

## **PRE-SCHOOL AND KINDERGARTEN PROGRAMS**

Augusta offers a public pre-school program for children who are four years old by October 15<sup>th</sup> of that school year. We offer an all day kindergarten program to children who are 5 years old by October 15<sup>th</sup> of that school year.

In the spring, notices from school and in the local newspaper will inform parents about registration and screening days. Parents need to contact the school for an appointment for each child to be registered and screened.

It is important to bring a legal copy of your child's birth certificate and immunization record to the screening. Your child will also need a physical examination. The law requires that school personnel see these documents before he/she enters. Please also bring some proof of residency.

## **ELEMENTARY SCHOOL COUNSELING and LICENSED CLINICAL PROFESSIONAL COUNSELING (LCPC) SERVICES**

The philosophy of the Elementary School Counseling program is that counseling services are for all children, to help students with normal developmental growth.

The elementary counselors and LCPCs provide services such as limited individual counseling, group counseling, and classroom guidance activities to students involving issues such as friendship, social skills, self-control, substance abuse prevention, problem solving, child abuse and family changes.

School counselors and LCPCs consult with parents and teachers about child development, behavior issues, school adjustment, divorce, alcoholism, neglect, and other issues involving a family's emotional health and a child's success in school. Referrals to community agencies are often made as a result of these consultations.

If for some reason you DO NOT want your child to participate in individual or group counseling during this school year, please visit the school counselor to discuss these concerns.

## **STUDENT ABSENCE, EXCUSED ABSENCE**

State law establishes conditions under which children may be excused from attendance at school. Pupils in the district schools may be excused temporarily from school attendance for the following reasons:

- A. PERSONAL ILLNESS;
- B. AN APPOINTMENT WITH A HEALTH PROFESSIONAL THAT MUST BE MADE DURING THE REGULAR SCHOOL DAY;

## STUDENT ABSENCE, EXCUSED ABSENCE (continued)

- C. OBSERVANCE OF A RECOGNIZED RELIGIOUS HOLIDAY WHEN THE OBSERVANCE IS REQUIRED DURING THE REGULAR SCHOOL DAY;
- D. A FAMILY EMERGENCY; OR
- E. A PLANNED ABSENCE FOR A PERSONAL OR EDUCATIONAL PURPOSE WHICH HAS BEEN APPROVED

### **PARENTS SHOULD NOTIFY THE SCHOOL WITH AN EXPLANATION FOR THE ABSENCE OF A CHILD.**

No absence of a pupil shall continue more than FIVE (5) days without the school ascertaining the reason for it.

In instances of chronic irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences are justifiable.

Absences not listed above or approved specifically by the school administration shall be classified as **UNEXCUSED**.

## TRUANCY

### **MAINE TRUANCY LAW**

Student

who is at least 5 years old but has not completed grade 6 is considered "habitually truant" when:

**Accumulated 7 full days or 5 consecutive days of unexcused absences** during a school year

who has completed grade 6 and not older than 17 years of age is considered "habitually truant: when:

**Accumulated 10 full days or 7 consecutive days of unexcused absences** in during a school year

**Excused Absences** as defined by law:

- A. Personal illness,
- B. An appointment with a health professional that must be made during the regular school day;
- C. Observance of a recognized religious holiday when the observance is required during the regular school day;
- D. A family emergency;
- E. A planned absence for a personal or educational purpose which has been approved; or

## TRUANCY (continued)

- F. Educational disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement, or some other out-of-district placement that is not otherwise authorized by an individualized education plan or other education plan or superintendent's agreement developed in accordance with section 5205, subsection 2 of 20-A M.R.S.A

### **Pre-enforcement procedures**

1. Principal notifies the superintendent
2. Superintendent or designee notifies parents and meets with parent to identify possible causes of the habitual truancy (law says the school shall require the student and the student's parents to attend "one or more meetings" with school personnel)
3. Develop a plan (RTI) and implement unilaterally if parent does not attend meeting
4. Mandatory DHHS referral for the 7 yr old to grade 6 group

### **Possible Interventions**

- Frequent teacher communications with family
- Changes in the learning environment
- Mentoring
- Counseling
- Tutoring, including peer tutoring
- Placement in different classes
- Evaluation for alternative education programs
- Attendance contracts
- Referral to other agencies for family services
- Other interventions including but not limited to referral to the school attendance coordinator, the student assistance team, or the dropout prevention committee

### **Enforcement Process**

1. Superintendent serves the parent a notice that attendance of the student at school is required by law. The notice must explain the parent's right to inspect attendance records, explain the penalties for failing to comply with the compulsory attendance law and outline the components of the school's plan to correct the student's truancy.
2. If Student remains truant for 3 more school days after serving the notice, the superintendent "**shall**" notify the school board and the local law enforcement agency.

## TRUANCY (continued)

3. The law enforcement agency “**may**” institute a civil action in the District Court to enforce the compulsory attendance law.
  - If the law enforcement agency initiates legal proceedings, a court may then rule that a parent “has control of a student who is habitually truant and that parent is primarily responsible for that truancy”.
  - They may impose a fine of not more than \$250.00
  - They may order parent to comply with the school’s plan for the student
  - They may take specific action to ensure the student’s attendance at school
  - They may order parent to attend school with the student
  - They may order parent to perform community service, or
  - They may order parent to participate in parent training class.

**\*\*\* If the school fails to provide the notice to the family, the parent cannot be found liable under the law for truancy**

## STUDENT RECORD RIGHTS

The following statements outline your parental rights. You have the right to:

- Receive, upon request, a list of the types and locations of educational records kept on your child.
- Inspect and review any of your child’s records.
- Receive copies of the records for minimal duplication cost.
- Have someone at your child’s school explain or interpret any item in your child’s records that you do not understand.
- Have a person of your choosing inspect and review the records.
- Ask for an amendment of any record on the grounds that it is inaccurate, misleading, or violates privacy rights.
- Request an administrative review on the issue if the district refuses to make an amendment.
- Refuse consent for the disclosure of personally-identifiable information related to your child to anyone other than school officials or persons acting in an official capacity for the state education agency or the U.S. Department of Education.
- Refuse consent for the use of personally-identifiable information related to your child for any purpose other than the identification, evaluation, individualized education plan, or educational placement of your child, or the provision of a free and appropriate public education to your child.

