

## **BOARD MEMBER CONFLICT OF INTEREST**

This policy addresses Board member conflicts of interest.

### **A. Contracts**

The Board and the School Department shall not enter into any contract in which a Board member (i) has a direct or indirect pecuniary interest (as defined by law),<sup>1</sup> (ii) or is employed by, contracts with or has any other financial interest in an entity which furnishes goods or services to the schools, except as follows:

1. The Board member having the interest makes full disclosure of interest before any action is taken and abstains from voting, negotiating or award of the contract and from otherwise attempting to influence the decision (with disclosure and abstention recorded in the minutes of the Board), or
2. The contract is obtained through properly advertised bid procedures in accordance with state law and Board policy.

### **B. Employment**

1. A Board member may not, during the time the member serves on the Board and for one year after the member ceases to serve on the Board, be appointed to any civil office of profit or employment position which has been created or the compensation of which has been increased by action of the Board during the time the member serves on the Board.
2. A Board member or spouse of a member may not be an employee in the Cape Elizabeth School Department. The Board has also adopted a policy on Nepotism (code BCC) which includes additional restrictions on the employment of Board members' family and the family members of School Department employees.

### **C. Volunteer Activities of Board Members and Spouses**

1. A member of the Board or spouse of a member may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular or extracurricular program or activity and reports directly to the Superintendent, Athletic Director, principal or other administrator in the School Department. "Volunteer means a person who performs personal services for a school unit without monetary payments or benefits of any kind or amount."

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<sup>1</sup> 30-A MRS § 2605.

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2. Volunteer activities of a Board member or a member's spouse, other than in the roles that are prohibited by statute, may be prescribed by policies or rules developed and approved by the Board.

D. Code of Conduct for Federally Funded Procurements

When a Board member participates in the selection, award, or administration of a contract that is supported by a federal award, the Board member shall also comply with Policy DJH – Purchasing and Contracting; Procurement Staff Code of Conduct.

Cross Reference:     BCC – Nepotism  
                           DJ – Bidding/Purchasing Requirements (suggested policy)

Legal Reference:     20-A MRSA §§ 1002(1)(A), (1)(B),( 2), (2-A), (3)

ADOPTED:     January 14, 1992  
Recorded:     June 1998  
REVISED     April 9, 2004  
Reviewed:     May 9, 2006  
                   March 12, 2013

## BIDDING/PURCHASING REQUIREMENTS

The School Board expects all purchases made by the school department to be consistent with applicable laws and sound business practices. The Superintendent shall be responsible for developing and implementing administrative procedures for bidding and purchasing consistent with this policy.

This policy is intended solely as an internal guide to purchasing by the school department. It does not afford any vendor any property or contractual rights against the school department. No vendor shall have any enforceable rights against the school department based upon this policy or alleged violations of this policy. No vendor shall have any rights against the school department until such time as a written contract between the vendor and the school department is executed by the vendor and an authorized representative of the school department.

### A. Bidding Required by Law

Maine law requires the Board to competitively bid property and casualty insurance; school bus and transportation contracts in excess of \$4,000; certain school building construction, alterations and repairs over \$100,000; bond anticipation notes for state-subsidized school construction projects; and lease purchase financing of buildings whose lease purchase costs qualify for state subsidy

### B. Competitive Bidding of Other Purchases

Where bidding is not required by law, it shall be the policy of the school department to competitively bid purchases of equipment, supplies, materials or services over \$20,000 provided that it is practical and cost-effective to specify the materials or services with sufficient particularity to allow meaningful comparison of bids.

If competitive bidding is not utilized, the Superintendent may seek Requests for Proposals (RFP) for purchases over \$10,000. Proposals may be negotiated in the best interest of the school department. An RFP identifies the need the school department intends to meet, but permits the vendor to propose the manner in which the work is to be performed and the materials to be used.

The Superintendent may forego the competitive bid or RFP process only when he/she determines that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or requesting proposals. In each such case, the Board shall be informed of the Superintendent's decision and the reasons for it in advance of entering into a contract.

### C. Procedures for Bidding and Requesting Proposals

## BIDDING/PURCHASING REQUIREMENTS

The method of notification that the school department uses to solicit bids and proposals shall be reasonably designed to attract qualified vendors. Depending upon the circumstances, such notification may include public advertising; mailing of notices to potential vendors; and/or telephone calls to potential vendors (in the case of RFPs).

