

POST-SECONDARY ENROLLMENT OPTIONS

Local boards are already required to have a policy on post-secondary enrollment options. We have revised an existing sample policy to incorporate post-secondary courses taken through the distance learning network or the Internet. It is our understanding that access to such courses is currently allowed by the University of Maine only on a case-by-case basis, but we also understand that there are efforts underway to broaden access to such courses for high school students. Notes within the policy alert boards to sections required by the statute and areas where boards may choose among various options.

DWM NOTE: There are several choice points for the Board in this policy. After Board discussion, the policy should be revised to include only the options chosen and the notes should be deleted.

This policy establishes the requirements for student enrollment in post-secondary courses taken before high school graduation.

Eligible Institutions

Students may take courses at eligible post-secondary institutions within Maine, which include the University of Maine System, the Maine Community College System and Maine Maritime Academy. Students may take courses offered through the DOE Distance Learning Network or the Internet if such participation is approved by the post-secondary institution.

[NOTE TO BOARD: The school unit may allow students to take courses at private colleges and other institutions (including through the DOE Distance Learning Network or the Internet), but the school unit cannot include such costs as allowable program costs. The following language provides one option for consideration if the Board wishes to allow students to take courses at private institutions.

OPTIONAL LANGUAGE: Students may be allowed to take courses at private colleges or other institutions, including courses offered through the DOE Distance Learning Network or the Internet. Responsibility for all costs associated with any courses taken at private colleges will rest with the student and his/her parent(s). Any such requests shall be considered on a case-by-case basis to the extent that funds are available and the requirements of this policy are met.]

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Student Eligibility Requirements

A student may take no more than one course per semester and two courses per academic year.

A student must meet the following criteria prior to enrolling in a post-secondary course:

~~A. Have completed all available high school coursework in the field in which the post secondary courses are requested.~~

~~B. [NOTE TO BOARD: The following requirements are included in the statute.]~~

~~A. Have a minimum of a B average [or 3.0] in his/her courses overall; unless~~

~~C. the eligible institution has waived the minimum grade/grade point requirement;~~

B. Meet the course admission standards of the eligible institution;

C. Provide evidence of parent/guardian approval for taking the course; and

~~E. Obtain approval from the principal and guidance counselor, after meeting with the guidance counselor to develop a plan describing how the course will help the student meet graduation requirements in order to obtain approval.~~

~~D. Receive a recommendation to take a postsecondary course or courses from the school administration or one of the student's secondary school teachers following an assessment of the student by the administration.~~

A student enrolled in grade 11 or 12 who does not have a B average [or 3.0] in his/her courses overall ~~or who does not meet the criterion in subparagraph (A) above~~ is eligible to take a post-secondary course provided that he/she:

~~A. Has been assessed and received a recommendation to take the course from the school administration either to facilitate graduation or for enrichment purposes if the student has met all applicable graduation requirements in the field through high school coursework; or from a secondary school teacher; and~~

~~B. Has been approved for participation in the course by an eligible institution; and~~

~~C. B. Has provided evidence of parent/guardian approval for taking the course.~~

Awarding of Credits

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The eligible institution shall grant full credit to any student who successfully completes a course.

[NOTE TO BOARD: School units are not required to award credit for courses taken at eligible institutions. The following language is one option for school units to consider if the Board wishes to grant high school credit.]

OPTIONAL LANGUAGE: High school graduation credit for a course taken under this policy shall be awarded as follows:

- A. *The course must meet for a minimum of one semester.*
- B. *The course must meet any applicable Learning Results standards.*
- C. *The student must earn a passing grade in the course. [ALTERNATIVE OPTION: The Board may specify a minimum grade requirement if desired.]*
- D. *Attendance must satisfy the ~~instructor's~~ instructor's requirements. [ALTERNATIVE LANGUAGE OPTION: The Board may request that the eligible institution record and report attendance to the high school.]*
- E. *If the above criteria are met, the student shall receive ~~5~~ _____ (insert the appropriate number of high school credits for each ~~3~~ credit semester-course completed.)*
- F. ~~The weight assigned to grades received in post-secondary courses approved pursuant to this policy shall be determined on a case by case basis by the Principal and the Guidance Director depending on the circumstances of the student's taking the class and the course description and expectations. There shall be no presumption that grades in approved courses shall receive weight simply because they are offered by a post-secondary institution.~~

Financial Assistance

- A. The Maine Department of Education shall pay applicable tuition costs (up to the limits of legislative appropriation) for any student enrolled in a course under this policy if the eligible institution requires tuition payment.
- B. The student and his/her parent/guardian are responsible for paying for all textbooks, course fees and transportation costs.

[NOTE TO BOARD: While the statute obligates students to pay the costs in Paragraph B, school units may still choose to pay some or all of these costs. Such

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costs remain allowable program costs under the statute. The following language provides one option for the Board to consider, or the Board may develop its own requirements.

[OPTIONAL LANGUAGE: If the student qualifies for free or reduced lunch, the school unit shall pay the cost of textbooks, course fees, and transportation.]

School Unit Reporting Requirements

The Superintendent shall make parents and students aware of post-secondary enrollment options through handbooks or other appropriate means.

Legal Reference: 20-A MRSA Section 4771 et seq.
Chapter 127 (Maine Department of Education Rules)

~~ADOPTED: September 13, 2005 (Replacing original policy)~~

GRADUATION REQUIREMENTS

High school students must meet specific state and local graduation requirements in order to receive a high school diploma.

Credits: Successful completion of a full year course at Cape Elizabeth High School results in the award of 10 credits towards graduation, which is the equivalent of 1 Carnegie unit. Successful completion of a semester course at Cape Elizabeth High School results in the award of 5 credits towards graduation, which is the equivalent of ½ Carnegie unit.

Credit Requirement for Graduation. In order to graduate from Cape Elizabeth High School, a student must earn 230 credits.

- ~~230 credits~~

- ~~The following specific credits:~~

Of the 230 total credits required for graduation, the following specific credits must be earned:

English 40 credits

Mathematics 30 credits

Science 30 credits. Beginning with the Class of 2011, those credits must be in the areas of Physics, Chemistry, and Biology unless an exception is made by the principal.

Social Studies 30 credits, of which 10 credits must be earned in United States History and 5 credits must be earned in United States government. Beginning with the Class of 2011, 15 additional credits must be earned in courses in World History Biology unless an exception is made by the principal.

Health 5 credits

Physical Education 10 credits

~~Fine Arts and Technology 20 credits combined~~

Fine Arts 10 credit ~~minimums~~

Technology 5 credits

Fine Arts/Technology. An additional 5 credits in either Fine Arts or Technology.

GRADUATION REQUIREMENTS

Course Failure. Students who fail a required course must develop, with parent or guardian and guidance counselor, a plan for making up the lost credit.

Transfer Students. For students who transfer to Cape Elizabeth the principal shall determine the value of the student's prior educational experience towards meeting Cape Elizabeth High School's graduation requirements.

Early Awarding or Diplomas. A student who has met the State's and the Board's diploma requirements in fewer than four years of high school may be awarded a diploma. Any student interested in pursuing this option must schedule a meeting with her/his parent/legal guardian and guidance counselor to review the requirements and prepare a plan no later than the end of the school year before the hoped-for graduation date. The student's plan must be approved by the Principal, guidance counselor, and the student's parent(s)/guardian(s).

Credit Waiver. Students can petition the Principal for a waiver of local graduation requirements. Petitions will be considered on an individual basis by the principal ~~and the respective department head~~ and guidance counselor.

Participation in Graduation Ceremonies. No student is allowed to participate in graduation exercises unless all academic requirements are met, all school property is returned, and all school fees are paid. The school may also require as a condition of participation in graduation ceremonies that a student successfully completes a required plan for community service of no more than ten hours and a project related to senior transition away from high school into the wider community.

Legal References: 20-A M.R.S.A. §§ 4722; 6209
Ch. 125, 127, 131, 132 (Maine Department of Education Rules)

CROSS REFERENCES: IHCDA: Post Secondary Enrollment Options
IKFA: Early Graduation
IKFC: Awarding of High School Course Credit Prior to Grade 9

ADOPTED: November 8, 1994
REVISED: November 12, 1996
May 13, 2003
November 14, 2006
June 10, 2008

EARLY GRADUATION

If a student can meet the graduation requirements of his/her class in less time than the four year high school sequence, that student can apply for early graduation. In order to apply for early graduation the student must do the following early in the fall of the year graduation is requested (or the previous spring):

- A. Write a letter explaining the reasons for requesting early graduation in the year preceding his/her scheduled graduation. This letter is addressed to the school principal and should include the student's post-graduate plans.
- B. Arrange a meeting to include the student, parents, guidance counselor, principal and any appropriate faculty members.
- C. Complete an Early Graduation Form listing courses and credits needed to graduate. High school and college level courses can be used toward graduation. The plan for fulfilling these requirements will be reviewed. The student's reasons for requesting early graduation will be reviewed.
- D. Upon approval, as Early Graduates, they will be invited to participate in all senior activities relating to graduation.
- E. The high school administration will extend special types of honors recognition to a student who has exemplified superior academic achievement and has chosen to graduate early from CEHS. This recognition would be separate from the honors recognition extended to senior graduates of the high school at the graduation ceremony.
- F. The class ranking of early graduates will take place at the end of four semesters of high school. Early Graduates will be ranked in the class with which they entered high school. These students will be ranked with their own class and not with the senior class. Class ranking of seniors (weighted/unweighted) will take place at the end of six semesters of high school. Therefore, early graduates will not receive a weighted class ranking.
- G. Early graduates may be considered for Book Awards in their third year of high school.

ADOPTED: November 12, 1996
REVISED: December 12, 2006

AWARDING OF HIGH SCHOOL COURSE CREDIT PRIOR TO GRADE 9

Cape Elizabeth Middle School students who are approved to take courses at Cape Elizabeth High School will not receive high school credit.

Middle School students who successfully complete high school courses or other accelerated academic programs may list such courses on the student's Cape Elizabeth High School transcript, but they will not be included in calculating grade point average or accruing credits toward High School graduation requirements.

For the purposes of this policy, a student is not considered a high school student until s/he begins taking courses in the Fall of his/her ninth grade year.

Legal Reference: Maine Department of Education Rule chapter 127 § 7.02

Cross Reference: IKF - GRADUATION REQUIREMENTS

ADOPTED: January 9, 1996

REVISED: April 10, 2007

STUDENT SURVEYS AND MARKETING INFORMATION

[NOTE: The No Child Left Behind Act expanded the categories of information addressed in the Protection of Pupil Rights Act (PPRA, or “Hatch Act”) and added several new requirements concerning notice to parents prior to administering surveys and the rights of parents to inspect surveys and related materials.

This policy outlines the content required by the law, but local Boards will need to include further information about how the requirements will be met in their school unit. The NCLB Act also requires that this policy be developed “in consultation” with parents. Methods of accomplishing this may include inviting parent comments on the policy during Board meetings when the policy is discussed/adopted, holding a Board workshop, or discussing the policy at parent meetings at the school level.

Parents must be notified directly of this policy and we suggest that local school units include a copy with the FERPA notice that is provided to parents at the beginning of the year.]

From time to time, the Cape Elizabeth School Department may administer surveys to students in the course of developing and evaluating programs and services offered in the schools. The school unit will comply with the federal Protection of Pupil Rights Act and applicable regulations concerning the administration of surveys and the use of personal information about students for marketing purposes as outlined in this policy.

Parental Consent to Surveys

No student shall be required to participate in a survey receiving funding under U.S. Department of Education programs that reveals the following information without prior notice to and the written consent of parents/guardians:

- Political affiliations or beliefs of the student or the student’s parent;
- Mental or psychological problems of the student or the student’s family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- Religious practices, affiliations or beliefs of the student or the student’s parent; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

In the case of surveys not funded under U.S. Department of Education programs, parents/guardians will receive prior notice of the survey and their right to opt-out. Parents/guardians may request that their child not participate in a particular survey by submitting

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a written request to the Superintendent ~~within ten~~ for other appropriate administrator designated by the Board within ten days for other time period designated by the Board of receiving the notice.

[NOTE: As reflected in the paragraphs above, PPRA requires prior written consent only for surveys funded in whole or in part by U.S. Department of Education funds and only prior notice for surveys not funded in any part by U.S. Department of Education funds. For ease of administration, local Boards may decide to extend the requirement for prior written consent to any survey administered in the school unit that involves the categories listed above. Boards interested in this approach should contact DWM for appropriate alternative language for this section of the policy.]

Notice to Parents Regarding Surveys

Parents/guardians will be provided with a copy of this policy at the beginning of each school year, and within a reasonable time if substantive changes are made to the policy by the Board. If actual or expected dates of surveys have been scheduled when the policy is distributed, parents/guardians of affected students will be notified at that time. If surveys are scheduled after the start of the school year, parents/guardians will be provided with reasonable notice before the survey is administered.

Procedure for Inspection of Surveys/Instructional Materials

Parents/guardians have the right to inspect any survey created by a third party before it is distributed or administered to students. Parents/guardians may also inspect any instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey.

Parents/guardians may request to inspect surveys or related instructional materials by submitting a request in writing to the Superintendent for other appropriate administrator designated by the Board within ten days of receiving notice that a survey is to be administered. The Superintendent for other appropriate administrator designated by the Board shall make arrangements for the parent/guardian to inspect the survey and/or materials within a reasonable time prior to the scheduled date for the survey.

Use of Student Personal Information for Marketing Purposes

[NOTE: The PPRA requires local school units to notify parents and provide inspection and opt-out rights if certain personal information about students is collected, disclosed or used for commercial marketing purposes. These requirements do not apply to information used for the exclusive purpose of developing, evaluating or providing educational products or services for or to students or educational institutions (including but not limited to tests and assessments, sale by students of products or services to raise funds for school-related purposes, student recognition programs and book clubs or magazines). We recommend that local Boards not collect or disclose any personal information about students for marketing purposes and this

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section of the policy reflects our recommendation. If a local Board wants to allow the use of personal information for marketing purposes, please contact us for appropriate language to insert here.

The School Department does not collect, use or disseminate personal information about students for marketing or commercial purposes.

This policy does not prevent the collection, use or dissemination of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for or to students or educational institutions (including but not limited to tests and assessments, sale by students of products or services to raise funds for school-related purposes, student recognition programs and book clubs or magazines).

Protection of Student Privacy

The Superintendent shall be responsible for ensuring that appropriate measures are taken to ensure that student privacy is protected when surveys are administered or personal information about students student is collected, disclosed or used for marketing purposes.

[NOTE: Local Boards may choose to identify the steps that will be taken to protect student privacy here. We suggest that local school units follow the same procedure they use to safeguard the confidentiality of student education records under FERPA.]

Students Over 18/Emancipated Student Students

In the case of emancipated students or students over the age of 18, the parent/guardian rights described in this policy transfer to the student.

Complaints

The United States Department of Education maintains an office that handles complaints about alleged violations of the Protection of Pupil Rights Amendment by local school units. Complaints regarding violations may be submitted in writing to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

Legal References: 20 U.S.C. § 6361 (No Child Left Behind Act)
20 U.S.C. § 1232h; 34 C.F.R. Part 98 (Protection of Pupil Rights Amendment)
20 U.S.C. § 1232g; 34 C.F.R. Part 99 (Family Educational Rights and Privacy Act)

STUDENT SURVEYS AND MARKETING INFORMATION

Cross References: JRA – Student Education Records and Information

ADOPTED: December 12, 2006

PARENT INVOLVEMENT IN TITLE I PROGRAMS

[NOTE: The NCLB Act requires school units receiving Title I funds to develop a detailed policy on parent involvement. The Act also requires each individual school to have a parent involvement policy. There is a provision in the Act that allows school units to consolidate the parent involvement requirements into a single policy, and we have chosen this route in this sample. However, local Boards should be aware that they may adopt separate policies concerning school unit and school parent involvement responsibilities if they wish.]

This policy outlines the content required by the NCLB Act, but local Boards will need to include further information about how these requirements will be met in their particular school unit and schools. The NCLB Act requires that parent involvement policies be developed “jointly with” parents of participating children, and local school units should be sure to comply with this requirement.]

The Board recognizes that parent involvement is a significant factor in the academic achievement of students and in improving the quality of our schools. The Board encourages parents of students in Title I programs to become involved in their education and to participate in programs and activities offered by the school unit. To that end, this policy has been developed jointly with parents of students in Title I programs.

This policy outlines how the school unit and each school will support and implement parent involvement activities. The Superintendent is responsible for designating appropriate personnel to carry out the school unit responsibilities described in this policy.

Development of Title I Plan

[NOTE: Local Boards should replace the following bullets with descriptions of how the particular requirements will be met at the school unit and/or individual school level]

- ***How the school unit will involve parents in developing the school unit's Title I plan [NOTE: schools identified for improvement under the NCLB Act must also include information about how parents will be involved in the process for school review and improvement];***

Support for Parent Involvement Activities

- ***How the school unit will provide coordination, technical assistance and other support necessary to assist each Title I school in planning and implementing effective parent involvement to improve student academic achievement and school performance.***

PARENT INVOLVEMENT IN TITLE I PROGRAMS

- *The school unit and each school will support and build parental and community involvement in the schools, including the following activities:*

[Note: The law specifies a number of activities that are required (those beginning with “shall” below) as well as some that are optional for school units to provide. The final list of activities included here should reflect local decisions.]

- ***Shall*** provide assistance to parents in understanding state and local achievement standards and assessments and how they can work with teachers to improve their child's achievement;
- ***Shall*** provide materials and training to help parents work with their child to improve achievement (such as literary training and use of technology);
- ***Shall*** educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value of parent involvement and methods to foster and increase parent involvement in the schools;
- ***Shall***, to the extent feasible and appropriate, coordinate parent involvement programs and activities with public and private preschool programs to support parent involvement in the education of their child;
- ***May*** involve parents in the development of teacher training to improve its effectiveness;
- ***May*** provide necessary literacy training from Title I funds if “all other reasonable available sources of funding for such training” has been exhausted;
- ***May*** pay reasonable and necessary expenses associated with local parental involvement activities (including transportation and child care costs), to enable parents to participate in school-related meetings and training;
- ***May*** train parents to enhance the involvement of other parents;
- ***May*** arrange school meetings at a variety of times or conduct in-home conferences between teachers and other appropriate school staff with parents who are unable to attend meetings at school;
- ***May*** adopt and implement model approaches to improving parental involvement;
- ***May*** establish a district-wide parent advisory council to provide advice on matters related to parent involvement;
- ***Shall*** provide “such other reasonable support for parental involvement activities as parents may request.”

School-Level Activities

The following activities shall be conducted in each school for parents of children participating in Title I:

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- An annual meeting shall be held to inform parents about Title I and its requirements, and the right of parents to be involved.
- Parents will be included in the planning, review and improvement of Title I programs, policies and procedures.
- Parents will be provided with the following:
 - Timely information about Title I programs;
 - A description and explanation of the school's curriculum, forms of academic assessment and expected student proficiency levels;
 - At parent request, opportunities for regular meetings so that parents can make suggestions and to participate, as appropriate, in decisions relating to their child's education;
 - Meetings will be held at flexible times, such as mornings or evenings to encourage parent participation.

School-Parent Compact

Each school shall develop with parents a school-parent compact that outlines how parents, school staff and students will share the responsibility for improving academic achievement and helping students to meet the state's academic standards.

[NOTE: The law contains specific elements that must be included in the compact:

- 1) Description of the school's responsibility to provide high quality curriculum and instruction in a supportive and effective learning environment that enables the children in Title I programs to meet the State's student academic achievement standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and***
- 2) Address the importance of communication between teachers and parents on an ongoing basis through, at a minimum:***
 - a) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the individual child's achievement;***
 - b) Frequent reports to parents on their children's progress;***
 - c) Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.]***

Policy Evaluation and Revisions

The school unit will conduct an annual evaluation of the effectiveness of this policy in improving the academic quality of the schools. Based on this evaluation, the policy and Title I programs will be revised if necessary to improve parent involvement.

PARENT INVOLVEMENT IN TITLE I PROGRAMS

Distribution of Policy

This policy shall be distributed to parents of all students participating in Title I programs.

[NOTE: The law requires that local school units and schools must, to the extent practicable, provide “full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children...in a format and...language such parents can understand.”]

Legal References: 20 U.S.C. § 6318

RELATIONS WITH LAW ENFORCEMENT AUTHORITIES

The School Board recognizes that a cooperative relationship with law enforcement authorities is desirable for the protection of students and staff, maintaining a safe school environment, and safeguarding school property.

School administrators and staff shall have the primary responsibility for maintaining proper order in the schools and for disciplining students for violations of Board policies and school rules. However, the Board authorizes the Superintendent/administration to seek the assistance of law enforcement authorities when they believe there is a substantial threat to the welfare and safety of the schools, students and/or staff. The Superintendent/administration shall also inform law enforcement authorities when they have reason to suspect that a student or staff member - may have violated a local, state or federal law.

The Board strongly discourages law enforcement authorities from using the schools as venue to arrest and/or interrogate students for activities not related to or affecting the schools. The Superintendent/administration retain the authority to deny law enforcement access to students for non-school-related investigations.

The Board authorizes the Superintendent and administration to work with local law enforcement authorities to develop administrative regulations to guide interactions between the schools and law enforcement. Such regulations should safeguard the rights of students and parents, be consistent with Board policies, and minimize disruptions to the instructional program. These administrative regulations are subject to the approval of the Board.

The Superintendent shall include law enforcement authorities in the development and implementation of the school unit's comprehensive emergency management plan. The Board also encourages the Superintendent/administration to include law enforcement authorities in the development and/or implementation of instructional programs/activities related to student safety.

[NOTE: School units which have more formal relationships with law enforcement, such as police officers who regularly work in the schools or interagency agreements, should add appropriate language or revise this sample policy/regulation as necessary.]

Cross Reference: KLG-R - Relations with Law Enforcement Authorities Administrative Regulation
 EBCA – Comprehensive Emergency Management Plan
 JICIA - Weapons, Violence and School Safety
 JIH - Questioning and Searches of Students
 JRA - Student Education Records

Adopted _____

RELATIONS WITH LAW ENFORCEMENT AUTHORITIES ADMINISTRATIVE PROCEDURE

[NOTE: This procedure provides a general framework for involvement of law enforcement in the schools.]

[NOTE: Local Boards should discuss which school staff will be authorized to deal with law enforcement authorities and insert specific language wherever the term "school administrators" is bolded in this procedure.]

The following procedures are intended to guide the involvement of law enforcement authorities in the schools:

- A. Law enforcement officials may enter school premises:
 - 1. In the event of an emergency endangering student or staff safety;
 - 2. At the request of **[school administrators]**;
 - 3. When there is a warrant to arrest a student which cannot be executed outside of school hours. **[School administrators]** are not obligated to make students or school facilities available to law enforcement for non-school-related investigations/arrest;
 - 4. In exigent circumstances as authorized by law.
- B. **[School Administrators]** shall attempt to contact the student's parents/guardians prior to allowing law enforcement authorities to interrogate, search or arrest a student at school, except when there are reasonable grounds to believe that a health or safety emergency requires the interrogation, search or arrest to take place without prior notice.
- C. Law enforcement authorities are responsible for ensuring that a student is informed of his/her rights prior to an interrogation, search or arrest conducted by law enforcement authorities.
- D. A student may be removed from school by law enforcement authorities when there is a court order, an arrest warrant or when a warrantless arrest is authorized by law. **[School administrators]** shall attempt to notify the student's parents/guardians as soon as possible of the student's removal from school.
- E. **[School administrators]** shall release student information to law enforcement authorities only as allowed by the Family Educational Rights and Privacy Act.

Cross Reference: JRA – Student Education Records

Adopted: _____

ACCOMMODATION OF SINCERE BELIEFS IN REQUIRED INSTRUCTION

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

The Board acknowledges that from time to time individual students may be exposed to some ideas and materials with which they or their parent/legal guardian do not agree. Students and their parents cannot be required to adopt ideas with which they disagree, but such disagreement alone is not a sufficient basis to exempt a student from the prescribed curriculum. Exemptions from the required curriculum should be minimized because they can detract from the overall instruction provided to the class as a whole and the educational objectives sought to be achieved by the curriculum.

The Board recognizes, however, that there could be topics in the curriculum which may be objectionable to individual students based on their particular, sincerely held religious, moral or philosophical beliefs. Alteration of individual participation in this instruction which infringes on such beliefs may be requested by the parent(s)/legal guardian.

Requests for accommodation of beliefs in instruction must be made in writing to the building Principal and are subject to the approval of the Principal. The Principal shall notify the Superintendent as soon as practicable of any request for accommodation from instruction and of his/her decision. If the Principal denies an accommodation request, the parent/legal guardian may appeal to the Superintendent, whose decision shall be final.

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

- A. Whether the course of instruction is required by state law or regulations, or Board policy.
- B. Whether an accommodation will adversely affect the instruction provided to other students.
- C. The educational importance of the material or instruction from which exemption is requested.
- D. Evidence regarding the sincerity of the belief on which the accommodation request is based.
- E. Whether the school has a legal obligation to accommodate the request. In the case of curriculum aligned with the system of learning results, if there is a conflict with the sincerely held religious beliefs of a student or his/her parent/legal guardian, accommodation in the curriculum shall be made for the student. If the accommodation is so great that the validity of the local assessment system is compromised, the Superintendent will determine how to address this, subject to approval of the Commissioner of Education.

ACCOMMODATION OF SINCERE BELIEFS IN REQUIRED INSTRUCTION

F. Other factors that bear upon the particular request.

When a student is exempted from a portion of the regular curriculum, the staff will make reasonable efforts, within the scope of existing resources, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school or thorough approved independent study. Any alternative instruction shall be approved in advance by the Principal in consultation with the classroom teacher, and shall meet the standards and objectives of the part of the curriculum that is being replaced.

Legal Reference: 20-A MRSA § 6209
LD 1536, Chap. 51 Resolves
Chapters 127 and 131 (Maine Department of Education Rules)

Cross Reference: ILA – Tests/Assessment
IJJ – Instructional and Library Materials Selection
IJJ-E Citizens Challenge of Educational Media Form

ADOPTED: November 14, 2006

COMPULSORY SCHOOL ATTENDANCE

Compulsory education is essential to the preservation of the rights and liberties of the people and the continued prosperity of our nation. Maintaining regular student attendance is necessary to achieve the goal of an educated citizenry.

Compulsory Attendance Ages

Under state law, full-time attendance at school is required of ~~all children~~ every child between the ages of 7 and under 17, unless he/she has received a high school diploma or its equivalent.

Excusable Absences from School

A person's absence from school is excused when the absence is for one of the following reasons:

- A. Personal illness;
- B. An appointment with a health professional that must be made during the regular school day;
- C. Observance of a recognized religious holiday when the observance is required during the regular school day;
- D. A family emergency;
- E. A planned absence for a personal or educational purpose which has been approved; or
- F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or some other out-of-district placement that is not otherwise authorized by an IEP or other education plan or Superintendents' agreement.

Adult Responsibility for School Attendance

Parents or other adults having control of a person of compulsory attendance age are responsible for ensuring that a student attends school as required by law. The Board expects school administrators and staff to work with families in an effort to ensure compliance.

Exceptions to the Compulsory Attendance Requirement

A ~~person~~child may be excused from compulsory attendance at school ~~under~~if he/she meets the requirements in one of the following ~~conditions:~~sections:
~~S/he graduates~~

A. He/she has graduated from high school before ~~her/his~~that person's 17th birthday;

~~S/he~~

B. He/she has:

1. Reached the age of 15 years of age or completed the 9th grade;
~~Received~~

2. Obtained permission to leave school from his/her~~his~~ parent;

3. Been approved by the principal for a suitable program of work and study or training;

~~Received~~

4. Obtained permission to leave school from the Board or its designee; and;

5. Agreed in writing with that person's parent and the Board or its designee to meet annually until that person's 17th birthday to review that person's educational needs.

If a request to be excused from school is denied pursuant to this ~~paragraph~~section, the student's parent may appeal to the Commissioner of Education.

~~A. S/he is at least 15 years of age and the attendance requirement has been waived by the Board under the truancy law.~~

C. ~~S/he~~He/she has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to the compulsory attendance law under this paragraph must be approved by the Commissioner of Education.

D. He/she is enrolled in an online learning program or course.

Alternatives to Attendance in Public Schools School

A person shall be excused from attending a public day school if s/he/she obtains equivalent instruction as ~~allow~~allowed by law.

Equivalent instruction alternatives are as follows:

- A. A private school approved for attendance purposes pursuant to state law and regulations;
- B. A private school recognized by the Department of Education as providing equivalent instruction;
- C. A home instruction program that complies with state law and regulations; ~~or~~
- D. Any other manner arranged by the Board and approved by the Commissioner of Education; or

E. Pursuant to 20-A MRS Sections 5104-A or 8605 (approved alternative education program or adult education program).

A student shall be credited with attendance at a private school under Paragraphs A or B only if the legally required certificate from the private school is filed with the student’s school unit.

Legal Reference: 20-A ~~MRSA~~ MRS §§ 5001-A et seq.; 5051 et seq.; 2901; 5104-A; 8605
Chapters 125 and 127 (Maine Department of Education Rules)

Cross Reference: JFC: ~~Positive Action~~ -Dropout Prevention Committee
JHB: - Truancy
IHBG: - Home Schooling

Replaces original JEA/JHB Student Attendance and Truancy

ADOPTED: December 7, 2007

Adopted: _____

DROPOUT PREVENTION COMMITTEE**~~STUDENT WITHDRAWAL FROM SCHOOL~~**

~~The Board believes that a high school diploma signifies the minimum preparation for success in life. Therefore, the Board strongly urges school administrators, staff, parents, and members of the community to encourage students to remain in school through high school.~~

Dropout Prevention Committee

~~In order to reduce the school dropout rate,~~ The Superintendent shall establish a Dropout Prevention Committee to study the problem of dropouts, habitual truancy, and the need for alternative programs, from kindergarten to grade 12, in accordance with the requirements of state law. The Committee shall submit a plan of action to the Board. The Committee will meet at least annually, thereafter to review the plan and make recommendations for addressing the problem, and submit a plan of action to the Board in accordance with the provisions in Maine law, to the Board as appropriate.

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

Committee Membership

~~As required by law,~~ The Dropout Prevention Committee shall be composed of the following members, appointed on an annual basis:

- A. ~~—A.—~~ A member of the Board selected by the Board;
- B. ~~—B.—~~ A school administrator selected by the Superintendent;
- C. ~~—C.—~~ A teacher and a school counselor selected by the teachers' organization;
- D. ~~—D.—~~ A parent selected by the local organized parent group **[or by the Board if no such group exists];**
- E. ~~—E.—~~ A school attendance coordinator ~~from the school system~~ selected by the Superintendent;

DROPOUT PREVENTION COMMITTEE**STUDENT WITHDRAWAL FROM SCHOOL**

- F. ~~—F.—~~ A high school student selected by the Dropout Prevention Committee members ~~selected in paragraphs A to E;~~
- G. ~~—G.—~~ A dropout selected by the Dropout Prevention Committee members ~~selected in paragraphs A to E;~~ and
- H. ~~—H.—~~ A community resident of the district selected by the Dropout Prevention Committee members ~~selected in paragraphs A to E.~~

~~The Board recognizes the importance of success as a motivator and as a factor in a student's commitment to education. Students who have been identified as being at risk of dropping out will be (or: should be) encouraged to participate in the alternative educational programs that are offered in this school unit or in other instructional, vocational or social service programs for which they may be eligible.~~

Student Withdrawal From School

~~School administrators shall arrange for regular contacts to be made with students who have withdrawn from school for the purpose of informing them of the process for readmission, making them aware of alternatives in the community for continuing their education and stating the school unit's willingness to assist them in their educational efforts.~~

The Committee shall select a chair from among its members.

Legal Reference: 20-A MRS **MRS** §§ 5001-A; 5051-A; 5102-5104-A
Chapter 125 (Maine Department of Education Rules)

Cross Reference: ~~HHB~~—Alternative Education Programs
~~JEA~~ — Compulsory **Student** Attendance

JHB - Truancy

~~ADOPTED:—~~ April 8, 2008

[NOTE TO LOCAL BOARDS: This revised sample reflects significant changes in the truancy law, effective August 30, 2012. Please note that the law requires the Superintendent to establish referral procedures for truant students, but we have folded the procedure into Section III.C rather than create a separate procedure.]

TRUANCY

I. Definition

A student is ~~habitually~~ truant if ~~he/she is required to attend school or alternative instruction under Maine~~ the student:

A. Is subject to the compulsory attendance law ~~(20-A M.R.S.A. § 5001-A;~~ and ~~he/she~~:

~~A.B. 1.~~ Has completed grade ~~6~~six and has the equivalent of 10 full days of unexcused absences or ~~7~~seven consecutive school days of unexcused absences during a school year; or

~~B. 2.~~ Is at least ~~7~~seven years of age and has not completed grade ~~6~~six and has the equivalent of ~~7~~seven full days of unexcused absences or ~~5~~five consecutive school days of unexcused absences during a school year.

Truancy under this paragraph is considered “child abuse and neglect” under Maine law and is reportable to the Department of Health and Human Services.

II. Attendance Coordinators

The Superintendent ~~Board~~ shall ~~designate~~ appoint one or more attendance coordinators in accordance with state

law. ~~The duties of~~ [Note to Board: Changes were made to the law concerning attendance coordinator include, but are not limited to:

~~A.~~ When notified by a principal that a student’s attendance is irregular, interviewing the student and the parent(s) or guardian(s) to determine the cause of the irregular attendance and file a written report with the principal;

~~B.~~ Filing an annual report with the Superintendent summarizing school year activities, findings and recommendations regarding truants;

~~C.~~ Serving as a member of the Positive Action Committee; and

~~D.~~ Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under Maine’s compulsory attendance and truancy laws (20-A M.R.S.A. §§ 5001-A, 5051-A).

coordinators (see 20-A MRS § 5052-A). Local boards that have adopted policies/procedures concerning attendance coordinators should update them to reflect the changes.]

III. Truancy Procedure

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

A. ——— A. — If The principal and the attendance coordinator determine, upon determining that a student is habitually truant, the principal under Section I, shall inform notify the Superintendent, within five school days of the last unexcused absence.

B. — A student who is determined to be truant shall be referred by the Superintendent/designee shall first try to correct the problem informally. Informal attempts to correct the problem must include meeting with to [the law provides a choice, either: the school’s student assistance team OR: the school’s general education intervention system as provided in 20-A M.R.S. § 4710] within five school days.

C. The team [or insert other appropriate title] shall meet and determine the student and cause of the truancy and assess the impact of the student’s parents to identify past and possible causes of the habitual truancy and to future absences on the student. If it is determined that the absences have a negative effect, the team [or insert other appropriate title] shall develop a an intervention plan to implement solutions to the problem. If the initial meeting does not resolve the problem, the Superintendent/designee shall implement interventions that best address the problem including student’s absences and any negative effects.

The intervention plan may include, but is not limited to:

1. ——— 1. — Frequent communication between the teacher(s) and the family;
2. ——— 2. — Changes in the learning environment;
3. ——— 3. — Mentoring;
4. ——— 4. — Student counseling;
5. ——— 5. — Tutoring, including peer tutoring;
6. ——— 6. — Placement into different classes;
7. ——— Evaluation for alternative education programs;
7. ——— 8. — Consideration of multiple pathways of learning as allowed by law;
- 7.8. — Attendance contracts;

~~8.9.~~ ~~9.~~ Referral to ~~other agencies for family services~~ agencies;
and

~~9.10.~~ ~~10.~~ Other interventions, including but not limited to referral to the school attendance coordinator, student assistance team, or dropout prevention committee.

~~Failure of the student or the student's parent(s) to appear at scheduled meetings does not preclude school administrators from implementing a plan to address a student's truancy. [NOTE: For the purpose of this policy, "parent" means the student's parent or legal guardian.]~~

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

~~C. The plan should also address how future absences of the student will be dealt with; the timeline for particular activities; and periodic reports to the Superintendent on the student's progress in complying with the plan.~~

~~D. The student and his/her parents/legal guardians shall be invited to attend any meetings scheduled to discuss his/her truancy and the intervention plan. Failure of the student and/or his/her parents/legal guardians to attend any scheduled meetings shall not preclude the school from implementing an intervention plan.~~

~~E. If the Superintendent/designee is unable to intervention plan does not correct the student's truancy, the Superintendent/designee shall serve or cause to be served upon the parent in-hand or by registered mail a written notice that the student's attendance at school is required by law. The notice shall:~~

- ~~1. State that the student is required to attend school pursuant to 20-A M.R.S.A. § MRS § 5001-A (the compulsory attendance law);~~
- ~~2. Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports, and principal's reports;~~
- ~~3. Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with 20-A~~

~~M.R.S.A.~~ MRS § 5053-A and ~~explain~~ will jeopardize the possible penalties student's status in his/her current grade;

~~[NOTE: The penalties are described in 20-A M.R.S.A. § 5053-A and include a minimum \$250.00 fine; the court may also order a parent to take specific action to ensure the student's attendance including compliance with the plan developed in accordance with paragraph A of this policy, participation in a parent training class, attending school with the child, community service hours at the school, or participation in counseling or other services as appropriate. All or part of the fine may be suspended upon the parent's compliance with a court order.]~~

4. State that the Superintendent/~~designee~~ may notify local law enforcement authorities of a violation of ~~the habitual truancy statute and~~ 20-A MRS § 5053-A, and, if the violation falls under Section I.B.2, may notify the Department of Health and Human Services (~~DHHS~~) ~~as provided by 20-A M.R.S.A. §5051-A(C) (the notice provision);~~ and

~~[NOTE: The definition of "child abuse and neglect" now includes "failure to ensure compliance with school attendance requirements under 20-A M.R.S.A. §3272 (2)(B) (the truancy law) or §5051-A(1)(C) (notice to parents of habitual truants) by a person responsible for the child." Similarly, the definition of "jeopardy to health or welfare" or "jeopardy" has been expanded to mean "serious abuse or neglect as evidenced by... deprivation of adequate food, clothing, shelter, supervision or care or education when the child is at least 7 years of age and has not completed grade 6." See 22 M.R.S.A. §4002 for these definitions. The mandatory reporting statute is 22 M.R.S.A. §4011-A.]~~

5. Outline the intervention plan developed to address the student's ~~habitual~~ truancy and the steps that have been taken to implement that plan.

~~D.F.~~ Prior to notifying local law enforcement authorities, the Superintendent/~~designee~~ shall schedule at least one meeting of the student assistance team [or other title] as required ~~by law and paragraph B of this policy~~ in Paragraph III.C and may invite a local prosecutor.

~~E.G.~~ If after three school days after the service of the notice described in ~~paragraph~~ Section III.C of this policy the student remains truant and the parent and student refuse to attend the meeting referred to in ~~paragraph D~~ Section III.E, the Superintendent/~~designee~~ shall report the facts of the unlawful absence to local law enforcement authorities. Local law enforcement may proceed with enforcement action unless the student is at once placed in an appropriate school or otherwise meets the requirements of the compulsory attendance law.

~~F.H.~~ When a student is determined to be ~~habitually~~ truant and in violation of the compulsory attendance law, and the Superintendent/~~designee~~ student assistance team [or other title] has made a good faith attempt to meet the requirements of

~~paragraph B of this policy~~ Section III.C, the Superintendent/designee shall notify the Board and local law enforcement authorities of the truancy. ~~After this notification, a local law enforcement officer who sees the truant student may transport the student~~

IV. Annual Report to the appropriate school if the truant student is off school grounds during school hours and not under the supervision of school personnel. Commissioner

The Superintendent shall submit an annual report regarding ~~habitual~~ truancy to the Commissioner of Education by October 1. The report must identify the number of ~~habitual~~ truant students in the school ~~administrative~~ administration unit in the preceding school year; describe the school unit’s efforts to deal with ~~habitual~~ truancy; account for actions brought to ~~enforce~~ under the ~~habitual~~ truancy law; including the number of truant students referred to the student assistance team [or other title]; and include any other information on truancy requested by the Commissioner.

Legal Reference: 20-A M.R.S.A. MRS §§ 5001-A; 5051-A- to 5054
22 MRS § 4002

Cross Reference: JEA ~~–~~ Compulsory Attendance
JFC – Dropout Prevention ~~– Student Withdrawal from~~
School Committee
JLF – Reporting Child Abuse and Neglect ~~–~~

~~ADOPTED: September 14, 1999~~

REVISED: January 8, 2008

SYSTEM-WIDE STUDENT CODE OF CONDUCT

Ethical and responsible student behavior is an essential part of the educational mission of our schools. To that end, the Board has developed this System-Wide Code of Conduct with input from school staff, students, parents and the community. The Code defines our expectations for student behavior and provides the framework for a safe, orderly and respectful learning environment.

Article 1 - Standards for Ethical and Responsible Behavior

The Code of Conduct is intended to support and encourage students to meet the following state-wide standards for ethical and responsible behavior:

- Respect
- Honesty
- Compassion
- Fairness
- Responsibility
- Courage
- ~~Humility~~

Article 2 - Code of Conduct

All students are expected to comply with the Code of Conduct and all related Board policies and school rules. The Code applies to students:

- on school property,
- while in attendance at school or at any school-sponsored activity, or
- at any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school.

Article 3 - General Behavior Expectations and ~~Discipline Policies~~

The following expectations for student behavior are fundamental to a safe, orderly and respectful environment in our schools. Each student should:

1. Be courteous to fellow students, staff and visitors.
2. Respect the rights and privileges of other students and school staff.
3. Obey all Board policies and school rules governing student conduct.
4. Follow directions from school staff.
5. Cooperate with staff in maintaining school safety, order and discipline.
6. Attend school regularly.
7. Meet school standards for grooming and dress.
8. Respect the property of others, including school property and facilities.
9. Refrain from cheating or plagiarizing the work of others.
10. Refrain from vulgarity, profanity, obscenity, lewdness, and indecency.

SYSTEM-WIDE STUDENT CODE OF CONDUCT

Article 4 – Discipline

Violations of the Code of Conduct may result in positive and restorative interventions and/or disciplinary action. ~~Disciplinary consequences depend upon~~ Administrators have the ~~seriousness~~ discretion to tailor discipline ~~to the facts and circumstances of the violation and the student's prior disciplinary record.~~ particular case. Consequences will range from a verbal warning for minor misconduct up to and including expulsion for the most serious offenses. Behavior that also violates the law may be referred to law enforcement authorities.

See policies:

JK – Student Discipline

JKB – Detention of Students

JKD – Suspension of Students

JKE – Expulsion of Students

Article 4-5- Expectations

The following is a summary of the school unit's expectations for student behavior. In many cases, the Board has adopted policies that address these expectations in greater detail. Students, parents and others should refer to the policies and student handbooks for more information about the expectations and consequences. In case of an inconsistency between ~~the~~ this Code of Conduct, Board policies and/or school handbooks, Board policies will prevail.

A. Violence and Threats

Students shall not engage in violent or threatening behavior. Prohibited behavior includes fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property, or threats, intimidation, or harassment. Violations may result in disciplinary action up to and including expulsion.

See policies:

JICIA – Weapons, Violence, Bullying and School Safety

JICIB – Bomb Threats

B. Weapons

Students shall not possess or use weapons of any kind (examples include but are not limited to firearms, explosives and knives). Students also shall not use any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person (examples include but are not limited to bats, lighters, tools and toy weapons). Firearms violations will result in expulsion in accordance with state and federal statutes; other weapons violations may result in disciplinary action up to and including expulsion.

See policy JICIA – Weapons, Violence, Bullying and School Safety

SYSTEM-WIDE STUDENT CODE OF CONDUCT

C. Hazing

Hazing is prohibited. Maine law defines injurious hazing as “any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school.” No student shall plan, encourage, or engage in such activities in connection with any school program or activity, including extracurricular, co-curricular and athletic activities. Students who engage in hazing activities are subject to suspension, expulsion and/or other appropriate disciplinary measures.

See policy ACAD – Hazing

D. Discrimination and Harassment/Sexual Harassment

Students should not discriminate against other students on the basis of race, color, sex, religion, ancestry, national origin or disability. Nor should students harass one another on the basis of race, color, sex, sexual orientation, religion, ancestry, or national origin or disability. Sexual harassment is also prohibited. Harassment is grounds for disciplinary action up to and including expulsion.

See policies:

AC – Nondiscrimination

ACAA – Harassment and Sexual Harassment of Students

~~**E. Bullying**~~

E. Bullying [DWM NOTE: Once MDOE releases its sample policy on this topic (which is supposed to be no later than January 2013), this section may need to be revised.]

Students shall not engage in bullying behavior, including unwanted physical contact, acts or communications of any kind that: 1) damage a student’s property; place a student in reasonable fear of physical harm and/or damage to his/her property; and/or disrupt the instructional program or the orderly operation of the school; and/or 2) is so severe that it creates a hostile educational environment for the student who is bullied. Violations may result in disciplinary action up to and including expulsion from school.

See policy JICIA – Weapons, Violence, Bullying and School Safety

F. Drug and Alcohol Use

Students shall not distribute, possess, use or be under the influence of any alcoholic beverage, drug, or look-alike substance, or other prohibited materials and/or substances as described in Board policy. Violations may result in disciplinary action up to and including expulsion from school.

SYSTEM-WIDE STUDENT CODE OF CONDUCT

See policy JICH – Drug and Alcohol Use by Students

G**E. Tobacco Use**

Students shall not smoke, use, possess, sell, or distribute any tobacco products. Violations of this policy may result in disciplinary action up to and including suspension from school.

See policy ADC – Tobacco Use and Possession

HG. Conduct on School Buses

Students must comply with all Board policies and school rules while on school buses. Students who violate these policies and rules on a school bus may have their riding privileges suspended or revoked, and may also be subject to additional disciplinary action, up to and including expulsion, depending upon the particular violation.

See policy JICC – Student Conduct on School Buses

HH. Computer/Internet Use

Students may use school computers, networks and Internet services only for educational purposes- and other purposes authorized by the school unit. Students shall comply with all policies and rules governing acceptable use. Unacceptable use may result in use restrictions, suspension or cancellation of computer privileges as well as additional disciplinary and/or legal action.

See policy IJNDB – Student Computer and Internet Use

JI. Co-Curricular Code of Conduct

Students must follow all Board policies and school rules while participating in athletics and extracurricular activities. In addition, a separate Code of Conduct has been developed governing the behavior of students participating in these activities. Students who violate the Co-Curricular Code of Conduct may be subject to suspension or removal from the team/activity as well as additional disciplinary action under applicable Board policies and/or school rules.

See policy JJIC – Co-Curricular Code of Conduct

Article 56 - Removal of Disruptive/Violent/Threatening Students

1. Students who are disruptive, violent, or threatening death or bodily harm to others may be removed from classrooms, school buses, or other school property when necessary to maintain

SYSTEM-WIDE STUDENT CODE OF CONDUCT

order and safety. The staff member who orders the student removed should arrange to have the student escorted to the office or other designated location.

2. If a student does not comply with a staff member's order to leave, the staff member will contact an administrator, or, if not available, another suitable person, who shall respond promptly.

~~3. Staff members should not use force or restraint, except only to the minimum extent necessary to protect any person from imminent physical harm. Staff members are not required to take action that puts them at risk of serious injury.~~

~~4. The responding administrator will take appropriate action. If the student fails to obey verbal directions, force or restraint may be used only to the minimum extent necessary to protect any person from imminent physical harm or to quell a disturbance. Whenever practicable, law enforcement should be called to restrain or physically remove the non-compliant student. The administrator may invoke the school unit's crisis response plan if appropriate.~~

4. Any use of physical restraint or seclusion of students must comply with applicable regulations and Board policy.

See 20-A M.R.S.A. MRS § 4009 – Protection from Liability

See ~~Crisis Response~~ Comprehensive Emergency Management Plan

See MDOE Rule Chapter 33 – Physical Restraint and Seclusion of Students

See JKAA/JKAA-R – Physical Restraint and Seclusion of Students

Article 67 - Special Services

1. **Referral.** The school unit has adopted policies and procedures for determining when a student shall be referred for special services.

See policies:

IHBAA – Referral/Pre-Referral Policy

IHBAC – Child Find Policy

2. **Review of Individual Educational Plan.** The school shall schedule a ~~PET~~an IEP meeting to review the IEP of a student who has been removed from class when: a) school officials and/or the parent believes the student may present a substantial likelihood of injury to himself/herself or others; b) the class removals are sufficient to constitute a change in the student's special education program; or c) school officials or the parent believes that the student's behavior may warrant a change in educational programming.

See policy JKF – Disciplinary Removals of Students with Disabilities

~~3. Time Out Rooms and Therapeutic Restraint.~~ The school unit also has established a policy on the use of time out rooms and therapeutic restraints as required by Maine statute.

SYSTEM-WIDE STUDENT CODE OF CONDUCT

See policy ~~JKGA – Time Out (Life Space) Rooms and Therapeutic Restraint~~

Article ~~7~~8 - Referrals to Law Enforcement Authorities

The Superintendent and administrators have the authority to seek the assistance of law enforcement authorities when there is a substantial threat to the safety of the schools, students or staff. The Superintendent/administration may also inform law enforcement authorities when they have reason to suspect that a student or staff member may have violated a local, state or federal statute. All serious offenses, as determined by the Superintendent, must be reported to law enforcement authorities.

*See policy KLG – Relations with Law Enforcement Authorities ~~or~~
~~KLGA – Relations with School Resource Officers and Law Enforcement Authorities~~*

Article ~~8~~9 - Dissemination of System-Wide Student Code of Conduct

The System-Wide Student Code of Conduct shall be distributed to staff, students and parents through handbooks and/or other means selected by the Superintendent and building administrators.

Legal Reference: 20-A M.R.S.A. ~~MRS~~ §§ 254 (11); 1001(15). ~~(15-A)~~

Cross Reference: *Taking Responsibility: Standards for Ethical and Responsible Behavior in Maine Schools and Communities* (Report of The Commission for Ethical and Responsible Behavior, February 2001)

ADOPTED: June 10, 2008

Revised:

STUDENT DISCIPLINE

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

The Board expects the following principles to guide the development and implementation of school rules and disciplinary procedures:

- A. Discipline should emphasize positive reinforcement for appropriate behavior, as well as appropriate consequences for misbehavior. The focus should be on providing a school environment where students are engaged in constructive learning and interactions with others.
- B. Expectations for student behavior should be clear and communicated to school staff, students and parents.
- C. Consequences for misbehavior should be in proportion to the offense, fair and consistently enforced. Administrators shall have the discretion to tailor discipline to the facts and circumstances of the particular case.
- D. Parents should be actively involved in the process of preventing and resolving disciplinary problems at school.

Physical force and corporal punishment shall not be used as disciplinary methods. State law provides that “a teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to: a) control the disturbing behavior; or b) remove the person from the scene of the disturbance.” Any restraint or seclusion of students shall comply with applicable regulations and Board policy.

Teachers are authorized to make and enforce rules for effective classroom management and to foster appropriate student behavior, subject to the direction and approval by the Principal/designee.

School-wide rules shall be developed by the building administration principal with appropriate input from school staff, students and parents and subject to approval by the Superintendent. School administrators Principals and the Board shall ~~impose~~ provide for the

STUDENT DISCIPLINE

suspension of or other serious disciplinary action against students in accordance with Board policies, administrative procedures and Maine law.

Students with disabilities shall be disciplined in accordance with applicable federal and state law/regulations.

Legal Reference: 17-A MRSA ~~¶~~ MRS § 106
 20-A MRSA ~~¶~~ MRS §§ 1001(15A): 4009
 _____ Ch. 125.10.05 (Maine Department of Education Rule)

Cross Reference: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
 ACAA – Student Harassment and Sexual Harassment
JIC – Student Code of Conduct
 _____ JICIA – Weapons, Violence, Bullying and School Safety
 _____ JKB – Student Detention
 _____ JKAA – Use of Physical Restraint and Seclusion
 _____ JKD – Student Suspension of Students
 _____ JKE – Expulsion of Students
 _____ JKF – Suspension/Expulsion of Students with Disabilities

~~ADOPTED: October 9, 1984~~
~~RECODED: June 1998~~
~~REVISED: August 25, 1992~~
 _____ May 13, 2003
 _____ November 4, 2008

SUSPENSION OF STUDENTS

The School Board delegates to the ~~building administrators~~ principals the authority to suspend disobedient and disorderly students for a period not to exceed ~~the ten~~ (10) school days. Suspensions longer than than 10 days may be imposed by the Board.

Prior to the suspension, except as hereinafter provided:

A. The student shall be given oral or written notice of the charge(s) against him/her;

B. The student shall be given an explanation of the evidence forming the basis for the charge(s); and,

C. The student shall be given an opportunity to present his/her version of the incident.

However, students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the instructional process may be immediately removed from school. In such cases, the notice of charges, explanation of evidence, and the student's opportunity to present his/her version of the incident shall be arranged as soon as practicable after removal of the student from school.

The student's parents/guardians shall be notified of the any in-school or out-of-school suspension as soon as practicable by telephone (if possible) and ~~or~~ by written notice sent by mail. A copy of the notice shall also be given sent to the Office of the Superintendent.

Students are not allowed on school property or to participate in any school-related activities during any out-of-school suspension except with the prior authorization of the principal or Superintendent.

~~[Optional: The parents/guardians and the student shall be required to schedule-attend a conference with the building administrator/designee within the suspension period and prior to readmittance to school.]~~

Students shall be responsible for any schoolwork missed during their suspension. After readmittance, they shall be permitted to take tests, quizzes or any other form of evaluation affecting their grades.

Legal Reference: 20-A MRS ~~A~~ MRS §§ 1001-(9); (15-A)(D)

Cross Reference: JIC – Student Code of Conduct

JICIA – Weapons, Violence, Bullying and School Safety

JK – Student Discipline

JKE – Expulsion of Students

JKF – Suspension/Expulsion of Students with Disabilities

CAPE ELIZABETH SCHOOL DEPARTMENT

SUSPENSION OF STUDENTS

~~ADOPTED: May 13, 2003~~

~~REPLACES: JKD/JKE Student Suspension and Expulsion~~

~~REVISED: November 4, 2008~~

EXPULSION OF STUDENTS

No student shall be expelled from school except by action of the Board. Following a proper investigation, the Board shall expel ~~students~~ a student, if found necessary for the peace and usefulness of the school, as provided in 20-A M.R.S. § 1001(9) and (9A).

The Board also has the authority to readmit an expelled student upon satisfactory evidence that the behavior which ~~was the cause of~~ caused the student ~~being to be~~ expelled will not likely recur.

Notice of Expulsion Hearing

Before an expulsion hearing, the Superintendent shall:

1. Provide a written notice to the parents/guardians (legal guardian and the student if 18 years of age or older) shall be notified by certified letter and regular mail, that:
 - a. Informs them of the Board date, time and location of the hearing;
 - b. Provides a description of the incident(s) that resulted in the expulsion hearing;
 - c. Informs them of their right to review the school's records prior to the hearing;
 - d. Includes a copy of the Board's expulsion guidelines; and
 - e. Informs them that the student has the right to an attorney or other representation, and the right to present and cross-examine witnesses.
2. Invite the parents/legal guardians and the student to a meeting prior to the expulsion hearing to discuss the hearing.

Expulsion Hearing and Reentry Guidelines

The expulsion hearing shall be held in a properly called executive session and may also be attended by persons designated by the Superintendent to present information in the case.

The notice of hearing shall include:

- A. ~~The date, time and location of~~ Board has adopted guidelines that outline the hearing;
- B. ~~A description of~~ process and the charge(s);

EXPULSION OF STUDENTS

- ~~C. A statement that the student may be represented by legal counsel;~~
- ~~D. A statement that the student or his/her representative may cross examine any witnesses presented by the administration at the hearing;~~ procedure for developing and
- ~~E. A statement that the parents/guardians and the students may present evidence, including witnesses and documents, on the student's behalf.~~

In the event that implementing a student is withdrawn from enrollment prior to the expulsion hearing, a "withdrawn prior to expulsion hearing" notation will be entered into the student's permanent record; reentry plan (if re-entry is subsequently requested, the Superintendent may then reschedule the expulsion hearing; applicable).

Legal Reference: 20-A MRSA ~~¶~~ MRS §§ 1001 (8A); (9)(c); (9A); (9C)
1 MRSA ~~¶~~ MRS § 405(6)(B)

Cross Reference: ~~JKE-R – Expulsion of Students~~ Hearing and Reentry Guidelines
JIC – Student Code of Conduct
JICIA – Weapons, Violence, Bullying and School Safety
JK – Student Discipline
JKD – Suspension of Students
JKF – Suspension/Expulsion of Students with Disabilities

Adopted: May 12, 2003

REPLACES: JKD/JKE-Suspension/Expulsion of Students

REVIEWED: November 4, 2008

EXPULSION OF STUDENTS-HEARING AND REENTRY -GUIDELINES**I. Expulsion Hearing Guidelines**

The following steps constitute general guidelines for the conduct of an expulsion hearing. The guidelines may be adjusted to meet the flexible requirements of due process on a case-by-case basis. consistent with applicable laws

A. Procedure for Conduct of Board Hearing to Expel

A. Any discussion, consideration or hearing by the School Board of suspension or expulsion of a student shall be in executive session.

B. The Board shall be in a public meeting and vote to enter executive session. Executive session requires a 3/5 affirmative vote of the members present and voting, and the vote must be recorded.

C. The parents/legal guardians, the student and legal counsel or other representative (if any) must be present for the hearing, except that the hearing may go forward if the parents/guardians and student (if 18 years of age or older) have been provided prior written notice and failed to appear for the hearing.

B. Executive Session**1. GENERAL RULES OF CONDUCT**

a. The hearing officer (Board Chair/designee or Board attorney) will conduct the hearing.

b. Witnesses shall be sequestered in response to a request by either party.

c. The hearing officer will state “no irrelevant or repetitious evidence will be allowed and no debate between the parties will be allowed.”

d. The hearing officer will state that “all parties are expected to maintain the confidentiality of the proceeding.”

e. The School Board and student (at his/her own expense) may be represented by legal counsel through each stage of the process.

2. PROCEDURES

a. The hearing officer will state for the record:

- Date of this hearing;
- Place of hearing;
- Time of hearing;

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- Name of student;
- Those in attendance for the administration;
- Those in attendance for the student; and
- Those in attendance for the School Board.

b. The hearing officer will request from the Superintendent a copy of the hearing notice, read the hearing notice to the School Board and include the notice in the record. If no person appears at the hearing on behalf of the parents/legal guardians or student, the hearing officer will request that the Superintendent confirm that the parents/guardians and student (~~if 18 years of age or older~~) were provided notice of the hearing.

c. The Superintendent ~~or~~ /designee, hereafter called “the administration,” will make an opening statement that includes an overview of the evidence, his/her recommendation, the reason(s) for the recommendation, and the legal basis for the recommended expulsion.

d. The hearing officer will inform the student and parents/legal guardians of their rights:

- To hear the evidence;
- To cross examine witnesses; and
- To present witnesses and offer other relevant evidence.

e. The hearing officer will ask if any member of the Board finds him/herself in a possible conflict of interest situation because s/he/she knows the student or parents/guardians to such an extent, or has knowledge of the facts to such an extent, that s/he/she could not impartially hear the facts and decide the issue on its merits.

f. All witnesses shall be sworn in by the hearing officer. Each witness raises his/her right hand and is asked, “Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth?”

g. The administration calls its witnesses.

h. After each witness has answered all questions put by the administration, then the student/designee (~~hereafter~~ hereinafter, the student) may cross-examine. This should be limited to questions and not arguments with the witness.

i. The administration may ask rebuttal questions after the student finishes questioning.

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j. Members of the Board may ask ~~question~~ questions at the conclusion of the rebuttal.

k. The student may then call his/her own witnesses to testify, and the student may testify. All witnesses will be sworn. The administration may cross-examine witnesses. The student may ask rebuttal questions. After ~~the~~ rebuttal questions, the Board may ask questions.

l. When all the student's witnesses have completed testimony (including the student), the administration may call additional rebuttal witnesses who may be cross-examined.

m. At the end of the testimony, the administration shall make a statement which should include its recommendations. The same may then be done by/for the student.

n. The Board should then deliberate in executive session. The Superintendent, Board attorney, administration, the student charged, his/her parents/legal guardians, and the student's legal counsel may remain for deliberations. If the student and representatives elect not to be present during deliberations, the administration will also be excluded from deliberations, except that the Superintendent may remain to provide guidance to the Board if s/he/she was not directly involved in the investigation/presentation of evidence.

o. The Board shall discuss whether the charges are more likely than not supported by the evidence presented. The Board may discuss and/or draft proposed finding of fact(s) concerning the charges prior to leaving the executive session.

p. If the charges are more likely than not supported, the Board shall discuss whether an expulsion shall be for a specified period of time, not to exceed the total number of days in the school year, or for an indefinite period.

q. The Board shall then leave executive session.

3. PUBLIC SESSIONS SESSION

a. 1. In public ~~sessions~~ session, a member of the Board may make a motion to "expel a student and direct the Superintendent to provide the student and his/her parents/guardians with the Board's finding of fact(s)."

Following a second, the Board Chair should state the motion and the Board should vote. If no motion is made to expel, the student will return to school at the conclusion of the previously imposed administrative suspension.

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2. If the student is expelled, a member of the Board shall make a motion as to whether the expulsion shall be for a specified period of time or for an indefinite period. If the expulsion is for an indefinite period, the Board may authorize the Superintendent to develop a reentry plan for the student as described in Section II below.

b. The Superintendent is responsible for notifying the parents/legal guardians (and the student if age 18 or older) of the Board's decision.

II. Reentry Plan Guidelines

If the Board expels a student has been expelled, for an indefinite period of time and authorizes the Superintendent will also to develop a reentry plan, the following steps are required by law:

A. The Superintendent/designee shall develop the reentry plan in consultation with the student and his/her parents/legal guardians to provide notice of the conditions, if any were given guidance that helps the student understand what he/she must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

B. The Superintendent/designee shall send a certified letter or hand-deliver a letter to the parents/legal guardians of the student, giving the date, time and location of a meeting to develop a reentry plan.

C. If the student and the student's parents/legal guardians do not attend the meeting, the reentry plan must be developed by the Superintendent/designee.

A.D. The reentry plan may require the student to take reasonable measures determined by the Superintendent that will help establish the student's readiness to return to school. Professional services determined to be necessary by the Superintendent must be provided at that time, for Board consideration the expense of the student's parents/legal guardians and/or readmission the student. (See Policy JKF for requirements related to students with disabilities.)

E. The reentry plan must be provided to the parents/legal guardians and the student.

F. The Superintendent shall designate an appropriate school employee to review the student's progress with the reentry plan at one month, three months and six months after the initial reentry plan meeting, and at other times as determined necessary by the designated employee, in consultation with the Superintendent.

Legal Reference: 20-A MRS §§ 1001 (8A), (9C)

EXPULSION OF STUDENTS HEARING AND REENTRY -GUIDELINES

Cross Reference: ~~JKE-R Administrative Guidelines: Student Suspension and Expulsion of Students~~

JKF – Disciplinary Removals of Students with Disabilities

ADOPTED: May 13, 2003

REPLACES: ~~JKD/~~

REVIEWED: November 4, 2008

Adopted:

Disciplinary REMOVAL Removals of Students with Disabilities

When removing students with disabilities from their regular school programs, whether as a result of a suspension, an expulsion, or any other removal covered by state and federal special education laws, it shall be the policy of the Cape Elizabeth School Department Schools to comply fully with all applicable state and federal special education laws that govern such removals.

The Superintendent of Schools, in consultation with the Director of Instructional Support and other school administrators, may develop and promulgate procedures for implementing this policy, and may from time to time amend those procedures as necessary.

Legal Reference: — ~~Ch.~~ References: Me. Spec. Ed. Reg. ch. 101-§ XVII (Me. Dept. of Educ. Rules) (2007)
2009; 34 C.F.R. § 300.101, .530 ~~to~~ .536 (2006)

ADOPTED: February 9, 1999
REVISED: November 14, 2000
April 8, 2008

REPORTING CHILD ABUSE AND NEGLECT

I. I. ——— DEFINITIONS

- A. **Child abuse or neglect.** Child abuse or neglect is defined by Maine law as “a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, or failure to ensure compliance with school attendance requirements, ~~if the~~ under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six ~~and~~ has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year, ~~by a person responsible for the child [OR: failure to ensure compliance with school attendance requirements as provided in 20 A.M.R.S.A. § 3272(2)(B) or § 5051-A(1)(C), by a person responsible for the child].~~).
- B. **Person responsible for the child.** A “person responsible for the child” means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.

II. EMPLOYEES’ DUTY TO REPORT

Any employee of the school unit who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal [school unit may insert other supervisor] who shall process the report as provided in Section III of this policy. In addition to notifying the building principal, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney when the employee believes a direct report will better protect the child in question.

III. ADMINISTRATORS’ DUTIES

- A. ~~———A.———~~ The principal shall make an immediate verbal report to the Superintendent/ designee. If it is determined that there is a duty to make a report to DHHS or the District Attorney, the Superintendent/designee shall make the appropriate report(s), as provided in section B.

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- B. ~~_____B._____~~The law provides that a report must be made to DHHS when the person suspected is a “person responsible for the child,” or to the District Attorney when the person suspected is not a person responsible for the child. However, because the legal definition of “person responsible for the child” is vague, the Superintendent/designee shall report all cases of suspected abuse or neglect to DHHS. In addition, if the person suspected is not the parent, guardian or other custodian of the child, the Superintendent/designee shall also make a report to the District Attorney.
 - C. ~~_____C._____~~The Superintendent/designee shall retain a record of all verbal and written reports made to DHHS, the District Attorney, or other outside agencies as well as all actions taken by the school unit.

IV. REPORTING PROCEDURES

The verbal report shall include the following information, if known:

- A. ~~_____A._____~~The name and address of the child and the persons responsible for his/her care or custody;
- B. ~~_____B._____~~The child’s age and sex;
- C. ~~_____C._____~~The nature and extent of the alleged abuse or neglect, including description of injuries and any explanation given for them;
- D. ~~_____D._____~~A description of alleged sexual abuse or exploitation, if any;
- E. ~~_____E._____~~Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- F. ~~_____F._____~~The source of the report, the person making the report, his/her occupation and where he/she can be contacted;
- G. ~~_____G._____~~Any actions taken by school staff, including any photographs taken or other materials collected; and
- H. ~~_____H._____~~Any other information the person making the report believes may be helpful.

Upon DHHS' request for a written report, the Superintendent/designee shall complete the Suspected Child Abuse/Neglect Report and mail a copy to DHHS. Proper documentation shall be maintained in accordance with Section III.C.

V. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. ~~_____A.~~ **Employees.** If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining contracts, and federal and state laws.
- B. ~~_____B.~~ **Students.** If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

~~_____ Upon Department of Human Services (DHHS) request, DHHS personnel shall be permitted to meet with and interview a the child who is named in a the report of suspected child abuse and neglect when the child is present at the school. as provided in this section. The interviewer principal/designee shall:~~

A. Require the DHHS employee requesting to interview the child to provide written certification that he/she is an authorized representative of the DHHS and that, in DHHS in the Department's judgment, the interview is necessary to carry out that Department's its duties under Maine law.

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

~~_____ School officials may C. Not place any other conditions on the DHHS's ability to conduct how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; ~~or~~ and requiring notice to or consent from a parent or guardian.~~

~~[NOTE: The statute uses the phrase “school officials.” In practice, this is typically the building principal.]~~

~~School officials shall~~ D. Provide an appropriate, quiet and private place for the interview to occur; and

~~That DHHS intends~~ E. Not disclose any information about DHHS’s intention to interview the child
is confidential information and may not be disclosed to any person except those to school officials, including an or the school’s attorney for the school, who need the information to comply with Maine law pertaining to child abuse and neglect investigations the interview request.

~~School personnel who assist DHHS in making a child available for an interview are regarded as participating in a child protection investigation or proceeding for the purpose of immunity from liability.~~

VII. ~~VII.~~—CONFIDENTIALITY OF INFORMATION AND RECORDS

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

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

VIII. GOOD FAITH IMMUNITY FROM LIABILITY

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

Legal Reference: 22 MRSA § 4011-A, 4021 Chap. 1071, Child and Family Services and Child Protection Act
20 USC § 1232g, Family Educational Rights and Privacy Act
20-A M.R.S.A. §§ 3272(2); 5051-A(1)(C); 5051-A(2)(B)

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

PUBLIC'S RIGHT TO KNOW/FREEDOM OF ACCESS

The Board recognizes the importance of a well-informed public to the operations of the school unit. The Board will comply with all applicable sections of Maine's Freedom of Access Act.

The Board designates the Superintendent, and to act in the absence of the Superintendent, the Assistant Superintendent [or _____] Business Manager as the Public Access Officer for Cape Elizabeth Schools.

~~[NOTE: 1MRSA § 413 requires each school administrative unit to designate "an existing employee" as its public access officer. The public access officer is responsible for ensuring compliance in regard to Freedom of Access requests (see 1MRSA § 413(1)). A person designated as a public access officer is required to complete a course of training on the requirements of Maine's Freedom of Access Act as related to public records and proceedings and must do so no later than the 120th day after such designation (see 1 MRSA § 412(1)). As with school board members, a person designated as public access officer may meet the training requirement by reviewing all the information made available by the State of Maine on the Frequently Asked Questions portion of its Freedom of Access website, or by completing any other training course that includes all of this information. Certification of completion is also required (see 1MRSA § 412(3)).]~~

Except as otherwise provided by statute, all Board proceedings shall be open to the public, any person shall be permitted to attend, and any records or minutes of such proceedings that are required by law shall be made promptly and shall be open to public inspection.

Board agendas and minutes, proposed and approved Board policies, annual budget reports, student handbooks and Board member Freedom of Access training documentation/certificates shall be available for immediate inspection and/or copying in the Superintendent's Office. Requests for all other public records shall be made, preferably in writing, to the Superintendent, specifying the records desired for inspection/copying. The Superintendent/designee may request clarification concerning which public record or records are being requested.

The Superintendent/designee shall acknowledge receipt of a request for inspection and/or copying of public records within a reasonable period of time.

~~[NOTE: M.R.S.A. § 408(1) requires acknowledgement of the receipt of a request to inspect and/or copy a public record within a "reasonable period of time." As a matter of good practice, MSMA recommends acknowledgement be provided within five working days whenever feasible.]~~

If the request is denied, the Superintendent/designee shall inform the requestor in writing within five working days of the request and shall state the reason for denial. Otherwise, inspection and/or copying may be scheduled to occur within a reasonable period of time following the request at a time that will not delay or inconvenience the regular activities of the school unit.

The school unit is not required to create a record that does not exist.

PUBLIC'S RIGHT TO KNOW/FREEDOM OF ACCESS

~~[NOTE: What should be regarded as a "reasonable period of time" for producing records for inspection depends upon the circumstances. Some documents are more accessible than others, and some requests more complex or difficult to fulfill, e.g., those requiring retrieval from multiple files, redacting (blacking out) of confidential information, searching computer networks or converting a record to a usable form. Other documents, such as Board meeting minutes and Board policies are typically kept in a central location and easily retrieved. It would be reasonable to expect that such documents would be provided expeditiously.]~~

ELECTRONICALLY STORED PUBLIC RECORDS

In compliance with the Freedom of Access Act, the school unit will provide access to an electronically stored public record as a printed document or the record or in the medium in which the record is stored, at the requester's option, except that the school unit is not required to provide access to an electronically stored public record as a computer file if the school unit does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file. The school unit is not required to provide access to a computer terminal.

~~[NOTE: We recommend consultation with your school attorney if there is a question as to whether a document or particular information must be provided in response to a Freedom of Access request, or the form in which it must be provided.]~~

FEES

Except as otherwise provided by law or court order, ~~{School unit name}~~ the Cape Elizabeth School Department may charge fees as follows:

- A. A fee of _____ \$0.25 per page to cover the cost of copying. ~~[NOTE: The statute provides for a "reasonable fee to cover the cost of copying."]~~
- B. A fee of _____ \$15.00 per hour after the first hour of staff time per request to cover the actual cost of searching for, retrieving, and compiling the requested public record. Compiling the public record includes reviewing and redacting confidential information. ~~[NOTE: By statute, this fee may not exceed \$15.00 per hour.]~~
- C. If conversion of a public record into a form susceptible of visual or aural comprehension or into a usable format, a fee to cover the actual cost of translation.
- D. A charge for the actual mailing costs to mail a copy of the record.
- E. No fee shall be charged for inspection of public records, unless the record cannot be inspected without being compiled or converted, in which case paragraph B or C applies.

PUBLIC'S RIGHT TO KNOW/FREEDOM OF ACCESS

As required by law, the school unit will provide the person making the request an estimate of the time necessary to complete the request and of the total cost and, if the estimated total cost exceeds ~~\$100.00~~30.00, will inform the requestor before proceeding. If the estimated total cost is greater than \$100.00 or if the requestor has previously failed to pay a fee assessed for access to Cape Elizabeth School records, the requestor may be required to pay all or a portion of the estimated cost prior to the search, retrieval, compiling, conversion and copying of the public record.

The Superintendent is directed to develop and implement such administrative procedures as may be necessary to carry out this policy.

Legal Reference: 1 M.R.S.A. § 401 et seq.

Cross Reference: BEC – Executive Sessions
GBJ – Personnel Records and Files
JRA – Student Educational Records

Adopted: _____

