

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN
(FORMERLY: CRISIS RESPONSE PLAN)

~~It is the policy of the Cape Elizabeth School Department that each individual school will prepare, and have in place a critical Incident/Crisis Response Plan. These plans will be developed by the Superintendent in collaboration with the Town Safety Committee. The plans will be in writing and available, at all times, in the Principal's office at each school.~~

~~The Critical Incident/Crisis Response Plans will be reviewed and updated following any incident, as necessary, and approved on an annual basis by the Board.~~

The Board hereby adopts the **Cape Elizabeth School Department Comprehensive Emergency Management Plan**. The Superintendent 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 unit and school facilities.

The Superintendent and building administrators shall be responsible for ensuring that the plan is implemented in each school and evaluated on an annual **basis**. 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 Board will approve the plan annually. Any substantive changes in the plan shall be subject to the approval of the Board.

The following information pertaining to the Cape Elizabeth School Department 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

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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 M.R.S.A. § 1001(16)

ADOPTED: February 9, 1999

Updated: March 11, 2008

SALES OF FOODS IN COMPETITION WITH THE FOOD SERVICE PROGRAM
COMPETITIVE FOOD SALES ~~Sales of Foods in Competition with the School Food Service Program~~

~~The Cape Elizabeth School Department supports good nutrition as part of a school environment that contributes to student health and encourages positive food choices and healthy eating habits for students. The Board believes that nutrition influences a student's ability to take full advantage of the school system's benefit from the educational program and that good nutrition is, therefore, related to student achievement.~~

~~The Board 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 Cape Elizabeth School Department might not otherwise be able to provide.~~

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

RESTRICTIONS ON SALE OF COMPETITIVE FOODS

~~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 as part of the Cape Elizabeth School Department's food service program¹ 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 regulations², except as provided for by school board policy in certain circumstances. regulations.~~

~~As allowed by Rule Chapter 51, **A. Exceptions to the Requirement that Foods and Beverages Be Sold as Part of the Food Service Program**~~

~~The Board permits recognizes that the sale of ~~food~~ foods and beverages outside the total food program ~~to of the~~ Cape Elizabeth School Department food service program often provides a significant source of funds for student activities/programs and community organizations using school facilities. Therefore, Board will allow the sale of foods and beverages outside of the food service program as follows:~~

1. ~~To~~ school staff;
2. ~~Attendees~~ To attendees at school-sponsored events held on school property
3. ~~To~~ the public at community events held on school property in accordance with the Board's facilities use policy;
4. In state-approved instructional Career and Technical Education (CTE) Culinary Arts Programs if consistent with the requirement that these programs not include foods of minimal nutritional value as defined in applicable federal regulations

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5. ~~Students with administrative approval.~~ By a school-approved student organization or program if consistent with the requirement that such sales not include foods of “minimal nutritional value” (see Section B).

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

~~When foods and beverages are sold to raise funds for schools or student activities, students, staff, parents, or school-sponsored organizations involved in such sales are encouraged to include at least some healthy food choices.~~

~~FUNDS FROM SALES OF COMPETITIVE FOODS~~

B. Restrictions on Sales of Foods/Beverages of “Minimal Nutritional Value”

In general, foods and beverages sold on school property may not include foods of “minimal nutritional value.” Federal regulations identify the following categories of foods and beverages as foods of “minimal nutritional value”: soda water, water ices, chewing gum, and certain candies, including hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy-coated popcorn. The only exceptions to the prohibition on sales of foods and beverages of “minimal nutritional value” are sales to school staff and sales to the public at a community or school-sponsored event. Foods and beverages of “minimal nutritional value” may not be sold to students at any time except during an event open to the public. For example, foods and beverages of “minimal nutritional value” cannot be sold during dances open only to students.

C. Funds from Food and Beverage Sales Outside the Food Service Program

In general, 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 food service program. However, school-approved/sponsored student organizations/programs and non-school sponsors of public events held in accordance with the Board’s facilities use policy may retain funds raised through the sale of foods and beverages authorized by this policy. **[Note: This paragraph should be revised if a local board does not allow any non-school event sponsors to sell foods/beverages in competition with the food service program. Local boards should also review their facilities use policy and make sure that it includes language consistent with this paragraph.]**

D. Policy Implementation

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The Superintendent is responsible for implementing this policy and for developing any administrative procedures necessary, consistent with applicable state and federal laws and regulations. The Superintendent may delegate specific responsibilities to administrators and other school staff as he/she deems appropriate.

Legal Reference: 42 U.S.C. § 1751 et seq. (National School Lunch Program)
7 C.F.R. Part 210 et seq.
20-A M.R.S.A. § 6601
Maine Department of Education Rule Chapter 51 (Child Nutrition Programs in Public Schools and Institutions)

Cross Reference: KF – Community Use of School Facilities

ADOPTED: December 12, 2006

REVIEWED: March 10, 2009 _____ [Note: Other appropriate cross references may include policies addressing student fundraising; booster organizations; and student activities accounts.]

DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS ADMINISTRATIVE PROCEDURE

The Cape Elizabeth School Board, hereinafter referred to as the “Board,” is committed to the establishment of an alcohol and controlled substance testing program that meets all applicable requirements of the federal Omnibus Transportation Employee Testing Act of 1991, in addition to pertinent state laws and regulations. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions.

The following administrative procedure represents a summary of the main provisions found in federal regulations promulgated to effectuate drug and alcohol testing of bus drivers. The following procedure in no way attempts to modify said regulations, which should always be referred to when questions as to implementation of this policy/procedure arise.

I. APPLICABILITY

All person operating a commercial motor vehicle in commerce in any state and subject to the commercial driver’s license requirements mandated under both federal and state laws, including the Omnibus Transportation Employee Testing Act of 1991, shall be subject to the drug and alcohol testing provisions herein contained.

II. IMPLEMENTATION

The Superintendent shall be responsible for implementing a drug and alcohol testing program which complies with procedures set forth in Title 49 Parts 40, 382, 390 and 395 of the Federal Code of Regulations. Such testing program shall include pre-employment/pre-duty drug testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty and follow-up testing. This school unit shall provide parties subject to testing with written notice of materials and information available to them as required by Part 382.

III. CONTROLLED SUBSTANCES

Controlled substances in this policy/procedure refer to those covered by the Omnibus Transportation Employee Testing Act of 1991, including marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

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IV. SAFETY-SENSITIVE FUNCTION

Safety-sensitive function(s) in this policy/procedure refer to functions defined in 49 CFR § 382.107 and § 395.2 (On-Duty Time, paragraphs (1) through (6)).

V. PROHIBITIONS

All drivers subject to this policy shall be prohibited from:

- A. Using any alcohol while on duty and four (4) hours prior to going on duty;
- B. Possessing alcohol while on duty;
- C. Reporting for duty or remaining on duty while having an alcohol concentration of 0.02 or greater;
- D. Using any alcohol for eight (8) hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first;
- E. Refusing to submit to a required alcohol or controlled substance test(s);
- F. Reporting for duty or remaining on duty when using any controlled substance, except when use is pursuant to the instructions of a physician who advised the driver that the substance does not adversely affect the driver's ability to safely operate the vehicle; and
- G. Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for a controlled substance.

VI. REQUIRED TESTING

- A. **Pre-Employment Testing.** Prior to the first time a driver performs a safety-sensitive function for the school unit, the driver shall undergo testing for controlled substances. However, no driver shall be subjected to pre-employment controlled substance testing prior to having been offered a position. Employment is conditioned upon a verified negative controlled substance test result.
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- B. **Post-Accident Testing.** As soon as practicable following an accident, each surviving driver will be subject to alcohol and controlled substance testing as follows:
1. Any driver performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life;
 2. Any driver who receives a citation under State or local law for a moving violation arising from the accident; and
 - a. Causes bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. Should one or more motor vehicles incurring disabling damage as a result of the accident, require a motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
2. ~~3.~~—In addition, the following provisions will also apply.
- a. **Alcohol.** If a test required under this section is not administered within two (2) hours following the accident, the school unit shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the accident, the school unit shall cease attempts to administer the test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request of the Associate Administrator.
 - b. **Controlled Substances.** If a test required by this section is not administered within thirty-two (32) hours following the accident, the school unit shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.
- C. **Random Testing.** All drivers subject to this policy/procedure will be subject to random and unannounced alcohol and controlled substance testing throughout the year.
- As the school unit conducts random testing for alcohol and/or controlled substances through a consortium, the number of drivers to be tested may be calculated for each individual school unit or may be based on the total number of drivers covered by the consortium who are subject to random testing at the same minimum annual percentage rate under 49 CFR Part 382 or any Department of Transportation random testing rule.

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- D. **Reasonable Suspicion Testing.** All drivers subject to this policy/procedure shall submit to alcohol and controlled substance testing when the employer has reasonable suspicion to believe that the driver has violated the prohibitions found in Part V. of this procedure, with the exception of Part V.B. regarding alcohol possession. The school unit shall base its determination that reasonable suspicion exists requiring the driver to undergo such testing on observations concerning appearance, behavior, speech or body odors of the driver. When controlled substances are at issue, observations may include indications of the chronic and withdrawal effects of controlled substances.

In addition, the following provisions also apply:

1. **Alcohol.** Alcohol testing will be performed only if the aforementioned observations are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy/procedure. If a test required under this section is not administered within two (2) hours following the reasonable suspicion determination, the school unit shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required under this section is not administered within eight (8) hours following a determination that reasonable suspicion exists, the school unit shall cease attempts to administer an alcohol test and shall state in the record reasons for not administering the test. The school unit shall submit to the FHWA records of tests required by this section that were not completed within eight (8) hours according to the mandates of 49 CFR § 382.307 (3).
 2. **Controlled Substances.** The school unit shall, within twenty-four (24) hours or before the results of the controlled substances test are released, whichever is earlier, create a written record of the observations leading to a controlled substances test which shall be signed by the supervisor or school unit official making said observations.
- E. **Return-to-Duty Testing.** Prior to returning to duty requiring the performance of safety-sensitive functions when a driver has engaged in conduct prohibited under this policy/procedure, the driver shall undergo a return-to-duty alcohol and/or controlled substances test(s) as appropriate.

Drivers found to have engaged in prohibited conduct under the alcohol provisions of this policy/procedure will not be permitted to return to duty unless the subsequent alcohol test reveals a result less than or consistent with federal and state standards. In cases involving controlled substances, a **verified negative** result is necessary before a driver may return to duty.

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- F. **Follow-up Testing.** In the event that a driver has been found to have been in violation of the prohibitions herein contained and is identified as requiring assistance in resolving problems associated with alcohol and/or controlled substances, the school unit shall require the driver to submit to at least six (6) unannounced follow-up alcohol and/or controlled substances tests during the first twelve (12) months after returning to duty. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to duty. Follow-up alcohol testing shall be conducted only when the driver is performing, just before, or just after ceasing to perform safety-sensitive functions.

VII. REFUSAL TO SUBMIT TO TESTING

All drivers who are required by federal regulations to submit to drug/alcohol testing must do so immediately upon being directed to submit to the test(s). A driver's refusal to submit to testing will subject the driver to immediate removal from the performance of safety-sensitive functions. In addition, failure to comply with Federal regulations or this procedure is grounds for disciplinary action up to and including dismissal. Any of the following actions on the part of a driver constitutes a refusal to submit to a test:

- A. ~~_____A._____~~ Failure to provide adequate specimens/samples of substance(s) undergoing testing, including but not limited to breath and urine, without a valid medical reason;
- ~~_____B._____~~ ~~Engaging in conduct which obstructs~~
- ~~_____B._____~~ ~~Refusing to empty his or her pockets;~~
- ~~_____C._____~~ ~~Refusing to wash his/her hands after being directed to do so by the testing test collector;~~
- ~~_____D._____~~ ~~Admitting to the collector that he/she adulterated or substituted his/her specimen;~~
- ~~_____E._____~~ ~~Behaving in a confrontational way that disrupts the collection process;~~
- ~~_____F._____~~ ~~Declines to allow a collection to be monitored or directly observed (as allowed federal regulations);~~
- ~~_____B-G._____~~ ~~With respect to direct observation collections, the employee fails to follow the observer's instructions to raise or lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process; or he employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process;~~
- ~~_____C._____~~ ~~Refusal by an employee to complete and sign testing forms.~~

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H. Refuses to void through self-catheterization if this is the employee's normal method.

Refusal to cooperate in completion of required paperwork is recorded by the collector, but does not by itself constitute a refusal to test.

VIII. TRAINING FOR SUPERVISORS

This school unit will assign persons who will be designated to determine whether reasonable suspicion exists to require a driver to undergo testing under Part 382, with at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on controlled substances. Training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

IX. ENFORCEMENT

This school unit, in its independent authority as an employer, shall subject any driver who violates this policy/administrative procedure or Federal regulations to potential disciplinary action up to and including dismissal, except to the extent that any state law or collective bargaining agreement requires otherwise.

In addition, any driver who refuses to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up test(s) shall not perform or continue to perform safety-sensitive functions.

Furthermore, no driver tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours after the test was administered.

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X. RECORDS

Employee drug and alcohol tests and results shall be maintained under strict confidentiality in a secure location with controlled access and released only in accordance with law. A driver, upon written request, shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug tests. Records shall be made available to subsequent employers or other identified persons only when expressly requested in writing by the driver.

XI. NOTIFICATIONS

Each driver shall receive educational materials prior to the school unit's commencement of alcohol and controlled substances testing. Such material will explain the requirements of the Code of Federal Regulations, Title 49 Part 382, and contain a copy of the Board's policy and administrative procedures for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The school unit shall also include in the package of informational material submitted to each driver, a statement certifying that he/she has received the informational material. The school unit shall maintain the original signed copy of the statement on file.

In addition to the aforementioned items, the school unit shall also make available to drivers and representatives of employee organizations information which shall identify:

- A. The person designated by the school unit to answer questions about the materials;
- B. The procedures that will be used to test for the presence of alcohol and controlled substances; protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;
- C. Information concerning the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substance(s) problem (the driver's or co-worker's); and available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; and
- D. Post-accident procedures that will make it possible for a driver to comply with post-accident testing before any driver operates a commercial vehicle.**

This school unit shall also make available the following information:

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- A. **The results of pre-employment controlled substance test(s) if the applicant requests such results within sixty (60) calendar days of being notified of the disposition of the employment application; and**
- B. **The results of random, reasonable suspicion and post-accident drug tests if the results are verified positive. The school unit shall also tell the driver which controlled substance(s) was verified as positive.**

Optional:

XII. CONTROLLED SUBSTANCES

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such substance may be used in conjunction with duty only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

XIII. REFERRAL, EVALUATION, AND TREATMENT

- A. **Referral.** A driver who has engaged in conduct prohibited by this policy/procedure shall be advised by the school unit of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. The information the bus driver receives will include: names, addresses, and telephone numbers of substance abuse professionals, counseling and treatment programs, in addition to information relating to his/her responsibility with regard to payment of such services.
- B. **Evaluation/Treatment.** A driver who engages in such prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance or treatment, if any, the employee needs in resolving controlled substance(s) use.

XIV. RETURN TO DUTY

If a school unit has not discharged a driver due to his/her engagement in prohibited conduct under this policy/procedure, the bus driver must, prior to returning to safety-sensitive duties:

- A. Undergo return-to-duty testing and obtain an alcohol concentration level of less than 0.02 and/or a verified negative test for controlled substances;
- B. Have been evaluated by a substance abuse professional; and

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C. Have followed prescribed and/or recommended treatment.

XV. OTHER POLICIES/PROCEDURES

Nothing contained in this administrative procedure shall prevent the Board from establishing and enforcing independent policies/procedures relating to the possession, being under the influence of, distribution, sale or use of alcohol or controlled substances or any misconduct associated therewith and the penalties for violation of those policies/procedures, up to and including dismissal.

Legal References: 49 CFR Parts 40, 382, 390, 395
Title 26 MRSA §§ 681(8)(B); 685(2); 689

Adopted: May 9, 2006

POLICY ON DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS

~~The safety of our students, employees and the general public requires that our drivers perform their duties free from the effects of alcohol and/or drugs. A driver who uses or abuses alcohol and/or drugs is a hazard to the students he/she is transporting, to the general public, to other school employees and to him/herself.~~

~~All employees, including bus drivers, are subject to the Drug Free Work Place Policy and any other substance abuse policies in effect within the Department. Any employee who operates a vehicle designed to carry 16 or more passengers, including the driver, is also subject to federal regulations concerning use of alcohol and drugs and testing for these substances. The requirements of these federal regulations shall be implemented by the Superintendent, who shall have the authority to adopt administrative rules and impose consequences for violations of such rules.~~

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 Cape Elizabeth School Board is committed to the establishment of an alcohol and controlled substance testing program for school bus drivers, in addition to any other employees who drive vehicles to transport sixteen (16) or more passengers, including the driver.

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 Superintendent shall be responsible for the implementation of an alcohol and drug testing program consistent with federal regulations and shall implement additional administrative procedures to assist and further the implementation of the federal mandates regarding alcohol and controlled substances testing as he/she deems necessary.

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

Cross Reference: EEAEAA-R – Drug and Alcohol Testing of Bus Drivers Administrative Rule

ADOPTED: December 12, 1995
Recorded: June 1998
REVIEWED & APPROVED: May 9, 2006

INTEGRATED PEST MANAGEMENT

The Cape Elizabeth School Department utilizes Integrated Pest Management (IPM) techniques in an effort to reduce reliance on pesticides in school buildings and on school grounds. When possible, non-pesticide options will be used to manage pests. When it is determined that a pesticide must be used, the least hazardous material and method of application will be chosen and applications will be timed to minimize the impact on staff, students and other users of school facilities.

IPM Coordinator

The Superintendent shall appoint an IPM Coordinator who is responsible for developing and implementing the school unit's IPM plan and procedures; ensuring that the schools comply with all public notice requirements concerning pesticide applications; and maintaining required records.

Notice Requirements

The school unit will provide all public notices required by state regulations, including the following:

1. School staff and parents/legal guardians will be notified within two weeks of the start of the school year that the school unit has an IPM policy and where it may be reviewed; that pesticides may periodically be applied in schools and on school grounds; and that required notices will be provided prior to pesticide applications. The notice will also advise staff and parents/legal guardians where they may review a report of prior pesticide applications, information about the pesticides used and a copy of the state pesticides in schools regulations.
2. School staff and parents/legal guardians shall be notified ~~whenever~~ five days before pesticide applications not exempted by state regulations are performed in school buildings or on school grounds.
3. Whenever pesticide applications not exempted by state regulations are performed in a school building or on school grounds, signs shall be posted at each access point to the treated area and in a common area of the school two working days before and for 48 hours after an application.

Recordkeeping

The IPM Coordinator shall maintain required records of ~~pesticides~~ pesticide applications for two years.

Cross References: Integrated Pest Management Plan/Procedures

Legal References: CMR 01-26 Chapter 27 – Standards for Pesticide Applications and Public Notification in Schools

INTEGRATED PEST MANAGEMENT

7 M.R.S.A. §§ 601-625
22 M.R.S.A. §§ 1471-A-X

ADOPTED: June 10, 2003
REVISED: April 10, 2007