## STUDENT RECORD RIGHTS

- Receive notice when the personally-identifiable information collected, maintained, or used is no longer needed to provide educational services to your child. The information must be destroyed at your request, however, a permanent record of student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed, shall be maintained without time limitation.
- Parents also have the right to not allow certain things for their child. If you do not want to allow the following activities, you must write a letter to the school notifying them of your desire by November 1<sup>st</sup>.
  - Parents may inspect surveys prior to administration.
  - Inspect instructional materials used in classrooms.
  - Physical examinations or screening administered by the school (Scoliosis, Hearing, Vision).

## STUDENT MEDIA RELEASE FORM

A separate parental consent form will be sent home with students. This form allows us to publish on our website pictures, achievements and work that a student may do. It is critical that you sign and return this form to the school office by September 15<sup>th</sup>.

## LIBRARY PROCEDURES

Library schedules are designed to give a routine time for students on a regular schedule to use the library. The activity in the library may vary according to the grade or class as requested by the classroom teacher.

During this time, students may return books and check out books. Books and materials may be renewed if no other student is requesting them. Students also have daily access to the library to return or check out books and to do research as long as there is someone covering the library at the time.

Library books should be transported from and to school in some type of waterproof bag.

We encourage parents to find a safe and secure place for library books while at home.

If a book is not returned, or if a book is damaged, the student must pay for the book. Further checkout of books will not be allowed until payment is made. Refunds will be made on books, which have been found (if the book is still in good condition).

All reference books remain in the library and may be signed out to a specific class.

## LIBRARY PROCEDURES (continued)

Requests for purchases for the library are encouraged. Requests may come from staff, students, volunteers, or parents. We welcome all suggestions.

All decisions concerning the library are made by the librarian in cooperation with the principal.

All donations to the library are welcome. Donations will be reviewed and accepted if they meet the needs of a particular school and curriculum. They are subject to the same criteria as purchased materials. All donations become the property of the Augusta School Department.

## GENERAL INFORMATION

### SCHOOL NUTRITION PROGRAM

The goal of our school nutrition program is to provide affordable and healthy meals to all students – meals that are appealing and delicious, while meeting the expectations of parents and complementing classroom learning. Breakfast and lunch are available daily to all children. Monthly menus are prepared and linked to our district web site, [www.augustaschools.org](http://www.augustaschools.org), and click on the School Nutrition Program.

We utilize a computerized meal payment system, which allows parents to pre-pay money into each individual child's account and then access that money when purchasing meals or A La Carte items. It is important to note that this is a debit system, which means that the money must first be put into the child's account before any purchases can be made. We ask that school lunch money be brought on Monday. If this is not possible, all lunches and milk can be paid for daily. Milk may be purchased to go with cold lunches. For your convenience we provide envelopes to send meal payments in. On the outside of the envelope please write the student's name and the amount enclosed.

At the elementary level we offer a limited selection of A La Carte items:

8 oz. of milk @ \$.50                      4 oz. of juice @ \$.40  
Lunch Entrée for Kindergarten – 6<sup>th</sup> grade \$2.50      Breakfast is \$1.25

Those who qualify under U.S.D.A guidelines may get meals for free for lunch and breakfast. Parents can fill out an application for free or reduced meals for their child (only one application per household). This can be done online by going to the Augusta website ([www.augustaschools.org](http://www.augustaschools.org)) and clicking on School Nutrition. The next step is filling out the online application and clicking submit. It is confidential and families will learn their eligibility immediately by an email. If families do not have access to the Internet, they can complete a paper copy received from the school. Families will be notified of eligibility via postal mail within 14 business days.

All students start school with last year's eligibility until October 16, 2020. If the School Nutrition Office has not received a new application, the student's eligibility will revert to full price. Students will continue to receive free breakfast and lunch through December 31<sup>st</sup>, 2020.

It will be important for families to complete the Free/ Reduced paperwork for when the change takes place, effective January 1<sup>st</sup>, 2021.

Should you have any questions, comments, or concerns regarding the School Nutrition Program, please contact your schools Kitchen manager or Maureen Thompson, Director of School Nutrition Programs at 620-8086.

### **EMERGENCY CARDS**

Emergency cards are on file for each child in the school office. It is **very important** that parents contact the office if there are any changes in **phone numbers, addresses or employment**. It is critical that you have at least one (1) alternate person listed on your emergency card in case we cannot reach you in an emergency. If you wish to add or change any information on the card, please send in written notification

### **ARRIVAL TIME AND DISMISSAL TIMES**

**Supervision of students begins at 8:00. Students are not to be on school grounds in the morning before 8:00 AM.**

Those who walk or are driven need to pay particular attention to this. School ends at 2:45 p.m. Students are to leave when they are dismissed at the end of the day and are not to stay on the playground. Authorized adults may pick up students at the end of the day. A written note should be brought to the office indicating any changes in destination or authorized adult picking up a child at the end of the day. A signature will be required to release a child from the school.

**Pre K – morning session is from 8:00 – 11:00 AM**

**Pre K – afternoon session is from 12:00 – 2:30 PM**

### **STUDENT DRESS**

Our goal is to create a safe and orderly learning environment. Students should be dressed in safe, healthy and non-discriminatory manner. Student clothing should also not distract from attention to learning.

With safety in mind, certain footwear should be avoided. Platform shoes, high heels, clogs, backless sneakers, flip-flops and toeless sandals pose a danger to students in hallways, on stairs and on the playground. Bare feet and stocking feet are both dangerous and unhealthy. Children are to wear sneakers that fasten securely during physical education class.

Students should be dressed appropriately for the weather. Students are required to go outdoors during recesses, weather permitting. In winter, hats, boots, mittens and coats are necessary. Ski-pants are required to play in snow or to slide.

Students may not wear clothing with inappropriate language or pictures (i.e., obscene, vulgar, sexual) or with advertisements for things that are illegal for students to use (i.e., tobacco, alcohol, drugs).

All students are required to wear a face/covering that covers their nose and mouth when in the presence of others and maintain three (3) feet of distance at all times throughout the day. Face

coverings must be capable of preventing respiratory droplets from being released. At this time, gaiters are not allowed.

Clothing must not distract others from learning, nor be revealing or suggestive. Private body areas must be covered. Hats and hoods may not be worn in school buildings. Traditional religious dress will be dealt with on an individual basis.

### **SCHOOL CLOSING OR DELAYED POLICY (STORMS)**

On mornings when storms prevent school from being held as usual, “no school” or “delayed opening” bulletins will be announced several times over local radio and TV stations (WABK, WMME, WCSH-TV, WGME-TV, and CTV-7), and a Phone Message Burst will be sent to all parents. Please refrain from calling stations, superintendent’s office, or school principals. It is better to listen to the radio or TV but, more importantly, parents should determine whether their children should attend school under existing conditions. Parents should make arrangements for a place their child can go if school is delayed or has to be closed early due to a storm. These arrangements should be communicated with school personnel.

### **APPOINTMENTS WITH TEACHERS**

Please make phone calls to teachers before or after school and not during class hours. You may leave a message on their voicemail or by Email. If a concern arises regarding your child, feel free to make an appointment with that teacher. Please do not drop by for a conference with your child’s teacher without an appointment.

### **REPORT CARDS AND CONFERENCES**

We have a tri-semester Reporting System for Grades K-6. Standards Based Reports Cards are summative reports of a student’s achievement up to the end of that marking period. These reports will be sent home three times during the year in late November, mid March and at the end of the year.

State law requires that our reporting system be standards based so that parents are clear about the skills their child has achieved and those skills that still need to be worked on. If you have questions about the Standards Based Report Card, please talk to your child’s teacher about the system or call the Assistant Superintendent at 626-2468.

Teacher conferences will occur twice during the year, in October and March. Parents will receive information on conference times in advance. Parents should feel that they can contact the teacher at any time during the year if they wish to discuss a student’s work.



## **CONFLICT RESOLUTION PROCEDURE**

The Augusta School Department wishes to resolve issues and conflicts in a timely and cooperative manner. We encourage parents and students to bring concerns forward for early resolution. Students will not suffer negative repercussions as a result of their or their parents' expression of a concern.

If a parent or other concerned citizen wishes to discuss a concern, we encourage him/her to begin a discussion with personnel closest to the source of the concern. For example, if a parent has an issue with the amount of homework assigned, they should first speak with the teacher assigning the homework.

If a resolution cannot be found, the Augusta School Department encourages the complainant to use the chain of command in the particular school to discuss and resolve concerns in a satisfactory way.

If unresolved, the matter should be brought to the attention of the principal who will address the issue and involve any appropriate supervisor deemed necessary. The superintendent of schools should be contacted only if a concern is not resolved at the school level.

## **STUDENT BEHAVIOR**

The Augusta Board of Education is committed to maintaining a supportive and orderly school environment in which students may receive and staff may deliver a quality education without disruption or interference and in which students may develop as ethical responsible and involved citizens.

To achieve this goal, the Augusta Schools have established a set of expectations for student conduct. These expectations are based on the values identified by the community as essential to ethical and responsible behavior.

Safe, Respectful, Honest, Kind, Responsible, Polite, Appreciative of Diversity

Students are expected to take responsibility for their words or actions, to understand the consequences of their actions, and to plan for improvement of their interactions if consequences are the result of their actions. While consequences and procedures may vary slightly between individual buildings, the message is still the same, we expect school to be a place where children are nurtured, respected, and may receive a quality education.

## STUDENT TRANSPORTATION

If you decide to pick your child up at school, please stop at the office and sign your child out. Your child must be picked up before his/her bus arrives. If your child is going on a bus other than his/her own, or is being picked up, a note must be sent to the teacher. Children, who ride the buses and wish to walk home, MUST bring a note dated and signed by a parent asking for that permission.

Quote from Augusta School Policy book -- "Students shall ride only on assigned buses. At close of school, they shall be transported only to the original pick-up point, and they shall not be permitted to disembark at other points or ride other buses, unless other orderly arrangements are made with school officials."

### **BICYCLES, SKATEBOARDS, AND SCOOTERS**

Students who ride bicycles to school are to put them in the bicycle rack and lock them. State law requires that helmets be worn when riding bikes. Skateboards, scooters, and roller blades are not to be ridden on school grounds.

## SCHOOL BUS RULES

In order to promote a safe and orderly bus environment for all students, the following guidelines for bus behavior are in place. We would appreciate it if you would review these guidelines with your child and assist us by supporting good bus behavior. Riding on the bus is a privilege, which may be revoked if the behavior of any student is unacceptable.

### GUIDELINES FOR BUS BEHAVIOR

#### **First Student and Augusta School Department Guidelines for Bus Behavior 2020-2021**

#### **MINOR VIOLATIONS: See Consequences**

1. Creating excessive noise
2. Swearing
3. Littering
4. Putting arms or any object out of the window
5. Improper boarding/exiting the bus
6. Being rude, discourteous or annoying
7. Not respecting safety, and well being of others

#### **SERIOUS VIOLATIONS: - Immediate two (2) day suspension from the bus**

1. Distracting driver
2. Ignoring warnings from the bus driver
3. Bringing dangerous or inappropriate articles aboard bus

4. Failure to remain seated or buckled
5. Lighting matches, smoking or vaping
6. Fighting, pushing, biting or tripping
7. Spitting
8. Destroying property
9. Unacceptable language towards others
10. Safety violations including harassment, bullying and threatening others

**CONSEQUENCES (Pre-K to 12<sup>th</sup> Grades):**

1<sup>st</sup> Offense – Seat Change, notice sent to the parent.

2<sup>nd</sup> Offense – Written warning from the bus driver.

3<sup>rd</sup> Offense- One day Suspension, phone call to parent by First Student.

4<sup>rd</sup> Offense – Two-day Suspension from the bus, phone call to parent by First Student.

5<sup>th</sup> Offense – One (1) week suspension following discussion with First Student, and Principal.

6<sup>th</sup> Offense – Suspended from bus until parent conferences with school administration and First Student.

All write-ups will be faxed to the school they attend and may result in additional disciplinary consequences from school administrator(s). Parents will be notified of all write ups, suspensions and meetings by First Student. Parent must sign and return all Write-ups to their driver.

<b>SCHOOL NURSE</b>
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There is a school nurse available in each school whose job is to deal with health or wellness concerns of students, teachers, and parents.

General Health Policy

1. No student should be sent to school if there has been fever, vomiting or diarrhea or any other symptoms of illness within the previous 24 hours.
2. Exclusion from school shall result when any of the following conditions are found to exist. The student will be expected to receive diagnosis and/or treatment for these before returning to school.
  - a) Apparent symptoms of illness or injury occurring at school
  - b) Communicable disease
  - c) Contagious or infectious diseases of the skin, mouth, or eyes
  - d) Any suspicious rash with or without accompanying symptoms
3. Parents will be notified if a student is to be sent home. Written excuses are required for all absences from school unless there has been phone contact between the parent and the school.
4. Students found to have head lice will not be excluded from school, but allowed to remain the day. Parents will be contacted and informed of the need for treatment. Students will be allowed to return to school after treatment has begun.

\* See page 24 for Medication Policy (JLCD).

## INJURIES AND ILLNESSES - EMERGENCY PROCEDURE

Whenever an illness or injury requires attention beyond minor first aid, a telephone call will be placed immediately to the parent.

Emergency cards, which are sent home with each student should be filled out accurately. Any pertinent emergency or routine information concerning your child's health should be noted. If changes occur in this information during the school year, such as phone number, please notify the office. Parental release for the school to act in an emergency situation must be indicated on the emergency procedure card. Minor first aid is given as needed by the school nurse or other school personnel.

## IMMUNIZATIONS

Maine State Law requires that an immunization record is required at the time of school registration. All students must be immunized against polio, diphtheria, pertussis (whooping cough), tetanus, measles, rubella (German measles), and mumps, and polio in order to attend school. If students are exempted (in writing) because of philosophical, medical reasons, or religious reasons they will be excluded from school if one of the above diseases is identified in the school or community until the danger of outbreak has passed.

## TITLE IA SERVICES

Title I is known as Compensatory Education since it offers supplemental services designed to help students meet grade level standards. The program is completely funded by federal grants.

### A. Title I

The Title I Program at Farrington and Hussey Schools provide early intervention to *identified* students to accelerate their progress in literacy and math. Title I Literacy Specialists as well as Educational Technicians work closely with classroom teachers to provide a double dose of instruction with personalized interventions in 1-1 or small group sessions. Families will be informed if their child is recommended for Title I services.

At Gilbert and Lincoln Schools a school wide Title I model is used. *All* students are considered Title I students and can move in and out of these services freely as targeted student interventions are successfully met. Families are not required to be informed of this educational support since it's built into the fabric of the school community. The Literacy Specialists and Educational Technicians work closely with classroom teachers to provide a double dose of instruction, meeting students at their point of need.

Survey input from parents of Title I students and staff will be considered when planning, designing and implementing Title I services. Parents are always welcome to join the ASD parent advisory group by contacting the Title I Director.

- B. It's a parents right to request the qualifications of their teacher. Whether the student's teacher:
- I. has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
  - II. is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
  - III. is teaching in the field of discipline of the certification of the teacher.

In addition, parents will be informed if their child is being taught 4 or more weeks by a teacher who does not meet full certification of the teaching position they are in. If at any time there is a question about a teacher's certification, please contact the Director of Title I or Assistant Superintendent in the Superintendent's office @ 626-2468.

- C. Parents have a right to request information regarding any State or school department policy regarding student participation in State and Local assessments. Please contact the Director of Title I or Assistant Superintendent at the Superintendent's office, by calling 626-2468.

The ESEA Dashboard is available under each school on the Augusta School Department website: <http://www.augustaschools.org/>. The ESEA Data Dashboard includes all data elements required under ESSA (student behavior, finance, staff, academics - disaggregated by student group where applicable) and information related to a schools eligibility of support within Maine's Model of School Support. Tutorials on how to use and navigate the dashboard are at the following link: <http://www.maine.gov/doe/learning/esea/guidance>

## **VOLUNTEER PROGRAM**

The schools have volunteers to assist the teachers and enrich the curriculum to the benefit of the students. Volunteers from our community can contribute much to the education of our children. There are many opportunities for parents to become involved in their children's education. Volunteers help in the library; tutor individual students; assist in computer operation; chaperone field trips; prepare instructional materials; and share their hobby, job or travel experiences. Any parent who is interested in volunteering should contact their child's building administrator and review Board Policy IJOC.

## **SPECIAL EDUCATION**

The Individuals with Disabilities Act (IDEA 2004) and Maine State Special Education Law require schools to provide students with disabilities a free and appropriate public education. This means that students with disabilities are entitled to an education at public expense which is designed to meet their individual educational needs. The Augusta special education department offers a continuum of services to support the diverse educational needs of its student population with special needs in grades K-12. Working collaboratively with Child Development Services (CDS), the school department monitors identified special needs students beginning at age three. These students, in addition to those identified during their school career, have access to a myriad of services and programs.

We provide support to the classroom teachers so that curriculum modifications and accommodations will be made to enhance the educational opportunity of our students with learning disabilities. These students may receive pull out services for specialized intervention in reading and math. The Augusta School Department also provides a wide range of programs for students in grades K-12 who present with more severe challenges such as cognitive skill deficits, multiple disabilities, and autism. These programs are more self-contained, providing functional/daily living skills to meet the specific needs of the students. These students can access the mainstream when it supports their development. Other students who exhibit behavioral challenges/emotional disabilities are supported through classroom interventions as well as self contained programming.

In addition to these services, the Augusta School Department provides speech/language therapy, consultative psychological services, occupational and physical therapy. These services are provided when student weaknesses in those areas negatively impact educational progress or the student's ability to access the curriculum.

The Augusta Special Education Department is staffed with highly qualified teachers and support staff. By working closely with classroom teachers and parents, a partnership is established which provides supports necessary for each student to realize and achieve his/her potential.

### **GIFTED AND TALENTED PROGRAM**

The Augusta School Department's Gifted and Talented Program is designed to serve Grade 4 - 12 students from the district's four elementary schools, one middle school and one high school. The district's goal is to appropriately identify, program for, serve and assess, in their area(s) of documented need, up to 5% of the total pre-K – 12 population academically and up to an additional 5% in the literacy, visual and performing arts. The district's two full time Gifted and Talented staff members strive to design academic and/or arts accommodations that are:

- qualitatively different
- in lieu of, not in addition to, the standard curriculum
- appropriate for meeting each student's unique need(s)
- ongoing throughout the year
- provided in a pre-K – 12 continuum
- aligned with the implementation timetable and content of the *Maine Learning Results* in mathematics, English/language arts, science, social studies and the arts

Appropriate accommodations for each identified student are based on the documented needs of that student and spelled out in an annual personalized learning plan in terms of both in-class and beyond-the-classroom needs.

### **CRISIS TEAM**

The Augusta School Department has a crisis team to provide direction, support, coordination of earlier resources, and effective communication to students, staff and community in the event

of an incident, which might impact the learning environment. This incident could include but is not limited to natural disaster, death of a student or faculty member, car or school bus accident and threats of or actual harm to students or staff from another source.

In order to provide the Augusta Crisis Team with timely information, the Augusta Police Department will notify the crisis team of a crisis affecting the school population. The superintendent of schools will be notified first by the Augusta Police Department. If the superintendent is unavailable, the chair of the Crisis Team will be notified. Each school will inform parents and give information regarding an event.

**FIRE DRILL PROCEDURES**

By state law, there will be ten drills per year, including lockdowns.

General rules for everyone in school:

- ⇒ Walk quietly and quickly to designated areas.
- ⇒ It is important for children to pay attention to teachers in case a change in direction is necessary.
- ⇒ The teacher is the last person to leave the room to ensure that all children are safely out of the room.
- ⇒ First students to reach doors will hold them for others to pass.

**BOMB THREATS**

The Board recognizes that bomb threats are a significant concern for all schools. Whether real and carried out, intended as a prank, or for some other preface, a bomb threat represents a potential danger to the safety and welfare of students, staff and the integrity of school property. Bomb threats disrupt the instructional program, learning environment, and also places a significant demand on the school's financial resources. 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. 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 and subject to disciplinary action by the school, which may include suspension or expulsion.

**AUGUSTA AFFIRMATIVE ACTION POLICY**

The Augusta School System is committed to providing equal education opportunities to all students in both academic and extracurricular areas. All our students deserve the chance to participate in the entire range of activities offered regardless of sex, race, color, national origin, religion, marital status, sexual orientation, age, or handicap. A copy of the Affirmative Action Plan is available in each school office and in the superintendent's office. Affirmative Action inquiries may be made to:

Katy Grondin, Assistant Superintendent  
Augusta Public Schools  
Central Office  
40 Pierce Drive, Suite 3  
Augusta, Maine  
Telephone # 626-2468

## BOARD OF EDUCATION POLICIES

### HOMEWORK

Code: IKB

Board recognizes that education research has shown a positive correlation between meaningful and purposeful homework and student achievement. Homework offers an opportunity to practice skills and apply knowledge and promotes critical thinking and creativity.

The Board believes that teachers will assign homework, in accordance with the following principles:

- A. Homework extends learning opportunities beyond the school day
- B. Purposeful, relevant homework, when completed, produces the strongest achievement gains.
- C. Meaningful homework helps students develop goal setting, self-discipline, time management and organizational skills.
- D. Immediate, specific feedback should be given in order for homework to be effective.
- E. Homework must be realistic in length and difficulty given the students' abilities to work independently.
- F. The amount of homework assigned should be gradually increased from grade to grade. As a child advances through school, it is reasonable to expect the amount of homework will be increased.

Adopted: September 8, 1986

Revised: February 10, 2016



## TOBACCO USE AND POSSESSION

Code: ADC

In order to promote the health and safety of students, staff and visitors and in compliance with applicable state and federal laws, the Board prohibits smoking and all other use of tobacco products in school buildings and other school unit facilities, on school buses, and on school grounds at all times by all persons.

In addition, students are further prohibited from possessing, selling, distributing or dispensing tobacco products in school buildings, facilities and on school grounds and buses during school-sponsored events and at all other times.

Employees and all other persons are also strictly prohibited, under law and Board policy, from selling, distributing or in any way dispensing tobacco products to students.

Tobacco advertising, including the wearing of clothing advertising tobacco products is prohibited in school buildings, at school functions and in school publications.

All of these same prohibitions shall apply to electronic cigarettes and other devices designed to deliver nicotine through inhalation or “vaping,” or used to simulate smoking.

Information regarding this policy will be disseminated at least yearly to students/parents, staff and community through student handbooks, staff meetings, posted signs, facilities use contracts, announcements and other means as decided by the Superintendent/administration.

### Legal Reference:

22 MRSA §§ 1578(B), 1580(A)(3)  
Me. PL 470 (An Act to Reduce Tobacco Use By Minors)  
20 USC 6081-6084 (Pro-Children Act of 1994)

### Cross Reference:

JICA – Student Dress  
JL – Student Wellness  
KF – Community Use of School Facilities  
KHB – Advertising in the Schools

Adopted: July 13, 1992 (GBK) Adopted: 1975 (JFCG)

Revised: June 13, 2007 Revised: 12/9/85; 8/8/82; 2/14/96

Revised: July 13, 2011, July 8, 2015, August 10, 2016

## TOBACCO USE AND POSSESSION ADMINISTRATIVE PROCEDURE

Code: ADC-R

The purpose of the following administrative procedure is to effectuate the mandates imposed by the various federal and state laws in addition to this Board's "Tobacco Use and Possession" policy.

### I. PROHIBITED CONDUCT

#### A. Students

The use, possession, sale, dispensing or distribution of tobacco products by all students is prohibited in school buildings and facilities, during school-sponsored events, on school grounds and buses, and at all other times.

#### B. Employees and All Other Persons

The use of tobacco products by employees and all other persons is prohibited in school buildings, facilities and on school buses during school-sponsored events and at all other times on school grounds. In addition, employees and all other persons are strictly prohibited, under law and this Board's policy/administrative procedure, from selling, dispensing or distributing tobacco products to students.

### II. ENFORCEMENT

In order to enforce the tobacco products policy, the following guidelines shall be utilized by the Principal of a school in which prohibited conduct occurs. The Principal shall report any violations of this policy/procedure, as promptly as practicable, to the Superintendent.

#### A. Student Violations

##### 1st VIOLATION

1. Parents/legal guardians shall be notified regarding the tobacco violation.
2. Students shall be referred to a substance abuse counselor, participate in an educational experience, and Alternative to Suspension Program or if refused may receive up to three days of suspension.
3. Students who are involved in extracurricular activities are subject to the guidelines outlined in the athletic procedure.

##### 2nd VIOLATION

1. Parents/legal guardians shall be notified regarding the tobacco violation.

2. Students shall be referred to a substance abuse counselor, participate in an educational experience, and Alternative to Suspension Program or if refused may receive up to three days of suspension.
3. Students who are involved in extracurricular activities are subject to the guidelines outlined in the athletic procedure.
4. The number of substance abuse counseling sessions for the student will be based on need and determined by the counselor.

### 3rd VIOLATION

1. Parents/legal guardians shall be notified regarding the tobacco violation. The student and a parent/legal guardian shall also be required to meet with an administrator within five days of the violation.
2. Students shall be referred to a substance abuse counselor, participate in an educational experience, and Alternative to Suspension Program or if refused may receive up to five days of suspension.
3. The number of substance abuse counseling sessions for the student will be based on need and determined by the counselor.
4. Students who are involved in extracurricular activities are subject to the guidelines outlined in the athletic procedure.

### B. Student Referral to Law Enforcement Agency

The Superintendent or his/her designee reserves the right to refer students to a law enforcement agency, on a case-by-case basis, as he/she may deem necessary. However, the Superintendent/designee shall refer to a law enforcement agency any student reasonably suspected of selling, dispensing or distributing tobacco products.

### C. Visitors in Violation

Visitors violating this policy shall be immediately directed to cease volatile behavior. Persons who do not comply will be asked to leave, the police may be called and they may be charged with trespassing. In addition, all persons suspected of selling, distributing or in any way dispensing tobacco products to students shall be referred to a law enforcement agency.

## III. NOTICES

This Board's policy and corresponding disciplinary actions for infractions of this policy shall be printed in employee and student handbooks. Parents/guardians shall also be sent notification in writing of this Board's tobacco policy and administrative procedures. Notices shall be signed

by parents/legal guardians and returned to the school where they shall be kept on file by the school unit.

Legal References:

20 USC § 6081-6084 (Pro-Children Act of 1994)

22 MRSA § 1578-B

Me. PL 470 (An Act to Reduce Tobacco Use by Minors)

Adopted: July 13, 2011

Revised: August 10, 2016

## ADMINISTRATION OF MEDICATION TO STUDENTS

CODE: JLCD

Although the Board discourages the administration of medication to students during the school day when other options exist, it recognizes that in some instances a student's chronic or short-term illness, injury, or disabling condition may require the administration of medication during the school day. The school will not deny educational opportunities to students requiring the administration of medication in order to remain in attendance and participate in the educational program.

The intent of this policy is to promote the safe administration of medications to students by school personnel and to provide for authorization of student emergency self-administration of medication from asthma inhalers and epinephrine pens. The Board encourages collaboration between parents/guardians and the schools in these efforts.

The Board disclaims any and all responsibility for the diagnosis, prescription of treatment, and administration of medication for any student, and for any injury arising from a student's self-administration of medication.

### I. DEFINITIONS

"Administration" means the provision of prescribed medication to a student according to the orders of a health care provider.

"Health care provider" means a medical/health practitioner who has a current license in the State of Maine with a scope of practice that includes prescribing medication.

"Indirect supervision" means the supervision of an unlicensed school staff member when the school nurse or other health care provider is not physically available on site but immediately available by telephone.

"Medication" means prescribed drugs and medical devices that are controlled by the U.S.

Food and Drug Administration and are ordered by a health care provider. It includes over-the-counter medications prescribed through a standing order by the school physician or prescribed by the student's health care provider.

"Parent" means a natural or adoptive parent, a guardian, or a person acting as a parent of a child with legal responsibility for the child's welfare.

"School nurse" means a registered professional nurse with Maine Department of Education certification for school nursing.

"Self-administration" is when the student administers medication independently to him/herself under indirect supervision of the school nurse.

"Unlicensed school personnel" are persons who do not have a professional license that allows them, within the scope of that license, to administer medication.

## II. ADMINISTRATION OF MEDICATION BY SCHOOL PERSONNEL

### A. Parental Request

In the event that no reasonable alternative exists, the parent/guardian may request in writing that medication be administered to the student during the school day. The written request must include an acknowledgement and agreement that unlicensed personnel may administer the medication as per the health care provider's instructions. In addition, the request shall indicate that information regarding the student's medication may be shared with appropriate school personnel. Parents may provide the reason (diagnosis) requiring the administration of medication.

Requests shall be valid for the current school year only.

### B. Health Care Provider's Order

All parental requests must be accompanied by a written order from the student's health care provider substantiating the fact that the administration of a particular medication during the school day is necessary for the student's health and attendance in school. Such order must include:

1. The student's name;
2. The name of the medication;
3. The dose;
4. The route of administration (e.g., tablets, liquid, drops); and
5. Time intervals for administration (e.g., every four hours, before meals);
6. Any special instructions; and
7. The name of the prescribing health care provider.

It is the responsibility of the school nurse to clarify any medication order that he/she believes to be inappropriate or ambiguous. In accordance with Department of Education

Rule Chapter 40 § 2(B), the school nurse may decline to administer a medication if he/she believes such administration would jeopardize student safety. In this case, the school nurse must notify the parent, the student's health care provider and the school administrator (i.e., building principal or designated administrator).

#### C. Renewal of Parent Permission Requests/Forms and Health Care Provider Orders

Written parental permission requests/forms and health care provider orders must be renewed at least annually. Health care provider orders must be renewed whenever there are changes in the order.

#### D. Delivery and Storage of Medication

The student's parents shall deliver any medication to be administered by school personnel to the school in its original container. In the event that this is not practical, the parent must contact the school to make alternate arrangements.

No more than a 20-day (one month) supply of medication shall be kept at school, excluding inhalers and epinephrine pens. The parent is responsible for the replenishment of medication kept at school.

If the health care provider's order/prescription is for a medication regulated by the Federal Narcotics Act, no more than a one week supply shall be kept at school.

The parent is responsible for notifying the school of any changes in or discontinuation of a prescribed medication that is being administered to the student at school. The parent must remove any medication no longer required or that remains at the end of the school year.

The school nurse, with the approval of the building principal, shall be responsible for developing and implementing procedures for the appropriate and secure storage of medications kept at school, and all medications shall be stored in accordance with this procedure.

#### E. Recordkeeping

School personnel and the student's parent shall account for all medication brought to school. The number of capsules, pills or tablets, and/or the volume of other medications brought to school shall be recorded.

School staff administering medication shall document each instance the medication is administered including the date, time, and dosage given.

The school nurse shall maintain a record including the parent's request, physician's order, details of the specific medications (including dosage and timing of medication), and documentation of each instance the medication is administered.

Records shall be retained according to the current State schedules pertaining to student

health records.

#### F. Confidentiality

To the extent legally permissible, staff members may be provided with such information regarding medication and its administration as may be in the best interest of the student.

#### G. Administration of Medication

Medication may be administered during the school day by licensed medical personnel acting within the scope of their licenses.

The school nurse, under the administrative supervision of the Superintendent, will provide direction and oversight for the administration of medication to students.

All unlicensed personnel (principals, teachers, education technicians, school secretaries, coaches, bus drivers, etc.) who administer medication must receive training before being authorized to do so.

Based upon the documentation of training and competency in the administration of medication, the school nurse will make recommendations to the Superintendent/designee pertaining to authorization of unlicensed persons to administer medication. Training that shall be acceptable for the purpose of authorization of unlicensed personnel is addressed under the section of this policy titled "Required Training of Unlicensed Personnel to Administer Medication."

#### H. Administration of Medication during Off-Campus Field Trips and School-Sponsored Events

The school will accommodate students requiring administration of medication during field trips or school-sponsored events as follows:

The school nurse, principal, and, as appropriate, the school unit's Section 504 Coordinator and/or IEP, will determine whether an individual student's participation is contraindicated due to the unstable/fragile nature of his/her health condition, the distance from emergency care that may be required, and/or other extraordinary circumstances. The student's parent and primary care provider will be consulted in making this determination. The decision will be made in compliance with applicable laws, including the IDEA, § 504 and the Americans with Disabilities Act (ADA).

The parent must provide the appropriate number of doses needed for the duration of the field trip or school-sponsored event.

When there are no contraindications to student participation, an appropriately trained staff member will be assigned to administer medication. The parent will be encouraged to accompany the student, if possible, to care for the student and administer medication.

All provisions of this policy shall apply to medications to be administered during off-campus field trips and school-sponsored events. As practicable, the DOE's "Policy for Medication Administration on School Trips" will be followed.

#### I. Student Self-Administration of Asthma Inhalers and Epinephrine Pens

Students with allergies or asthma may be authorized by the building principal, in consultation with the school nurse, to possess and self-administer emergency medication from an epinephrine pen (EpiPen) or asthma inhaler during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication from an epinephrine pen or asthma inhaler if the following conditions have been met.

1. The parent (or student, if 18 years of age or older) must request in writing authorization for the student to self-administer medication from an epinephrine pen or asthma inhaler.
2. The student must have the prior written approval of his/her primary health care provider and, if the student is under the age of 18, the prior written approval of his/her parent/guardian. The written notice from the student's primary care provider must specify the name and dosage of the medication, frequency with which it may be administered, and the circumstances that may warrant its use.
3. The student's parent/guardian must submit written verification to the school from the student's primary care provider confirming that the student has the knowledge and the skills to safely possess and use an epinephrine pen or asthma inhaler.
4. The school nurse shall evaluate the student's technique to ensure proper and effective use of an epinephrine pen or asthma inhaler.
5. The parent will be informed that the school cannot accurately monitor the frequency and appropriateness of use when the student self-administers medication, and that the school unit will not be responsible for any injury arising from the student's self-medication.

Authorization granted to a student to possess and self-administer medication from an epinephrine pen or asthma inhaler shall be valid for the current school year only and must be renewed annually.

A student's authorization to possess and self-administer medication from an epinephrine pen or asthma inhaler may be limited or revoked by the building principal after consultation with the school nurse and the student's parents if the student demonstrates inability to responsibly possess and self-administer such medication.

To the extent legally permissible, staff members may be provided with such information regarding the student's medication and the student's self-administration as may be in the best interest of the student.

Sharing, borrowing, or distribution of medication is prohibited. The student's authorization to self-administer medication may be revoked and the student may be subject to disciplinary consequences for violation of this policy.



## J. Required Training of Unlicensed Personnel to Administer Medication

Unlicensed school personnel who administer medication to students in a school setting (at school, on school transportation to or from school, on field trips, or during school-sponsored events) must be trained in the administration of medication before being authorized to carry out this responsibility. Such training must be provided by a registered professional nurse or physician and include the components specified in Department of Education Rules Chapter 40 and other applicable Department of Education standards, recommendations, programs, and/or methodologies.

The trainer shall document the training and competency of unlicensed school personnel to administer medication. Based upon a review of the documentation of training and competency in the administration of medication, the school nurse will make recommendations to the Superintendent/designee pertaining to authorization of such unlicensed personnel pertaining to authorization to administer medication.

Following the initial training, a training review and information update must be held at least annually for those unlicensed school personnel authorized to administer medication.

## K. Delegation and Implementation

The Superintendent/designee shall be responsible for developing administrative procedures and/or protocols to implement or supplement this policy.

Such procedures/protocols shall include direction regarding:

1. Safe transport of medication to and from school;
2. Administration of medication during field trips and school-sponsored events;
3. Accountability for medications, particularly those regulated by the Federal Narcotics Act;
4. Proper storage of medication at school;
5. Training of appropriate staff on administration of emergency medications;
6. The procedure to follow in the event of a medication reaction;
7. Access to medications in case of a disaster;
8. The process for documenting medications given and medication errors; and
9. The proper disposal of medications not retrieved by parents.

### Legal Reference:

- 20-A M.R.S.A. §§ 254; 4009(4); 4502 (5)(N)
- Ch. 40; 125 § 10.01(c) (Me. Dept. of Ed. Rule)
- 28 C.F.R. Part 35 (Americans with Disabilities Act of 1990)
- 34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973)
- 34 C.F.R. Part 300 (Individuals with Disabilities Education Act)

Adopted: May 14, 1997

Revised: December 10, 2003; January 14, 2015

## HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS POLICY

CODE: ACAA

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

School employees, fellow students, volunteers, visitors to the schools, and other persons with whom students may interact in order to pursue or engage in education programs and activities, are required to refrain from such conduct.

Harassment and sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

### A. Harassment

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

### B. Sexual Harassment

Sexual harassment is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

#### 1. TITLE IX SEXUAL HARASSMENT

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the Augusta School Department's education programs and activities:

a. "Quid pro quo" sexual harassment by a school employee:  
Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation in unwelcome sexual conduct;

b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the Augusta School Department's education programs and activities; or

c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

## 2. Sexual Harassment under Maine Law

Under Maine law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
- b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
- c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.

## C. Reports and Complaints of Harassment or Sexual Harassment

All school employees are required to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator.

The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)  
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)  
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106  
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)

Maine Human Rights Act, 5 MRSA § 4551 et seq.  
20-A MRSA § 6553  
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4  
Cross Reference: ACAA-R – Student Discrimination/Harassment and Title IX Sexual  
Harassment Complaint Procedures  
AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAD – Hazing  
JFCK – Student Use of Cellular Telephones and Other Electronic Devices  
JICIA – Weapons, Violence and School Safety  
JICK - Bullying

Adopted: October 14, 1975; February 9, 2011

Revised: July 1981; August 13, 1987; February 9, 2011; August 12, 2020

## HAZING

CODE: ACAD

Maine law defines injurious hazing as any action or situation, including harassing behavior that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school.

Injurious hazing also includes any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers a student, regardless of the student’s willingness to participate in the activity.

Injurious hazing activities of any type, either on or off school property, by any student, staff member, group or organization affiliated with this school unit, are inconsistent with the educational process and shall be prohibited at all times.

“Harassing behavior” includes acts of intimidation and any other conduct that recklessly or intentionally endangers the mental or physical health of a student or staff member.

“Acts of intimidation” include extortion, menacing, direct or indirect threats of violence, incidents of violence, bullying, statements or taunting of a malicious and/or derogatory nature that recklessly or intentionally endanger the mental or physical health of another person, and property damage or theft.

No administrator, faculty member, or other employee of the school unit shall encourage, permit, condone, or tolerate injurious hazing activities. No student, including leaders of any student organizations or school-sponsored teams, shall plan, encourage, or engage in injurious hazing activities.

Students who violate this policy may be subject to disciplinary action which may include suspension, expulsion, or other appropriate measures. Administrators, professional staff, and

all other employees who violate this policy may be subject to disciplinary action up to and including dismissal.

In the case of an organization affiliated with this school unit that authorizes hazing, penalties may include rescission of permission for that organization to operate on school property or to receive any other benefit of affiliation with the school unit.

Persons not associated with this school unit who fail to abide by this policy may be subject to ejection from school property and/or other measures as may be available under the law.

These penalties shall be in addition to any civil or criminal penalties to which the violator or organization may be subject.

The Superintendent/designee shall be responsible for administering this policy. In the event that an individual or organization disagrees with an action—or lack of action—on the part of the Superintendent/designee as he/she carries out the provisions of this policy, that individual or organization may appeal to the Board. The ruling of the Board with respect to the provisions of this policy shall be final.

This right to appeal does not apply to student suspensions of 10 days or less or to matters submitted to grievance procedures under applicable collective bargaining agreements.

A copy of this policy shall be included in all school, parent, and employee handbooks or otherwise distributed to all school employees and students.

Legal Reference: 20-A MRSA § 6553

Cross Reference: ACAA - Harassment and Sexual Harassment of Students  
ACAB - Harassment and Sexual Harassment of Employees  
JICIA - Weapons, Violence and School Safety

Adopted: February 9, 2000

Reviewed: September 10, 2018

Revised: February 12, 2003; March 9, 2011; June 10, 2020

<b>GENDER NEUTRAL LANGUAGE</b>
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Code: ACA

The School Board directs that all staff members be especially alert to and avoid the use of sexist or other discriminatory language in all communications, both oral and written.

Adopted: February 9, 2011

## BULLYING POLICY

Code: JICK

The Board believes that bullying, including cyberbullying, is detrimental to student well-being and to student learning and achievement. It interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying affects not only students who are targets but also those who participate in and witness such behavior.

### **Bullying Prohibited**

Bullying, including “cyberbullying,” harassment and sexual harassment are not acceptable conduct in Augusta Public Schools and are prohibited.

Retaliation for the reporting of incidents of such behavior is also prohibited.

In adopting this policy, it is not the Board’s intent to prohibit students from expressing their ideas, including religious, political and philosophical views that may offend the sensibilities of others, or from engaging in civil debate. However, the Board does not condone and will take action in response to conduct that directly interferes with students’ rights at school under applicable laws or with the educational mission, operations, discipline or general welfare of the schools.

### **Definitions**

“Bullying” and “cyberbullying” have the same meaning in this policy as in Maine law:

#### **Bullying**

“Bullying” includes, but is not limited to a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

- A. Has, or a reasonable person would expect it to have, the effect of:
  - 1. Physically harming a student or damaging a student’s property; or
  - 2. Placing a student in reasonable fear of physical harm or damage to his/her property;

- B. Interferes with the rights of a student by:
  - 1. Creating an intimidating or hostile educational environment for the student; or
  - 2. Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by the school; or
  
- C. Is based on:
  - a. A student's actual or perceived characteristics identified in 5 MRSA § 4602 or 4684-A (including race; color; ancestry; national origin; sex; sexual orientation; gender identity or expression; religion; physical or mental disability) or other distinguishing personal characteristics (such as socioeconomic status; age; physical appearance; weight; or family status); or
  - b. A student's association with a person with one or more of these actual or perceived characteristics or any other distinguishing characteristics; and that has the effect described in subparagraph A. or B. above.

### **Cyberbullying**

"Cyberbullying" means bullying through the use of technology or any electronic communication, including but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device including, but not limited to, a computer, telephone, cellular telephone, text messaging device or personal digital assistant.

### **Retaliation**

Retaliation means an act or gesture against a student for asserting or alleging an act of bullying. Retaliation also includes reporting that is not made in good faith on an act of bullying.

### **Application of Policy**

This policy applies to bullying that:

- A. Takes place at school or on school grounds, at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events; or

- B. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in the definition of “bullying.”

## **Consequences for Policy Violations**

### **Students**

Students who violate this policy may be subject to disciplinary action which may include suspension, expulsion or a series of graduated consequences including alternative discipline or other behavioral interventions.

The Board retains the right to impose disciplinary consequences for bullying and other conduct that occurs at any time or place that substantially disrupts the instructional program, operations of the schools or welfare of students.

Any student violating this policy may also be subject to civil or criminal penalties.

### **School Employees and Others**

Administrators, professional staff and all other employees who violate this policy may be subject to disciplinary action up to and including dismissal, and in accordance with any applicable collective bargaining agreements.

Volunteers, contractors and visitors who violate this policy will be excluded from school property until the Superintendent is satisfied that the person will comply with Maine’s bullying law and this policy.

Any person violating this policy may also be subject to civil or criminal penalties.

Any school-affiliated organization that authorizes or engages in bullying or retaliation is subject to forfeiture of Board approval/sanctioning and/or suspension or revocation of its permission to operate on school grounds.

### **Staff Training**

The Augusta School Department will provide professional development and staff training in bullying prevention and response.

### **Delegation of Responsibility**

The Superintendent/designee will be responsible for developing and implementing procedures in accordance with applicable law to implement this policy.

The Superintendent will designate the school principal and/or other school personnel to be responsible for implementation/enforcement of this policy and associated procedures on the school level.



A student or his/her parent/guardian who is dissatisfied with a decision of the Superintendent or designee related to the taking or not taking of disciplinary action in the course of implementing this policy may appeal, in writing, to the Superintendent within 14 calendar days of notice of the decision.

The Superintendent's decision shall be final.

### **Dissemination of Policy**

The Superintendent will be responsible for providing this policy, any associated administrative procedures and the names of the person(s) responsible for implementing the policy/procedure at the school level in writing to students, parents, school employees and volunteers in handbooks, on the school unit's website and by such other means (if any) as may be determined by the Superintendent.

Legal Reference: 20-A M.R.S.A. § 1001(15), 6554

Cross Reference: AC - Nondiscrimination, