

# Section E – Support Services

- EBAA - Chemical Hazards
- EBCA - Comprehensive Health and Safety and Emergency Management Plan
- EBCC - Bomb Threats
- EBCC-E1 - BOMB THREAT REPORT FORM
- EBCE - School Closings and Cancellations
- EBCF - Automated External Defibrillators (AEDS)
- EC - Environmentally Sound Schools
- ECAD - Security Camera System
- ECAD-R - Security Camera System Administrative Procedure
- ECB - Pest Management in School Facilities and on School Grounds
- EEA - Transportation
- EEAEAA - Drug and Alcohol Testing of School Bus Drivers
- EEAEAA-R - Drug and Alcohol Testing of School Bus Drivers - Administrative Procedure
- EEAG - Student Transportation in Private Vehicles
- EF - Nutrition Services: Unpaid Meal Charges and Prohibition Against Food Shaming
- EFE - Competitive Food Sales/Sales of Foods in Competition with the School Nutrition Program
- EGAD - Copyright Compliance
- EGAD-R - Copyright Compliance Administrative Procedure
- Student Transportation in Private Vehicles Form
- EFBA - Menu Development/Options: Offer vs. Serve Lunch Concept
- EFC - School Nutrition Services: Free School Meals for All Students
- EBCB - Emergency Evacuation Drills

- [EEAEF - Video Cameras on Transportation Vehicles](#)

# EBAA - Chemical Hazards

## **EBAA - Chemical Hazards**

M.S.A.D. #35 is committed to providing a safe environment for students and employees. It is the policy of M.S.A.D. #35 to follow safe practices in regard to the storage and handling of hazardous chemicals in its schools. M.S.A.D. #35 will comply with all applicable Maine and federal laws and regulations concerning hazardous chemicals.

The Superintendent will be responsible for developing a Chemical Hygiene Plan\* that includes procedures relevant to the identification, purchase\*\*, storage, inventory, handling, and disposal of hazardous chemicals, maintenance of safety data sheets (SDS), and for ensuring that employees are provided required training and information concerning hazardous chemicals used in the schools. The Superintendent may delegate responsibilities associated with Plan development to school system staff, as appropriate.

The Superintendent will appoint a Chemical Hygiene Officer for MSAD #35. The Chemical Hygiene Officer will have the primary responsibility for implementing MSAD #35's Chemical Hygiene Plan. The person appointed Chemical Hygiene Officer should be familiar with State and federal regulations pertaining to laboratory and chemical safety and the chemicals used in the schools.

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

### Legal Reference:

29 C.F.R. § 1910.1200

26 M.R.S.A. § 565

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

Ch. 161 (Dept. of Educ. Rule)

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

### Cross Reference:

EBCA – Crisis Response Plan

## ECB - Pest Management in School Facilities and on School Grounds

*Policy Adopted: December 2, 1987*

*Policy Revised: September 18, 1996; October 2, 1996; May 5, 2004; September 21, 2005; October 16, 2024*

*Policy Reviewed: September 28, 2009*

# EBCA - Comprehensive Health and Safety and Emergency Management Plan

## **EBCA - Comprehensive Health and Safety and Emergency Management Plan**

The Board hereby adopts the **MSAD #35** Comprehensive Health and Safety and Emergency Management Plan.

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

As required by law, the Board will approve the plan annually.

The Superintendent and building administrators shall be responsible for ensuring that the plan is implemented in each school and evaluated on an annual basis and after each incident when the plan is used. It is understood that specific procedures may vary from school to school due to differences in school facilities and the ages of students.

At the request of any Board member or full-time school employee, the Board shall form a steering committee composed of school employees, Board members, parents, and others. A majority of the school employees must be chosen by the local representatives of the applicable bargaining unit if the school employees are covered by a collective bargaining agreement. The steering committee shall regularly review and refine the comprehensive health and safety plan.

Any substantive changes in the plan shall be subject to the approval of the Board.

The following information pertaining to the **MSAD #35** Comprehensive Health and Safety and Emergency Management Plan is considered public information:

A. A description of the scope and purpose of the Plan and the process used for developing and updating it;

- B. General information on auditing for safety and preparedness;
- C. Roles and responsibilities of school administrators, teachers and staff and the designated chain of command during an emergency; and
- D. Strategies for conveying information to parents and the general public during an emergency.

Except as specified in paragraphs A through D above, those portions of the Health and Safety and Emergency Management Plan and any other records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism shall not be considered public information under the Freedom of Access Act but only to the extent that the release of such information could reasonably be expected to jeopardize the physical safety of school unit personnel or the public. For the purpose of this policy, "terrorism" is defined as in

1 M.R.S.A. § 402(3)(L) as "conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure."

Legal Reference: 20-A MRSA § 1001(16)

Cross References:

JICIA - Weapons, Violence and School Safety

EBCC - Bomb Threats

Policy Adopted: March 21, 2007

Policy Revised: October 21, 2009, February 10, 2021, November 16, 2022

# EBCC - Bomb Threats

## EBCC - Bomb Threats

The Board recognizes that bomb threats are a significant concern to MSAD #35. Whether real and carried out or intended as a prank or for some other purpose, a bomb threat represents a potential danger to the safety and welfare of students and staff and to the integrity of school property. Bomb threats disrupt the instructional program and learning environment and also place significant demands on school financial resources and public safety services. These effects occur even when such threats prove to be false.

Any bomb threat will be regarded as an extremely serious matter and treated accordingly. The Board directs the Superintendent to react promptly and appropriately to information concerning bomb threats and to initiate or recommend suitable disciplinary action.

### A. Conduct Prohibited

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

It is also a violation of Board policy to communicate by any means that any toxic or hazardous substance or material has been placed, or will be placed, on school premises with the intent to endanger the safety and welfare of students or staff and/or to disrupt the operations of the schools.

For the purpose of this policy, "toxic or hazardous substance or material" means any material or substance, including biomedical materials, or organisms, that, when placed as threatened, could be harmful to humans.

### B. Definitions

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

### C. Development of Bomb Threat Procedures

The Superintendent/designee shall be responsible for developing and implementing procedures specific to bomb threats as part of MSAD #35's Crisis Response Plan. These procedures are intended to inform administrators and staff of appropriate protocols to follow in the event that a bomb threat is received and should include provisions to address:

1. Threat assessment (for the purpose of identifying a response that is in proportion to the threat, in light of what is necessary to ensure safety).
2. Building evacuation and re-entry (including selection of potential alternative sites for those who are evacuated);
3. Incident "command and control" (who is in charge, and when);
4. Communications contacts and mandatory bomb threat reporting;
5. Parent notification process;
6. Training for staff members; and
7. Support services for students and staff.

The initial bomb threat procedure will be subject to approval by the Board. The Superintendent/designee will be responsible for overseeing a review or evaluation of bomb threat procedures prior to the Board's required annual approval of MSAD #35's Crisis Response Plan, or following implementation of the procedure in response to a specific threat.

#### **D. Reporting of Bomb Threats**

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

An employee of MSAD #35 who learns of a bomb threat shall immediately inform the building administrator. The building administrator shall immediately take appropriate steps to protect the safety of students and staff in accordance with MSAD #35's bomb threat procedure, as developed under Section C and inform the Superintendent of the threat.

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

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

#### **E. Student Disciplinary Consequences**

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



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

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

A student who has been identified through the PET process as having a disability and whose conduct in violation of this policy is related to the disability shall be disciplined as provided in Policy JKF.

#### **F. Aiding Other Students in Making Bomb Threats**

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

#### **G. Failure to Report A Bomb Threat**

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

#### **H. Staff Disciplinary Consequences**

An MSAD #35 employee who makes or communicates a bomb threat will be reported to appropriate law enforcement authorities and will be subject to disciplinary action up to and including termination of employment. Disciplinary action taken shall be consistent with collective bargaining agreements, other employment agreements, and Board policies.

An MSAD #35 employee who fails to report information or knowledge of a bomb threat or the existence of a bomb on school premises will be subject to discipline up to and including termination of employment.

#### **I. Civil Liability**

MSAD #35 reserves the right to bring suit against any individual responsible for a violation of this policy and to seek restitution and other damages as permitted by law.

#### **J. Lost Instructional Time**

Instructional time lost as a result of a bomb threat will be rescheduled at the earliest appropriate (or; practicable) opportunity, as determined by the Superintendent in consultation with the Board.

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

#### **K. Notification Through Student Handbook**

All student handbooks shall address MSAD #35's bomb threat policy and procedures and explain the educational consequences of bomb threats. In addition, student handbooks shall notify students and parents that bomb threats violate Board policy and civil and criminal law.

Legal References: 18 U.S.C. §§ 921; 8921

17-A M.R.S.A. § 210

20-A M.R.S.A. §§ 263; 1001(9); 1001 (9A); 1001(17); 1001(18)

Cross References: EBCA - Comprehensive Health and Safety and Emergency Management Plan

JKD - Suspension of Students

JKE - Expulsion of Students

JKF - Disciplinary Removals of Students with Disabilities

ACAE - Weapons, Violence and School Safety

JICDA Student Code of Conduct

Policy Adopted: November 20, 2002

Policy Reviewed: September 28, 2009, November 16, 2022

# EBCC-E1 - BOMB THREAT REPORT FORM

## EBCC-E1 - BOMB THREAT REPORT FORM

- 1) Follow the checklist below
- 2) Call police and state "I have received an emailed bomb threat".

**STAY CALM:** Do not get excited or excite others. Do not open desk drawers or closet doors.

**TIME:** Call received \_\_\_\_\_ am/pm Terminated: \_\_\_\_\_ am/pm

**EXACT WORDS OF CALLER:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**DELAY:** Ask caller to repeat

### QUESTIONS TO ASK:

What time is the bomb set to explode? \_\_\_\_\_

Where is it located? \_\_\_\_\_ Area: \_\_\_\_\_

What kind of bomb? \_\_\_\_\_

What does it look like? \_\_\_\_\_

Why kill or injure innocent people? \_\_\_\_\_

### VOICE DESCRIPTION:

Male: \_\_\_\_\_ Female: \_\_\_\_\_

Calm: \_\_\_\_\_ Nervous: \_\_\_\_\_

Young: \_\_\_\_\_ Old: \_\_\_\_\_ Middle Age: \_\_\_\_\_ Rough: \_\_\_\_\_

Refined: \_\_\_\_\_ Raspy: \_\_\_\_\_ Fast/Slow: \_\_\_\_\_ Loud/Low: \_\_\_\_\_

Accent: Yes: \_\_\_\_\_ No: \_\_\_\_\_ Describe: \_\_\_\_\_

\_\_\_\_\_  
Unusual phrases: \_\_\_\_\_

Recognize voice? \_\_\_\_\_ If so, who do you think it was? \_\_\_\_\_

### BACKGROUND NOISE:

Music: \_\_\_\_\_ Traffic: \_\_\_\_\_ Horns: \_\_\_\_\_ Machinery: \_\_\_\_\_

Running Motor: (Type): \_\_\_\_\_ Whistles: \_\_\_\_\_

Aircraft: \_\_\_\_\_ Machinery: \_\_\_\_\_ Bells: \_\_\_\_\_ Tape Recorder: \_\_\_\_\_

Other: \_\_\_\_\_

### ADDITIONAL INFORMATION:

Did caller indicate knowledge of facility? In what way? \_\_\_\_\_

\_\_\_\_\_  
What line did the caller come in on? \_\_\_\_\_

Is number listed? Yes: \_\_\_\_\_ No: \_\_\_\_\_ Private number? \_\_\_\_\_ Whose? \_\_\_\_\_

**EMAILED BOMB THREAT**

**\*DO NOT CLOSE THE EMAIL**

Call police state "I have received an emailed bomb threat"

**Policy Revised:** November 16, 2022

# EBCE - School Closings and Cancellations

## **EBCE - School Closings and Cancellations**

At various times throughout the year, our region experiences both anticipated weather events such as snowstorms, wind and ice storms as well as unanticipated emergency events such as power outages. The district works collaboratively together with the Emergency Management Directors for both Eliot and South Berwick, each town's Chief of Police, Fire Chief and Public Works Director to develop a coherent set of emergency protocols and a communication system for both anticipated weather events and for unanticipated emergency events. These clear protocols essentially require the district to gather as much information as possible to make an informed decision regarding our schools' opening, closing or delayed start times before 6:00 a.m. and then to communicate any change to our usual school opening times to over 2,600 contacts.

Since weather and conditions surrounding other unanticipated emergency events can change quickly, there will always be a myriad of nuanced contingencies that present themselves within the decision-making process. As a result, there may be occasions when you decide to keep your child home when our schools are open.

Notwithstanding the decision of the district to open, close or delay the start of its schools, as your child's parent, you are the best judge of what road and weather conditions you believe are safe or unsafe for your family's travel. If you believe that your child(ren) should not come to school during an inclement weather event, you should keep your child home. In these cases, your child will be listed as having an "excused" absence and any schoolwork missed on that day will be able to be completed in a timely manner.

Finally, although we cannot predict what media systems will be operational or offline at your home or workplace during a weather event or other unanticipated emergency, we have developed numerous pathways for delivering information regarding our schools' status. These information pathways include:

- Posting on the district's website front page: [www.rsu35.org](http://www.rsu35.org)
- Posting on the district's *Facebook* page <https://www.facebook.com/pages/Marshwood-Schools/258524500918045>
- Notification via TV channels 6, 8 & 13
- Phone message and email via Connect-ED

It is the hope of the district that at least one platform of information will be available to you during a storm or other emergency event so that you can have the latest information regarding your child's school status.

The district holds the safety of our students and staff as its highest priority and strives to make the best decision with the best available information at the time regarding school closings or delayed starts for our district's schools and activities.

Policy Adopted: November 15, 2017

Policy Revised: March 16, 2022

# EBCF - Automated External Defibrillators (AEDS)

## **EBCF - Automated External Defibrillators (AEDS)**

The Board recognizes that from time to time medical emergencies may arise that warrant the use of an automated external defibrillator (AED). M.S.A.D. #35 may acquire one or more AEDs for use in its schools and at school athletic events.

M.S.A.D. #35 will offer training to high school students on performing cardiopulmonary resuscitation (CPR) and using an automated external defibrillator (AED) in accordance with such rules as may be adopted by the Maine Department of Education, and may require training for those school unit personnel who have been identified by the Superintendent, in consultation with the school physician, as needing such training to effectively carry out their job responsibilities.

The Superintendent shall be responsible for developing, in consultation with the school physician or other qualified expert and in accordance with the manufacturer's' instructions, protocols for the use, storage, location, testing, and maintenance of MSAD #35's AEDs and for identification of school personnel who should be trained in the use of an AED.

Although the Board authorizes the acquisition of AEDs, it cannot and does not guarantee that an AED or a person trained in its use will be available at any particular school site or school-sponsored event.

Legal References: 14 MRSA § 164

20-A MRSA § 4009

22 MRSA § 2150-C

Cross Reference: EBCA – Comprehensive Emergency Management Plan

JLCE - First Aid and Emergency Medical Care

Policy Adopted: November 25, 2003

Policy Revised: October 21, 2009 and February 24, 2016





# EC - Environmentally Sound Schools

## **EC - Environmentally Sound Schools**

The Maine School Administrative District No. 35 Board of Directors is proud of its faculty, staff, and student body for their innovative practices in promoting environmental stewardship. Our district has the potential to make a positive, tangible change while teaching our students to be stewards of their community, the earth, and its resources. The Board recognizes that change within schools can help catalyze change in the broader society.

The Board also recognizes:

- Our schools consume natural resources, including energy, water, food, and paper and they generate waste materials, including garbage and air emissions.
- The district expends considerable financial resources on energy, water, office supplies, educational materials, and cleaning supplies.
- Many options and choices exist for schools to use natural resources more efficiently.
- Our educational community has a tremendous opportunity to learn about ecological sustainability, environmental health and to support students in becoming leaders in making their school a healthier and more ecologically friendly place.

The Board will support, encourage, and investigate:

- Ongoing reuse, recycling, and composting efforts.
- Energy conservation.
- Use of energy efficient and sustainable products, equipment and materials when economically feasible.
- The proper disposal of all hazardous waste.
- Alternative energy sources for and within MSAD 35.

The Board directs the Superintendent of Schools to implement administrative procedures and rules designed for energy efficiencies and conservation.

The Board will consider all recommendations that have the potential to lighten the district's environmental impact, integrate environmental education, and increase student participation in school-wide environmental initiatives.

The Board will explore opportunities to partner with both nonprofit and public agencies in the area of environmental education. The Board will support goals and initiatives that align with environmental education.

*Policy Adopted: May 7, 2008*

*Policy Revised: September 28, 2009; April 10, 2024*

# ECAD - Security Camera System

## **ECAD - Security Camera System**

The Board authorizes the use of security cameras for the purpose of enhancing school safety and security. The Board's goals are to promote and foster a safe, secure teaching and learning environment for students and employees; to promote public safety for community members who visit or use school property; and to safeguard facilities and property.

Security cameras may be placed in parking lots, school entryways and other areas on school grounds. Security cameras may also be placed in areas of common use within buildings, including but not necessarily limited to, school foyers, the school office, hallways, cafeterias, libraries and gymnasiums.

Security cameras may be used for the following purposes:

1. To investigate suspected violations of Board policies or school, or other inappropriate conduct.
2. To monitor activities on school property to protect safety and to enforce school rules, policies and the law.
3. By law enforcement to address school safety issues or to investigate possible criminal behavior.

Notices will be posted in public entryways to the building and other conspicuous locations informing persons that the buildings and grounds are monitored by security cameras.

The Superintendent may develop and implement any necessary administrative procedures regarding the use of security cameras.

Cross Reference: EBCA – Comprehensive Emergency Management Plan

JRA – Student Records and Information



# ECAD-R - Security Camera System Administrative Procedure

## ECAD-R - Security Camera System Administrative Procedure

### A. Security Camera Placement

1. Security cameras may be placed outside and inside school facilities as described in Policy ECAD and as approved by the Superintendent. The Superintendent shall consult with the building administrator and others as appropriate prior to approving placement of security cameras.
2. The use of security cameras or video devices may also be approved in particular locations by the Superintendent on a short-term basis in connection with investigations of possible misconduct and/or illegal activity.
3. Security cameras will not be placed in bathrooms, locker rooms, private offices or other locations where the Superintendent determines that users have a reasonable expectation of privacy, except as otherwise permitted by law.

### B. Viewing/Monitoring of Live Images from Security Cameras

1. In order to maintain building security, a monitor will be placed to enable office staff [or insert other appropriate staff] to observe points of access to the building.
2. The Superintendent, building administrators and others designated by the Superintendent may monitor security camera images on a periodic or random basis for school-related purposes.
3. In situations when the School Department's Comprehensive Emergency Plan is implemented and/or there is an immediate security risk, law enforcement officials may view directly images from school security cameras at the school on their own monitors at other locations. **[Note: If there is no such access, this paragraph will need to be modified.]**

### C. Viewing of Security Camera Recordings

1. The Superintendent, building administrators and others designated by the Superintendent may review security camera recordings for school-related purposes. Other school employees may be authorized by the Superintendent or a building administrator to view recordings if there is a

legitimate educational or operational reason to do so.

2. Any security camera recording used for student disciplinary purposes will only be disclosed as authorized by the Family Educational Rights and Privacy Act (FERPA) and in accordance with Board policy.

3. The parents/guardians of a student or an eligible student under FERPA may request to view portions of a security camera recording used as a basis for disciplinary action against that student. Viewing of the security camera recording shall be conducted in the presence of a building administrator and shall be conducted in a manner that does not violate the confidentiality rights of other students.

4. Law enforcement personnel may review security camera recordings, when available, to investigate possible criminal conduct.

#### **D. Storage and Security of Security Camera Recordings**

1. All security camera recordings will be stored in a secure location to ensure confidentiality.

2. Security camera recordings will be retained for no more than 30 days, except in cases where there is a request from the police or a court, or when recordings are needed for an investigation or disciplinary matter, in which circumstances the recording will be maintained until no longer required to resolve the matter.

Cross Reference: EBCA – Comprehensive Emergency Management Plan

JRA – Student Records and Information

Policy Adopted: January 20, 2021

# ECB - Pest Management in School Facilities and on School Grounds

## **ECB - PEST MANAGEMENT IN SCHOOL FACILITIES AND ON SCHOOL GROUNDS**

The School Board recognizes that structural and landscape pests can pose significant problems for people and school unit property, but that use of some pesticides may raise concerns among parents, students, and staff. It is therefore the policy of MSAD #35 to incorporate Integrated Pest Management (IPM) principles and procedures for the control of structural and landscape pests. A copy of this policy shall be kept in every school and made available upon request to staff, parents, students, and the public.

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

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

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

## **RESPONSIBILITIES OF THE IPM COORDINATOR**

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

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

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

## **NOTIFICATION OF PESTICIDE APPLICATIONS**

When school is in session the school shall provide notification of each application not exempted by rule, whether inside a school building or on school grounds, to all school staff and parents/guardians of students. Such notices shall state, at a minimum: a) the trade name and EPA registration number of the pesticide to be applied; b) the approximate date and time of the application; c) the location of the application; d) the reasons for the application; and e) the name and phone number of person to whom further inquiry regarding the application may be made. Notices must be provided at least five days prior to the planned application. In addition, signage will be posted at each point of access to the treated area and in a common area of the school at least two working days prior to the application and for at least 48 hours following the application.

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

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

The IPM Coordinator for MSAD #35 schools is Todd Hughes, Director of Facilities, who may be contacted at (207) 439-2438. This IPM policy and Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Public Schools is available for inspection and copying at every school.

### **Legal Reference:**

7 MRSA §§ 601-625

22 MRSA §§ 1471-A-1471-X

Ch. 27 Me. Dept. of Agriculture Board of Pesticides Control Rules (Standards for Pesticide Applications and Public Notification in Schools)

### **Cross Reference:**

EBAA - Chemical Hazards

*Policy Adopted: October 29, 2003*



*Policy Revised: September 28, 2009 and April 13, 2016; October 16, 2024*

# EEA - Transportation

## EEA - Transportation

The Board of Directors will furnish school bus transportation to all elementary and secondary students to the extent determined by the administration and approved by the Board of Directors. The goal is to provide a safe, accessible and adequate level of service in a district with a variety of topography, occasional harsh climates and challenging traffic conditions.

In general, Maine law requires that a school district provide transportation for resident students. The Board of Directors has determined that students enrolled in grades PreK-grade 5 may be required to walk up to and including 3/4 mile to school or to a designated bus stop. Students in grades 6-12 may be required to walk up to and including one mile. While Maine law requires the district to furnish transportation, it does not relieve the parents or childcare providers from the responsibility to ensure the safety and proper behavior of students to and from, and at the designated bus stop.

MSAD #35 will operate its own fleet of school buses. However, as it is impractical to transport certain special education students by regular bus to programs outside the district, such students may be transported by other conveyance.

The District's transportation program will be under the direction of the Transportation Director who is responsible to the Superintendent of Schools and the Business Manager.

It is the desire of the Board of Directors that transportation be scheduled in such a way that the best educational interests of the students be served. Regulations are necessary to govern the operation of such a program, and it is not the intent of the Board to assume an unreasonable approach to this phase of the school program.

The Transportation Director, with suggestions from the bus driver, will determine the location of a designated bus stop and the route of the bus run. The location of a bus stop should be safe, accessible, and central. Requests for a change may be made in writing to the Transportation Director. The Transportation Director will review each request and render a written decision to the family, after consulting with the Superintendent and the Business Manager.

Childcare centers are defined as businesses that provide childcare for more than three (3) children.

Requests for transportation to and from childcare centers must be made annually by the owner of the center. Each request will be considered by the Transportation Director who will render a written approval when such transport is reasonable and possible.

### Bus Operations

1. School buses shall operate only on town approved or maintained roads.

2. It is the parents' responsibility to make arrangements for getting the student to the bus stop five to ten minutes before the scheduled pick up.
3. No bus shall pick up or discharge students outside the district. Buses shall not be rerouted to accommodate child care situations.
4. Students riding a school bus shall always ride from their designated bus stop to school and from school to their designated bus stop. Any exception to this rule requires written permission signed by the parent and approved by the principal after consulting with the Transportation Director as to the availability of space on the bus. Parents are encouraged to submit requests at least 24 hours prior to the requested change. In emergency situations, a principal may authorize a request made via phone by informing the bus driver in writing of the approved request. The Transportation Director will inform the principals at the beginning of each school year and as necessary during the year of all buses that have reached their maximum capacity. Opportune riders will not be accepted on these buses.
5. Students receiving special education services shall be transported as determined by IEP decision.
6. A late bus will operate to provide limited transportation for students who stay late for school-sponsored activities. The routes will not replicate the normal runs, but rather provide service to central locations within each town. The late bus run may not accommodate the needs of all students. It will be the responsibility of the parents or child care providers to provide alternate transportation for students who need a stop outside the late bus route.
7. Timeliness of transportation runs is important but extenuating circumstances may result in longer than usual runs. Examples of extenuating circumstances include but are not limited to weather conditions, driver shortages, traffic and new students.

### **Special Bus Usage**

1. The Board will approve special requests for bus usage by municipally operated programs under the following conditions:
  - a. The municipality will obtain Board approval in advance of the event;
  - b. An hourly fee, according to the fee schedule as established annually by the Board, will be assessed for each bus used;
  - c. The Board may waive the fee for special town-sponsored events;
  - d. The municipality is responsible for any vandalism or accidental damage done to the bus.
2. The Superintendent of Schools will approve the use of buses for trips sponsored by student groups. The group will be assessed the cost of the driver's salary, benefits and the cost of fuel. The student group will be responsible for any vandalism or accidental damage done to the bus.
3. Only persons employed by MSAD #35 and properly licensed by the State of Maine will be allowed to drive a district bus.

Cross References: Student Conduct on Buses JICC

Student Code of Conduct JICDA

Policy Adopted: December 20, 1995

Policy Revised: June 4, 1997, June 16, 1999, March 5, 2003, December 20, 2006, March 16, 2022,  
January 18, 2023

# EEAEAA - Drug and Alcohol Testing of School Bus Drivers

## **EEAEAA - Drug and Alcohol Testing of School Bus Drivers**

In accordance with the federal Omnibus Transportation Employee Testing Act of 1991, in addition to other pertinent state and federal laws promulgated to effectuate a drug and alcohol free workplace, the Board is committed to the establishment of an alcohol and controlled substance testing program for school bus drivers, in addition to any other employees who drive vehicles to transport sixteen (16) or more passengers, including the driver.

The purpose of the testing program shall be to help prevent accidents, injuries and deaths resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions. The Superintendent shall be responsible for the implementation of an alcohol and drug testing program consistent with federal regulations and shall implement additional administrative procedures to assist and further the implementation of the federal mandates regarding alcohol and controlled substances testing as he/she deems necessary.

Legal References: 49 CFR Part 382

26 MRSA §§ 681(8)(B); 685(2); 689

Adopted: December 16, 2009

# EEAEAA-R - Drug and Alcohol Testing of School Bus Drivers - Administrative Procedure

## **EEAEAA-R - Drug and Alcohol Testing of School Bus Drivers - Administrative Procedure**

The Board of Directors of M.S.A.D. #35 is committed to the establishment of an alcohol and controlled substance testing program that meets all applicable requirements of the federal Omnibus Transportation Employee Testing Act of 1991, in addition to pertinent state laws and regulations. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions.

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

### **I. Applicability**

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

### **II. Implementation**

The Superintendent shall be responsible for implementing a drug and alcohol testing program that complies with procedures set forth in Title 49 Parts 40, 382, 390 and 395 of the Federal Code of Regulations. Such testing program shall include pre-employment/pre-duty drug testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty, and follow-up testing. M.S.A.D. #35 shall provide parties subject to testing with written notice of materials and information available to them as required by Part 382.

### **III. Controlled Substances**

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

#### **IV. Safety - Sensitive Function**

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

#### **V. Prohibitions**

All drivers subject to this policy shall be prohibited from:

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

#### **VI. Required Testing**

##### **A. Pre-Employment Testing**

Prior to the first time, a driver performs a safety-sensitive function for M.S.A.D. #35, the driver shall undergo testing for controlled substances. However, no driver shall be subjected to pre-employment controlled substance testing prior to having been offered a position. Employment is conditioned upon a **verified negative** controlled substance result.

##### **B. Post-Accident Testing**

As soon as practicable following an accident, each surviving driver will be subject to alcohol and controlled substance testing as follows:

1. Any driver performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life;
2. Any driver who receives a citation under State or local law for a moving violation arising from the accident; and

a. Causes bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

b. Incurs disabling damage as a result of the accident, requiring a motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

3. In addition, the following provisions will also apply.

**A. Alcohol.** If a test required under this section is not administered within two (2) hours following the accident, M.S.A.D. #35 shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the accident, M.S.A.D. #35 shall cease attempts to administer the test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request of the Associate Administrator.

**B. Controlled Substances.** If a test required by this section is not administered within thirty-two (32) hours following the accident, M.S.A.D. #35 shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.

**C. Random Testing.** All drivers subject to this policy/procedure will be subject to random and unannounced alcohol and controlled substance testing throughout the year. The minimum annual percentage rate for testing of bus drivers is as follows:

1. Random alcohol testing shall be a minimum of 10 percent of the number of driver positions each selection period; and
2. Random controlled substance testing shall be a minimum of 50 percent of the number of driver positions in each selection period.

**D. Reasonable Suspicion Testing.** All drivers subject to this policy/procedure shall submit to alcohol and controlled substance testing when the employer has reasonable suspicion to believe that the driver has violated the prohibitions found in Part V. of this procedure, with the exception of Part V. B. regarding alcohol possession. M.S.A.D. #35 shall base its determination that reasonable suspicion exists requiring the driver to undergo such testing on observations concerning appearance, behavior, speech or body odors of the driver. When controlled substances are at issue, observations may include indications of the chronic and withdrawal effects of controlled substances.

In addition, the following provision also applies.



1. **Alcohol.** Alcohol testing will be performed only if the aforementioned observations are made during, just preceding, or just after the period of the workday when the driver is required to be in compliance. If a test required under this section is not administered within two (2) hours following the reasonable suspicion determination, M.S.A.D. #35 shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required under this section is not administered within eight (8) hours following a determination that reasonable suspicion exists, M.S.A.D. #35 shall cease attempts to administer the test. M.S.A.D. #35 shall submit to the FHWA records of tests required by this section that were not completed within eight (8) hours according to the mandates of 49 CFR (3).
2. **Controlled Substances,** M.S.A.D. #35 shall create a written record of the observations leading to a controlled substances test. This record shall be written within twenty-four (24) hours or before the results of the test are released and shall be signed by the supervisor or M.S.A.D. #35 official making said observations.

#### E. Return-to-Duty Testing

Prior to returning to duty requiring the performance of safety-sensitive functions when a driver has engaged in conduct prohibited under this policy/procedure (if no termination of employment has occurred), the driver shall undergo a return-to-duty alcohol and/or controlled substances test(s) as appropriate.

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

#### F. Follow-up Testing

In the event that a driver has been found to have been in violation of the prohibitions herein contained and is identified as requiring assistance in resolving problems associated with alcohol and/or controlled substances, M.S.A.D. #35 shall require the driver to submit to at least six (6) unannounced follow-up alcohol and/or controlled substances tests during the first twelve (12) months after returning to duty. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to duty. Follow-up alcohol testing shall be conducted only when the driver is performing, just before, or just after ceasing to perform safety-sensitive functions.

### VII. Refusal to Submit to Testing

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

- A. Failure to provide adequate specimens/samples of substance(s) undergoing testing, including but not limited to breath and urine, without a valid medical reason;
- B. Engaging in conduct which obstructs the testing process; and
- C. Refusal by an employee to complete and sign testing forms.

## **VIII. Training for Supervisors**

M.S.A.D. #35 will assign persons who will be designated to determine whether reasonable suspicion exists to require a driver to undergo testing under Part 382, with at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on controlled substances. Training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

## **IX. Enforcement**

M.S.A.D. #35, in its independent authority as an employer, shall subject any driver who violates this policy/procedure or Federal regulations to potential disciplinary action up to and including dismissal, except to the extent that any state law requires otherwise.

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

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

## **X. Records**

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

## **XI. Notifications**

Each driver shall receive educational materials prior to M.S.A.D. #35's commencement of alcohol and controlled substances testing. Such material will explain the requirements of the Code of Federal Regulations, Title 49 Part 382, and contain a copy of the Board's policy and administrative procedures for meeting these requirements. M.S.A.D. #35 shall also include a statement certifying that the driver has received the informational material and M.S.A.D. #35 will maintain an original signed copy of the statement on file.

In addition to the aforementioned items, M.S.A.D. #35 shall also make available to drivers information which shall identify:

- A. The person designated by M.S.A.D. #35 to answer questions about the materials;
- B. The procedures that will be used to test for the presence of alcohol and controlled substances; protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;
- C. Information concerning the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substance problem (the driver's or co-worker's); and available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

## **XII. Referral, Evaluation, and Treatment**

**A. Referral.** A driver who has engaged in conduct prohibited by this policy/procedure shall be advised by M.S.A.D. #35 of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. The information the bus driver receives will include: names, addresses, and telephone numbers of substance abuse professionals, counseling and treatment programs, in addition to information relating to his/her responsibility with regard to payment of such services.

**B. Evaluation/Treatment.** A driver who engages in such prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance or treatment if any, the employee needs in resolving controlled substance(s) use.

## **XIII. Return To Duty**

If M.S.A.D. #35 has not discharged a driver due to his/her engagement in prohibited conduct under this policy/procedure, the bus driver must, prior to returning to safety-sensitive duties:

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

## **XIV. Other Policies/Procedures**

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

Legal References: 49 CFR Parts 40, 382, 390, 395

26 MRSA §§ 681(8)(B); 685(2); 689

Policy Adopted: December 20, 1995

Policy Revised: September 22, 2004

# EEAG - Student Transportation in Private Vehicles

## **EEAG - Student Transportation in Private Vehicles**

Since school buses are one of the safest forms of transportation, they should be used to transport students to and from all school-sponsored events to the maximum extent possible. However, the Board recognizes that it is sometimes impossible or impractical to provide school bus transportation and therefore authorizes the use of privately owned vehicles to transport students when, in the opinion of the building principal and with the written approval of the Superintendent of Schools, or his/her designee, it is the most practical or only method of transportation available.

The Superintendent will establish procedures to ensure that any private vehicle used to transport students is in good working order and that the driver has a valid driver's license and insurance coverage that meets or exceeds all requirements of the law. Specifically:

1. Private vehicle shall be defined as a privately owned vehicle designed to carry a driver and a maximum of nine passengers, have a current and valid registration, have operable seat belts for all passengers, and have a current state safety inspection for the state in which it is registered.
2. Driver shall be defined as a school employee who is at least 21 years old, holds a valid U.S. driver's license, is of good moral character, and has no outstanding driving violations or a history of violations.
3. The driver agrees to hold the School District, its Board of Directors and employees harmless from any claims, suits, or causes of action arising from any accident or incident occurring during or as a result of transporting the student(s).
4. The driver shall be the owner/operator of the vehicle and meet the following minimum State of Maine insurance requirements:

- Liability: \$100,000/\$300,000
- Property Damage: \$25,000
- Medical Coverage: \$1,000

5. Parents may transport their own children from school-sponsored events outside the district but may not transport other student(s). Exceptions may be granted on a case by case basis with approval of the building principal or his/her designee.
6. In case of emergency, real and imminent danger to persons or property, students may be transported in private vehicles without complying with the above provisions.

Legal Reference: Title 29-A, Chap 13, Section 1605

Policy Adopted: November 17, 1982

Policy Amended: December 20, 1995, October 2, 1996 and August 15, 2007

# EF - Nutrition Services: Unpaid Meal Charges and Prohibition Against Food Shaming

## **EF - NUTRITION SERVICES: UNPAID MEAL CHARGES AND PROHIBITION**

### **AGAINST FOOD SHAMING**

The Board recognizes that some students may have outstanding balances for meal charges from past school years.

The purpose of this policy is to provide oversight in the collection of outstanding student meal balances, while ensuring that students are not shamed or stigmatized for having unpaid meal charges.

### **PROHIBITION ON PUNISHMENT RELATED TO UNPAID MEAL CHARGES**

In accordance with 20-A MRSA §6681 the school will not openly identify or otherwise stigmatize a student who has payments due for previous meals.

- Students with unpaid meal charges will not be required to do chores or work as a means of paying for one or more meals, or as punishment for not paying for one or more meals.
- Staff will not require a student to throw away a meal after it has been served to the student.
- Staff will not refuse a meal to a student as a form of disciplinary action.

### **PROHIBITION ON FOOD SHAMING AND STIGMATIZATION**

The school will not openly identify, differentiate, or otherwise stigmatize a student who has payments due for previous meals.

- Staff will not openly identify or stigmatize any student in line for a meal or discuss any outstanding meal debt in the presence of other students.
- Staff communication about a student's meal debts must be made to the parent/guardian of the student rather than directly to the student, except that if a student asks about their

meal debt, staff may answer the student's inquiry. Staff may ask a student to carry to their parent/guardian a letter regarding the student's meal debt.

## **NOTIFICATION AND COLLECTION OF UNPAID MEAL CHARGES**

Schools will not take any action directed at a student to collect unpaid meal charges.

School staff will notify a student's parent/guardian by phone or email that the student has accrued meal/a la carte charges when their account has reached a negative balance.

School staff will offer assistance with completion of the application for free and reduced price meals (if application is required by law or regulations) to determine if there are other issues within the household resulting in the child having insufficient funds, offering any other assistance that is appropriate.

A second attempt will be made if the balance remains outstanding after 14 days of the first notification with a follow up in writing.

If the balance remains outstanding after 30 days of the second attempt, the school will work with the parent/guardian to develop a plan. If the balance continues to remain outstanding, school staff will follow such guidelines as may be developed by the Maine Department of Education for the collection of student meal debt, or take such action as deemed appropriate within the limits of applicable law and/or regulations.

Legal Reference:

20-A MRSA § 6681

*Policy Adopted: March 20, 2024*



# EFE - Competitive Food Sales/Sales of Foods in Competition with the School Nutrition Program

## **EFE - Competitive Food Sales/Sales of Food in Competition with the School Nutrition Program**

The Board recognizes that proceeds from the sale of foods and beverages outside of the School Nutrition Program (“competitive foods”) are a significant source of funds for student activities that MSAD #35 might not otherwise be able to provide.

“Competitive food” means all food and beverages other than those reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act that are available for sale to students on the school campus during the school day.

At a minimum, all competitive food sold to students on the school campus during the school day must meet the nutrition standards specified in 7 CFR § 210.11.

A special exemption may be allowed for the sale of food and/or beverages that do not meet these standards for the purpose of conducting an infrequent school-sponsored fundraiser. No specially exempted fundraiser foods or beverages may be sold in competition with school meals during the meal service.

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

### **Funds from Sales of Competitive Foods**

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

Legal Reference:

20-A MRSA §§, 7 CFR § 210.11

Cross References:

JJE - Student Fundraising Activities

JL - Student Wellness

*Policy Adopted: December 21, 2005*

*Policy Reviewed: April 25, 2018; February 12, 2020*

*Policy Revised: December 16, 2009; March 20, 2024*

# EGAD - Copyright Compliance

## **EGAD - Copyright Compliance**

The Board expects all employees and students in M.S.A.D. #35 to comply with the federal copyright law and guidelines. Employees and students who willfully disregard the law/guidelines and the Board's copyright policy and procedure do so at their own risk. M.S.A.D. #35 will not extend legal and/or insurance protection to employees or students for willful violations of this policy. Such violations may also result in disciplinary action.

The Superintendent is responsible for implementing this policy and the accompanying administrative procedure. The Superintendent may delegate specific responsibilities to building principals and others as he/she deems appropriate.

M.S.A.D. #35 will take the following steps to discourage violations of the copyright law in M.S.A.D. #35:

1. All instructional staff and administrators shall receive a copy of this policy and the accompanying administrative procedure.
2. Copyright notices shall be posted within view of copying equipment.
3. Teachers and library media specialists shall be responsible for informing students about the legal and ethical issues raised by copyright infringement and illegal use of copyrighted materials.

### Legal Reference:

17 U.S.C. § 101 et seq. (The Copyright Act of 1976)

P.L. 107-273 (The TEACH Act of 2002)

### Cross Reference:

EGAD-R - Copyright Compliance Administrative Procedure

GSCA/GCSA-R - Employee Computer and Internet Use

IJND – School Website Policy

IJNDB/IJNDB-R – Student Computer and Internet Use

*Policy Adopted: June 19, 2013*

*Policy Revised: June 21, 2023*

# EGAD-R - Copyright Compliance Administrative Procedure

## EGAD-R - Copyright Compliance Administrative Procedure

This administrative procedure summarizes the major provisions found in the federal copyright law and guidelines concerning reproduction of copyrighted works by educators. This summary is not intended to replace the law/guidelines, which should be referred to when questions regarding implementation arise.

Instructional staff teaching any form of distance learning or online course must carefully review and comply with Part III of the procedure in addition to all other parts.

### I. General Rule and Copyright Ownership

**Presumption of copyright.** Works, in any medium (written, recorded, computer-stored, etc.), should generally be presumed to be protected by copyright law, regardless of whether the work displays a copyright notice, the symbol “©,” or other express reservation of rights.

**Rule against copyright violations.** Except as otherwise permitted by this policy and applicable law, school employees shall not reproduce, perform or display copyrighted works without permission of the owner.

**U.S. Government works.** United States government works are not subject to copyright protection, and may freely be copied.

**Public domain.** Works that are in the public domain due to expiration of copyrights, as provided by law, may be freely reproduced, performed or displayed.

**Student works.** Students are the owners of exclusive rights in works that they create.

**Works made for hire.** Works created by school employees in the course and scope of their employment are “works made for hire,” and MSAD #35 retains exclusive rights in such works unless otherwise agreed in writing by the school board.

**Distance learning.** All rights in works created by school employees in the course of teaching distance learning courses are owned by MSAD #35 that employs the individual(s)

who created the work unless otherwise agreed in writing by the employing MSAD #35.

## **II. Definitions**

### **A. “FAIR USE”**

A copyright provides the owner with the exclusive rights of reproduction, adaptation, publication, performance, and display of the covered work. The copyright law contains certain “fair use” provisions that permit **limited** reproduction of materials based on four criteria:

1. 1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. 2. The nature of the copyrighted work;
3. 3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. 4. The effect of the use upon the potential market for or value of the copyrighted work.

### **B. “FACE-TO-FACE INSTRUCTION”**

Performance or display of any copyrighted work by teachers or students without permission from the copyright holder is permissible under the following circumstances:

1. 1. The work must be performed or displayed in a face-to-face setting by a teacher or by students; and
2. 2. The performance or display must be in the course of teaching activities, in a classroom or a similar educational setting.

Examples of performances or displays falling under this exception include reading a play in a classroom, singing a song in a classroom or showing a filmstrip or video (provided that it has been purchased or lawfully copied).

The following sections summarize the permissible or “fair use” of different types of copyrighted works. Because the law and technological applications continue to evolve, MSAD #35 employees are responsible for ensuring that the intended use of materials does not conflict with the copyright law/guidelines and for informing students of such issues as appropriate.

## **III. Distance Education: Transmission of Performances and Displays to Remote Sites**

The following may be transmitted by any device or process, including interactive television or Internet courses:

- Performance of nondramatic literary works (e.g. novels, short stories, or poems) or musical works, or
- Reasonable and limited portions of any other work, or
- Display of a work in an amount comparable to that which is typically displayed in the course of a live classroom only if:

- A. The performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of instructional activities;
- B. The performance or display is directly related and of material assistance to the teaching content of the transmission;
- C. The transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to students officially enrolled in the particular course and employees of MSAD #35 as part of their duties;
- D. Technological measures are implemented that reasonably prevent retention of the work in accessible form by recipients of the transmission for longer than the class session and prevent unauthorized further dissemination of the work in accessible form by such recipients to others;
- E. There is no interference with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination of materials; and
- F. Students in such courses must be given notice that materials used in connection with the course may be subject to copyright protection.

#### **IV. Print Materials**

##### **A. Permissible Uses**

1. 1. A single copy of the following made for use in teaching or in preparation to teach a class:
  - A. A chapter from a book;
  - B. An article from a periodical or newspaper;
  - C. A short story, short essay or short poem, whether or not from a collective work; and
  - D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. Multiple copies made for classroom use (not to exceed one copy per student in a course) from the following: A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length, or an excerpt of not more than 250 words from a longer poem;
  - A. A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length, or an excerpt of not more than 250 words from a longer poem;
  - B. A complete article, story or essay of less than 2,500 words;

C. Prose excerpts not exceeding 10 percent of the whole or 1,000 words, whichever is less;

D. One chart, graph, diagram, cartoon or picture per book or per issue of a periodical; and

E. An excerpt from a children's book containing up to 10 percent of the words found in the text and not more than two printed pages of the published work.

3. One transparency for classroom instruction may be made from consumable materials such as workbooks, exercises, activity sheets, etc.

4. All permitted copying must include appropriate credits, including the author, title, date, copyright notice and any other pertinent information.

## **B. Prohibited Uses**

1. 1. More than one work or two excerpts from a single author copied during one class term;
2. More than three works from a collective work or periodical volume copied during one class term;
3. More than nine sets of multiple copies made for distribution to students in one class term;
4. Copies made to create, replace or substitute for purchasing anthologies or collective works;
5. Copies made of "consumable" works, such as workbooks, exercises, standardized tests and answer sheets (except as noted in A.3 above);
6. The same work copied from term to term;
7. The same material copied for more than one particular course, or copied every time a particular course is offered unless permission is obtained from the copyright owner;
8. Copies made when there is sufficient time prior to the intended use to obtain permission from the copyright owner; and
9. No charges may be made to students beyond the actual cost of photocopying.

## **V. Computer Software**

A. All software is protected by copyright law. Any unauthorized copying of software is illegal and may subject the copier to substantial civil or criminal penalties.

B. All software purchased for use in MSAD #35 must be approved by Building Supervisor/Designee. Only the Building Supervisor/Designee may obtain and sign software licensing agreements and duplication rights agreements. All terms of such licensing/duplication agreements must be observed by all MSAD #35 employees and students.



C. Software purchased by MSAD #35 for classroom, lab, media center, and office use remains the property of MSAD #35 and may be used only in school-sponsored programs and activities.

D. The Technology Coordinator is responsible for reviewing and supervising compliance with all software license agreements. The Technology Coordinator shall retain all license agreements and modifications thereto.

#### **E. Permissible Uses:**

1. 1. One archival (backup) copy of copyrighted software may be made by authorized employees (unless a licensing agreement prohibits copying for any purpose);
2. Software may be used on a networked computer system as authorized by the license or if written permission is obtained from the owner;
3. Software may be loaded on multiple equipment to the extent authorized by the license or if written permission has been obtained from the owner; and
4. Preview software may be evaluated for a reasonable evaluation period before being purchased or returned.

#### **F. Prohibited Uses:**

1. 1. Illegal copies of copyrighted software programs made or used on school equipment;
2. Copies made of preview software;
3. Use of software on a networked computer system not intended for network use without written permission from the owner;
4. Multiple loading of software not specifically licensed for multi-loading without written permission from the owner;
5. Multiple copies made of copyrighted software (beyond an authorized archival copy);
6. Making any unlicensed copies of printed documentation accompanying copyrighted software;
7. Making unlicensed copies of software for sale, loan, transmission or gift to other users; and
8. Copies made of locally produced adaptations or modifications of copyrighted software for any purpose.

G. Unauthorized copying.

Any employee or student who becomes aware of unauthorized copying of school software shall inform the Building Supervisor/Designee.

## **VI. Internet**

The rights of the owner of copyrighted material on the Internet are the same as the rights of the owner of traditional materials. Unless there is a clear statement that art, photos, text, and sounds

are “public domain” and available for free use, it should be assumed that the material is copyrighted. All the criteria for “fair use” apply to works on the Internet just as they apply to other materials. The ease of copying materials from the Internet should not be used as an excuse for violating copyrights.

## **VII. Off-Air Television Recording**

### **A. Permissible Uses**

1. 1. Off-air recordings may be made only at the request of and used by individual teachers;
2. Off-air recording of broadcast programs available to the general public without charge may be made and retained for a period not to exceed 45 calendar days after the date of recording. The following additional requirements must also be met:
  - A. The recording may be used *once* by the individual teachers in the course of relevant teaching activities and repeated *once* during the first 10 consecutive school days in the 45-day retention period.
  - B. Following the first 10 consecutive school days, the recording may only be used for teacher evaluation purposes (i.e., to determine whether the broadcast program should be included in the curriculum).
  - C. Following the 45-day retention period, the recording must be erased or destroyed immediately unless written permission is obtained from the copyright owner to keep and use the program in teaching/learning activities.
  - D. A limited number of copies may be produced from each off-air recording to meet the legitimate educational needs of teachers. Such copies are subject to the same guidelines as the original copy.
3. An off-air recording need not be used in its entirety, but the recording may not be altered, edited, combined or merged. All copies must include the copyright notice of the broadcast program

### **B. Prohibited Uses**

1. 1. Recording broadcast programs in anticipation of requests;
2. Recording broadcast programs when there is sufficient time prior to the scheduled program to obtain permission from the copyright owner;
3. Recording programs from pay/satellite television channels (HBO, Cinemax, Disney, etc.);
4. Using or retaining recordings beyond the 45-day retention period without written permission;
5. Recording the same program more than once for the same teacher (regardless of how many times the program may be broadcast); and

6. Altering the program from the original content in any way (although the entire program need not be viewed)

## **VIII. Use of Pre-recorded Videos**

Pre-recorded videos include commercially available videos marked “For Home Use Only” (such as feature films), including VHS tapes, DVD disks, filmstrips, etc.

### **A. Permissible Uses**

Pre-recorded videos may be used in “face-to-face instruction” provided that the viewing utilizes a lawfully-made copy rented or purchased by MSAD #35.

### **B. Prohibited Uses**

1. Videos may not be used for entertainment, filler, assemblies, fundraising, public viewing, or any other purpose without written permission of the copyright owner and permission of the building principal.
2. Videos may not be used when a written contract specifically prohibits use in classroom or direct instruction situations.
3. Videos may not be borrowed from individuals or other schools.
4. Videos may not be copied.

## **IX. Music and Theater Performances**

Prior written permission must be obtained whenever copyrighted plays and musical numbers are to be performed or whenever copyrighted music is used as part of a performance.

## **X. Educational Uses of Music**

### **A. Permissible Uses**

1. Emergency copies to replace purchased copies which for any reason are not available for an imminent performance provided that purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, multiple copies of excerpts of works may be made provided that:
  - a. The excerpts do not constitute a performable unit (section, movement or aria) or more than 10 percent of the entire work;
  - b. No more than one copy per student in the class is made; and
  - c. The copyright notice appears on the copies.
3. For academic purposes other than performance, a single copy of an entire performable unit (section, movement or aria) may be made by the teacher for scholarly research or in

preparation to teach a class provided that:

- a. The work is confirmed by the copyright owner to be out of print;
  - b. The work is unavailable except in a larger work; and
  - c. The copyright notice appears on the copy.
4. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted. Lyrics may not be altered or added if none exist.
5. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by MSAD #35 or an individual teacher.
6. A single copy of a sound recording (album, tape, cassette or CD) or copyrighted music may be made from sound recordings owned by MSAD #35 or an individual teacher for the purpose of constructing aural exercises or examinations. The copy may be retained by MSAD #35 or an individual teacher.
- a. This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.

## **B. Prohibited Uses**

1. 1. Copy to create, replace or substitute for purchasing anthologies, collective works and compilations;
2. Copy "consumable" works, such as workbooks, exercises, standardized tests, and answer sheets;
3. Copy for the purpose of performance (except as noted in A.1); and
4. Copy to substitute for the purchase of music (except as noted in A.1-2).

Legal Reference: 17 U.S.C. § 101 et seq.

P.L. 107-273 (The TEACH Act of 2002)

Cross Reference: EGAD – Copyright Compliance

Policy Adopted: June 19, 2013

# Student Transportation in Private Vehicles Form

## Student Transportation in Private Vehicles Form

This form is to be completed and forwarded to the Assistant Superintendent of Schools whenever a private vehicle is used for a school-sponsored activity.

School \_\_\_\_\_ Date \_\_\_\_\_

Driver's Name \_\_\_\_\_

Driver's Age \_\_\_\_\_ Time of Activity: \_\_\_\_\_ Leave \_\_\_\_\_

Year and Make of Vehicle \_\_\_\_\_ Return \_\_\_\_\_

Purpose of Activity \_\_\_\_\_

Number of students \_\_\_\_\_ Destination \_\_\_\_\_

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Signatures of the adult and principal on this form indicate that all procedures found in district policy have been followed. Verification of vehicle safety, driver's license and insurance requirement will be made by the school principal.

In addition, a letter explaining the activity will be forwarded to the parent of each student involved which will be returned to the school with the parent's signature.

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Adult Driver \_\_\_\_\_

Principal \_\_\_\_\_

Assistant Superintendent \_\_\_\_\_

# EFBA - Menu

## Development/Options: Offer vs. Serve Lunch Concept

### **EFBA - MENU DEVELOPMENT/OPTIONS—OFFER VS. SERVE LUNCH CONCEPT**

The “Offer vs. Serve Option” is designed to be more economical for the school unit and result in less waste. All lunches offered must contain five food items, but students have the freedom of choice in selecting the three, four or five items they intend to consume. They may refuse up to two items. All breakfasts offered must contain four food items, but students have the freedom to refuse one food item.

The Offer vs. Serve concept shall be implemented in MSAD #35 schools. The Superintendent/designee shall be responsible for implementing appropriate administrative procedures and communications to carry out this policy in conformance with state and federal regulations and applicable Board policies.

*Policy Adopted: March 20, 2024*



# EFC - School Nutrition Services: Free School Meals for All Students

## **EFC - SCHOOL NUTRITION SERVICES: FREE SCHOOL MEALS FOR ALL STUDENTS**

The Board recognizes that sound nutrition is essential to students' physical and social-emotional well-being and their readiness to learn.

MSAD #35 will participate, as feasible, in the National School Lunch Program and School Breakfast Program and other food programs (e.g. After School Snacks and summer food programs) reimbursable through federal funds.

Beginning with the 2022-2023 school year, in accordance with Maine State Law, MSAD #35 will provide free school meals to all students regardless of family income. Such meals will meet the nutritional requirements established in federal regulations.

In order to maximize funding for schools and to be able to identify additional benefits for which families may be eligible, parents will be asked to complete an application for free and reduced price meals.

Students are still free to bring their own breakfast or lunch to school and/or to purchase a la carte items. All a la carte items must be paid for in advance or at the time of purchase.

In the event of a change in State statute, the District reserves the right to rescind this policy to ensure financial responsibility.

### Legal Reference:

20-A MRSA § 6601 et seq.

### Cross-Reference:

EFBA – Menu Options/Offer vs. Serve



## EF – Nutrition Services: Unpaid Meal Charges and Prohibition on Food Shaming

*Policy Adopted: March 20, 2024*

# EBCB - Emergency Evacuation Drills

## **EBCB - EMERGENCY EVACUATION DRILLS**

In order to protect the safety of students and school personnel and in compliance with Maine Department of Education regulations, schools at all levels K-12 are required to hold two emergency evacuation drills during the first two weeks of school. Schools enrolling grades K-4 will hold an additional eight emergency evacuation drills during the year; schools enrolling grades 5-8 an additional six emergency evacuation drills; and schools enrolling grades 9-12 an additional four emergency evacuation drills. Schools enrolling any combinations of these grade levels will hold the additional number of emergency evacuation drills required of the lowest grade level within the span, except that the local fire chief may increase the number of drills required. Results shall be recorded and deficiencies noted and corrected.

Emergency evacuation procedures will be incorporated into the school unit's emergency management plan. Building principals may seek the advice of local fire, emergency management and law enforcement officials to identify routes that will accomplish the evacuation of their individual school buildings as quickly and efficiently as possible.

Principals shall keep a record of all emergency evacuation drills held in their schools, stating the date and time the drill was held and the time required for evacuation of the building. This information will be reported to the Superintendent or his/her designee after each drill. Fire officials will be notified before each drill.

Written procedures for emergency evacuation drills shall be posted in all buildings.

The Superintendent/designee will be responsible for ensuring that school personnel receive an annual orientation concerning emergency evacuation procedures. The building principal will be responsible for ensuring that teachers familiarize students with designated evacuation routes prior to the first emergency evacuation drill of the school year.

## **LOCKDOWN DRILLS**

Some high-risk situations may result in a lockdown of the school rather than an evacuation. Each school will hold at least one lockdown drill during the school year. A lockdown drill should be held during the first two weeks to familiarize students with the procedure.

Written procedures for emergency evacuation drills shall be posted in each building.

## **BUS EVACUATION DRILLS**

Maine Department of Education regulations require that, at least twice a year, students who are transported in school buses be instructed in safe riding practices and participate in emergency evacuation drills. The building principal working with the Transportation Director will be responsible for arranging the times and locations of such drills. Bus evacuation drills must be conducted in the school parking lot or other safe location. The principal and the Transportation Director in consultation with the Special Services Director and/or Section 504 Coordinator, will determine appropriate evacuation procedures for students with disabilities. The first bus evacuation drill will occur within the first two weeks of the school year.

### Legal Reference:

Ch. 125 § 10.2 (Me. Dept. of Ed. Rule)

Ch. 81 § 2(B) (Me. Dept. of Ed. Rule)

Resolve Ch.2, 127th Leg., 1st Session (Me 2015)

### Cross Reference:

EBCA – Comprehensive Emergency Management Plan (Crisis Response Plan)

*Policy Adopted: April 10, 2024*

# EEAEF - Video Cameras on Transportation Vehicles

## **EEAEF - VIDEO CAMERAS ON TRANSPORTATION VEHICLES**

The Board recognizes the school unit's continuing responsibility to maintain order on school transportation vehicles to ensure the safety of staff and students. After carefully balancing the need for discipline and safety with students' interests in privacy, the Board supports the use of video cameras on school transportation vehicles. In an effort to reduce student behavior violations, the cameras may be used to monitor student behavior during transport to and from school, extracurricular activities and field trips.

When the resulting videotapes are used as a basis for discipline, parents/guardians will be notified and given the opportunity to view the portion of the tape pertaining to the alleged violation. Students in violation of school discipline/conduct codes shall be dealt with in accordance with established Board policy, administrative procedures, and school practices.

Notice of use of video cameras for disciplinary purposes in school transportation vehicles will be provided all students, parents and staff in appropriate handbooks on an annual basis. Moreover, notice that video observation may take place will be posted in each transportation vehicle.

Any recording used in a disciplinary proceeding will be retained as part of a student's disciplinary record, being disposed of as other such documentation except when special circumstances warrant longer retention. In regard to such video recordings, the school system will comply with all applicable provisions of state and federal law concerning student records.

The Superintendent will be responsible for the development of administrative procedures regarding review of video recordings made on school transportation vehicles. Such regulations will provide a process for review when significant violations of the student discipline/conduct code occur. Procedures will also address the retention of video tapes, the security of video cameras and recordings, specifying the school official(s) to be responsible for purchase, installation, maintenance, and replacement of equipment, scheduling and placement of cameras on transportation vehicles, requests for viewing and any necessary follow-up.

Cross Reference:

JRA - Student Records

*Policy Adopted: December 4, 2024*