### Bid Procedures

- A. The notification shall specify the deadline for submitting bids and the time and place of bid opening. Bid alternates shall be permitted at the discretion of the Superintendent. The notice shall reserve the right of the school department to reject any or all bids, and to waive technical or immaterial nonconformities in bids if in the best interest of the school department, and to exercise judgment in evaluating bids.
- B. **Written bids.** Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (insert appropriate date)," and mailed or filed with the Superintendent of the department.
- C. **Time of opening.** A School Board member or employee of the school department may not open a bid until the appointed time.
- D. **Public opening.** At the time and place stated in the public notice, and open to the public, all bids shall be opened by the Superintendent or, in the Superintendent's absence or disability, by any School Board member designated for the purpose by the Chair of the School Board.
- E. **Reading.** If any citizens who are not School Board members or employees of the school department or any representatives of the press are present, bids shall, at that time, either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.
- F. In general, the School Board will award contracts to the lowest bidder that the Superintendent and School Board deem can satisfactorily fulfill the contract.

### RFP Procedures

- A. Proposals should be submitted in the manner specified in the RFP, which shall be appropriate for the goods or services being purchased. If requests for RFPs are made by telephone, at least three vendors shall be contacted.

## BIDDING/PURCHASING REQUIREMENTS

- B. Proposals are to be evaluated based on criteria appropriate for the project in question, and the contract will be awarded to the vendor whom the Superintendent and School Board deem best able to meet the requirements of the school department.

### Procurement Methods for Federally Funded Projects

- A. The Superintendent or his or her designee shall be responsible for developing, updating as necessary, and implementing a written administrative procedures manual (hereafter, the "Federal Procurement Manual") to govern the procurement and purchase of property, goods, and services using any federal award<sup>1</sup> that is subject to the Uniform Grant Guidance, codified at 2 CFR Part 200 ("UGG Federal Award"). The Federal Procurement Manual shall be consistent with all applicable federal laws and rules.
- B. Notwithstanding any policy provision to the contrary, the procurement and purchase of property, goods, and services using a UGG Federal Award, in whole or in part, must comply with the Federal Procurement Manual. Wherever this policy or any of the school unit's administrative procedures are inconsistent with federal laws or rules, the provisions of the federal laws or rules shall control.

Legal Reference: 5 MRSA § 1743-A  
20-A MRSA §§ 1001(14), 5401(13)(D); 5402  
20-A MRSA § 1314  
30-A MRSA § 6006-E  
Maine State Board of Education Rules for Major Capital  
School Improvement Projects (Chapter 61, § 11(5))

Maine Department of Education and Maine Municipal Bond  
Bank Rules for Maine School Facilities Program and School  
Revolving Renovation Fund Program (Chapter 64, § 6)

ADOPTED: December 13, 2005 [Policy DJ: Bidding & Purchasing]  
REVISED & RE-CODED: May 14, 2013

## **PURCHASING AND CONTRACTING: PROCUREMENT STAFF CODE OF CONDUCT**

### **Conflict of Interest**

All employees of the school unit shall perform their duties in a manner free from conflicts of interest to ensure that the school unit's business transactions are made in compliance with applicable laws and regulations and in a manner that maintains public confidence in the schools.

No employee, officer, or agent of the school unit may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

A conflict of interest would arise when the employee, officer, or agent—or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein—has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

For the purpose of this policy, “immediate family” is defined as spouse, brother, sister, parent, son, or daughter.

### **Conflict of Interest Disclosure**

All employees, officers, or agents with real or apparent conflicts of interest as defined above must disclose the conflict of interest to the Superintendent who will investigate the circumstances of the proposed transaction. The Superintendent will exercise due diligence in investigating the circumstances of the transaction and, if necessary, will make reasonable efforts to find alternatives to the proposed transaction or arrangement that would not give rise to a conflict of interest. If the Superintendent determines that the proposed transaction is in the best interest of the school unit and is fair and reasonable, he or she may proceed with the transaction. In the event that the Superintendent may have a conflict of interest, an ad hoc subcommittee of the School Board will investigate and make a determination regarding the transaction.

### **Gifts and Solicitations**

The employees, officers, and agents of the school unit may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

Employees, officers, and agents of the school unit may accept unsolicited items of nominal value such as those that are generally distributed by a company or organization through its public relations program.

