threat.

All bomb threats shall be reported immediately to the local law enforcement authority, as provided in bomb threat procedures.

The Director shall be responsible for reporting any bomb threat to the Department of Education within two business days of the incident. Reports will include the name of the school, the date and time of the threat, the medium used to communicate the threat, and whether or not the perpetrators have been apprehended.

D. Student Disciplinary Consequences

Making a bomb threat is a crime under Maine law. Any student suspected of making a bomb threat shall be reported to law enforcement authorities for investigation and possible prosecution. Apart from any penalty imposed by the law, and without regard to the existence or status of criminal charges, a student who makes a bomb threat shall be subject to disciplinary action by the EUT.

The administration may suspend and/or recommend for expulsion any student who makes a bomb threat. The making of a bomb threat will be considered deliberately disobedient and deliberately disorderly within the meaning of 20-A M.R.S.A. § 1001(9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school.

In addition, a student who is found after hearing to have brought a bomb to school shall be expelled from school for at least one year in accordance with 20-A M.R.S.A. § 1001(9-A) and Policy JICIA, except that the Director may modify the requirement for expulsion based on individual circumstances.

A student who has been identified through the IEP process as having a disability and whose conduct in violation of this policy is related to the disability shall be disciplined as provided by M.U.S.E.R.

E. Aiding Other Students in Making Bomb Threats

A student who knowingly encourages, causes, aids or assists another student in making or communicating a bomb threat shall be subject to disciplinary consequences described in Section D of this policy.

F. Failure to Report a Bomb Threat

A student who fails to report information or knowledge of a bomb threat or the existence of a bomb or other destructive device in a school building or on school property may be subject to disciplinary consequences, which may include suspension and/or expulsion.

G. Staff Disciplinary Consequences

A District employee who makes or communicates a bomb threat will be reported to appropriate law enforcement authorities and will be subject to disciplinary action up to and including termination of employment. Disciplinary action taken shall be consistent with collective bargaining agreements, and other employment agreements and EUT policies.

A District employee who fails to report information or knowledge of a bomb threat or the existence of a bomb on school premises will be subject to discipline up to and including termination of employment.

H. Civil Liability

The District reserves the right to bring suit against any individual responsible for a violation of this policy and to seek restitution and other damages as permitted by law.

I. Lost Instructional Time

Instructional time lost as a result of a bomb threat will be rescheduled at the earliest practicable opportunity, as determined by the Administrator within parameters set by the Director.

Time lost may be rescheduled on a weekend or vacation day, or after what would normally be the last day of the school year, except on days when school must be closed as required by law.

J. Notification Through Student Handbook

All student handbooks shall address the EUT's bomb threat policy and procedures and explain the educational consequences of bomb threats. In addition, student handbooks shall notify students and parents that bomb threats violate EUT policy and civil and criminal law.

Legal References: 18 U.S.C. §§ 921; 8921
17-A M.R.S.A. §210
20-A M.R.S.A. §§ 263; 1001(9); 1001(9-A); 1001(17); 1001(18)

Cross References:

Adopted: January 2022

EUT BULLYING INVESTIGATION AND RESPONSE FORM

Date the alleged incident of bullying was reported: _____

Name of person investigating alleged incident(s): _____

Position/title of investigator: _____

Name of person reporting bullying incident(s): _____

Person reporting is (circle one) Student Parent School employee
Coach/advisor Volunteer Other _____

Name(s) of alleged target: _____

Name(s) of alleged bully (bullies): _____

Name(s) of potential witnesses: _____

Where did the alleged incident(s) occur (check one or more):

_____ on school property
_____ on school bus
_____ at a school sponsored activity
_____ through use of technology ___ at school ___ off-campus
_____ elsewhere (be specific)

Time and location(s) of incident(s): _____

Does targeted student have an IEP? ___ Yes ___ No (If yes, refer to plan.)

Does targeted student have a 504 plan? ___ Yes ___ No (If yes, refer to plan.)

Is the targeted student in the referral process for either? ___ Yes ___ No
(If yes, specify) _____

If the targeted student receives special services, when were Special Services Director and/or 504 Coordinator notified of the incident:

Person notified: _____ Date: _____

Does alleged bully have an IEP? ___ Yes ___ No (If yes, refer to plan.)

Does alleged bully have a 504 plan? ___ Yes ___ No (If yes, refer to plan.)

Is the alleged bully in the referral process for either? ___ Yes ___ No

(If yes, specify) _____

If the alleged bully receives special services, when were Special Services Director and/or 504 Coordinator notified of the incident:

Person notified: _____ Date: _____

Do EUT records show prior reports of alleged or substantiated incidents of bullying involving the alleged target or alleged bully? If so, describe incident and outcome(s):

Meeting/interview of student who believes he/she has been bullied, description of alleged incident(s) (dates and details):

Communications with parents(s) of student who believes he/she has been bullied date(s) and details): _____

Meeting/interview of alleged bully (bullies) (dates and details):

Communications with parent(s) of alleged bully (bullies) (dates and details):

Meeting/interview of persons identified as witnesses (dates and summary of information provided): _____

Further evidence of bullying examined (videos, photos, email, letters, etc.):

Measures taken pending conclusion of the investigation to ensure the safety of the student who believes he/she has been bullied: _____

Safety measures communicated to parents) of student who believes he/she has been bullied (date and details): _____

Is the alleged bullying substantiated, i.e., does the alleged conduct meet the definition of bullying as articulated in Board policy? ____ Yes ____ No

Nature of harm incurred:

- ____ Physical harm to student or damage to student's property
- ____ Student's reasonable fear of physical harm or damage to property
- ____ Hostile educational environment
- ____ Infringement of student's rights at school

Conduct resulting in harm (in item above) is on the basis of:

- ____ National origin/ancestry/ethnicity
- ____ Religion
- ____ Physical, mental, emotional or learning disability
- ____ Sex
- ____ Sexual orientation
- ____ Gender/gender identity/expression
- ____ Age
- ____ Socioeconomic status
- ____ Family status
- ____ Physical appearance
- ____ Weight
- ____ Other distinguishing personal characteristics
- ____ Other (explain) _____

Summary of investigation/Explanation of findings:

Recommended disposition:

Disciplinary action - alternative discipline: _____

Disciplinary action – suspension (in-school, out-of-school) _____

Expulsion (recommended for expulsion) _____

Recommendations for support services:

Counseling/referral to services (targeted student) _____

Counseling/referral to services (bully) _____

Recommendation to report to law enforcement? ____ Yes ____ No

____ Potential criminal violation ____ Potential civil rights violation

Recommendations in other substantiated bullying situations:

If bully is school employee or administrator, recommendation for action to be taken by Director (any action must be consistent with collective bargaining agreement or individual contract): _____

If bullying is by another adult person associated with the school (e.g., volunteer, visitor, or contractor): _____

If bullying involves a school-affiliated organization: _____

Signature of investigator: _____

If investigator is not building principal, copy to principal on [date]

Copy to Director on [date]

ACTIONS TAKEN BY PRINCIPAL

The student received/will receive the following discipline actions (consequences):

- Alternative Discipline
- Detention
- Weekend Detention
- In-school suspension
- Out-of-school suspension
- Expulsion/Recommended for expulsion

Alternative discipline imposed for this student (if applicable):

- Meeting with the student and the student's parent(s) or guardian(s)
- Reflective activities, such as requiring the student to write an essay about the student's misbehavior
- Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option
- Counseling
- Anger management
- Health counseling or intervention
- Mental health counseling
- Participation in skills building and resolution activities, such as social/emotional/ cognitive skills building, resolution circles and restorative conferencing
- Community service

Referral to law enforcement? Yes No

Written notice has been provided to parent(s)/guardian(s) of the student who has been found to have engaged in bullying, including the process for appeal.

Notification sent by principal: [Date]

Copy to Director: [Date]

APPEAL OF PRINCIPAL'S DECISION

Date appeal submitted: _____

All appeals to the Director must be submitted, in writing, to the Augusta Office within 14 calendar days of the building principal's decision. The Director's decision shall be final.

Director decision: _____

Date parent(s)/guardian(s) notified of Director decision: _____

ACTIONS TAKEN BY THE DIRECTOR

____ Expulsion

____ Action on student/parent appeal of principal's decision

____ Action taken against employee: (If confidential employment action, in personnel file)

____ Suspension/revocation of sanctioning/approval of school-affiliated organization

____ Other: _____

EUT POLICY ON BULLYING

The EUT 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 are not acceptable conduct in our schools and are prohibited.

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

In adopting this policy, it is not the EUT’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 EUT does not condone and will act 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.

Definitions

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

Bullying

“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. Has, or a reasonable person would expect it to have, the effect of:
 - 1. Physically harming a student or damaging a student’s property; or
 - 2. Placing a student in reasonable fear of physical harm or damage to his/her property;
- B. Interferes with the rights of a student by:
 - 1. Creating an intimidating or hostile educational environment for the student; or
 - 2. 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
- C. 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 other distinguishing personal characteristics (such as socioeconomic status; age; physical appearance; weight; or family status); or
 - b. 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. or B. above.

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.

Cyberbullying

“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 personal digital assistant.

Retaliation

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.

Application of Policy

This policy applies to bullying that:

- A. 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
- B. 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 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 EUT 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 state policy or applicable collective bargaining agreements.

Volunteers, contractors, and visitors who violate this policy will be barred from school property until the Director 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 EUT approval/sanctioning and/or suspension or revocation of its permission to operate on school grounds.

Staff Training

The EUT will provide professional development and staff training in bullying prevention and response.

Delegation of Responsibility

The Director will be responsible for developing and implementing procedures in accordance with applicable law to implement this policy.

The school principal will be responsible for implementation/enforcement of this policy and associated procedures on the school level.

A student or his/her parent/guardian who is dissatisfied with a decision of the Principal related to the taking or not taking of disciplinary action in the course of implementing this policy may appeal, in writing, to the Director within 14 calendar days of notice of the decision.

The Director's decision shall be final.

Dissemination of Policy

The Principal will be responsible for providing this policy, any associated administrative procedures in writing to students, parents, school employees and volunteers in handbooks, on the school unit's website and by such other means (if any) as may be determined by the Director.

Legal Reference: 20-A M.R.S.A. § 1001(15), 6554

Adopted: June 2022

EUT POLICY ON SCHOOL CANCELLATION

The Director of the Division of School Operations or designee is empowered to close the schools, delay starting time, or dismiss school early in case of severe weather or due to other emergencies which threaten the safety or welfare of the students.

Students, parents, and staff shall be informed early in each school year how they will be notified of emergency school closings or early dismissals.

Except for teachers and other staff members who work only on student days, all personnel shall report to work as soon as possible on emergency days.

Information regarding emergency closings will be broadcast via local radio stations, TV and through a local alert system (where in place). Announcements of early morning closings or delayed starting times will be made prior to 5:40 A.M.; announcements of mid-day dismissals will be made one hour prior to dismissal.

approved: January 2022

EUT POLICY ON CARE OF SCHOOL PROPERTY BY STUDENTS

Textbooks, other school property, and facilities are available to pupils for their use. Each pupil is responsible for loss or damage beyond normal wear. Parents/guardians of the pupil will be billed for the repair of school facilities or the replacement costs of lost, damaged or destroyed materials. If reimbursement is not forthcoming within a reasonable time (generally, with 45 days notification), damage to school facilities may be recovered in a civil action to obtain the permitted "double damage."

Legal Reference: Title 20-A MRSA § 6805-6807

Approved: January 2022

EUT POLICY ON CHEMICAL HAZARDS

The EUT is committed to providing a safe environment for students and employees. It is the policy of the EUT to follow safe practices in regard to the storage and handling of hazardous chemicals in its schools. The EUT will comply with all applicable Maine and federal laws and regulations concerning hazardous chemicals.

The Building Administrator will be responsible for developing a Chemical Hygiene Plan that includes procedures relevant to the identification, purchase, storage, inventory, handling, and disposal of hazardous chemicals, maintenance of material safety data sheets (MSDS), and for ensuring that employees are provided required training and information concerning hazardous chemicals used in the schools. The

The Director will appoint a Chemical Hygiene Officer for the EUT. The Chemical Hygiene Officer will have the primary responsibility for implementing the EUT Chemical Hygiene Plan. The person appointed Chemical Hygiene Officer should be familiar with State and federal regulations pertaining to laboratory and chemical safety and the chemicals used in the schools.

The Chemical Hygiene Officer shall achieve such certification and/or attend such training as may be mandated by the Maine Department of Education or other State agencies.

Legal Reference: 29 C.F.R. § 1910.1200

26 M.R.S.A. § 565

Ch. 2 § 179 (Dept. of Prof. Regulation Rule)

Ch. 161 (Dept. of Educ. Rule)

Commissioner's Administrative Letter No. 33, June 9, 2005
(Chemicals in Schools)

Adopted: January 2022

EUT POLICY ON CHILD FIND

The EUT shall maintain and implement policies and procedures to ensure that all children residing in the jurisdiction between the ages of 3 and 20 years, including children with disabilities who are homeless children, are wards of the State or state agency clients, children with disabilities attending private schools and receiving home instruction, highly mobile children (including migrant or homeless), children who have the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year, and children incarcerated in county jails, and who are in need of special education and related services, even though they are advancing from grade to grade, are identified, located and evaluated at public expense.

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

The child find process in the EUT 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 child may require special education and related services in order to benefit from regular education, the child shall be referred to the Individualized Education Program (IEP) Team to determine the child's eligibility for special educational services.

Legal Reference:

[34 CFR 300.111(a)(i,ii) and (c) (1,2)]

Maine DOE M.U.S.E.R

Chapter 101 §§IV.2.A-C (2017)

Policy Adopted February 9, 2022

EUT POLICY ON SALES OF FOODS IN COMPETITION WITH THE SCHOOL FOOD SERVICE PROGRAM

The EUT supports good nutrition as part of a school environment that contributes to student health and encourages positive food choices and eating habits. The EUT believes that nutrition influences a student's ability to take full advantage of its educational program and is, therefore, related to student achievement.

The EUT also recognizes that proceeds from the sale of foods and beverages outside of the School Lunch Program ("competitive foods") are a significant source of funds for student activities that the school might not otherwise be able to provide.

The EUT has adopted this policy to govern the sale of foods and beverages on school property.

Restrictions on the Sale of Competitive Foods

1. Maine Department of Education Rule Chapter 51 mandates that any food or beverage sold at any time on school property of a school participating in the National School Lunch or School Breakfast Programs shall be a planned part of the total food service program of the school, and shall include only those items which contribute both to the nutritional needs of children and the development of desirable food habits, and shall not include foods of minimal nutritional value as defined in applicable federal regulations, except as provided for by EUT policy in certain circumstances.

2. As allowed by Rule 51, the EUT permits the Director to authorize the sale of food and beverages outside the total food program:

- a. To School staff.
- b. To attendees at school-sponsored community events held on school property; (i.e., school-sponsored events that are open to the public);
- c. To the public at community events held on school property in accordance with the EUT facilities use policy ;
- d. By a school-approved student organization or program if consistent with the requirement that such sales not include foods of minimal nutritional value as defined in 7 C.F.R. §210.11(a)(2).

3. This policy applies to sales of foods and beverages at any time on school property by any person, group, or organization.

4. When foods and beverages are sold to attendees at community events sponsored by the school or held on school property, students, staff, parents, or school-sponsored organizations involved are encouraged to include at least some healthy food choices.

Funds from Sales of Competitive Foods

Funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the school's non-profit school food service program, except that funds raised through authorized sales outside the total food service program shall accrue to the sponsoring school or approved student organization in accordance with applicable policies, cash-management procedures and administrative directives, or to the sponsor of a community event that is held on school property in accordance with the EUT's facilities use policy .

Legal Reference: Ch. 51 (Dept. of Educ. Rule) (Child Nutrition Programs in Public Schools
and Institutions)
7 C.F.R. §210.11(a)(2).

Adopted: January 2022

EUT POLICY ON COMPREHENSIVE EMERGENCY MANAGEMENT

The Director and building administrators shall be responsible for developing, in consultation with staff and persons or agencies with expertise in planning for and responding to emergencies, a comprehensive emergency management plan that identifies and addresses all hazards and potential hazards that could reasonably be expected to affect the school and school facilities.

The initial plans shall be reviewed by the Maine School Safety Center and substantive changes shall be reported to the Director. The Director and building administrators shall be responsible for ensuring that the plan is implemented in each school and evaluated on an annual basis and after each incident when the plan is used. It is understood that specific procedures may vary from school to school due to differences in school facilities and the ages of students.

As required by law, the Director will approve the plan annually. Any substantive changes in the plan shall be subject to the approval of the Director.

The following information pertaining to the EUT Comprehensive Emergency Management Plan is considered public information:

- A. A description of the scope and purpose of the Plan and the process used for developing and updating it;
- B. General information on auditing for safety and preparedness;
- C. Roles and responsibilities of school administrators, teachers and staff and the designated chain of command during an emergency; and
- D. Strategies for conveying information to parents and the general public during an emergency.

Except as specified in paragraphs A through D above, those portions of the Comprehensive Emergency Management Plan and any other records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism shall not be considered public information under the Freedom of Access Act but only to the extent that the release of such information could reasonably be expected to jeopardize the physical safety of school unit personnel or the public. For the purpose of this policy, "terrorism" is defined as in 1 M.R.S.A. § 402(3)(L) as "conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure."

Legal Reference: 20-A MRSA § 1001(16)

Approved: January 2022

COMPULSORY ATTENDANCE

Required attendance. Persons residing in the unorganized territory who are at least 6 years of age and under 17 years of age shall attend a public day elementary or secondary school or an approved private school during the time it is in session.

[PL 2019, c. 508, §1 (AMD).]

1-A. Attendance of persons 5 years of age or older and under 6 years of age. A person 5 years of age or older and under 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

[PL 2019, c. 508, §2 (AMD).]

2. Alternative instruction. Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal. A person 5 years of age or older and under 6 years of age is not required to meet the requirements of this subsection.

A. The person is enrolled in an approved special education program. [PL 1985, c. 490, §8 (NEW).]

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner. [PL 2007, c. 667, §4 (AMD).]

C. [PL 1989, c. 415, §3 (RP).]

[PL 2019, c. 508, §3 (AMD).]

3. Exceptions. Attendance at school or an alternative education program is not required of:

A. A person who has graduated from high school before the person's 17th birthday; [PL 2007, c. 667, §5 (AMD).]

B. A person who is at least 15 years old, has completed the 9th grade and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner; and [PL 1989, c. 415, §4 (AMD).]

C. A person who has been adjudged a truant and has been excused from attendance pursuant to procedures established by the commissioner. [PL 2011, c. 614, §8 (AMD).]

§3272. Truancy; excusable absences

1. Truancy.

[PL 2011, c. 614, §9 (RP).]

2. Truancy. A person is truant if:

A. The person is required to attend school or alternative instruction and has completed grade 6 under this chapter and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; [PL 2019, c. 235, §3 (AMD).]

B. The person is required to attend school or alternative instruction and is at least 6 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or [PL 2019, c. 508, §4 (AMD).]

C. The person is required to attend school pursuant to [section 3271, subsection 1-A](#) and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year. [PL 2019, c. 235, §3 (NEW).]

[PL 2019, c. 508, §4 (AMD).]

3. Excusable absence. A person's absence is excused when the absence is for the following reasons:

A. Personal health, including the person's physical, mental and behavioral health; [PL 2019, c. 562, §1 (AMD).]

B. An appointment with a health professional that must be made during the regular school day and the absence has prior approval; [PL 2007, c. 304, §2 (AMD).]

C. Observance of a recognized religious holiday when the observance is required during the regular school day; [PL 2021, c. 25, §1 (AMD).]

D. A family emergency; or [PL 1985, c. 490, §8 (NEW).]

E. A planned absence for a personal or educational purpose that has prior approval. [PL 2007, c. 304, §2 (AMD).]

[PL 2021, c. 25, §1 (AMD).]

4. Adult responsibility. Any adults having a person of compulsory school age under their control shall cause the person to attend school as provided in this section.

[PL 1985, c. 490, §8 (NEW).]

§3273. Enforcement

1. Civil violations. A parent who has control of a person who is truant under [section 3272, subsection 2](#) and who is primarily responsible for that person's truancy commits a civil violation under this chapter.

A. [PL 1989, c. 415, §6 (RP).]

B. [PL 1989, c. 415, §6 (RP).]

C. [PL 1989, c. 415, §6 (RP).]

[PL 2011, c. 614, §11 (AMD).]

2. Jurisdiction. The District Court shall have jurisdiction over these violations.

[PL 1989, c. 415, §7 (AMD).]

3. Process. Service of the petition on the parent shall be in accordance with the Maine Rules of Civil Procedure.

[PL 1989, c. 415, §8 (RPR).]

4. Penalties.

[PL 1989, c. 415, §9 (RP).]

5. Disposition. The court may order injunctive relief of one or more of the following actions against any person who commits a civil violation under [subsection 1](#):

A. Ordering the offender to comply with this chapter; [PL 1989, c. 415, §10 (NEW).]

B. Ordering the offender to take specific action to ensure the student's attendance at school; [PL 1989, c. 415, §10 (NEW).]

C. Enjoining the offender from engaging in specific conduct which interferes with or may interfere with the student's attendance at school; or [PL 1989, c. 415, §10 (NEW).]

D. Ordering the offender to undergo counseling by a professional selected by the offender, with the court's approval, or by the court. The counselor shall submit a written evaluation to the court and to the offender. [PL 1989, c. 415, §10 (NEW).]

[PL 1989, c. 415, §10 (NEW).]

6. Fine. For a civil violation under this section, the court may impose a fine not to exceed \$250, all or part of which may be suspended upon the offender's compliance with a court order under this section.

[PL 2007, c. 304, §4 (NEW).]

COMPULSORY ATTENDANCE

§3271. Compulsory attendance at school

1. Required attendance. Persons residing in the unorganized territory who are at least 6 years of age and under 17 years of age shall attend a public day elementary or secondary school or an approved private school during the time it is in session.

[PL 2019, c. 508, §1 (AMD).]

1-A. Attendance of persons 5 years of age or older and under 6 years of age. A person 5 years of age or older and under 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

[PL 2019, c. 508, §2 (AMD).]

2. Alternative instruction. Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal. A person 5 years of age or older and under 6 years of age is not required to meet the requirements of this subsection.

A. The person is enrolled in an approved special education program. [PL 1985, c. 490, §8 (NEW).]

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner. [PL 2007, c. 667, §4 (AMD).]

C. [PL 1989, c. 415, §3 (RP).]

[PL 2019, c. 508, §3 (AMD).]

3. Exceptions. Attendance at school or an alternative education program is not required of:

A. A person who has graduated from high school before the person's 17th birthday; [PL 2007, c. 667, §5 (AMD).]

B. A person who is at least 15 years old, has completed the 9th grade and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner; and [PL 1989, c. 415, §4 (AMD).]

C. A person who has been adjudged a truant and has been excused from attendance pursuant to procedures established by the commissioner. [PL 2011, c. 614, §8 (AMD).]

Approved: January 2022

EUT POLICY ON DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS

In accordance with the federal Omnibus Transportation Employee Testing Act of 1991, in addition to other pertinent state and federal laws promulgated to effectuate a drug and alcohol-free workplace, the EUT is committed to the establishment of an alcohol and controlled substance testing program for school bus drivers.

The purpose of the testing program shall be to help prevent accidents, injuries and deaths resulting from the misuse of alcohol and controlled substances by drivers performing safety sensitive functions. The EUT shall adhere to the State's DOT procedures and policies for alcohol and drug testing program consistent with federal regulations and shall, from time-to-time assist may deem necessary, implement additional administrative procedures to assist and further the implementation of the federal mandates regarding alcohol and controlled substances testing.

Legal Reference: 49 CFR Part 382
26 MRSA §§ 681 (8)(B); 685(2); 689

EUT POLICY ON DRUG AND TOBACCO FREE SCHOOLS

The EUT recognizes that alcoholism and drug dependency, smoking and vaping are treatable diseases. Left untreated, they may result in serious personal and family problems. At the same time, the EUT is also seriously concerned about the effects of alcohol and drug dependency upon a student's academic and social performance.

The EUT believes strongly that all students should be able to learn in an environment free from alcohol and drug abuse.

No student shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor. Nor shall a student unlawfully manufacture, distribute, dispense, possess, use or be under the influence of "bath salts" or other synthetic hallucinogen or of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance (as defined in schedules I through V of section 202 of the federal Controlled Substance Act [21 USC § 812]; by regulation at 21 CFR, § 1300.11 through 1300.15; and in 17-A MRSA, § 1101). This applies before, during and after school hours, at school or in any other school system location, defined as follows:

"School system location" means in any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school unit; or during any period of time when students are engaged in school business.

Any Student who suspects that he/she may have an alcohol or drug dependency problem is strongly encouraged to contact his/her guidance counselor to seek voluntary diagnosis and treatment. All voluntary referrals shall be kept confidential.

Any illegal use, possession, furnishing, selling or provision of assistance in obtaining "bath salts," alcoholic beverages or scheduled drugs not covered by the preceding paragraph may, depending upon the circumstances, constitute sufficient grounds for discipline, up to and including expulsion. Referrals under foregoing paragraphs of this policy will not preclude disciplinary action under this paragraph, depending on the circumstances.

As provided in the Drug-Free Workplace Act of 1988, any employee is required to notify the school unit of a criminal or civil conviction for a drug violation occurring in the workplace no later than five calendar days after such conviction. In turn, the Director, within 10 calendar days of learning of such a conviction, is to give written notification to the U.S. Department of Education and to any other federal agency from which the unit receives grant funds.

Implementation

The Director shall be responsible for developing and administering appropriate procedures to implement this policy.

Communication

A copy of this policy is to be posted electronically on the EUT website

Legal Reference: 20 USC § 7101 et seq. (Safe and Drug-Free Schools and Communities Act)
21 USC § 812 (Controlled Substances Act)
21 CFR § 1300.11-1300.15

Fed. P.L. 101-226
17-A MRSA § 1101
22 MRSA § 2390-2394

Adopted: February 9, 2022

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.

MAINE SCHOOL MANAGEMENT ASSOCIATION

EUT POLICY ON EDUCATIONAL RESEARCH: STUDENT SURVEYS, ANALYSES, AND EVALUATIONS

In this policy, “surveys, analyses, or evaluations” refer to methods of gathering data for research purposes.

No student shall be required as part of any program wholly or partially funded by the U.S. Department of Education to submit to any survey, analyses, or evaluation that reveals information concerning:

- A. Political affiliations or beliefs of the student or the student’s parent;
- B. Mental or psychological problems of the student or the student’s family;
- C. Sex behavior or attitudes;
- D. Illegal, anti-social, self-incriminating, or demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- G. Religious practices, affiliations, or beliefs of the student or student’s parents; or
- H. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program without the prior written consent of the student’s parent/guardian, or of the student, if he/she is 18 years of age or older).

All instructional materials, including teachers’ manuals, films, tapes, or other supplementary material which will be used in connection with any such survey, analysis, or evaluation shall be available upon request for inspection by the student’s parent/guardian. For the purpose of this policy, “instructional material” does not include academic tests or assessments.

A parent may inspect, upon request, a survey created by a third party before the survey is administered or distributed to a student.

The Building Administrator will be responsible for implementing any procedures necessary to protect the privacy of participating students and to provide parents with access to surveys within a reasonable time before administration or distribution.

The EUT will notify parents of this policy at least annually at the beginning of the school year and within a reasonable time of any substantive change in policy. Insofar as practicable, the school unit will also

directly notify parents annually at the beginning of the school year when surveys, analyses, or evaluations are scheduled or anticipated. Parents shall have the opportunity to opt their child out of participation in any survey, analysis, or evaluation. Students who are 18 years of age or older may opt out of such surveys, analyses, or evaluations.

Legal reference: 20 U.S.C. § 1232(h)

March 2022

EUT POLICY ON ENGLISH AS A SECOND LANGUAGE

Introduction

English as a Second Language (ESL) services will be provided to all students of limited English proficiency who qualify according to guidelines described below. The legal basis for the program is established in the 1974 U.S. Supreme Court decision, Lau vs. Nichols.

Eligible pupils will work within their own school or at a site within the EUT system, either individually or in small groups according to those pupils' language proficiency. Pupils in the ESL program will not be enrolled in special education programs unless a disability has been identified through the Pupil Evaluation Team (PET) process.

A pupil will be dismissed from participation in the ESL program when he/she is testing successfully according to his/her ability and has an appropriate level of proficiency in the English language, as determined by the Language Assessment Committee (LAC).

Responsibility of the Principal

The principal shall review home language surveys to identify potential LEP pupils in the school. A file shall be established for each potential LEP pupil. The file shall contain a copy of the home language survey and any related documents.

Should potential LEP pupils be identified, the principal shall establish a Language Assessment Committee (LAC). The LAC shall consist of not-less-than three members, one of whom shall be the principal.

Language Assessment Committee

The purpose of the LAC is to facilitate the identification, placement and educational design of each pupil who is Limited English Proficient. To achieve this objective, the LAC shall:

1. Notify the parents in their native language whenever possible of the date and nature of LAC meetings, pupil testing dates, etc.
2. Carry out three-year monitoring of pupil progress for each LEP pupil.
3. Meet with the entire school staff when needed to provide information on LEP programs and pupils.
4. Develop an evaluation program for each LEP pupil that utilizes multiple criteria to determine the appropriate placement (grade level) and educational programming (length of time, time of day, pull out or in class, summer programming, tutoring, adult volunteer, etc.) that best meets the individual needs of the pupil.
5. Recommend modification of ESL support services as necessary.
6. Reclassify a pupil from LEP to FEP (Fully English Proficient) as necessary.
7. In cases of NEP (Non-English Proficiency) status, questions of age or grade level shall be determined by the LAC following a meeting with the parents.

8. Arrange for informal and formal assessments of English language proficiency through the utilization of contracted personnel who are appropriately certified and licensed. The assessment of primary level pupils shall address listening and speaking competency, and English language readiness skills. For pupils in grades three through twelve, the assessment shall address the pupil's oral skills, and reading and writing abilities.

Educational Placement of LEP Pupils

Data obtained from the language assessment and educational records shall be used by the LAC to determine appropriate placement. These data may include:

1. Home Language Survey
2. Interviews.
3. Review of available documents.
4. Language proficiency assessment activities.

Reclassification of LEP Pupils

Prior to the reclassification of an LEP pupil to FEP status, a minimum of three evaluation activities shall be conducted. These activities may include:

1. An evaluation of general language proficiency by observation of oral performance in both formal and informal settings.
2. The administration of a criterion-referenced test.
3. A student and parent interview
4. Review of academic achievement records.
5. Review by LAC and the development of a transitional plan
 - a. The LAC shall monitor the progress of each reclassified pupil through annual review.
 - b. The annual review shall consider the academic, social, and psychological progress of the pupil.
6. Parents shall be provided with a written notice of the reclassification in the parents' native language whenever possible. The notification of reclassification shall include a statement of the parents' right to challenge the reclassification of their child.

Adopted March 2022

EUT COMMITMENT TO STANDARDS FOR ETHICAL AND RESPONSIBLE BEHAVIOR

The EUT believes that promoting ethical and responsible behavior is an essential part of its educational mission. The EUT 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 EUT also recognizes that Maine law requires the adoption of a 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 EUT seeks to create and maintain a school climate in which ethical and responsible behavior can flourish. The EUT 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 policy or school rules. Further, the EUT 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 EUT 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 EUT 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 the Director, school administrators, staff, parents, students and the community. Core values will be reviewed periodically, with opportunity for public participation. The Director or a designee is charged to develop a process to assess the EUT’s progress toward achievement of an ethical and responsible school culture.

Following the identification of core values, the EUT, with input from administrators, staff, parents, students and members of the community will adopt a Student Code of Conduct consistent with statewide standards of student behavior¹, that shall, as required by law:

- A. Define unacceptable student behavior;
- B. Establish standards of student responsibility for behavior;
- C. Prescribe consequences for violation of the Student Code of Conduct, including first-time violations, when appropriate;

¹ The statewide standards are the “core values” identified in the report of the Commission for Ethical and Responsible Student Behavior, Taking Responsibility: Standards for Ethical and Responsible Behavior in Maine Schools and Communities. The core values are: Respect; Honesty; Compassion; Fairness; Responsibility; and Courage. The Code of Conduct must be “consistent with”, not identical to, the statewide standards developed under 20-A MRSA § 254(11). This provides an opportunity for communities to identify their own core values and articulate what the “look like” is when applied to behavior. The core values serve as a basis for school system expectations for student conduct

- D. Describe appropriate procedures for referring students in need of special services to those services;

- E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of a student from class;
- F. Establish policies and procedures concerning the removal of disruptive or violent students from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate; and
- G. Establish guidelines and criteria concerning the appropriate circumstances when the Superintendent/designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property.

The Student Code of Conduct will be reviewed periodically by the Director, with input from administration, staff, parents, students and members of the community.

Students, parents, staff, and the community will be informed of the Student Code of Conduct through handbooks and/or other means selected by the Director/designee.

Ethics and Curriculum

The EUT encourages integration of ethics into content areas of the curriculum, as appropriate. The EUT also encourages school administrators and staff to provide students with meaningful opportunities to apply values and ethical and responsible behavior through activities such as problem solving, service learning, restorative justice, peer mediation, and student government/leadership development.

Legal Reference: 20-A MRSA §§ 254(11), 1001(15)

Adopted: February 2022

EUT POLICY ON THE USE OF FEDERAL ESSA FUNDS

The Division of State Schools—EUT operates three schools within the Unorganized Territory of Maine. In any school year, the Division applied for, and received, federal Every Student Succeeds Act money to support eligible, identified pupils in the areas of reading, writing, and math. The funds are also used to provide services to migrant pupils, homeless children, and children with limited proficiency in English.

Currently these funds are used to:

- Provide salary and benefits for certified Title I teachers.
- Provide salary and benefits for one or more certified teacher aides.
- Provide a reserve to support the learning needs of one or more homeless children who may reside in the Unorganized Territory.
- Provide funding for one or more other needs as may be required by the Federal No Child Left Behind Act (NCLBA), including staff professional development activities.

The Division of State Schools—EUT intends to seek NCLB funds in support of these programs for the next school year. It is the intent to use these funds to continue the provision of supplemental instruction and support services for identified pupils in reading, writing and math. Parents are invited and encouraged to provide input as to the use of these monies. Suggestions are welcomed, as are your comments or thoughts on how NCLB programs can be improved to better support student learning. You are encouraged to contact your child's teacher and/or building principal at the school's phone number listed on the front of this booklet. In addition, parents will be invited to attend a parent/teacher information night at the beginning of each school year to discuss all aspects of NCLB programs.

Revised February 2022

EUT POLICY ON HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students for any reason, including, but not limited to, race, color, sex, sexual orientation, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of EUT and State of Maine policy and may constitute illegal discrimination under state and federal laws.

Harassment

Harassment includes but is not limited to verbal abuse. Harassment that rises to the level of physical assault, battery and/or abuse is also addressed in the EUT's policy on Weapons, Violence and School Safety.

Sexual Harassment

Sexual harassment of students 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. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

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

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))
5 MRSA § 4602

Adopted: March 2022

EUT POLICY ON HARASSMENT/DISCRIMINATION

Student Complaint Process

- A. Students may report allegations of harassment or discrimination on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, or disability to the building administrator or to any teacher or other adult employed by the EUT.
- B. All EUT employees are expected to report possible incidents of harassment or discrimination of students to the building administrator. Parents and other adults are also encouraged to make such reports.
- C. All student allegations of harassment or discrimination shall be reported to the building administrator of the building in which the student attends school. The building administrator will make a record of each complaint.
- D. The building administrator will assess the allegation, including the severity of the allegation, and will determine the appropriate response. The response may include one of the following options:
 - 1. Based on a preliminary assessment of the allegation, the building administrator may permit the student's teacher(s) to address (or if already addressed, to resolve) the allegation in accordance with applicable policies and/or school rules;
 - 2. If it appears that the allegation may involve illegal harassment or discrimination, the building principal or approved designee shall perform an initial investigation of the allegation and may attempt an informal resolution of the matter if appropriate in the circumstances and approved by the Director;
 - 3. A formal investigation will be performed if warranted and appropriate action taken in consultation with the Director. The building administrator shall inform the Director and Affirmative Action Officer of any allegation resulting in an investigation.
- E. Privacy rights of all parties related to an allegation and subsequent investigation shall be maintained in accordance with applicable state and federal laws.
- F. If there is a substantiated charge of sexual harassment by another student, the offending student shall be subject to disciplinary action.
- G. If there is a substantiated charge of sexual harassment by an employee, the offending employee shall be subject to disciplinary action consistent with Maine State Employee Policies.
- H. If the building administrator (or designee) conducts a formal investigation, the building administrator (or designee) shall document the investigation. Such documentation will include:
 - 1. A summary of the allegations;
 - 2. A description of the investigation; and
 - 3. A summary of the findings and conclusions of the investigation.
- I. Students/parents are encouraged to utilize this complaint procedure. However, students and parents are hereby notified that they also have the right to report complaints to the Maine Human Rights

Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6050)and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9662).

Approved by the Director: March 2022

EUT POLICY ON HOME SCHOOLING—PARTICIPATION IN SCHOOL PROGRAMS

The EUT acknowledges the provisions for equivalent instruction under Maine law. The EUT further recognizes the Legislature’s statement “that the term ‘equivalent’ is intended to mean meeting state standards for alternate or other instruction and is not intended to mean the same as the education delivered in the public school system.”

In addition, it is the intention of the EUT to, “cooperate in the home instruction of any child who resides in the EUT to the degree that the level of cooperation does not interfere with the responsibilities to the students enrolled in one of the three schools operated by the EUT and its regular programs.” Furthermore, participation of students in such school programs shall be limited to home-schooled students whose home instruction programs are in compliance with applicable Maine law and Department of Education regulations.

In order to maintain an efficient and orderly school program, the EUT directs the Director/designee to develop procedures, as appropriate, regarding the availability of EUT resources and services to home-schooled students who would otherwise be eligible to attend school in one of the three EUT operated Schools. The procedures shall be in accord with the following provisions.

I. PROVISION OF INFORMATION

At the request of the student or the student’s parent/guardian, EUT shall make available to home-schooled students, in a form determined by the school, information regarding access to public school activities and attendance at the school unit’s schools. This information must include:

- A. Requirements regarding initial health and developmental screening for motor skills, vision, hearing, and immunization; and
- B. Criteria for participation of home-schooled students in curricular, co-curricular, and extracurricular activities.

II. PERMITTED PARTICIPATION

- A. **Participation in Regular Classes.** Home instruction students may enroll in specific, day-school classes provided that the student’s attendance is regular, the class is deemed to be age and grade appropriate, and all prerequisite course requirements are met. In addition, the following shall also apply.
 - 1. The student or the student’s parent/guardian, on the student’s behalf, shall apply in writing to and receive written approval from the Director/designee. Approval may not be unreasonably withheld.
 - 2. The student shall demonstrate prior satisfactory academic achievement consistent with school unit policy and procedures applicable to all students.
 - 3. The student shall comply with behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may withhold credit or terminate the student’s participation.

4. Transportation must be provided by the parent/guardian or student. However, the student may use the same transportation as all other students in the school unit if additional expenses are not incurred and vehicle capacity is not exceeded.
5. The student shall complete all assignments and tests as required of all students in the same class.

B. Course Auditing. Home instruction students may audit a course(s) provided the following conditions have been met.

1. The student or the student's parent/guardian, on behalf of the student, shall apply in writing to and receive written approval from the Director/designee to audit a specific course or courses. Participation may not be unreasonably withheld.
2. The student agrees to meet established behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may terminate participation.

III. SPECIAL EDUCATION SERVICES

Special education services will be available to eligible special education students in accordance with applicable federal and state laws and regulations.

Students who have been receiving home-school instruction and who seek admission to the regular school program will be placed in a grade commensurate with the level of the student's academic achievement. Placement must be guided by the following.

- A. For students who transfer into school from an educational program that is not required to meet the standards of the system of Learning Results, the principal of the receiving school shall determine the value of the student's prior educational experience toward meeting these standards.
- B. Appropriate school staff may make recommendations concerning placement based on, but not limited to, factors such as the student's completed curricula and record of achievement, conferences with the student's parent/guardian, and administration of tests.
- C. The final grade placement decision shall be made by the principal. The principal's decision may be appealed to the Director, whose decision shall be final.

IV. RE-ADMISSION TO THE SCHOOL PROGRAM

Placement of home-schooled students who wish to be readmitted to the school program will be determined by the principal who shall consult with members of the professional staff to the extent appropriate and, as deemed necessary, to make a reasonable determination that the requisite academic standards have been met and collect from parents' actual samples of coursework (e.g., homework, papers, examinations). The principal may also direct that a test or tests be administered to help determine the student's progress toward meeting the content standards of the

Learning Results for the purpose of determining an appropriate grade level. The decision of the principal may be appealed to the Director.

V. USE OF SCHOOL TEXTBOOKS AND LIBRARY BOOKS

Subject to availability, a student receiving home instruction may use school textbooks, if the number of copies are sufficient, and library books owned by the school unit, subject to the following conditions.

- A. The use does not disrupt regular student, staff, or special program functions. The student's sign-out period for a library book is the same as that applicable to regularly enrolled students.
- B. The student may sign out a textbook for a period not to exceed one school year.
- C. The parent/guardian and student agree to reimburse the school unit for lost, unreturned, or damaged library books and textbooks and for consumable supplies used.

VII. USE OF SCHOOL FACILITIES AND EQUIPMENT

A student receiving home-school instruction may use public school facilities and equipment on the same basis as regularly enrolled students if the following conditions are met.

- A. The use does not disrupt regular school activities.
- B. The use is approved by the school principal in accordance with established school policy.
- C. The use does not create additional expense to the school unit.
- D. The use is directly related to the student's academic program.
- E. The use of potentially hazardous areas, such as shops, laboratories, and gymnasiums, is supervised by a qualified employee of the school unit, approved and assigned by the Director.

VIII. MAINE EDUCATIONAL ASSESSMENT

If a parent of a student in an equivalent instruction program requests to have the student participate in the Maine Educational Assessment (MEA), such request must be granted. Participation in such examinations must follow all rules and procedures governing testing conditions in the school unit.

IX. ACADEMIC CREDIT

A student receiving home-school instruction must receive academic credit subject to the following requirements.

- A. Academic credit for individual courses must be awarded if the student meets required academic standards applicable to all students enrolled in the same course.

B. Academic credit must be awarded for successful completion of alternative instruction opportunities sponsored by the school and available to all students.

X. APPEALS

Appeals from administration and application of the EUT policy are heard by the Director, whose decision is final and binding. Appeals that question the EUT policy compliance with legal requirements must be made to the Commissioner, whose decision is final and binding.

Legal Reference: 20-A MRSA §§ 5001-A(3), 5021-5025
Ch. 127, 130 (Me. Dept. of Ed. Rules)

Cross Reference: IHBG – Home Schooling
IHBGB – Special Education Services for Students in Private Schools
or Home Schooling

Adopted: March 2022

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Cross Reference: IHBG – Home Schooling
 IHBGB – Special Education Services for Students in Private Schools
 or Home Schooling

Adopted: March 2022

EUT POLICY ON HOMELESS STUDENTS

Notice Homeless Students

Homeless students are eligible to enroll in school even if unable to provide proof of residency or certain education and immunization records.

Homeless students include students who lack a fixed, regular and adequate nighttime residence and include a child or youth:

- who is sharing the housing of other persons due to loss of housing or economic hardship or a similar reason; is living in a motel, hotel, trailer park or camping ground due to the lack of alternative adequate accommodation; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement;
- who is living in a car, park or public space or in an abandoned building, substandard housing, bus or train station or similar setting.;
- who has a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings; or
- who is a migratory child who qualifies as homeless because the child is living in circumstances as described above.

The term “homeless student” does not include a person housed in a correctional facility, jail, or detention facility. If you believe that you or your child is homeless, please inform the person registering you or the Homeless Children & Youth Liaison, Division of State Schools – EUT, 23 State House Station, Augusta, ME 04333, (207) 624-6892.

McKinney-Vento Dispute Resolution Process

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents, or unaccompanied youth, when the district seeks to place a student in a school other than the school of origin or the school requested by the parent or unaccompanied youth. The Act includes dispute resolution among the required duties of the Local Education Agency (EUT) liaison. The EUT has developed a dispute resolution process as required by the McKinney-Vento Act.

EUT recognizes that disputes related to school selection or enrollment should be initiated at the request of the parent or unaccompanied youth and not at the request or convenience of the school district. Additionally, issues related to the definition of homelessness, the responsibilities of the school district to serve homeless children and youth, and/or the explicit rights of homeless children and youth are addressed in the McKinney-Vento Act. Disputes related to the school placement and enrollment of homeless children and youths shall be resolved within the parameters of the federal McKinney-Vento Act. The dispute resolution process for the school placement of homeless children and youths shall not be used in an effort to circumvent or supersede any part of the federal McKinney-Vento Act.

The following procedures are specified in the Act:

Enrollment: If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

Written Explanation: The district must provide a written explanation of the school placement decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth. The written explanation must include a description of the parent's or unaccompanied youth's right to appeal the decision.

Liaison: The designated EUT homeless liaison is assigned to carry out the dispute resolution process in an expeditious manner.

Responsibility: The EUT's homeless liaison, is responsible to inform the parent of the homeless student(s) or the unaccompanied youth of the dispute resolution process. In a case where a dispute occurs regarding the enrollment of a homeless child or youth, the following process must be used:

Level I: Appeal goes to the district's homeless liaison. If unresolved;

Level II: The case is appealed to the Superintendent of Schools. If unresolved;

Level III: The case is appealed to the Dept. of Education State Coordinator

Initiation of the Dispute Resolution Process

If the school district seeks to place a homeless child or youth in a school other than the school of origin, or the school requested by the parent or unaccompanied youth, the child's/youth's parent or the unaccompanied youth shall be informed in a language and format understandable to the parent or unaccompanied youth of their right to appeal the decision made by the school district and be provided the following:

1. Written contact information for the EUT homeless liaison and State Coordinator, with a brief description of their roles.
2. A written step-by-step description of how to dispute the school district's decision.
3. Written notice of the right to enroll immediately in the school of choice pending resolution of the dispute.
4. Written notice of the right to appeal to the State if the district-level resolution is not satisfactory.
5. Written timelines for resolving district and state-level appeals.

Level I: EUT Liaison Communication

If a parent or unaccompanied youth wishes to appeal a school district's decision related to a student's placement:

1. The parent or unaccompanied youth must file a request for dispute resolution with the district's homeless liaison by submitting a letter that initiates the dispute resolution process. The request for dispute resolution must be submitted by the parent or the unaccompanied youth to the district liaison within fifteen (15) business days of receiving notification that the district intends to enroll the student in a school other than that requested by the family or the unaccompanied youth. The parent or unaccompanied youth may submit the request directly to the homeless liaison or they may submit the request to the school where the dispute is taking place. If the request is submitted to the school where the dispute is taking place, the school shall immediately forward the request to the district's homeless liaison.
2. The homeless liaison must log their receipt of the complaint, including the date and time.
3. Within five (5) business days of their receipt of the complaint, the homeless liaison must make a decision on the complaint and inform the parent or unaccompanied youth in writing of the result.
4. If the parent or unaccompanied youth disagrees with the decision made at Level I and wishes to move the dispute resolution process forward to Level II, the parent or unaccompanied youth shall notify the district's homeless liaison of their intent to proceed to Level II within ten (10) business days of receipt of notification of the Level I decision.
5. If the parent or unaccompanied youth wishes to appeal the liaison's Level I decision, the district's homeless liaison shall provide the parent or unaccompanied youth with an appeals package containing:
 - a. A copy of the parent's or unaccompanied youth's complaint which was filed with the district's homeless liaison at Level I;
 - b. The decision rendered at Level I by the EUT liaison, and
 - c. Any additional information from the parent, unaccompanied youth, and/or homeless liaison.

Level II: EUT Superintendent Communication

(If the dispute remains unresolved after a Level I appeal)

1. If a parent disagrees with the decision rendered by the district's homeless liaison at Level I, the parent or unaccompanied youth may appeal the decision to the local school district's superintendent, using the appeals package provided at Level I.
2. The superintendent will arrange for a personal conference to be held with the parent or unaccompanied youth. The personal conference will be arranged within five (5) business days of the parent or unaccompanied youth's notification to the district of their intent to proceed to Level II of the dispute

resolution process. Once arranged, the meeting between the superintendent and the parent or unaccompanied youth is to take place as expeditiously as possible.

3. The superintendent will provide a decision, in writing, to the parent or unaccompanied youth with supporting evidence and reasons within five (5) business days of the superintendent's personal conference with the parent or unaccompanied youth.
4. A copy of the appeals package, along with the written decision made at Level II, is to be shared with the district's homeless liaison.
5. If the parent, or unaccompanied youth, disagrees with the decision made at Level II and wishes to move the dispute resolution process forward to Level III, the parent or unaccompanied youth shall notify the Superintendent of Schools of their intent to proceed to Level III within ten (10) business days of receipt of notification of the Level II decision.
6. If the dispute remains unresolved, the process then moves to Level III.

Level III: State Department of Education Communication

(If the dispute remains unresolved after a Level II appeal)

1. The district superintendent shall forward all written documentation and related paperwork to the DOE Homeless Education Coordinator, or designee, for review within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level II.
2. The dispute package, including all documentation and related paperwork, is to be submitted to the DOE in one consolidated and complete package via hard copy mail delivery.
3. The DOE Homeless Education Coordinator, or designee, shall make a final decision within twenty (20) business days of receipt of the complaint.
4. The final decision will be forwarded to the local school district's homeless liaison for distribution to the parent and the local superintendent.
5. The decision made by the DOE shall be the final resolution for placement of a homeless child or youth in the district.
6. The office of the school district superintendent shall maintain a record of all disputes related to the placement of homeless children and youths. These records shall include disputes resolved at Level I, Level II, and/or Level III and shall be made available to the DOE upon request.

Model local dispute resolution process from the Department of Education website

Introduction:

Under the McKinney-Vento Homeless Assistance Act and Maine Education Rules Chapter 14, EUT is responsible for evaluating a student's eligibility for homeless education services. For students deemed eligible, the EUT must then determine whether it is in the student's best interest to continue attending the school of origin or transition to a school available based on the student's current residence. It is the EUT's responsibility to make the best interest determination when it is the district of Origin, but the Department may also make this determination as the Administrative Unit of Current Residence upon a family's request or if the District of Origin does not do so promptly. The EUT will always aim to involve parents, guardians, and unaccompanied youth in its eligibility and best interest decision-making, but ultimately the responsibility for making these determinations rests with the EUT. The following dispute resolution process is meant to be used when the school's decision contradicts the wishes of the family.

In those cases, the EUT will provide the parent, guardian, or unaccompanied youth with a clear written explanation, using language that is accessible to the recipient, of the reasons for its determination and will inform the parent/guardian/unaccompanied youth of their right to request dispute resolution. Should dispute resolution be requested, the student is assumed to be eligible for services under the McKinney-Vento Act and may attend the family's preferred school for the full time that the determination remains in dispute. The EUT will carry out this process expeditiously, fairly, respectfully, and confidentially to minimize uncertainty and disruption to the education of the student.

Dispute Resolution Process:

Step I: Notice to the Homeless Liaison

The parent/guardian/unaccompanied youth is referred to the local homeless liaison for an explanation of and assistance with the dispute resolution process. Parent/guardian/unaccompanied youth notifies the liaison in writing that they intend to dispute the determination. Should the disputant notify a staff member other than the liaison, that staff person will immediately convey the notice to the homeless liaison. The liaison ensures that the student is immediately enrolled in the disputant's preferred school and is receiving all services to which a homeless student is entitled.

Step 2: Review by Building Administrator

The homeless liaison conveys the request to the Building Administrator, who has 7 working days to review the disputed determination. The Building Administrator may meet with the disputant to gain a better understanding of their perspective and/or may gather additional information from the family, homeless liaison, and other staff as needed. Within 7 business days, the Building Administrator informs the disputant of his or her decision and reasoning in writing and provides a copy to the homeless liaison.

Step 3: Appeal to the EUT Director

The homeless liaison confers with the disputant regarding the Building Administrator's determination and informs the disputant that the decision can be appealed to the Director if they remain dissatisfied. If the disputant chooses to appeal, the liaison obtains a written response from the disputant and conveys the cumulative dispute file to the Director. The Director may meet with the disputant and/or gather additional information needed to fairly review the disputed determination. The Superintendent will provide a written response to the appeal request within 10 working days of the disputant's notice of appeal. A copy is provided to the homeless liaison.

Step 4: Appeal to the Maine Department of Education

The homeless liaison confers with the disputant to determine whether they are satisfied with the outcome of the local appeal. If the disputant remains dissatisfied, the liaison assists the disputant in submitting a state level appeal via the process outlined in Maine Education Rules Chapter 14, Section 7. The local homeless liaison gathers all documentation from the local appeal process, assists in the completion of the state level dispute resolution request form, and submits the completed file to the State Homeless Education Consultant electronically or via post.

EUT POLICY ON THE IDENTIFICATION OF PUPILS WITH DISABILITIES

It is the policy of the Division of State Schools — EUT to refer all school-age pupils suspected of having a disability that requires special education services to the Individual Educational Program (IEP) for an evaluation in the suspected areas of the disability. Referrals of pupils to the IEP may be by professional staff, by parents and by other persons with knowledge as to the pupil's educational needs. Special considerations apply to the discipline of pupils with disabilities.

EUT POLICY ON INDIVIDUALIZED EDUCATION PROGRAMS (IEP)

It shall be the policy of the Division of State Schools—EUT to maintain a complete Individual Education Plan (IEP) for each student who has been identified with a disability and in need of special education services under state and federal education laws, and who attends the school unit's public schools. The Division of State Schools—EUT shall develop these IEPs in a manner consistent with the procedural requirements of federal laws and state regulations.

Student IEPs shall be reasonably calculated to provide the identified student with the educational benefits in the least restrictive educational environment. The school unit shall ensure that such IEPs are in effect within 30 days of when a student is first identified as in need of special education services and that such IEPs are reviewed at least annually, as prescribed by federal laws and state regulations.

Legal Reference: 20 USC §§1414(d)
34 CFR §300.128, 300.340-.350 (Mar. 1999)
Me. Dept. of Ed. Regs. Ch. 101§ 1.4, 10.1-10.10 (Nov. 1999)
Policy Adopted: July 2, 2002

EUT POLICY ON INTEGRATED PEST MANAGEMENT (IPM)

Introduction

Pests can pose a significant problem to people, property and the environment. Pesticides pose similar risks. Regulations enacted by the Maine Department of Agriculture Food and Rural Resources now require that all Maine school systems adopt procedures for applying pesticides in school buildings and on school grounds. In addition, the regulations require an annual notice to staff, parents/legal guardians and pupils regarding pending pesticide applications.

Integrated Pest Management (IPM)

IPM relies on pest monitoring and the most economical and least hazardous combination of cultural, physical and/or chemical controls to prevent unacceptable levels of pest activity and damage. The decision to use a pesticide will be based on a review of available options. Non-pesticide pest management methods will be used whenever possible. When it is determined that a pesticide must be used, the least hazardous material and method of application will be employed. Pesticide applications will be timed to minimize their impact on schools' grounds. All pesticides including disinfectants, fungicides, herbicides, insecticides, rodenticides, repellants and wood preservatives will be handled in compliance with state and federal laws.

IPM Coordinator

The EUT Building/Fleet Manager shall oversee the IPM coordination for the EUT buildings. The coordinator's responsibilities include:

1. Recording all pest sightings by school staff and pupils.
2. Recording all pesticide use.
3. Coordinating the activities of pest control contractors.
4. Approving pesticide applications — methods, materials, timing and location.
5. Posting and notification of pesticide applications.
6. A report of prior pesticide applications, information about the pesticides used and a copy of the Pesticides in Schools Regulations (CMR 01-026, Chapter 27) is available at each for review.

Recording Keeping

Pest sighting data sheets and pest control records shall be maintained on site and shall meet the requirements of the Maine Board of Pesticide Control.

Exemptions

The following pesticide uses are exempt from the requirements of Chapter 27, sections 4 and 5.

1. The application of ready-to-use general use pesticides by hand or with non-powered equipment to control or repel stinging or biting insects when the need is urgent.

2. The application of general use antimicrobial products by hand or with non-powered equipment to interior or exterior surfaces and furnishings during the course of routine clearing procedures.
3. The application of paints, stains or wood preservatives that are classed as general use pesticides.
4. The application of non-volatile liquids injected into cracks, crevices or wall voids.
5. The application of non-volatile baits, gels, pastes and granular materials placed in areas inaccessible to pupils.
6. Indoor and outdoor applications performed when school is not in session and will not be in session until the re-entry or restricted period specified on the label has elapsed.
7. Indoor application of a pesticide with no re-entry or restricted entry period specified on its label but entry to the treated areas is restricted for at least 24 hours.

Notification

All school staff and parents/legal guardians are advised that a school Integrated Pest Management policy exists (as evidenced in this document), which shall be included in the EUT School Newsletter and distributed annually within the first two weeks of school.

Staff and parents/legal guardians are advised that pesticides may periodically be applied in school buildings and on school grounds. Whenever non-exempt pesticides are to be applied, a notice shall be provided to staff and parents/legal guardians five (5) days prior to the application. The notice shall state: a) the trade name and EPA registration number of the pesticide; b) the approximate date and time of the application; c) the location of the application; d) the reason for the application; and e) the name and telephone number of the building principal (IPM Coordinator).

Adopted: Jan. 2, 2004

EUT POLICY ON STUDENT INTERNET USE

Policy on Computer and Internet Use

These rules are intended to provide general guidelines and examples of prohibited uses but do not attempt to state all required or prohibited activities by users. Failure to comply with these rules may result in the loss of computer and Internet access privileges, disciplinary action and/or legal action.

1. Computer Use is a Privilege, not a right. Pupil use of the school's computers, networks and Internet services is a privilege, not a right. Unacceptable use/activity may result in the suspension or cancellation of privileges as well as additional disciplinary and/or legal action. The building principal shall have final authority to determine whether a pupil's privileges will be denied or revoked.
2. Unacceptable Use. Pupil access to the school's computers, networks and Internet services are provided for educational purposes and research consistent with the school's mission, curriculum, and instructional goals. The same rules and expectations that apply to other pupil conduct and communications govern pupil use of computers. Pupils are expected to comply with these rules and all specific instructions from the teacher or other supervising staff member when accessing the school's computers, networks and Internet services.
3. Prohibited Use. The pupil is responsible for his/her actions and activities involving the school's computers, networks and Internet services and for his/her computer files, passwords and accounts. Examples of unacceptable uses that are expressly prohibited include but are not limited to the following.
 - a. Accessing Inappropriate Materials — Accessing, submitting, posting, publishing, forwarding, downloading, scanning or displaying materials that are defamatory, abusive, obscene, vulgar, sexually explicit, sexually suggestive, threatening, discriminatory, harassing and/or illegal;
 - b. Illegal Activities — Using the school's computers, networks and Internet services for any illegal activity or an activity that violates other policies, procedures and/or school rules;
 - c. Violating Copyrights — Copying or downloading copyrighted materials without the owner's permission;
 - d. Plagiarism — Materials obtained on the Internet (term papers, articles, etc.), **presented** as one's own work. When Internet sources are used in student work the author, publisher and Website should be identified;
 - e. Copying Software — Copying or downloading software without express authorization of the teacher;
 - f. Non-School Related Uses — Using the school's computers, networks and Internet services for non-school related purposes such as private financial gain, commercial, advertising or solicitation purposes or for other personal use;
 - g. Misuse of Passwords/Unauthorized Access — Sharing passwords, using other user's passwords without permission or accessing other user's accounts;
 - h. Malicious Use/Vandalism — Any malicious use, disruption or harm to the school's computers, networks and Internet services including but not limited to hacking activities and creation/uploading of computer viruses;

- i. Unauthorized Access to Chat Rooms/News Groups — Accessing chat rooms or news groups without specific authorization from the teacher or teacher aide.
4. No Exceptions of Privacy. The school retains control, custody and supervision of all computers, networks and Internet services owned by the school. The school reserves the right to monitor all computer and Internet activity by pupils. Pupils have no expectations of privacy in their use of school computers, including emails and stored files.
5. Compensation of Losses, Costs and/or Damages. The pupil and/or pupil's parent/guardian shall be responsible for compensating the school for losses, costs or damages incurred by the school relative to violations of this policy.
6. Student Security. A pupil shall not reveal his/her full name, address, or other identifying data on the Internet without prior permission from a teacher or teacher aide. Pupils should inform their teacher or teacher aide if they access information or messages that are dangerous, inappropriate or make them uncomfortable in any way.
7. Parental Permission Required. Pupils and their parents/guardians are required to sign and return the "Computer/Internet Access Permission Form" before using the school's computers.

April 2022

EUT POLICY ON INSTRUCTIONAL AND LIBRARY-MEDIA MATERIALS SELECTION

The EUT is legally responsible for all matters relating to the operation of its three schools, including the provision of instructional materials and maintenance of library-media resources that support the EUT's curriculum.

While the EUT retains its authority to approve the selection of instructional materials, it recognizes the educational expertise of its professional staff and the need for such staff to be involved in the recommendation of instructional materials. The EUT delegates responsibility for the selection of instructional materials and library-media resources to the professionally trained personnel employed by the District, subject to the criteria and procedures for selection and the EUTs' policy on challenged materials as described below.

With the assistance of professional staff, the Director shall establish a system for the selection of instructional materials, including procedures to establish an orderly process for the review and recommendation of instructional materials. The Director will be responsible for overseeing the purchase of instructional materials within budgetary parameters set by the EUT. The EUT endorses the alignment of instructional materials with the implementation of the State learning standards through the EUT's curriculum development and evaluation process.

Each school shall maintain a library-media program that includes books and other print materials, multimedia materials, online Internet resources and information technology that support the curriculum. A library-media specialist will be responsible for overseeing the library-media program, under the supervision of the Director. As with instructional materials, the EUT delegates responsibility for selection of library media materials and technology and Internet resources to the Districts professionally trained staff, subject to the criteria and procedures for selection and the EUTs' policy on challenged materials described below.

Definitions

1. "Instructional materials" include textbooks and other print materials, software and other electronic materials, digital and online resources, including textbooks and other materials, and supplies and other materials to support instruction in subject areas and implementation of the state learning standards.
2. "Library-media resources" include books, print materials, digital and online resources including textbooks and other materials, multimedia materials and information technology that, as part of the library-media program, support the District curriculum.

Objectives of Selection

The EUT recognizes that it is the primary objective of instructional materials to implement and support the curriculum, and of library-media resources to extend and enrich the educational programs of the schools. Quality instructional materials and library-media resources are essential to student learning. In preparing students to meet the content standards of the State learning standards, in supporting the achievement of the Districts' educational goals and objectives, and in providing enrichment opportunities that expand students' interests and contribute to a desire for lifelong learning, it is the responsibility of the instructional

program and the library-media centers of the schools to provide a wide range of materials on all levels of difficulty, with diversity of appeal and the presentation of different points of view.

Criteria for Selection

Instructional and library-media materials selected should:

1. Support achievement of the content standards of the State learning standards;
2. Support the goals and objectives of the EUT's educational programs;
3. Enrich and support the curriculum.
4. Take into consideration the varied interests, abilities, and maturity levels of the students served.
5. Foster respect and appreciation for cultural diversity and varied opinions.
6. Give comprehensive, accurate and balanced representation to minorities and women in history, science, leadership and the arts and acknowledge the contributions of ethnic, religious and cultural groups to our American heritage;
7. Present a balance of opposing sides of controversial issues to enable students to develop a capability for critical analysis.
8. Stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
9. Provide a background of information that will enable students to make intelligent decisions in their daily lives;
10. Respect the constraints of the District budget.

Other factors that should be considered are accuracy and currency of material; importance of the subject matter; scholarship; quality of writing and production; and reputation and significance of the author, artist or composer.

In evaluating software, multimedia materials and digital and online resources, additional factors that should be considered include purpose for use; content; format (degree of interactivity or student involvement); appropriate use of graphics, sound and animation; feedback provided; and ease of use.

Procedures for Selection

Meeting the needs of the individual schools, based on the knowledge of the curriculum and the existing collections of instructional and library-media materials, shall be the highest priority. Basic learning materials, i.e., those that are the predominant instructional materials used by most members of the class, are used for a significant portion of the course or receive major emphasis during a course, or are essential

to student achievement of content standards of the State learning standards are to take priority in the selection process.

Before recommending materials for purchase, professional staff should evaluate the existing collection, consulting reputable, unbiased, professionally prepared selection aids and specialists from all curriculum areas and grade levels.

Social studies and science textbooks should not be older than five years unless up-to date supplemental materials are also made available.

Whenever possible, purchase of non-print materials and multimedia, Internet and technology resources shall be made only after personal evaluation by the librarian/media specialist and/or other appropriate professional staff. Reviewing aids may be used in lieu of personal evaluation.

Multiple copies of outstanding and much-in-demand materials should be purchased as needed. Worn or missing standard items should be replaced periodically. Out-of-date or no-longer-useful materials should be withdrawn from the collection/circulation.

Donated Materials

Gift materials are to be evaluated by the same criteria as purchased materials and are to be accepted or rejected by those criteria and in accordance with EUT policy on gifts and donations.

Parental Authority

A student's parent/guardian may inspect, upon request, any instructional material used as part of the curriculum. Building Administrator will be responsible for developing and implementing procedures for providing access to instructional material within a reasonable time after such a request is made.

If a parent/guardian wishes to restrict their child's access to particular instructional materials, the procedure in EUT Policy IMBB shall be followed.

Library-media center materials will not be removed from the collection because of criticism except in accordance with EUT policy.

Challenged Materials

Despite the care taken to select materials for student and teacher use and the qualifications of the persons who select the materials, the EUT recognizes that objections may be raised occasionally by students, parents, school staff or community members.

In the event a complaint is made, the following procedures will apply:

1. The complaint shall be heard first by the person providing the materials in question.

2. If the complaint is not resolved, the complainant shall be referred to the building Principal and requested to fill out the “Citizen’s Challenge of Educational Media Form” (IJJ-E1). A copy of the form will be forwarded to the Director.
3. A committee comprised of the Principal and at least two faculty members shall be formed to review the complaint.
4. The Ad Hoc Faculty Review Committee shall: read and examine the materials referred to them; check general acceptance of materials by reading reviews; weigh values and faults against each other and form opinions based on the material as a whole and not on passages or portions pulled out of context; meet to discuss the material and to prepare a written report on it.
5. The report of the Ad Hoc Faculty Review Committee shall be forwarded to the Director who will inform the complainant of the results.
6. No materials shall be removed from use until the Ad Hoc Faculty Review Committee has made the final decision.
7. The Ad Hoc Faculty Review Committee’s decision may be appealed to the Director. The Director will announce a decision in writing not later than 30 days from the date the Ad Hoc Faculty Review Committee decision is received.

Obsolete Materials

Obsolete textbooks and instructional materials shall be disposed of in a manner approved by the Director in accordance with state policies.

Legal Reference: 20-A MRSA §§1001(10-A); 1055(4); 4002
Ch. 125 §§ 9.01, 9.03 (Me. Dept. of Ed. Rules)
P.L. 107-110 § 1061 (No Child Left Behind Act)

EUT POLICY ON LIBRARY/MEDIA MATERIALS SELECTION

Each EUT school shall maintain a library-media program that includes books and other print materials, multimedia materials, online Internet resources and information technology that support the curriculum. A teacher or teacher aide will be responsible for overseeing the library-media program, under the supervision of the building principal. As with instructional materials, the Director of State Schools – EUT delegates responsibility for selection of library-media materials and technology and Internet resources to the school system’s professionally trained staff, subject to the criteria and procedure for selection and the policy on challenged materials described below.

Definitions

“**Instructional Materials**” include textbooks and other print materials, software and other electronic materials, online/internet resources (including access), and supplies and other materials to support instruction in subject areas and implementation of the system of Learning Results.

“**Library-media resources**” include books, print materials, online/internet resources (including access), multimedia materials and information technology that, as part of the library-media program, support the school system’s curriculum.

Objects of Selection

It is understood that it is the primary objective of instructional materials to implement and support the curriculum, and of library-media resources to extend and enrich the educational programs of the schools. Quality instructional materials and library-media resources are essential to student learning. In preparing students to meet the content standards of the Learning Results, in supporting the achievement of the EUT’s educational goals and objectives, and in providing enrichment opportunities that expand students’ interests and contribute to a desire for lifelong learning, it is the responsibility of the instructional program and the library-media centers of the schools to provide a wide range of materials on all levels of difficulty, with diversity of appeal and the presentation of different points of view.

Criteria for Selection

Instructional and library-media materials selected should:

- A. Support achievement of the content standards of the Learning Results;
- B. Support the goals and objectives of the school system’s educational programs;
- C. Enrich and support the curriculum;
- D. Take into consideration the varied interests, abilities, and maturity levels of the student served;
- E. Foster respect and appreciation for cultural diversity and varied opinions;
- F. Give comprehensive, accurate and balanced representation to minorities and women in history, science, leadership and the arts and acknowledge the contributions of ethnic, religious and cultural groups to our American heritage;
- G. Present a balance of opposing sides of controversial issues to enable students to develop a capability for critical analysis;

- H. Stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
- I. Provide a background of information that will enable students to make intelligent decisions in their daily lives; and
- J. Respect the constraints of the school unit's budget.

Other factors that should be considered are accuracy and currency of material; importance of the subject matter; scholarship; quality of writing and production; and reputation and significance of the author, artist or composer.

In evaluating software, multimedia materials and online/internet resources, additional factors that should be considered include purpose for use, content, format (degree of interactivity or student involvement); appropriate use of graphics, sound and animation; feedback provided; and ease of use.

Procedures for Selection

Meeting the needs of the individual schools, based on knowledge of the curriculum and the existing collections of instructional and library-media materials, shall be the highest priority. Basic learning materials i.e. those that are the predominant instructional materials used by most members of the class, are used for a significant portion of instruction, or are essential to student achievement of content standards of the Learning Results are to take priority in the selection process.

Before recommending materials for purchase, professional staff should evaluate the existing collection, consulting reputable, unbiased, professionally prepared selection aids.

Social studies and science textbooks should not be older than five years unless up-to-date supplemental instructional materials are also available.

Whenever possible, purchase of non-print materials and multimedia, internet and technology resources shall be made only after evaluation by professional staff. Reviewing aids may be used in lieu of personal evaluation.

Multiple copies of outstanding and much-in-demand materials should be purchased as needed. Worn or missing standard items should be replaced periodically. Out-of-date or no-longer-useful materials should be withdrawn from the collection/circulation.

Parental Authority

A student's parent/guardian may inspect, upon request, any instructional material used as part of the curriculum. The building principal will be responsible for developing and implementing procedures for providing access to instructional material within a reasonable time after such a request is made.

It is understood that the final authority as to what material an individual student will be exposed rests with that student's parents or guardians. However, at no time will the wishes of one child's parents to restrict his/her reading or viewing of a particular item infringe on other parents' rights to permit their children to read or view the same material.

Library-media center materials will not be removed from the collection because of criticism except in accordance with this policy.

Challenged Materials

Despite the care taken to select materials for student and teacher use and the qualifications of the persons who select the materials, it is recognized that objections may be raised occasionally by students, parents, school staff or community members.

In the event a complaint is made, the following procedures will apply:

- A. The complaint shall be heard first by the person providing the materials in question.
- B. If the complaint is not resolved, the complainant shall be referred to the building Principal and requested to fill out the "Instructional and Library-Media Materials Challenge Form." A copy of the form will be forwarded to the Director
- C. The Director shall appoint a committee composed of the following persons to review the complaint: the school principal; one classroom teacher; and one community member.
- D. The review committee shall: read and examine the materials referred to them; check general acceptance of materials by reading reviews; weigh values and faults against each other and form opinions based on the material as a whole and not on passages or portions pulled out of context; meet to discuss the material and to prepare a written report on it.
- E. The report of the committee shall be forwarded to the Director who will inform the complainant of the results.
- F. No materials shall be removed from use until the review committee has made a final decision.

EUT POLICY ON PARENT INVOLVEMENT IN TITLE I

Each school will convene a September meeting at a convenient time to which all parents/guardians shall be invited and encouraged to attend. The meeting will discuss the school's participation in federal NCLB programs; explain the right of parent to be involved; and will encourage parent involvement in the planning, review, and improvement of the school's NCLB programs, including the Parent Involvement Policy.

- At the September meeting the building principal will:
- Invite parents to attend all public meetings during the school year
- Introduce Title I staff.
- Provide an overview of the NCLB programs at the school
- Provide a description of the instructional program at the school, the forms of academic assessment used to measure pupil achievement, and the proficiency levels that all pupils are expected to meet.
- Give parents/guardians an opportunity to provide suggestions in the decision-making process relative to the education of their children.
- Describe the process by which parents/guardians may express concerns and complaints regarding NCLB programs.
- The school will hold at least one other parent meeting during the school year.

The EUT endorses the parent involvement goals of Title I and encourages the regular participation by parents/guardians in all aspects of the school system's Title I programs.

For the purpose of this policy, "parents/guardians" includes other family members involved in supervising the child's schooling.

I. DISTRICT-LEVEL PARENT INVOLVEMENT POLICY

In compliance with federal law, the school unit will develop jointly with, agree on with, and distribute to parents of children participating in the school system's Title I programs a written district-level parent involvement policy.

Annually, parents/guardians will have opportunities to participate in the evaluation of the content and effectiveness of the school unit's parent involvement policy and in using the findings of the evaluation to design strategies for more effective parent involvement and to make revisions to the policy.

II. SCHOOL-PARENT INVOLVEMENT POLICY

As required by law, each school in the school unit that receives Title I funds shall jointly develop with parents/guardians of children served in the program a school parent/guardian involvement policy, including "School-Parent Compact" outlining the manner in which parents, school staff, and students will share the responsibility for improved student academic achievement in meeting State standards. The school policy will be distributed to parents/guardians of children participating in the school's Title I programs.

The "School-Parent Compact" shall:

A. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment enabling children in the Title I program to meet the State's academic achievement standards;

B. Indicate the ways in which parents will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, monitoring television watching, volunteering in the classroom, and participating, as appropriate, in decisions related to their children's education and positive use of extra-curricular time; and

C. Address the importance of parent-teacher communication on an ongoing basis, with, at a minimum, parent-teacher conferences, frequent reports to parents, and reasonable access to staff.

III. PARENT INVOLVEMENT MEETINGS

Each school receiving Title I funds shall convene an annual meeting to which all parents/guardians of eligible children shall be invited to inform them about the school's participation in Title I and to involve them in the planning, review, and improvement of the school's Title I programs and the parent involvement policy.

In addition to the required annual meeting, at least one other meeting shall be held at various times of the day and/or evenings for parents/guardians of students participating in Title I programs.

These meetings shall be used to provide parents with:

A. Information about programs the school provides under Title I;

B. 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 level students are expected to meet;

C. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children; and

D. The opportunity to submit comments to the district level if they are dissatisfied with the school-wide Title I program.

Title I funding, if sufficient, may be used to facilitate parent/guardian attendance at meetings through the payment of transportation and childcare costs.

IV. PARENT RELATIONS

Parents/guardians of children identified for participation in a Title I program shall receive from the building principal and Title I staff an explanation of the reasons supporting their child's selection, a set of objectives to be addressed, and a description of the services to be provided. Parents will receive regular reports on their child's progress and be provided opportunities to

meet with the classroom and Title I teachers. Parents will also receive training, materials, and suggestions as to how they can assist in the education of their children at home.

V. DELEGATION OF RESPONSIBILITY

The Superintendent/designee shall be responsible for ensuring that the school unit's Title I plan, programs, and parent involvement policies comply with applicable law and regulations and for developing administrative procedures, as needed, to implement this policy.

Legal References: 20 U.S.C. § 6318

Adopted: May 2022

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.

EUT POLICY ON PARENT RIGHT TO KNOW

Parents are advised that under the terms of the federal Every Student Succeeds Act (ESSA), each parent has the right to request information regarding the qualifications of the pupil's classroom teacher, including the following:

1. Has the teacher met Maine certification requirements for the specific grade?
2. Is the teacher teaching under a waiver of state certification requirements?
3. Baccalaureate degree major.
4. Any graduate major.
5. The field of discipline of the degree.
6. Is the child provided services by a paraprofessional (teacher aide)?
7. Is the paraprofessional certified?

In response to a parent's request, the school will provide this information in a timely manner.

Ref. Title 1, section 1111(h)(6)

EUT POLICY ON PEST MANAGEMENT IN SCHOOL FACILITIES AND ON SCHOOL GROUNDS

The EUT recognizes that structural and landscape pests can pose significant problems for people and EUT property, but that use of some pesticides may raise concerns among parents, students, and staff. It is therefore the policy of the EUT to incorporate Integrated Pest Management (IPM) principles and procedures for the control of structural and landscape pests. A copy of this policy shall be kept in every school and made available upon request to staff, parents, students, and the public.

IPM is a systematic approach to pest management that combines a variety of methods for managing pests, including monitoring; improved horticultural, sanitation, and food storage practices; pest exclusion and removal; biological control; and pesticides.

The objective of the EUT's IPM program is to provide effective pest control while minimizing pesticide use. The goals of the IPM program include managing pests to reduce any potential hazards to human health; preventing loss or damage to school structures or property; preventing pests from spreading beyond the site of infestation to other school property; and enhancing the quality of life for students, staff and others.

Pesticides may periodically be applied in school buildings and on school grounds and applications will be noticed in accordance with Maine Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools.

Responsibilities of the IPM Coordinator

The Facilities and Fleet Manager of the EUT is the designated IPM Coordinator. The IPM Coordinator will act as the lead person in implementing the EUT's IPM policy. He/she will be responsible for coordinating pest monitoring and pesticide applications; and making sure that all notice requirements set forth in Maine Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools, are met; keeping records of pesticide applications as required by rule; authorize any pesticide applications that are not exempted by rule; and implementing the notification provisions required by rule.

The IPM Coordinator will complete the training requirements established in Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools.

The EUT will provide the Board of Pesticides Control with the identity and contact information for any person appointed as IPM Coordinator in the schools.

Notifications of Pesticide Applications

When school is in session the school shall provide notification of each application not exempted by rule, whether inside a school building or on school grounds, to all school staff and parents/guardians of students. Such notices shall state, at a minimum: a) the trade name and EPA registration number of the pesticide to be applied; b) the approximate date and time of the application; c) the location of the application; d) the reasons for the application; and e) the name and phone number of person to whom further inquiry regarding the application may be made. Notices must be provided at least five days prior to the planned application. In addition, signage will be posted at each point of access to the treated area

and in a common area of the school at least two working days prior to the application and for at least 48 hours following the application.

When school is not in session, signage will be posted at each point of access to the treated area and in a common area of the school at least two working days prior to the application and for at least 48 hours following the application.

In accordance with Maine Board of Pesticides Rule Chapter 27, school is considered to be in session during the school year including weekends. School is not considered to be in session during any vacation of at least one week.

The IPM Coordinator for the EUT is **Gary Lewis**, who may be contacted at **207-592-3154**. This IPM policy and Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Public Schools is available for inspection and copying at every school.

Legal Reference: 7 MRSA §§ 601-625
 22 MRSA §§ 1471-A-1471-X
 Ch. 27 Me. Dept. of Agriculture Board of Pesticides Control Rules (Standards for Pesticide Applications and Public Notification in Schools)

Adopted: March 2022

EUT POLICY ON CARE OF SCHOOL PROPERTY - ASBESTOS

AHERA Notice

Federal Statute requires that an annual notice be given to all building occupants of public schools that the schools operated by the Division of State Schools—EUT have been inspected for the presence of asbestos-containing materials (ACM). A written plan for the management of these materials has been developed and is available for inspection at each school or at the offices of the Bureau of General Services, 4th floor, Burton M. Cross State Office Building, Augusta, ME 04333, during normal business hours.

EUT POLICY ON REFERRAL/PRE-REFERRAL

Pre-Referral

Professional school staff members who observe that a student is encountering academic, social, or emotional difficulties in school that interfere with the student's education shall document those specific difficulties and document interventions. The classroom teacher may consult with other school employees and/or the student's parents in developing intervention strategies. The intervention strategy shall have an established time period for implementation, and at the end of that time its success shall be assessed and documented. If the intervention fails to satisfactorily resolve the difficulties that were interfering with the student's education and the staff member suspects that the student may be in need of special education, the staff member shall make a referral to special education in accordance with the special education referral process. The pre-referral process is in place to provide additional options and strategies for the student to succeed, prior to a referral to the IEP TEAM. Parents are not required to use the pre-referral process prior to making a referral to special education.

Referral

School staff making a referral should do so by contacting the Building Principal and only after referring the student to the RTI Team. If the RTI interventions fail to meet the student's needs the appropriate referral forms will be used. Parents may at any time refer their child to the Individual Educational Program (IEP), if they believe the child may be in need of special education services. Parents should contact the Director of Special Education or the classroom teacher to make a referral. School professionals who are informed by parents or others of a desire to refer a student should immediately direct that person to a special educator for initial discussion of the referral process. The school professional should also document in writing the contact with the parent or other person and should immediately forward that documentation to the Director of Special Education.

Data should clearly define the reason for the referral; specify the educationally relevant problem; define the cognitive weaknesses presented in the classroom and how these weaknesses adversely affect the student's education performance. The referral is considered received once it is signed and dated by the Special Education Director or their designee.

Within 15 school days of receiving the referral, the Division of State Schools—EUT should provide the parents with Written Notice of the referral and a form seeking parental consent to evaluate or Advanced Notice to convene an IEP Team meeting. The school has 45 SCHOOL DAYS to complete the evaluation once consent is obtained and to hold an IEP Team meeting to review the evaluation and determine eligibility. If the student is eligible for special education, the IEPT Team will develop an Individualized Education Plan (IEP) for the student within 30 days of the eligibility determination.

Transfer students who have already been identified as in need of special services shall, upon transfer, be provided with special education consistent with the IEP developed at the prior school, until such a time as the IEP team can meet and accept the IEP or develop an appropriate one.

Upon enrollment in a public school, the local unit shall treat a student who was being served by Child Development Services (CDS) system in the same manner, as are transfer students under the state special education regulations.

Parental Notice

In addition to other requirements for parental notification the local school unit shall notify parents in writing consistent with state special education regulations whenever their child has been referred to the IEP

TEAM and shall notify parents whenever their child has demonstrated educational difficulties that have led to completion by a staff member of an intervention strategy checklist.

Legal Reference:

34 CFR §300.126 (Mar. 1999)
20 USC §1400 c(5)(F)
Ch 101 §7.7, 9.2, 9.17 (Nov. 1999)
Policy Adopted: May 2022

EUT POLICY ON REPORTING CHILD ABUSE AND NEGLECT

I. DEFINITIONS

- A. **Child abuse or neglect.** Child abuse or neglect is defined by Maine law as “threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, or failure to ensure compliance with school attendance requirements under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six, has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).
- B. **Person responsible for the child.** A “person responsible for the child” means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.

II. EMPLOYEES’ DUTY TO REPORT

- A. **Any** employee of the school unit who knows or has reason to suspect that a child has been or is likely to be abused or neglected must **immediately** notify the building principal or designated agent.
1. In addition to notifying the building principal/designated agent , the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney (see also Section III.B which provides further information about reporting to DHHS and/or the District Attorney).
- B. If the reporting employee does not receive written confirmation from the building principal/designated agent or Superintendent within 24 hours of his/her report that a report has been made to DHHS and/or District Attorney, the employee shall make an immediate report directly to DHHS and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee shall then complete a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E).
- C. If the reporting employee does receive written confirmation from the building principal/designated agent or Superintendent within 24 hours of his/her report (i.e., a copy of the Suspected Child Abuse and Neglect Reporting Form, he/she shall sign the form as acknowledgement that the report was made and return it to the building principal/administrator or Superintendent.

III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

All building principals and the Superintendent are designated agents to make child abuse and neglect reports. A building principal may also designate a specific agent to receive reports.

- A. If a building principal/designated agent receives the report, he/she shall notify the Superintendent immediately.

B. The Superintendent or building principal shall immediately make a report by telephone to DHHS, and if requested by DHHS, provide a written report of the suspected abuse or neglect to DHHS within 48 hours. In addition, if the person suspected of abuse or neglect is not the parent, guardian or other custodian of the child, the Superintendent/building principal shall also make a report to the District Attorney.

1. The law requires the reporting employee to make his/her own report to DHHS and/or the District Attorney if he/she has not received confirmation within 24 hours that such a report has been made by the Superintendent/building principal.

C. The person making the report to DHHS and/or the EUT Attorney shall complete the Suspected Child Abuse or Neglect Form .

D. The Director/building principal shall provide a copy of the Suspected Child Abuse or Neglect Form to the reporting employee within 24 hours of the employee's initial report. The reporting employee shall sign the report and return it to the Superintendent/building principal.

E. If requested by the relevant agency, the form will be forwarded to DHHS and/or the District Attorney and shall be retained by the school unit for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

A. Employees. If the person suspected of abuse or neglect is an employee, the Director/designee shall investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining contracts, and federal and state laws.

B. Students. If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

V. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

A. DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school without prior notification to the parent or custodian when DHHS has reasonable grounds to believe that prior notice would increase the threat of serious harm to the child or another person. The Department may conduct one initial interview with a child without prior notification to the parent or custodian of the child when the child contacts DHHS or a person providing services puts the child into contact with DHHS.

B. Upon request of a DHHS employee to meet with and interview the child named in the report when the child is present at school, the building principal or designee shall:

1. Require the DHHS employee requesting to interview the child to provide written certification that in the Department's judgment, the interview is necessary to carry out its duties;

2. Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance, school nurse, social worker or building principal as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;

3. Not place conditions on how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; and requiring notice to or consent from a parent or guardian;
4. Provide an appropriate, quiet and private place for the interview; and
5. Not disclose any information about DHHS's intention to interview the child except to school officials or the school's attorney who need the information to comply with the interview request.

VI. CONFIDENTIALITY OF INFORMATION AND RECORDS

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

The building principal/designee is permitted to release a child's school records without prior consent of the parent/guardian to DHHS or law enforcement officials in response to a lawful subpoena, or as necessary to protect the health or safety of the child or other individuals under federal law.

VII. TRAINING

Any school unit employee who is required to make a report shall, at least once every four years, complete mandated training approved by DHHS.

The DHHS training is available online at

https://www.maine.gov/dhhs/ocfs/documents/MRT_Online_APR2018.pdf .

VIII. GOOD FAITH IMMUNITY FROM LIABILITY

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

Legal Reference: 22 MRSA §4011-A
20 USC § 1232g, Family Educational Rights and Privacy Act
20-A M.R.S.A. §§ 5051-A(1)(C); 5051-A(2)(C)

Cross Reference: ACAA – Harassment and Sexual Harassment of Students
JLF-R –Reporting Child Abuse and Neglect Administrative
Procedure
JLF-E –Suspected Child Abuse and Neglect Report Form
JRA – Student Records

Adopted: Feb 2022

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. 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.

EUT POLICY ON RESTRAINT & SECLUSION

Use of Physical Restraint and Seclusion

The EUT 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 injury or harm to the student or others.

The Director has overall responsibility for implementing this policy and the accompanying procedure but may delegate specific responsibilities as he/she deems appropriate.

Definitions —The following definitions apply to this policy and procedure:

- A) Physical restraint: An intervention that restricts a student's freedom of movement or normal access to his or her body and includes physically moving a student who has not moved voluntarily.

Physical restraint does not include any of the following:

- i) Physical escort: A temporary touching or holding of the hand, wrist, arm, shoulder, hip or back for the purpose of moving a student voluntarily.
- ii) Physical prompt: A teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
- iii) Physical contact: When the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact.
- iv) Momentarily deflecting the movement of a student when the student's movements would be destructive, harmful or dangerous to the student or others.
- v) The use of seat belts, safety belts or similar passenger restraints, when used as intended during the transportation of a child in a motor vehicle.
- vi) The use of a medically prescribed harness, when used as intended; the use of protective equipment or devices that are part of a treatment plan prescribed by a licensed health care provider; or prescribed assistive devices when used as prescribed and supervised by qualified and trained individuals.
- vii) Restraints used by law enforcement officers in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33.
- viii) MDOE Rule Chapter 33 does 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.

- B) Seclusion: The involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving, with no other person in the room or area with the student.

Seclusion does not include:

- C) Timeout -- An intervention where a student requests, or complies with an adult request for, a break.
- D) Procedures for Implementing Physical Restraint and Seclusion — Requirements for implementing physical restraint and seclusion, as well as incident notices, documentation and reporting are included in the accompanying procedure, JKAA-R.
- E) Annual Notice of Policy/Procedure —The EUT shall provide annual notice to parents/legal guardians

of this policy/procedure by means determined by the Superintendent/designee.

F) Training Requirements —

- a. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- b. The EUT 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 Director's Office, in each school office and in the school unit's Emergency Management Plan.

G) 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 Superintendent or Special Education Director as soon as possible. The Superintendent/designee shall investigate the complaint and provide written findings to the parent/legal guardian within a reasonable period of time.

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.

Legal References: 20-A M.R.S.A. §§ 4502(5)(M); 4009-Me. DOE Reg., Ch. 33

Procedures on Physical Restraint and Seclusion

These procedures are established for the purpose of meeting the obligations of The EUT under state law/regulations governing the use of physical restraint and seclusion. These procedures shall be interpreted in a manner consistent with state law and regulations.

Definitions

- A) Emergency: A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.
- B) Eminent risk of injury or harm: A situation in which a student has the means to cause physical harm or injury to him/herself or others and such injury or harm is likely to occur at any moment, such that a reasonable and prudent person would take steps instantly to protect the student and others against the risk of such injury or harm.
- C) Dangerous behavior: Behavior that presents an imminent risk of injury or harm to a student or others.
- D) Serious bodily injury: Any bodily injury that involves: (1) A substantial risk of death; (2) Extreme physical pain; (3) Protracted and obvious disfigurement; or (4) Protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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 in carrying out their professional responsibilities.

A) Permitted Uses of Physical Restraint

- a. Physical restraint may be used only as an emergency intervention when the behavior of a student presents imminent risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
- b. Physical restraint may be used to move a student only if the need for movement outweighs the risks involved in such movement.
- c. Prescribed medications, harnesses, and other assistive or protective devices may be used as permitted by Rule Chapter 33.
- d. Parents may be requested to provide assistance at any time.

B) Prohibited Forms and Uses of Physical Restraint

- a. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
- b. Physical restraint used solely to prevent property destruction or disruption of the environment in the absence of imminent risk of injury.
- c. Physical restraint that restricts the free movement of a student's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech (restraint-related asphyxia).
- d. Physical restraint that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported takedowns (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting.

C) Aversive procedures, 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 item worn by or placed on the student to limit behavior or movement and which cannot be removed by the student. Prescribed assistive devices are not considered mechanical restraints when used as prescribed and their use is supervised by qualified and trained individuals in accordance with professional standards.
- c. Chemical restraints are defined as the use of medication, including those administered PRN (as needed), given involuntarily to control student behavior. Prescribed medications are not considered chemical restraints when administered by a health care provider in accordance with a student's health care plan.

D) Monitoring Students in Physical Restraint

- a. 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.
- b. The student must be continuously monitored until he/she no longer presents an imminent risk of injury or harm to him/herself or others.
- c. If an injury occurs, applicable school policies and procedures should be followed.

E) Termination of Physical Restraint

1. The staff involved in the use of physical restraint must continually assess for signs that the student is no longer presenting an imminent risk of injury or harm to him/herself or others and the emergency intervention must be discontinued as soon as possible.
 - a. The time a student is in physical restraint must be monitored and recorded.
 - b. If physical restraint continues for more than ten (10) minutes, an administrator/designee 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 a student from physical restraint have been unsuccessful and the student continues to present behaviors that create an imminent risk of injury or harm to him /herself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

3. 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 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 imminent risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
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 may be requested to provide assistance 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 imminent risk of injury.

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 he/she no longer presents an imminent risk of injury or harm to him/herself or 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 injury or harm to him/herself or others, and the emergency intervention must be discontinued as soon as possible.
 - 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 restraint 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 injury or harm to him/herself or 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 a risk of harm and the time the student ceases to pose a risk of harm and returns to his/her 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 SAU’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 SAU’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):
 - i) 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.
 - ii) 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

- I. 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

- I. 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.
- II. 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

- a. Each building administrator must report the following data on a quarterly and annual basis:
 - i. Aggregate number of uses of physical restraint;
 - ii. Aggregate number of students placed in physical restraint;
 - iii. Aggregate number of uses of seclusion;
 - iv. Aggregate number of students placed in seclusion;
 - v. Aggregate number of serious bodily injuries to students related to the use of physical restraints and seclusions; and
 - vi. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

- B) The Superintendent shall review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.

C) Reports to Maine Department of Education

- a. The Superintendent 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.

Legal Reference: Me. DOE Reg., Ch. 33

EUT POLICY ON RETENTION AND ACCELERATION OF STUDENTS

It is the EUT's intent to provide sequential instructional programming that provides equitable opportunity for students to learn the knowledge and skills that will enable them to meet the content standards of the District's curriculum at each grade level. The EUT recognizes that at every grade level, there are differences among students in their intellectual, physical, social, and emotional development and that individual students may be more proficient in some content areas than in others.

While most students will advance from one grade to another at the end of the academic year, some students may benefit from retention or acceleration. Decisions concerning promotion, retention, or acceleration of a student should be consistent with the best educational interest of that student.

A. Criteria

The following criteria will be used in making decisions concerning promotion, retention, and acceleration. Although all listed criteria may be considered in the decision-making process, because of the relationship between a student's achievement of the content standards of the District's curriculum and his/her future success in school, more consideration shall be given to the criterion articulated in subparagraph "1" below than to any other factors.

1. Achievement of the content standards of the District's curriculum, as demonstrated through classroom assessments, common assessments, standardized tests, and other elements of the Local Assessment System;
2. Participation and success in remedial programs, tutoring, summer school, and/or other opportunities for success.
3. Potential benefit from repetition of a grade or learning experiences.
4. Potential for success if accelerated.
5. Attendance.
6. Social and emotional maturity.
7. Health.
8. Age in relation to grade placement.
9. Program options.
10. Student attitude; and
11. Parental concerns.

B. Retention

Parents should be notified as early as possible in the event that retention is being considered. Parents will be informed of the remediation options available to students such as tutoring, after-school programs, and summer school. Whenever possible, decisions concerning retention should be made through a conference involving parents, the student's teacher, the building principal, and, as appropriate, the guidance counselor, other professional staff, and/or consultants. Advancement to the next grade may be made conditional on successful remediation or demonstrated proficiency within a specified period.

The principal shall be responsible for making the final decision regarding retention. A parent who is dissatisfied with the principal's decision may appeal to the Director. The Director's decision shall be final.

C. Acceleration

Decisions regarding acceleration shall be made by the principal in consultation with the student's teacher(s) and other professional staff or consultants, as appropriate. A parent who is dissatisfied with the principal's decision may appeal to the Director. The Director's decision shall be final.

D. Transfer Students

For students who transfer into the EUT from another state or educational program not required to meet the content standards of the system of Learning Results, the principal will determine the value of the student's prior educational experience for the purpose of grade placement or the fulfillment of credits.

Legal Reference: Ch.127 (Maine Dept. of Ed Rule)

April 2022

EUT POLICY ON SCHOOL BUSES

The costs of transportation for EUT students may be paid in full or in part by the commissioner except that the commissioner may not reimburse parents for the transportation of a student.

Bus transportation provided the Unorganized Territories shall be in keeping with the comfort, safety, and welfare of the students and shall be in charge of responsible drivers who shall exercise the adequate control over student conduct on their buses.

Bus stops and bus turnarounds shall be determined by the bus driver in consultation with the school principal or agent in charge. Bus stops and turnarounds shall be evaluated periodically to ensure continued safety and to best serve the interest of the EUT school system and its students.

Children may be required to walk a reasonable distance to a scheduled bus stop. Stops will be chosen with concern for numbers and for the safety of the children involved. Bus drivers shall pick up only at the scheduled stops; they shall not admit students not assigned to their bus. Drivers may not exceed the legal bus capacity.

Students shall ride only on assigned buses. At the close of school, they shall be transported to their original pick-up point; and they will not be permitted to leave the bus at other points or ride other buses.

Exceptions to this rule may be made by the bus driver, with the approval of the principal or agent, when this is in the best interest of the student and the EUT system. Requests for exceptions are to be made in writing and submitted to the bus driver, principal, or agent.

Regulations for Pupils Transported on EUT Buses

1. All pupils shall be ready in the morning at the usual time for the bus to arrive at their homes or at their "school bus stop". The bus cannot wait for those who are tardy, but the bus will come to a complete stop before proceeding.
2. Students shall ride only on assigned buses. At the close of school, they shall be transported only to the original pick-up point; they shall not be permitted to disembark at other points or ride other buses. In case of emergency or when the student has a note signed by their parent/guardian, the principal may authorize exceptions to this regulation.
3. The driver is in full charge of the bus and the pupils. Pupils will obey the driver promptly and cheerfully.
4. Pupils are not to stand in the roadway while waiting for the bus.
5. If the driver wishes, he may assign seats in the bus, and the pupils will take the seats assigned to them.
6. When the bus is in motion, pupils are **NOT to stand, extend arms out of windows, move about, leave, or enter the bus.**
7. Damage done to seats or other equipment by a pupil will be paid for by that pupil. Knives are not allowed on the school buses.
8. Conversation must be in good taste, never loud or boisterous. Please refrain from unnecessary conversation with the driver.
9. Smoking, matches, or lighters will not be permitted on the bus.
10. Courtesy is expected from everyone — there will be no pushing or shoving.

11. Throwing or snatching of hats, caps, books, lunch pails, etc., will not be permitted.
12. Pupils are expected to keep the bus clean. Do not throw paper or other refuse on the floor.
13. No pupil will leave the bus without the driver's permission except at home or at school.
14. When leaving the bus, remain seated until the bus stops. If you cross the road, do so in front of the bus, and make sure the highway is clear.
15. The right of pupils to ride the bus is dependent upon their behavior and their observance of the above regulations. Drivers are authorized to enforce these regulations **and others that they feel are in line with good citizenship**. Any misbehavior or disregard for bus regulations will be reported to the school principal by the bus driver.

Enforcement of bus regulations is the responsibility of the principal or agent in charge.

Students found guilty of breaking any of the above regulations may:

1. First offense: receive written warning and possibly assigned seat
2. Second offense: receive written warning, assigned seat
3. Third offense: parents will be notified in writing, and students may be suspended from being allowed to ride the bus for a period of time as determined by the Principal or Director.
4. Fourth Offense: suspension from the bus until a signed agreement regarding bus behavior is created and agreed upon between the school and family. Failure to comply with this plan may result in suspension from the bus for the remainder of the year.

If the student's behavior presents a danger to themselves or others, they may be suspended from the bus for an indefinite period of time. Parents will be immediately notified of the suspension. Reinstatement of bus privileges will be at the discretion of the principal or agent in charge, in consultation with the Director of EUT.

April 27, 2022

EUT POLICY ON PUPIL PROPERTY SEARCHES

Pupil use of school storage facilities including but not limited to lockers and desks is a privilege granted by the school. All storage facilities are school property and remain under the control, custody, and jurisdiction of the school. Pupils have no expectations of privacy in school storage facilities or for any items placed in such storage facilities. Building principals have the authority to inspect personal items such as book bags, backpacks, clothing, and similar items, and to search storage facilities and their contents without notice or consent.

If a search produces evidence that a student has violated or is violating the law, such evidence may be seized and impounded by the building principal and appropriate disciplinary action may be taken. Evidence may be forwarded to law enforcement authorities as required by law or as deemed appropriate.

School staff, parents, and pupils shall be informed of this policy on an annual basis through handbooks and/or other means selected by the Director of State schools—EUT.

April 2022

EUT POLICY ON SERVICE ANIMALS IN SCHOOLS

The EUT recognizes that service animals may be used to provide assistance to some persons with disabilities. This policy governs the presence of service animals in the schools, on school property, including school buses, and at school activities.

Definition

As applied to schools, federal and Maine laws define a “service animal” as a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other species of animals, whether wild or domestic, trained, or untrained, are not service animals for the purpose of this definition.

The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability and helping a person with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

The prime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Use of Service Animals in School

Use of a service animal by a qualified student with a disability will be allowed in school when it is determined that the student’s disability requires such use in order to have equal access to the instructional program, school services and/or school activities.

Use of a service animal by a qualified employee with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her job or to enjoy benefits of employment comparable to those of similarly situated non-disabled employees.

The parent/guardian of a student who believes the student needs to bring a service animal to school, or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 Coordinator or Director of Special Services, as appropriate, and the Director will determine whether or not to permit the service animal in school.

Parents or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal will be required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

The EUT may impose additional conditions on the presence of a service animal, depending upon the circumstances.

The building principal may remove or exclude a service animal from the school or school property if the presence of the animal poses a direct threat to the health and safety of others or the student, employee or

handler is unable to fully control the animal; or the animal fails to consistently perform the function(s)/service(s) for which it has been trained and brought to school.

A parent or employee whose service animal has been removed or excluded may appeal the decision to the Director. The Director's decision shall be final.

Service Animals at School-Sponsored Events

Individuals with disabilities may be accompanied by their service animals to events or activities open to the public that are held in schools or on school property. The use of a service animal may not be conditioned on the payment of a fee or security deposit, but the individual is liable for any damage done to the premises or facilities by such an animal.

The building principal may revoke or exclude the service animal only if the animal poses a direct threat to the health and safety of others, the use of the animal would result in substantial physical damage to the property of others or would substantially interfere with the reasonable enjoyment of the event or activity by others.

Legal Reference: 42 USC § 12101 et seq.
 36 CFR § 104, 302
 5 MRSA §§ 4553, 4592
 Me. Human Rights Commission Rule Chapter 7

Adopted: 5/2022

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.

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MAINE SCHOOL MANAGEMENT ASSOCIATION

EUT POLICY ON TOBACCO/NICOTINE POSSESSION AND USE

In order to promote the health and safety of all pupils and staff, the Division of State Schools — EUT prohibits smoking and the use of all other tobacco and nicotine-based products in school buildings, facilities, and on school buses. In addition, pupils are further prohibited from possessing, selling, distributing, or dispensing nicotine/tobacco products.

Legal Reference: Title 22 MRSA, § 1578-B.

May 2022

EUT POLICY ON THE EVALUATION OF STUDENT ACADEMIC ACHIEVEMENT

The evaluation of the academic achievement of students in the E.U.T. school system is based on the premise that students have diverse capabilities, interests, and individual patterns of growth and learning. It is essential that the professional staff have adequate information to assess a student's educational needs, growth patterns, and other factors necessary to design instructional plans for the student. Sharing of information among parents/guardians, teachers, and students is an integral part of the evaluative process.

Through the system's methods of student evaluation and parent/guardian-student-teacher communications, the E.U.T. system strives to meet the following objectives:

- parents/guardians are to be informed **three times per year** as to the progress their children are making in school;
- parents/guardians will be alerted and conferred with as the need arises or by the midpoint of each trimester when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
- insofar as possible, distinctions will be made between a student's attitude and academic performance;
- the school system will strive for consistency in grading and reporting;
- school staff will take particular care to explain the meaning of the marks and symbols to students and parents/guardians.

May 2022

EUT POLICY ON STUDENT ADMISSION – RESIDENT

School Privileges in the Unorganized Territories

Subject to such reasonable rules as the commissioner may adopt, all persons who have attained the age of 5 years on October 15th and have not reached 20 years of age before the start of the school year, and who reside with a parent in the unorganized territory, or who are resident emancipated minors or residents at least 18 years old, are eligible to attend elementary and secondary schools and to receive appropriate special education and related services without charge to themselves or their parents. Education must be provided in alignment with the system of learning results as established in section 6209 under the direction of the commissioner and must meet the general standards for elementary and secondary schooling and special education established pursuant to the Title.

Legal Reference: 20-A Education; Chapter 119; Subchapter 2 §3251

Unorganized Territories Request for Alternative Placement Policy & Process

The Unorganized Territories Education Division operates 3 Elementary Schools for resident students of the Unorganized Territories within and around its boundaries. The schools are the Connor Consolidated School in Connor TWP, Edmunds Consolidated School in Edmunds TWP, and the Kingman Elementary School in Kingman. All other Pre-K to 8 grade students residing in other Unorganized Territories statewide, are to be enrolled in the school/district assigned to by the Director of State Schools in the UT.

Enrollment in the indicated schools is mandatory unless the following Alternative Placement Request process is followed and approved by the Unorganized Territories Director of Education. This request must be repeated each school year. Alternative Placement approval provides for tuition & Special Education cost reimbursement to the attending school district. This process does not allow for transportation costs. Student transportation becomes the full responsibility of the parent(s).

In Special Education Service situations where the student IEP may require that student transportation be provided, the EUT is not statutorily authorized to contract or provide reimbursement for transportation with the parent(s). In the event that the Director does not approve the request for Alternative Placement, all appeals must be made in writing to the State of Maine Department of Education, Commissioner of Education.

Process

- The Parent/Guardian request must be submitted in writing accompanied by an Alternative Placement Request Form to the Director of state schools in the UT..
- The completed form must be accompanied by a copy of a proof of residency document and/or guardianship record (property tax bill, utility bill or landlord's statement if not the landowner, court document)
- Director's review and decision of request
- Request is approved or denied and a copy of the form with the decision indicated is mailed to the parents(s)/guardian(s). If the request is approved an additional copy will be provided to the Superintendent of the school district where student enrollment was requested.
- All documents regarding the request are scanned to a named electronic file

Reference to State of Maine Statute: Title 20-A: EDUCATION
Part 2: SCHOOL ORGANIZATION Chapter 119: UNORGANIZED TERRITORY
Subchapter 2: SCHOOL PRIVILEGES

Reviewed April 2022

EUT POLICY ON STUDENT ASSESSMENT

The EUT recognizes that Maine law requires each school administrative unit to use multiple assessment methods to measure student achievement of the learning results set forth in 20-A M.R.S.A. § 6209 and Department of Education (DOE) rules implementing that section and other curricular requirements established in § 6209 to inform instruction and to ensure that students are making progress toward achieving the learning results set forth in § 6209 and in DOE rules implementing that section, other curricular requirements and the requirements of a common course of study.

Through this policy, the EUT adopts and directs the Director/designee to implement and oversee an assessment system for District schools that will accomplish these objectives. The Director shall be responsible for reviewing the assessment system for compliance with applicable statutes and rules and for certifying to the Commissioner that it is following Maine Department of Education standards.

Legal Reference: 20-A MRSA § 6202-B, 6209

May 2022

AUGUSTA EUT OF EDUCATION

EUT POLICY ON STUDENT ATTENDANCE

By law, all students aged six to seventeen shall attend a public day school during the time it is in regular session. In order to perform well in their work and activities, regular attendance is important. A person 5 years of age or older and under 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

Students who are absent from school with the parent or guardian's permission, for reasons which are "excusable," as so deemed by the principal, shall be given an excused absence.

Excusable absence. A person's absence is excused when the absence is for the following reasons:

- A. Personal health, including the person's physical, mental, and behavioral health; [PL 2019, c. 562, §2 (AMD).]
- B. An appointment with a health professional that must be made during the regular school day; [PL 2007, c. 304, §2 (AMD).] [PL 1983, c. 806, §49 (NEW).]
- C. Observance of a recognized religious holiday when the observance is required during the regular school day; [PL 2021, c. 25, §1 (AMD).] [PL 1983, c. 806, §49 (NEW).]
- D. A family emergency; or [PL 1985, c. 490, §8 (NEW).] [PL 2007, c. 451, §3 (AMD).]
- E. A planned absence for a personal or educational purpose that has prior approval. [PL 2007, c. 304, §2 (AMD).] or [PL 2007, c. 451, §4 (AMD).]
- F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or some other out-of-district placement that is not otherwise authorized by either an individualized education plan or other education plan or a superintendent's agreement developed in accordance with section 5205, subsection 2. This paragraph does not apply to a student who is out of school for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for planned hospitalization or recovery. [PL 2007, c. 451, §5 (NEW).]
- [PL 2021, c. 25, §1 (AMD).]

Truant

A student is truant if the student is subject to [section 5001-A](#) and:

A. [PL 2007, c. 304, §5 (RP).]

B. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; [PL 2019, c. 235, §6 (AMD).]

C. Is at least 6 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or [PL 2019, c. 508, §9 (AMD).]

D. Is enrolled in a public day school, is at least 5 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year. [PL 2019, c. 235, §8 (NEW).]

After being absent, the student must bring a note of explanation from the parent/guardian and submit it to the school office.

A pupil may be excused before the end of the school day if ill, or if a written request for early dismissal has been submitted by the parent/guardian. Telephone requests for early dismissal of a pupil shall be honored only if the caller can be positively identified as the pupil's parent or guardian.

If a student arrives late for school, that student must report to the office before going to the classroom. This will ensure the proper recording of the student's attendance for the day.

A parent/guardian may pick up their child/children from school for any of the reasons listed above after first notifying the office and the classroom teacher.

Statute: 20-A §3272

Updated: January 2022

EUT POLICY ON STUDENT DISCIPLINE

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

Teachers are authorized to make and enforce rules for effective classroom management and to foster appropriate pupil behavior, subject to direction and approval of the building principal. School-wide rules and procedures shall be developed by the building principals.

Principals are authorized to provide for the suspension or other serious disciplinary action against pupils in accordance with these policies and Maine Statutes. The authority to suspend disobedient or disorderly pupils is for a period not to exceed 10 school days.

However, pupils whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the instructional process may be immediately removed from school. In all cases of suspension, the pupil's parents/guardians shall be notified of the suspension as soon as practicable by telephone whenever possible, and by written notice sent by mail. A copy of the notice shall also be sent to the Director of State Schools—EUT.

May 2022

EUT POLICY ON PUPIL CONDUCT ON SCHOOL BUSES

Parents are responsible for the conduct and supervision of the pupil before the child boards the bus in the morning and after the child leaves the bus at the end of the school day. Once a child enters the bus — and only at that time — does the child become the responsibility of the school system. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

A school bus is an extension of the classroom, and all pupils are to conduct themselves in a manner consistent with established standards of classroom behavior while being transported. In cases where a pupil does not demonstrate proper conduct while on a bus, the matter will be brought to the attention of the building principal by the bus driver. The building principal will inform the parents of the misconduct and request their cooperation in correcting the child's behavior.

Pupils who become a serious disciplinary problem on the bus may have their riding privileges suspended by the principal. In such cases, the parents involved become responsible for transportation to and from school.

May 2022

EUT POLICY ON STUDENT HAZING

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

It is the policy of the EUT that injurious hazing activities of any type, either on or off school property, by any student, staff member, group or organization affiliated with the EUT, are inconsistent with the educational process and shall be prohibited at all times.

“Harassing behavior” includes acts of intimidation and any other conduct that recklessly or intentionally endangers the mental or physical health of a student or staff member.

“Acts of intimidation” include extortion; menacing; direct or indirect threats of violence; incidents of violence; bullying; statements or taunting of a malicious and/or derogatory nature that intentionally endanger the mental or physical health of another person; and property damage or theft.

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 EUT 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.

In the case of an organization affiliated with this school unit which authorizes hazing, penalties may include rescission of permission for the 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 Building Administrator 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 Administrator as he/she carries out the provisions of this policy, that individual or organization may appeal to the Director. The ruling of the Director, with respect to the provisions of this policy, shall be final.

This right of appeal does not apply to student suspensions of ten days or less, or to matters submitted to grievance procedures under applicable collective bargaining agreements.

A copy of this policy shall be included in all school, parent, and faculty handbooks or otherwise distributed to all school employees and students.

Legal Reference: 20-A MRSA §6553

Adopted: May 2022

EUT POLICY ON STUDENT EDUCATION RECORDS AND INFORMATION

The EUT 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

The EUT designates the following student information as directory information: name, participation and grade level of students in recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, and honors and awards received. The EUT 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. Information on the Internet

Under Maine law, The EUT 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.

C. Transfer of Student Records

As required by Maine law, The EUT 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).

D. 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 Director hereby designates Aroostook, Penobscot and Washington County Sheriff Department Offices as EUT’s law enforcement unit for the purpose of disclosure of student education records under FERPA.

E. 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 EUT will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the school has disclosed and maintain such record with the student’s educational record.

F. Administrative Procedures and Notices

The Director 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)

Adopted: May 2022

EUT POLICY ON STUDENT WELLNESS

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

Nutrition Standards

The EUT schools will ensure that meals provided by its Food Services Program meet the nutrition standards established by the National School Lunch Program, the School Breakfast Program, and other applicable Federal child nutrition programs.

Other foods and beverages sold or available for sale to students during the school day ("competitive foods") will meet the federal Smart Snacks guidelines.

Water

To promote hydration, free, safe, unflavored drinking water will be available to students throughout the school day, including mealtimes, at every school.

Nutrition Education

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

Nutrition Promotion

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

Staff Qualifications and Professional Development

All school nutrition staff will meet or exceed annual continuing education/training requirements in the USDA standards for school nutrition professionals.

Foods and Beverages for Celebrations and Rewards

The Director delegates to the principals/designees the responsibility for guidelines for "healthy celebrations," with the intent that refreshments served at parties or celebrations during the school day, whether supplied by parents or staff, meet the "Smart Snacks" standards.

Foods used as rewards in the instructional program must meet "Smart Snacks" standards.

Physical Activity

The school unit will strive to provide all students developmentally appropriate opportunities for physical activity through physical education classes, recess periods for elementary school students, and extracurricular activities (clubs, intramural and interscholastic athletics). School programs are intended to build and maintain physical fitness and to promote healthy lifestyles. The schools should encourage parents to support their children's participation in physical activities, including available before- and after-school programs.

Other School-Based Activities

The schools, with prior approval of the Director, may implement other appropriate programs that support consistent wellness messages and promote healthy eating and physical activity.

The school unit may develop programs that encourage staff to learn and engage in healthy lifestyle practices.

Leadership

The Principal/designee shall be responsible for the oversight of development and implementation of the wellness policy in the schools. This includes ensuring that the school unit evaluates its schools' compliance with the wellness policy and progress in attaining wellness goals and making required information available to the public.

The evaluation process must include a comparison of the wellness plan with model local wellness policies, and it may include surveys or solicitation of input from students, parents, staff, and school administrators, including suggestions for improvement in specific areas.

Annual Notification of Policy

The school will annually inform families and the public of basic information about the wellness policy, including its content, any updates, and implementation status. This information will be made available on the school unit's website. It will include the contact information for the person coordinating the wellness committee as well as information about opportunities for the public to get involved with the wellness committee.

Triennial Progress Assessments

Every three years, the Director will:

Assess extent to which the schools are in compliance with the wellness policy;

Assess the extent to which the EUT's wellness policy compares to model wellness policies; and

Provide a description of the progress made in attaining the goals of the EUT's wellness policy.

The EUT's wellness committee will update the wellness policy based on the results of the triennial assessment and/or as:

The EUT's priorities change;

Community needs change;

Wellness goals are met;

New evidence-based health science emerges; or

New or updated Federal or State regulations are issued.

- Parent Communications

The Principal will inform parents of improvements that have been made to school meal standards; availability of child nutrition programs and how to apply; the school unit's meal charging policy; and a list of healthy celebration party ideas (including a list of foods and beverages that meet the Smart Snacks standards).

Food and Beverage Advertising in Schools and On School Grounds

Brand-specific advertising of food or beverages is prohibited in school buildings and on school grounds except for those meeting the standards for sale or distribution on school grounds in accordance with 20-A MRSA § 6662(2), i.e., those that meet Smart Snacks standards).

The EUT regards the following as “advertising” for the purpose of this policy:

Brand names, logos, or tags, except those that are present as labels on the food or beverage product or its container;

Displays, such as vending machine exteriors;

Corporate brands logos, names or trademarks on school equipment such as message boards or scoreboards;

Corporate brands, logos, names or trademarks on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment;

Corporate brands, logos, names or trademarks on posters, book covers, or school supplies distributed or offered by the school;

Advertisements in school and EUT publications or mailings;

Product coupons or free samples.

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

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

Appointment and Role of the Wellness Committee

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

A. Director;

B. School administrator;

- C. Food Services staff member;
- D. Student representative;
- E. Parent or Community representative.

The Wellness Committee may also include:

- A. School nurse and/or other school health professional;
- B. Physical education teacher;
- C. Guidance counselor;
- D. Social worker;
- E. Community organization or agency representative;
- F. Other staff, as designated by the Director; and/or

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

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

The Wellness Committee shall provide periodic reports to the Director.

Wellness Goals

The EUT has identified the following goals associated with student wellness:

Goals for Nutrition Education

The schools will provide nutrition education that focuses on the skills students need to adopt and maintain healthy eating behaviors.

The schools' nutrition education will be provided in a sequential, comprehensive health education program aligned with the content standards of the Maine system of Learning Results.

Nutrition education will be integrated into other subjects as appropriate to complement, not replace, the health education program.

The school will provide foods that meet or exceed the federal nutrition standards, adequate time for students to obtain food and eat, lunch scheduled at appropriate hours of the day (OR: as close to the middle of the school day as possible), adequate space to eat, and a clean and safe meal environment.

Appropriate professional development will be provided for food services staff.

Goals for Nutrition Promotion

School staff will cooperate with agencies and community organizations to provide opportunities for nutrition-related student projects and learning experiences.

Consistent nutrition messages will be disseminated throughout the school in the classroom, the cafeteria, and school-home communications.

Administrators and staff will be encouraged to model nutritious food choices and eating habits.

Schools will encourage parents/guardians to provide healthy meals and snacks for their children through take-home materials or other means.

Students will have access to clean and safe drinking water throughout the school day and during school activities.

Schools will promote consumption of water as an essential element in maintaining overall health and wellness.

Goals for Physical Activity

The physical education program will provide students with the knowledge and skills needed to be physically fit and take part in healthful physical activity on a regular basis.

Students will develop motor skills and apply them to enhance their coordination and physical performance.

Students will demonstrate responsible personal and social behaviors in physical activity settings.

The physical education curriculum will be aligned with the content standards of the Maine system of Learning Results.

Physical education classes will keep all students involved in purposeful activity for a majority of the class period.

Physical education classes will provide opportunity to learn for students of all abilities.

The schools will provide a physical and social environment that encourages safe and enjoyable physical activity and fosters the development of a positive attitude toward health and fitness.

The schools will provide facilities adequate to implement the physical education curriculum for the number of students served.

Schools will promote efforts to provide opportunities for students to engage in age-appropriate activities on most days of the week in both school and community settings.

The schools may provide opportunities for physical activity through a variety of before- and/or after-school programs including, but not limited to, intramural sports, interscholastic athletics and physical activity clubs.

Appropriate professional development will be provided for physical education staff and other staff involved in the delivery of such programs.

Goals for Other School-Based Activities

Goals of the wellness policy will be considered when planning school or classroom parties, celebrations or events.

Parents will be encouraged to provide nutritionally sound snacks from home and food for classroom parties or events.

Schools will encourage maximum participation in school meal programs.

Schools will encourage parents and students to take advantage of developmentally appropriate community-based after-school programs that emphasize physical activity.

The schools will encourage parents to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.

As feasible, school physical activity facilities will be made available after school hours for student, parent and community use to encourage participation in physical activity.

School administrators, staff, parents, students and community members will be encouraged to serve as role models in practicing healthy eating and being physically active, both in the school environment and at home.

Student organizations will be encouraged to engage in fundraising projects that are supportive of healthy eating and student wellness.

School-based marketing of foods and beverages, such as through advertisements in school publications, school buildings, athletic fields, and other areas accessible to students should support the goals of the wellness policy.

The schools are encouraged to cooperate with agencies and community organizations to support programs that contribute to good nutrition and physical activity.

Legal Reference: 42 U.S.C. § 1751 (Healthy, Hunger-Free Kids Act)
7 CFR Parts 210 and 220
20-A MRSA § 6662

Adopted: May 2022

EUT POLICY ON STUDENT REINTEGRATION FROM A JUVENILE CORRECTIONAL FACILITY

Maine law requires the establishment of a reintegration team to assist a student entering a public school from a juvenile correctional facility. The Division of State Schools – EUT recognizes the need for advance planning and appropriate confidentiality in these circumstances.

The Division will comply with reintegration standards established by the Maine Department of Education. The Director 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 the juvenile offender, the Director shall establish and convene a meeting of a reintegration team to review information received from the Department of Corrections, evaluate the student's individual education needs, and determine what additional information may be relevant.
- B. The reintegration team shall include at a minimum 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 (whenever possible), 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 information that would otherwise be considered confidential. The nature and extent of information provided should be limited to that need 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 Director or a 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 should 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 principal 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.

- G. The Director/designee 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.
- H. A student who violates a policy or school rule will be subject to the disciplinary consequences described in policy, administrative procedures, and/or the student handbook/student code of conduct.
- I. The Director/designee shall make any reports that may be required by the Department of Education concerning numbers of students entering the local school unit from juvenile correctional facilities.

When a juvenile offense involves the use or threatened use of physical force against a person the District Attorney in the district where the charges were brought will provide certain information to the Director (or designee) of the juvenile's school.

This information is limited to:

1. The name of the juvenile;
2. The nature of the alleged offense or offense;
3. The date of the alleged offense or offense
4. The date of the petition (date charged);
5. The date of the adjudication, if applicable; and
6. The location of the court where the case was brought, if applicable.

By law, this information is **not** to become part of the student's educational record.

Legal Reference: 20-A M.R.S.A §§254 (12), 1055 (12), 2902 (10), 4502 (5)(O)
6001-B (1), 6001-B (2), 6001-B (3-A)
15 M.R.S.A. § 3009

Adopted: May 2022

EUT POLICY ON SUSPENSION OF STUDENTS WITH DISABILITIES

When removing pupils with disabilities from their regular school programs, whether as a result of a suspension or any other removal covered by special education federal laws and state regulations, it shall be the policy of the Division of State Schools — EUT to comply with all applicable state and federal special education laws that govern such removal.

Building principals may suspend pupils with disabilities for up to 10 cumulative school days in the school year under the same terms and conditions as pupils without disabilities subject to specific requirements outlined in the Maine Unified Special Education Regulations.

Reviewed May 2022

EUT POLICY ON TOBACCO USE AND POSSESSION

In order to promote the health and safety of students, staff, and visitors, and in compliance with applicable state and federal laws, the EUT prohibits smoking and all other use of tobacco products in school buildings and other school unit facilities, on school buses, and on school grounds at all times by all persons.

In addition, students are further prohibited from possessing, selling, distributing, or dispensing tobacco products in school buildings, facilities and on school grounds and buses during school sponsored events and at all other times.

Employees and all other persons are also strictly prohibited, under law and State policy, from selling, distributing or in any way dispensing tobacco products to students.

All of these same prohibitions shall apply to electronic cigarettes and other devices used to simulate smoking.

Legal Reference: 22 MRSA §§ 1578(B), 1580(A)(3)

Me. PL 470 (An Act to Reduce Tobacco Use By Minors)

20 USC 60816084 (ProChildren Act of 1994)

FROM STATE OF MAINE STATUTE- for reference only

§1578-B. Tobacco use in elementary and secondary schools prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Elementary or secondary school" means any public elementary or secondary school approved in accordance with Title 20-A, chapter 206, subchapter I. [PL 1987, c. 687 (NEW).]

B. "Principal" has the same meaning as defined in [Title 20-A, section 1, subsection 21](#). [PL 1987, c. 687 (NEW).]

C. [PL 2019, c. 61, §1 (RP).]

D. "Tobacco use" means:

(1) Smoking as defined in [section 1541, subsection 6](#); and

(2) Carrying or having in one's possession a tobacco product as defined in [section 1551, subsection 3](#). [PL 2019, c. 61, §2 (RPR).]

[PL 2019, c. 61, §§1, 2 (AMD).]

2. Prohibition. A person may not engage in tobacco use in the buildings or on the grounds of any elementary or secondary school, on a school bus or at any school-sponsored event at any time. [PL 2019, c. 61, §3 (RPR).]

§1541. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1993, c. 342, §1 (NEW); PL 1993, c. 342, §9 (AFF).]

1. Designated smoking area. "Designated smoking area" means an enclosed area designated as a place for smoking. A designated area must be designed to prevent smoke escaping from the designated area into a public place.

[PL 2005, c. 257, §1 (AMD).]

1-A. Electronic smoking device. "Electronic smoking device" means a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

[PL 2015, c. 318, §1 (NEW).]

6. Smoking. "Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

EUT POLICY ON TRUANCY

A student is habitually truant if the student:

- A. Is subject to the compulsory attendance law; and
- B. Has attained the equivalent of 10 full days of non-excused absences or seven consecutive school days of non-excused absences during a school year.

The Director of State Schools-EUT shall be the attendance coordinator for purposes of this policy.

As required by law, the following procedure shall be followed when a student is habitually truant:

- A. If the principal determines that a student is habitually truant, the principal shall inform the Director. The principal shall first try to correct the problem informally. Informal attempts to correct the problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and to develop a plan to implement solutions to the problem. If the initial meeting does not resolve the problem, the principal shall implement interventions that best address the problem including but not limited to:
 - 1. Frequent communication between the teacher and the family;
 - 2. Changes in the learning environment;
 - 3. Mentoring;
 - 4. Student counseling
 - 5. Tutoring, including peer tutoring;
 - 6. Placement into different classes
 - 7. Evaluation for alternative education programs;
 - 8. Attendance contracts;
 - 9. Referral to other agencies for family services; and
 - 10. Other interventions.

Failure of the student or the student's parents or legal guardians to appear at scheduled meetings does not preclude school administrators from implementing a plan to address a student's truancy.

As part of correcting the problem informally, the principal shall require the student and his/her parents/legal guardians to attend one or more meetings with the student's teacher or other school personnel designated by the principal. The purpose of the meeting(s) is to reinforce the plan reference in paragraph A or to develop an alternative plan. Such meetings may involve others including but not limited to case managers, therapeutic treatment providers, and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services, and the Department of Corrections. The principal shall schedule the meeting(s) at mutually convenient times.

- B. If the principal is unable to correct the student's truancy, the Director shall serve or cause to be served upon the parent in-hand or by registered mail a written notice that the student's attendance is required by law. The notice shall:
 - 1. State that the student is required to attend school pursuant to 20-A M.R.S.A. §5001-A (the compulsory attendance law);

2. Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports, and principal's reports
 3. Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with 20-A M.R.S.A. §5053-A and explain the possible penalties;
 4. State that the Director may notify local law enforcement authorities of a violation of the habitual truancy statute; and
 5. Outline the plan developed to address the student's habitual truancy and the steps that have been taken to implement that plan.
- C. Prior to notifying local law enforcement authorities, the Director shall schedule at least one meeting as required by law and paragraph B of this policy.
- D. If after three school days after the service of the notice described in paragraph C of this policy the student remains truant and the parent and student refuse to attend the meeting referred to in paragraph D, the Director shall report the facts of the unlawful absence to local law enforcement authorities.
- E. After this notification, a local law enforcement officer who sees the truant student may transport the student to the appropriate school if the truant student is off school grounds during school hours and not under the supervision of school personnel.

The Director shall submit an annual report regarding habitual truancy to the Commissioner by October 1. The report must identify the number of habitual truants in the Unorganized Territory unit in the preceding school year; describe the unit's efforts to deal with habitual truancy; account for actions brought to enforce the habitual truancy law; and include any other information on truancy requested by the Commissioner.

Legal Reference: 20-A M.R.S.A. §§5001-A; 5051-A-5054

Adopted: May 2022

EUT POLICY ON WEAPONS, VIOLENCE AND SCHOOL SAFETY

Prohibited Conduct

Pupils are prohibited from engaging in the following conduct while on school property, in attendance at school or at any school sponsored activity, or at any time or place that such conduct directly interferes with the operation, discipline or general welfare of the school:

1. Possession and/or use of articles commonly used or designed to inflict bodily harm and/or to threaten, intimidate, coerce, or harass another person. Examples of such articles include but are not limited to firearms, BB guns, pellet guns, and other kinds of gun, ammunition, explosive, crossbow, brass knuckles, switchblade, knives, chains, clubs, throwing stars and nunchucks;
2. Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to bats, belts, picks, pencils, compasses, objects capable of ignition (matches and lighters) files, tools of any sort, and replicas of weapons (including toys);
3. Violent or threatening behavior, including but not limited to fighting, assault and/or battery, taking hostages, and threats to commit violence against persons or property (verbal or written threats, threats of bodily harm, bomb threats);
4. Verbal or written statements (including those made on or through the use of a computer) that threaten, intimidate or harass others;
5. Willful and malicious damage to school or personal property;
6. Stealing or attempting to steal school or personal property;
7. Lewd, indecent, or obscene acts or expressions of any kind;
8. Violations of the Division of State School's policy on drugs or alcohol;
9. Violations of state or federal laws; and
10. Any other conduct that may be harmful to persons or property.

Disciplinary Action

Building principals may suspend and/or recommend expulsions of pupils who violate this policy based on the facts of each case and in accordance with applicable state and federal laws. Conduct which violates this policy is deliberately disobedient and deliberately disorderly with the meaning of Title 20-A MRSA § 1001 (9 and 9A) and will be grounds for expulsion if found necessary for the peace and usefulness of the school.

Pupils who are found to have brought a firearm to school (as defined by federal law) shall be expelled for a period of not less than one year unless this requirement is modified by the Director of State Schools — EUT on a case-by-case basis.

All firearms violations shall be referred to law enforcement authorities as required by law. Other violations of this policy shall be referred to law enforcement authorities at the discretion of the Director.

Pupils with identified disabilities shall be disciplined in accordance with applicable federal and state

laws/regulations. The Director of State Schools is authorized to request an immediate psychological evaluation of a pupil who violates this policy when such an evaluation will assist in assessing the risk of a pupil who violates this policy when such an evaluation will assist in assessing the risk the pupil poses to school safety if the pupil were to remain in school. The Director is also authorized to request psychological evaluations of pupils who have been identified as posing a substantial risk of violent behavior. All such evaluations will be performed at no charge to the parents.

If the parents/guardians refuse to permit a requested psychological evaluation, the Director may draw any reasonable inferences from the pupil's behavior concerning the risk the pupil poses to school safety for purposes of determining appropriate action.

Reviewed: May 2022