

## NONDISCRIMINATION / EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

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

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and individuals with disabilities having access rights to school premises and activities. The Cape Elizabeth School Department Affirmative Action Plan will include designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination. The Affirmative Action Officer will be a person with direct access to the Superintendent.

The Board directs the administration to provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.

The School Department will require all persons, agencies, vendors, contractors, and other persons and organizations doing business with or performing services for the school unit to subscribe to all applicable federal and state laws pertaining to contract compliance.

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261) amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (e) et seq.)  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)  
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)  
Equal Pay Act of 1963 (29 U.S.C. § 206)  
Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended  
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)  
Maine Human Rights Act of 1972 (5 MRSA § 4571), as amended

Cross Reference: Cape Elizabeth School Department Affirmative Action Plan  
ACAA - Harassment and Sexual Harassment of Students  
ACAB - Harassment and Sexual Harassment of School Employees

ADOPTED: August 20, 1996  
REVISED: September 14, 1999  
REVISED: May 13, 2003  
REVISED: October 12, 2004

## HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

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

### Harassment

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

### Sexual Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student's education. 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 Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

The Superintendent or the employee designated as the Title IX Coordinator will investigate complaints of harassment in accordance with the Student Harassment Complaint Procedure. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

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; 4681 et seq.  
20-A MRSA § 6553

Cross Reference: ACAA-R – Student Harassment Complaint Procedure  
  
AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAD – Hazing  
JFCK – Student Use of Cellular Telephones and Other Electronic Devices  
JICIA – Weapons, Violence, Bullying and School Safety

**HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS**

ADOPTED: September 14, 1999  
REVISED: May 13, 2003  
REVISED: October 12, 2004  
REVIEWED: August 2006  
REVISED: February 12, 2008  
REVISED:

**STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC - Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA - Harassment and Sexual Harassment of Students.

**Definitions**

For purposes of this procedure:

- A. A “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, or disability.
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, or disability.

**How to Make a Complaint**

- A. Any student who believes he/she has been discriminated against or harassed should report their concern promptly to any staff member]. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with a building administrator.
- B. School staff are expected to report possible incidents of discrimination or harassment of students to a building administrator. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Students and others will not be retaliated against for making a Complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.
- D. Students are encouraged to utilize the school unit’s Complaint Procedure. However, students 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: 207-624-6290) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

**STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

**Complaint Handling and Investigation**

- A. A building administrator shall promptly inform the Superintendent and the person(s) who is the subject of the Complaint that a Complaint has been received.
- B. The building administrator may pursue an informal resolution of the Complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit in light of the particular circumstances and applicable policies and laws.
- C. The Complaint will be investigated by a building administrator unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any Complaint about the Superintendent should be submitted to the chairperson of the school board, who should consult with legal counsel concerning the handling and investigation of the Complaint.
  - 1. The person who is the subject of the Complaint will be provided with an opportunity to be heard as part of the investigation.
  - 2. If the Complaint is against an employee of the school unit, any applicable individual or collective bargaining contract provisions shall be followed.
  - 3. Privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.
  - 4. The building administrator shall keep a written record of the investigation process.
  - 5. The building administrator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  - 6. The building administrator shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  - 7. The investigation shall be completed within 21 calendar days of receiving the Complaint, if practicable.
- D. If the building administrator determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:

**STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

1. Determine what remedial action is required, if any;
  2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
  3. Inform the student who made the Complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 14 calendar days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07), as amended  
Rehabilitation Act of 1973 (Section 504) (34 CFR § 104.7), as amended  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)  
20 USC § 1232g; 34 CFR Part 99  
5 MRSA §§ 4571; 4602; 4681 et seq.  
20-A MRSA §§ 6001 et seq.

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAA - Harassment and Sexual Harassment of Students

ADOPTED: May 13, 2003

REVISED: October 12, 2004

## HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

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

### Harassment

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

### Sexual Harassment

Unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's work environment or employee benefits;
- B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

All complaints of harassment will be investigated in accordance with the School Employee Discrimination and Harassment Complaint Procedure.

### Notice and Training

Annually, each employee shall receive a copy of this policy and the School Employee Discrimination and Harassment Complaint Procedure. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate

**HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES**

means to ensure that each employee receives a copy. All newly hired employees shall be provided training about sexual harassment in accordance with Maine law.

The Superintendent is responsible for ensuring that the school unit complies with all legal requirements for posting, notification and training of employees regarding harassment and sexual harassment.

Legal References: Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)  
Americans with Disabilities Act (42 USC § 12101 et seq.), as amended  
Rehabilitation Act of 1973 (Section 504) (29 USC § 794 et seq.), as amended  
Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)  
Age Discrimination in Employment Act (29 USC §623)  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)  
5 MRSA §§ 4602; 4681 et seq.  
20 MRSA § 6553  
26 MRSA §§ 806-807

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

ADOPTED: October 12, 2005

Adopted: \_\_\_\_\_



## **Employee Discrimination and Harassment Complaint Procedure**

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB – Harassment and Sexual Harassment of School Employees.

### **Definitions**

For purposes of this procedure:

- A. “Complaint” is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin, genetic information or disability.
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin, genetic information or disability.

### **How to Make a Complaint**

- A. Any employee who believes he/she has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been harassed or discriminated against should report the concern promptly to the Affirmative Action Officer. If the employee is uncomfortable reporting concerns to the Affirmative Action Officer, he/she may report the concern to a building administrator.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the Affirmative Action Officer. Employees will not be retaliated against for reporting suspected discrimination or harassment.

Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the school unit’s complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

### **Complaint Handling and Investigation**

**Employee Discrimination and Harassment Complaint Procedure**

- A. The Affirmative Action Officer will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.
- B. The Affirmative Action Officer may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Superintendent who shall consider whether the resolution is in the best interest of the school unit in light of the particular circumstances and applicable policies and law.
- C. The complaint will be investigated by the Affirmative Action Officer, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
  - 1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
  - 2. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.
  - 3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
  - 4. The Affirmative Action Officer shall keep a written record of the investigation process.
  - 5. The Affirmative Action Officer may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while the investigation is pending.
  - 6. The Affirmative Action Officer shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  - 7. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.
- D. If the Affirmative Action Officer determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
  - 1. Determine what remedial action is required, if any;
  - 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and

**Employee Discrimination and Harassment Complaint Procedure**

3. Inform the employee who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 14 calendar days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07), as amended  
Rehabilitation Act of 1973 (Section 504) (34 CFR § 35.07), as amended  
Title IX of the Educational Amendments of 1972 (34 CFR § 106.8(b))  
Age Discrimination in Employment Act (34 CFR § 110.25)  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff  
et seq.)  
Maine Human Rights Act (5 M.R.S.A. § 4571 et seq., 4681 et seq.), as  
amended

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

APPROVED: October 12, 2004  
Revised:

## SERVICE ANIMALS IN THE SCHOOLS

The following rules shall govern the use of service animals by persons in the schools.

### A. General Conditions

1. Only qualified individuals with disabilities are eligible to use service animals in school.
2. Use of a service animal by a person with a disability will be allowed in school when the animal is required to perform work or tasks directly related to the individual's disability.
3. "Service animal" is defined in Maine law as follows:

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 purposes 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 or 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 crime 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.

4. The District will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy (except in the limited circumstances described in Section B.2.a.2). It shall be the responsibility of the individual with a disability or designated handler to ensure the proper care and supervision of the service animal.
5. All service animals must be kept on a harness, leash or tether unless this prevents the animal from performing his/her specific work or tasks with the individual. The animal must be under the control of the individual with a disability or designated handler at all times.
6. The individual with a disability (or in the case of a student, the student's parent(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal.
7. Individuals with service animals may access the same areas that individuals without disabilities are authorized to access.

## **SERVICE ANIMALS IN THE SCHOOLS**

### **B. Administrative Review of Service Animals**

1. Whenever a service animal is in school or on school property (and it is not obvious that the dog qualifies as a service animal, e.g., guide dog for a blind person), a building administrator or other authorized school official may ask:
  - a. Whether the service animal is required because of a disability;
  - b. What work or task(s) the animal has been trained to perform.
2. When it is anticipated that a service animal is going to be in the school on a regular basis with an employee, student, volunteer or other frequent visitor to the school, the individual using the service animal (or in the case of a student, the student's parent(s)) are expected to notify the building administrator in advance.
  - a. The school shall not provide staff support to care for or control a service animal, but may provide support to a student using a service animal as needed in a particular instance (i.e., accompanying a young student who takes a service animal outside to relieve him/herself).
  - b. Any handler (parent or other person) accompanying the service animal must have approval to work in the school from the Maine Department of Education and undergo the State criminal background check.
3. Service animals must be properly licensed and vaccinated.

### **C. Removal or Exclusion of Service Animals from School**

1. A building administrator or other authorized school official may require that a service animal be removed from the school or other school property under any of the following circumstances:
  - a. The service animal poses a direct threat to the safety of individuals at school, causes a significant disruption of school activities or otherwise jeopardizes the safe operation of the school;
  - b. The service animal demonstrates that he/she is unable to perform reliably the work or tasks which he/she was represented as being able to perform;
  - c. The service animal is not under the full control of the person with a disability, or the authorized handler.

### SERVICE ANIMALS IN THE SCHOOLS

- d. The service animal is sick (i.e., vomiting, etc.), infested with parasites, has an infection of the skin, mouth or eyes, or otherwise presents a threat to the public health;
- e. The service animal demonstrates that it is not sufficiently trained to relieve him/herself outside the school building; and/or
- f. The service animal's presence significantly impairs the learning of students and/or fundamentally alters the nature of any school program.

#### **D. Miniature Horses**

Miniature horses are not defined as service animals under state or federal law. However, miniature horses which have been individually trained to perform specific work or tasks may be permitted in the schools in certain circumstances as a reasonable accommodation for a qualified individual with a disability. Any such requests should be directed to the building administrator for consideration. If a miniature horse is approved, all the conditions in this policy shall apply.

Legal References: 42 U.S.C. § 12101 et seq.  
28 C.F.R. §§ 35.104; 35.130(h); 35.136  
5 M.R.S.A. §§ 4553; 4592  
Maine Human Rights Commission Rule Chapter 7

Cross Reference: AC-Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAA-R – Student Discrimination and Harassment Complaint  
Procedure  
ACAB-R – Employee Discrimination and Harassment Complaint  
Procedure

## **SCHOOL DISTRICT GOALS AND OBJECTIVES**

The Board recognizes its responsibility to set goals for the efficient operation of the school unit. In discharging this responsibility, the Board will strive to ensure that the resources of the unit are directed toward meeting the educational needs of each eligible student.

The Board will develop annual goals based on input solicited from a variety of sources. These goals will be shared with the community, the staff, and the students. The administration shall develop appropriate objectives designed to achieve the stated priorities.

The Board will regularly evaluate progress toward meeting the goals and will adopt appropriate policies designed to facilitate their accomplishment.

Legal Reference: 20-A MRSA § 4511.3, A

ADOPTED: October 13, 1998

REVISED: October 12, 2004

Revised:

**TOBACCO USE AND POSSESSION**

In order to promote the health, welfare and safety of students, staff and visitors and to promote the cleanliness of all facilities, the Board prohibits smoking and all other use of tobacco products in school buildings, on school property, on school buses or in any other School Department vehicle, at all times and by all persons.

Students are further prohibited from possessing, selling, distributing or dispensing tobacco products at all times on school property, in school buses or other vehicles used to transport students, and during school-sponsored events and activities, wherever they take place.

Employees and all other persons are also strictly prohibited, under law and Board policy, from selling, distributing or in any way dispensing tobacco products to students. Employees may not use tobacco products at any time while supervising students, whether on or off school property.

Legal References: 22 MRSA § 1578(B); 1580(A)(3)  
Me. PL 470 (An Act to Reduce Tobacco Use By Minors)  
20 USC § 4301 et seq. (Pro-Children Act of 2001)

ADOPTED: May 13, 2003

REVISED: October 12, 2004

Revised:



## SCHOOL UNIT COMMITMENT TO LEARNING RESULTS

The School Board hereby adopts the system of learning results and the Maine Department of Education's applicable rules. The learning results system is intended to serve as a foundation for education reform and to provide assessment of student learning, accountability and equitable opportunities for all students to access the content standards. The Board recognizes that the legislative intent of the learning results system is to provide children with schools that reflect high expectations and create conditions where these expectations can be met.

The Board understands that implementation of the learning results system has broad implications for the school unit, including curriculum, budget, professional development, student assessment, professional evaluation, and graduation requirements. Therefore, the Board is committed to examining its policies to make them consistent with the intent and goals of the learning results system.

The Board directs the Superintendent to develop a plan and timeline for implementing the learning results system and any appropriate administrative procedures. The Board further directs the Superintendent to report to the Board on a regular basis on progress toward implementing the learning results system.

Legal References: 20-A M.R.S.A. §§ 6208-6209  
L.D. 1536, Chapter 51 Resolves  
Chapters 125, 127 and 131 (Maine Dept. of Ed. Rules)

ADOPTED: October 12, 2004  
Revised:

**SCHOOL PROPERTY DISPOSITION  
(PROPERTY OTHER THAN REAL ESTATE)**

The Superintendent is authorized to determine, through procedures he/she develops, whether personal property such as supplies, books, materials, and equipment is obsolete or no longer of use to the school unit and to declare it surplus personal property.

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

- A. The Board is to be informed of any property valued over \$500.00 which is declared surplus by the Superintendent prior to its disposal.
- B. Municipal officers shall be notified of the planned disposal of property valued over \$5,000.00.
- C. Surplus property which is offered for sale shall be disposed of by sealed bids or proposals, public auction, public sale, or by other such means as the Board may direct. Notice of any sale of surplus property shall be given in a manner reasonably calculated to notify potentially interested parties of such sale.
- D. Any surplus property which is offered for sale and is not sold may be disposed of in a manner deemed advisable by the Superintendent, including donation to nonprofit agencies.
- E. The Board may direct the Superintendent to sell or donate surplus property to a specific community service organization if, in the Board's judgment, the sale or donation will best serve the interests of the school unit and the community, and when such sale or donation is not contrary to law.
- F. Any property deemed to be worthless, or for any reason considered to be inappropriate for sale, may be disposed of in a manner the Superintendent deems appropriate.
- G. All revenues which result from the sale of surplus property shall be credited in one of the following ways: 1) as miscellaneous school income; or 2) when applicable, towards the cost of goods or services to be provided to the Board; or 3) when required by law, to a specific account.

Legal Reference: 20-A M.R.S.A. § 7  
ADOPTED: December 13, 2005 Replaces original DN  
Revised:

**COMPREHENSIVE EMERGENCY MANAGEMENT PLAN  
(FORMERLY: CRISIS RESPONSE PLAN)**

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 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

**COMPREHENSIVE EMERGENCY MANAGEMENT PLAN  
(FORMERLY: CRISIS RESPONSE PLAN)**

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

Revised:

## 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 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 pesticide applications for two years.

Legal References: CMR 01-26 Chapter 27 – Standards for Pesticide Applications and Public Notification in Schools  
7 M.R.S.A. §§ 601-625  
22 M.R.S.A. §§ 1471-A-X

ADOPTED: June 10, 2003

REVISED: April 10, 2007

## **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 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  
Recoded: June 1998  
REVIEWED & APPROVED: May 9, 2006  
Revised:

## **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).

### **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**

**DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS  
ADMINISTRATIVE PROCEDURE**

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.
- 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



**DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS  
ADMINISTRATIVE PROCEDURE**

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. 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.

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:

**DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS  
ADMINISTRATIVE PROCEDURE**

1. **Alcohol.** Alcohol testing will be performed only if the aforementioned observations are made during, just preceding, or just after the period of the workday 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.

- 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.

**DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS  
ADMINISTRATIVE PROCEDURE**

**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. 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. Refusing to empty his or her pockets;
- C. Refusing to wash his/her hands after being directed to do so by the 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);
- 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 the employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process;
- 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.

**DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS  
ADMINISTRATIVE PROCEDURE**

**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.

**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

**DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS  
ADMINISTRATIVE PROCEDURE**

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:

- 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.

**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.

**DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS  
ADMINISTRATIVE PROCEDURE**

- 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
- 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 MRS §§ 681(8)(B); 685(2); 689

Adopted: May 9, 2006  
Revised:

## **SALES OF FOODS IN COMPETITION WITH THE FOOD SERVICE PROGRAM**

The Cape Elizabeth School Department supports good nutrition and healthy eating habits for students. The Board believes that nutrition influences a student's ability to benefit from the educational program and that good nutrition is related to student achievement. Foods and beverages sold as part of the Cape Elizabeth School Department's food service program shall include only those items which contribute 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 federal regulations.

### **A. Exceptions to the Requirement that Foods and Beverages Be Sold as Part of the Food Service Program**

The Board recognizes that the sale of foods and beverages outside 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. 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 Culinary Arts Programs
5. 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).

### **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**

## SALES OF FOODS IN COMPETITION WITH 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 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.

### D. Policy Implementation

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: DF - Fundraising  
DF-R – Fundraising Procedures  
DFAB – Athletic Booster Organizations  
JJIBC – Relations with Booster Organizations  
JL – Student Wellness  
JJB – School Sponsorship of Social Activities  
KF – Community Use of School Facilities

ADOPTED: December 12, 2006

REVIEWED: March 10, 2009

Revised:



## USE OF PHYSICAL RESTRAINT AND SECLUSION

The Cape Elizabeth School Board has adopted this policy and the accompanying procedures to implement the standards for use of physical restraint and seclusion with students, as required by state law and regulations, and to support a safe school environment. Physical restraint and seclusion, as defined by this policy, may only be used as an emergency intervention when the behavior of a student presents an imminent risk of injury or harm to the student or others.

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

### 1. 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:**

1. Physical escort: A temporary touching or holding of the hand, wrist, arm, shoulder, hip or back for the purpose of moving a student voluntarily.
2. 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.
3. Physical contact: When the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact.
4. Momentarily deflecting the movement of a student when the student's movements would be destructive, harmful or dangerous to the student or others.
5. 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.
6. 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.
7. 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.

## USE OF PHYSICAL RESTRAINT AND SECLUSION

8. 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:**

1. Timeout: An intervention where a student requests, or complies with an adult request for, a break.

## **2. Procedures for Implementing Physical Restraint and Seclusion**

The requirements for implementing physical restraint and seclusion, as well as incident notices, documentation and reporting are included in the accompanying procedure, JKAA-R.

## **3. Annual Notice of Policy/Procedure**

Cape Elizabeth Schools shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee

## **4. Training Requirements**

- A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- B. Cape Elizabeth Schools 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 Superintendent's Office, in each school office and in the school unit's Emergency Management Plan.

## **5. Parent/Legal Guardian Complaint Procedure**

A parent/legal guardian who has a complaint concerning the implementation of this policy/procedure must submit it in writing to the Superintendent or other appropriate administrator as soon as possible. The Superintendent/designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days, if practicable.

A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the

**USE OF PHYSICAL RESTRAINT AND SECLUSION**

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

Cross References: JKAA-R – Procedures on Physical Restraint and Seclusion  
JK – Student Discipline  
KLG/KLG-R – Relations with Law Enforcement OR  
KLGA/KLGA-R – Relations with School Resource Officers  
EBCA – Comprehensive Emergency Management Plan

Formerly Policy JKGA, adopted April 8, 2008

ADOPTED: April 12, 2011

Revised:

## PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

These procedures are established for the purpose of meeting the obligations of Cape Elizabeth Schools under state law/regulations and Board Policy JKAA governing the use of physical restraint and seclusion. These procedures shall be interpreted in a manner consistent with state law and regulations.

### 1. Definitions

For purposes of these procedures, the terms “physical restraint” and “seclusion” shall have the meanings defined in Policy JKAA. Definitions for other important terms in this procedure include:

- A. **Emergency:** A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.
- B. **Imminent 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.

### 2. 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

## PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

1. 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.
2. Physical restraint may be used to move a student only if the need for movement outweighs the risks involved in such movement.
3. Prescribed medications, harnesses, and other assistive or protective devices may be used as permitted by Rule Chapter 33.
4. Parents may be requested to provide assistance at any time.

### **B. Prohibited Forms and Uses of Physical Restraint**

1. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Physical restraint used solely to prevent property destruction or disruption of the environment in the absence of imminent risk of injury.
3. 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).
4. Physical restraint that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-downs (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting.
5. Aversive procedures, and mechanical and chemical restraints.
  - a. Aversive procedures are defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to infliction of bodily pain (e.g., hitting, pinching, slapping); water spray; noxious fumes; extreme physical exercise; costumes or signs.
  - b. Mechanical restraints are defined as any 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

## PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

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.

### C. Monitoring Students in Physical Restraint

1. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult to arrive is precluded by the particular circumstances.
2. The student must be continuously monitored until 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 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,

## PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

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.

## **PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION**

### **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.



## PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

### 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 Cape Elizabeth Schools' usual emergency notification procedures.
4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the Cape Elizabeth Schools' 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;

**PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION**

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**

## PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

- A. Following each incident of physical restraint or seclusion, an administrator/designee shall take these steps within two (2) school days (unless serious bodily injury requiring emergency medical treatment occurred, in which case these steps must take place as soon as possible, but no later than the next school day):
  - 1. Review the incident with all staff persons involved to discuss: (a) whether the use of physical restraint or seclusion complied with state and school board requirements and (b) how to prevent or reduce the need for physical restraint and/or seclusion in the future.
  - 2. Meet with the student who was physically restrained or secluded to discuss: (a) what triggered the student's escalation and (b) what the student and staff can do to reduce the need for physical restraint and/or seclusion in the future.
- B. Following the meetings, staff must develop and implement a written plan for response and de-escalation for the student. If a plan already exists, staff must review it and make revisions, if appropriate. For the purposes of this procedure, "de-escalation" is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk of injury or harm.

### 6. Procedure for Students with Three Incidents in a School Year

The school unit will make reasonable, documented efforts to encourage parent/legal guardian participation in the meetings required in this section, and to schedule meetings at times convenient for parents/legal guardians to attend.

#### A. Special Education/504 Students

- 1. After the third incident of physical restraint and/or seclusion in one school year, the student's IEP or 504 Team shall meet within ten (10) school days of the third incident to discuss the incident and consider the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan), or amend an existing one.

#### B. All Other Students

- 1. A team consisting of the parent/legal guardian, administrator/designee, a teacher for the student, a staff member involved in the incident (if not the administrator/designee or teacher already invited), and other appropriate staff shall meet within ten (10) school days to discuss the incidents.

## PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

2. The team shall consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is made, the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan).

### 7. Cumulative Reporting Requirements

#### A. Reports within the School Unit

1. Each building administrator must report the following data on a quarterly and annual basis:
  - a. Aggregate number of uses of physical restraint;
  - b. Aggregate number of students placed in physical restraint;
  - c. Aggregate number of uses of seclusion;
  - d. Aggregate number of students placed in seclusion;
  - e. Aggregate number of serious bodily injuries to students related to the use of physical restraints and seclusions; and
  - f. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.
2. 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.

#### B. Reports to Maine Department of Education

1. 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

Cross Reference: JKAA - Use of Physical Restraint and Seclusion

*Formerly Policy JKGA-R, adopted April 8, 2008*

ADOPTED: April 12, 2011

Revised:

File: ABC

## STUDENT INVOLVEMENT IN DECISION MAKING

~~The board shall consider student opinions in establishing policies, particularly those in the area of student privileges and other areas of student sensitivity.~~

~~The board shall invite high school and middle school students to attend all board meetings. They shall be encouraged to enter into all discussions of the board at regular and special meetings.~~

~~ADOPTED: October 9, 1984~~

~~REVISED: December 10, 1991~~

~~REVISED: December 14, 2004~~

HARASSMENT COMPLAINT FORM

Name of Complainant: \_\_\_\_\_

Position of Complainant: \_\_\_\_\_

Date of Complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

Date and Place of Incident(s): \_\_\_\_\_

Description of Misconduct: \_\_\_\_\_

Name(s) of Witness(es): \_\_\_\_\_

Evidence of Harassment,  
i.e., letters, photos: \_\_\_\_\_

Any other information: \_\_\_\_\_

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

WITNESS DISCLOSURE FORM

Name of Witness: \_\_\_\_\_

Position of Witness: \_\_\_\_\_

Date of Testimony/Interview: \_\_\_\_\_

Description of Instance Witnessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any Other Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED: October 12, 2004

\_\_\_\_\_

SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICY

~~Congress passed Section 504 of the Rehabilitation Act in 1973. It is a Civil Rights statute designed to prevent discrimination against individuals with disabilities. It provides that:~~

~~— No other qualified individual with handicaps in the United States ... Shall solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance ... 29USC 794.~~

~~The Cape Elizabeth School Department declares that it will provide reasonable modifications in the implementation of its policies and practices for students with identified disabilities when considered necessary for the student to benefit from his or her educational program.~~

~~The Cape Elizabeth School Department also declares that it will provide reasonable modifications in the implementation of its policies and practices for employees or members of the public with identified disabilities when considered necessary for the employee or member of the public to access a service or benefit otherwise available to that person.~~

~~The Cape Elizabeth School Department shall comply with its ADA/504 obligation to provide appropriate:~~

- ~~1. Facility Access — by either structural or non-structural means.~~
- ~~2. Program Accessibility — by insuring equal opportunity to participate in all programs and activities that take place on school grounds, including basic educational programs.~~
- ~~3. Equal Effective Communication — by insuring communications are equally accessible to individuals with handicaps and providing notice to such individuals about the existence and location of accessible services, activities and facilities.~~
- ~~4. Employment — by prohibiting discrimination in hiring processes and interviews; reduction in force and; termination and benefits.~~

~~Further compliance with ADA/504 obligations shall be met by the Cape Elizabeth School Department providing:~~

- ~~1. — an ADA/504 coordinator~~
- ~~2. — notification of rights~~
- ~~3. — grievance procedure~~
- ~~4. — accommodation plans~~
- ~~5. — self evaluations~~
- ~~6. — continuing public and internal notices~~

~~Questions about this policy should be addressed to the ADA/504 Special Services Director, Cape Elizabeth School Department, 320 Ocean House Road, Cape Elizabeth, Maine 04107 (207) 799-2217.~~

~~ADOPTED: March 10, 1998  
REVISED: May 12, 1998  
REVISED: October 12, 2004~~



FILE: AEB

RECOGNITION FOR ACCOMPLISHMENT

~~The Cape Elizabeth School Board desires to be kept fully informed of all honors bestowed upon teachers, administrators, students and staff members. The board requests that the superintendent not expend public monies beyond what has been budgeted.~~

~~ADOPTED: May 10, 1977~~

~~REVIEWED AND ACCEPTED: October 30, 1991~~

~~Recoded: June 1998~~

~~Revised: October 12, 2004~~

CAPE ELIZABETH SCHOOL DEPARTMENT

## **INTERGRATED PEST MANAGEMENT IN SCHOOL FACILITIES AND ON SCHOOL GROUNDS ADMINISTRATIVE PROCEDURES**

~~The Board recognizes that structural and landscape pests can pose significant problems for people and school unit property, but that use of some pesticides may raise concerns among parents, students and staff. It is therefore the policy of Cape Elizabeth School Department to incorporate Integrated Pest Management (IPM) principles and procedures for the control of structural and landscape pests. A copy of policy ECB 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.~~

~~For the purpose of this policy, “pests” are populations of living organisms (animals, plants or microorganisms) that interfere with use of school facilities and grounds. “Pesticide” is defined as any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.~~

~~The objective of the school unit’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.~~

~~The Superintendent and/or designee shall develop and implement a Pest Management Plan consistent with the following IPM principles and procedures:~~

~~—————A.—————Appointment of an IPM Coordinator~~

~~—————The Superintendent/designee will appoint an IPM Coordinator for the school unit. The IPM Coordinator will be the primary contact for pest control matters and will be responsible for overseeing the implementation of the IPM plan, including making pest control decisions.~~

~~—————The IPM Coordinator will consult with the building principal and/or Superintendent before a decision is made to do a pesticide application for which notice is required and before providing notification of the planned application.~~

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The IPM Coordinator's responsibilities may include:

- ~~1. Recording and monitoring data and pest sightings by school staff and students;~~
- ~~2. Coordinating pest management with pest control contractors;~~
- ~~3. Recording and ensuring that maintenance and sanitation recommendations are carried out where feasible;~~
- ~~4. Ensuring that any pesticide use is done according to the school unit's Pest Management Plan and Chapter 27 Me. Dept. of Agriculture Board of Pesticides Control Rules ("Standards for Pesticide Applications and Public Notification in Schools");~~
- ~~5. Making the school system's integrated pest management policy available in every school building;~~
- ~~6. Having available for parents and staff a copy of the Maine regulation pertaining to pesticide applications in schools (Chapter 27 Me. Dept. of Agriculture Board of Pesticides Control "Standards for Pesticide Applications and Public Notification in Maine Schools") and a record of prior pesticide applications and information about the pesticides used.~~
- ~~7. Initiating and coordinating notification of parents and staff of pesticide applications according to the school unit's notification procedure and posting notification signs as appropriate; and~~
- ~~8. Recording all pesticides used by either a professional applicator or school staff and maintaining other pest control data.~~

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~~B. Identification of Specific Pest Thresholds~~

~~Routine inspection and accurate identification of pests are needed to recognize potential problems and determine when action should be taken.~~

~~Action thresholds for specific sites will be determined on a case by case basis by the IPM Coordinator in consultation with the building principal and/or Superintendent, and if necessary, with the advice of a professional pest control expert.~~

~~As pest management objectives will differ from site to site (e.g.: maintaining healthy turf and specific playing surfaces on athletic fields, carpenter ant control in buildings, or maintenance of ornamental plants), differences should be considered before setting an action threshold.~~

~~C. Pesticide Applicators~~

~~Any person who applies pesticides in school buildings or on school grounds, including school personnel, must possess a Maine pesticide applicators license and should be trained in the principles and practices of IPM. All pesticide use must be approved by the school unit's IPM Coordinator. Applicators must follow state regulations and label precautions and must comply with the IPM policy and pest management plan.~~

~~[NOTE: School personnel do not need to be licensed for normal or routine cleaning practices, for emergency stinging insect control, or use of repellants for personal protection. However, school personnel do need to be licensed if they will be using pesticides in school facilities or on school grounds.]~~

~~D. Selection, Use and Storage of Pesticides~~

~~Pesticides should be used only when needed. Non-chemical pest management methods will be implemented whenever possible to provide the desired control. The choice of using a pesticide will be based on a review of other available options (sanitation, exclusion, mechanical means, trapping, biological control) and a determination that these options have not worked or are not feasible. When it has been determined that a pesticide must be used to achieve pest management goals, the least hazardous effective pesticide should be selected. Application should be conducted in a manner that, to the extent practicable using currently available technology, minimizes human risk.~~

~~Decisions concerning the particular pesticide to be used and the timing of pesticide application should take into consideration the use of the buildings or grounds to be treated.~~

~~Pesticide purchases should be limited to the amount expected to be used for a specific application or during the year. Pesticides will be stored and disposed of in accordance with label directions and state and federal regulations. Pesticides must be stored in an appropriate, secured location not accessible to students or unauthorized personnel.~~

~~E. Notification of school staff and parents/legal guardians of students of Use of Pesticides~~

~~A notice will be provided to school staff and parents/legal guardians of students within the first two weeks of the school year briefly explaining the school unit's IPM/pesticide use policy including provisions for notification to parents and staff of specific planned pesticide applications in school buildings or on school grounds.~~

~~When required by regulations, the school will notify staff and parents/legal guardians at least five days in advance of planned pesticide treatments in the school or on school grounds, including playgrounds and playing fields.~~

~~When required by regulations, signs 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 applicable Maine Board of Pesticides Control regulations.~~

~~F. Recordkeeping~~

~~When a pesticide has been used, records pertinent to the application including labels and material safety data sheets will be maintained at a designated central location for two years following application. Records are to be completed on the day the pesticide is applied. Pest surveillance records should be maintained to verify the need for pesticide treatments.~~

~~Cross Reference: ECB – Integrated Pest Management Policy~~

~~Approved: April 10, 2007~~

## NOTICE OF PLANNED PESTICIDE APPLICATION

The following notice is provided in compliance with State regulations establishing standards for pesticide applications and notification in schools.

\_\_\_\_\_, EPA registration number \_\_\_\_\_  
*product name*

containing \_\_\_\_\_, will be applied by  
*chemical name*

\_\_\_\_\_  
*name of pest control company or licensed applicator*

to \_\_\_\_\_  
*area in building or on school property where pesticide will be applied*

during \_\_\_\_\_ for the purpose of controlling  
*approximate time of day and date of application*

\_\_\_\_\_  
*type of pest*

For additional information regarding this application, you may contact the Facilities Director at 799-9574.

This application is consistent with Cape Elizabeth School Department's Integrated Pest Management (IPM) program. The objective of the 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.

Cross References: ~~ECB Integrated Pest Management Policy~~  
~~ECB-R Integrated Pest Management Administrative Procedures~~

Legal Reference: ~~Ch. 27 § 4, Department of Agriculture Board of Pesticides Control Rule (Standards for Pesticide Applications and Public Notification in Schools)~~

~~Approved: April 10, 2007~~

## **PEST MANAGEMENT NOTIFICATION**

The Cape Elizabeth School Department uses an Integrated Pest Management (IPM) approach to the control of insects, rodents, microorganisms, weeds and other pests in school buildings and on school grounds. IPM combines a variety of methods for managing pests including monitoring, improved sanitation and food storage practices, pest exclusion and removal, biological control, and pesticides. The objective of the IPM program is to provide effective pest control while minimizing pesticide use.

### **PESTICIDES**

Non-chemical pest management methods will be implemented whenever possible. However, sometimes pesticide use may be necessary to control a pest problem. When that happens, the school will use the least hazardous effective pesticide feasible.

### **NOTIFICATION**

When required by law, parents/legal guardians and school staff will be notified at least five days in advance of specific pesticide applications. When required by law, pesticide application notices will be posted in school and on school grounds.

Notification need not be given for pesticide applications recognized by law or regulations to pose little or no risk of exposure to students or staff.

A copy of the school system's IPM/Pest Management policy is available for review in the school office. The school also keeps records of prior pesticide applications and the pesticides used. You may review these records, a copy of the policy and Maine's "Pesticides in Schools" regulation (Chapter 27 of the Department of Agriculture Board of Pesticides Control "Standards for Pesticide Applications and Public Notification in Schools") by contacting our IPM Coordinator **Ernie MacVane** at 799-9574.

Cross Reference: ~~ECB Integrated Pest Management Policy~~  
~~ECB-R Integrated Pest Management Administrative Procedures~~

Approved: April 10, 2007