**PURCHASING AND CONTRACTING: PROCUREMENT STAFF CODE OF CONDUCT**

**Violations**

Employees of the school unit who violate this code of conduct may be subject to discipline, up to and including termination of employment and, if appropriate, referral to law enforcement.

Legal Reference: 34 CFR Parts 74 and 80 (Education Department General Administrative Regulations (“EDGAR”)) (for federal awards made prior to 12/26/2014)

2 CFR § 200.318 (Uniform Administrative Requirements—General Procurement Standards) (for federal awards made on or after 12/26/2014)

Cross Reference: DJ – Bidding/Purchasing Procedures  
DJ-R – Federal Procurement Manual

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

Amended: \_\_\_\_\_

## ADMINISTERING MEDICATION TO STUDENTS

The Board acknowledges that in certain instances it may be necessary for a student to have medication administered to him/her while in attendance at school. The Board discourages the administration of medication on school premises where other options exist. ~~Whenever possible, it is recommended that the~~ The first dose of a newly-prescribed medication should be given at home.

### **I. Requests To Administer Medications Pursuant To Health Provider Order**

The following procedure must be followed for any prescription medication to be administered for greater than 14 days to a student pursuant to a health care provider's order. Such an order must be obtained from a medical/health practitioner who has a current Maine license with a scope that includes administering medication.

1. The parent/legal guardian shall obtain a copy of the [Cape Elizabeth School Department Request/Permission to Administer Medication in School form](#) and Board Policy JLCD from the school health office or on the Cape Elizabeth School website.
2. The parent/legal guardian and the student's health care provider shall complete and sign the Request/Permission Form.
3. The parent/legal guardian shall return the Request/Permission form to the school health office along with the medication:
  - In the original container (and in the case of prescription medications, appropriately labeled by the health care provider or pharmacy);
  - Including no more than the amount of medication necessary to comply with the health provider's order.
  - Medication no longer required (or remaining at the end of the school year) must be removed by the parent/legal guardian or the student with parent permission. Medication not removed by the parent/legal guardian in a timely manner shall be disposed of by the school nurse.
  - Students may be permitted to transport medication to/from school only when mutually agreed upon by the parent/legal guardian and school nurse.
4. The school nurse shall review the Request/Permission form for completeness and clarity. If the nurse has any questions or concerns about the form, s/he will contact the parent/legal guardian, as appropriate for more information.
5. If there is a later change in the medical order (such as change in dose, frequency or type of medication), a new Request/Permission form must be completed.



## ADMINISTERING MEDICATION TO STUDENTS

6. Medication orders should be renewed annually.
7. The Board disclaims any and all responsibility for the diagnosis, prescription of treatment, and administration of medication for any student.

## **II. Self-Administration of Medications**

### Inhalers and Epinephrine Autoinjectors

Students shall be authorized to possess and self-administer emergency medication from an asthma inhaler or epinephrine autoinjector if the following requirements are met:

1. The student must have the prior written approval of the student's health care provider and, if the student is a minor, the prior written approval of his/her parent/guardian (see Request/Permission Form).
2. The student's parent/guardian must submit written verification from the student's health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or autoinjector in school.
3. The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or autoinjector in school.

### Glucagon and Insulin

Students with a diagnosis of diabetes shall be authorized to possess and self-administer insulin if the following requirements are met:

1. The student must have the prior written approval of the student's health care provider and, if the student is a minor, the prior written approval of his/her parent/guardian (see Request/Permission Form).
2. The student's parent/guardian must submit written verification from the student's health care provider confirming that the student has the knowledge and the skills to safely possess and use insulin in school.
3. The school nurse shall evaluate the student's technique to ensure proper and effective use of insulin in school.

A student with diabetes will be allowed to carry the emergency rescue medication, Glucagon, on their person or in their backpack to be available in case of a diabetic medical emergency. Staff will be trained to administer Glucagon.

### Other Medications

## ADMINISTERING MEDICATION TO STUDENTS

~~Students~~ High School students shall be permitted to possess and self-administer prescription medications (~~i.e. migraine medication~~) in school on a case-by-case basis: except for controlled substances. All such requests must be approved by the school nurse.

### **III. Dispensation of Over the Counter Medications**

Students are not allowed to possess over-the-counter medications or prescription medications except as provided in this policy.

With prior parental/legal guardian ~~written permission~~, permission on the Student Information Form (located in the parent Powerschool portal), students may receive ~~certain over-the-counter medications at school: i.e. antacid tablets, acetaminophen, ibuprofen.~~ The Powerschool portal information must be updated annually.

~~With prior parental/legal guardian written permission, students may bring~~ No cough/cold elixirs or other over-the-counter medications, or any medications that differ from home to the school's health office where they the Cape Elizabeth standing physician orders will be stored and administered ~~per the parent/guardian's written instructions~~ to students without prior written permission from a health care provider and the parent/guardian.

### **IV. Medication of Field Trips**

Field trip is an extension of the school day, therefore medications to be administered on field trips will be in accordance with this policy.

### **IV.V. Personnel Authorized to Administer/Dispense Medications**

Medications may be administered by the school nurse and/or by authorized unlicensed school personnel who have received appropriate training. Annual refresher training is required for all unlicensed personnel authorized to administer medications. The school nurse shall maintain appropriate documentation of training. Authorization to administer medications shall be made by the Superintendent based upon the recommendation of the school nurse.

### **V.VI. Confidentiality of Information**

To the extent legally permissible, school staff may be provided with such information regarding a student's medication(s) as may be in the best interest of the student.

### **VI.VII. Storage of Medications**

ADMINISTERING MEDICATION TO STUDENTS

1. All medications shall be stored in a secure space in the school nurse's office or school office and locked at all times except during the actual administration of medication.
2. Clearly marked containers are provided for daily medications and those to be taken as needed.

**VII.VIII. Recordkeeping for Controlled Substances**

A Medication Record Book shall be maintained by the school nurse/designee, including the Request/Permission Form and individual medication records for each student to document the administration of all medications (dose administered, by whom, date, time and any errors). Scheduled medications will be counted by the school nurse and one other adult (e.g., parent/guardian, school secretary) when received.

**VIII.IX. Administrative Procedures**

The Superintendent/designee shall develop any administrative procedures necessary to implement this policy and as required by Maine Department of Education Rules.

Legal Reference: MRS Title 20-A, Chapter 3 §254(5) and Chapter 201 § 4009 (4)  
Maine Department of Education Rule Chapter 40  
28 CFR Part 35 (Americans with Disabilities Act of 1990)  
34 CFR Part 104 (Section 504 of the Rehabilitation Act of 1973)  
34 CFR Part 300 (Individuals with Disabilities Education Act)

CROSS REFERENCE: IHOA – Student Travel and Field Trips

ADOPTED: March 14, 2006  
Revised: February 11, 2014

## Medical Marijuana in Schools

The Board recognizes that there may be some students in the Cape Elizabeth School Department who rely on the use of medical marijuana to manage a medical condition and who may be unable to effectively function at school without it.

Maine law provides that a “primary caregiver” (defined as parent, guardian or legal custodian under Maine’s medical marijuana law, 22 MRSA §2423-A91)(E)) may possess and administer marijuana in a nonsmokeable form on the grounds of the primary or secondary school in which a minor qualifying patient is enrolled, if: a) a medical provider has provided the minor qualifying patient with a current written certification for the medical use of marijuana, and b) possession of medical marijuana is for the purpose of administering it to the minor qualifying patient.

In order to facilitate administration of medical marijuana with minimum interruption of instructional time for the student and with minimum disruption of routine school operations, the Board approves the following guidelines for the administration of medical marijuana:

1. The person administering the medical marijuana must provide proof that:
  - He/she is the primary caregiver for the student;
  - The student has a current written certification from a medical provider for the use of medical marijuana;
  - The student needs to have the drug administered during the school day, as opposed to before or after school.
2. The marijuana must be in a nonsmokeable form;
3. The marijuana must be possessed only by the primary caregiver and only for the purpose of administering it to the student at school;
4. Medical marijuana may only be possessed by the primary caregiver; it cannot be given or held by any school employee, student or other person in school, with the exception of the “qualifying patient”;
5. Only the primary caregiver may administer medical marijuana – it cannot be done by, or delegated to, a school employee or any person other than the primary caregiver;
6. Medical marijuana may be administered only at the principal’s office or area designated by the principal; the primary caregiver must go there directly after signing in at the main office; and
7. The student may not possess medical marijuana at any time or place except during the time of its consumption, at the designated location, and under the supervision of the caregiver.

A student who holds written certification for the medical use of marijuana may not be excluded (suspended or expelled) from school because he/she requires medical marijuana to attend school.

Legal Reference: Maine 2015P.L. Ch. 369

Adopted: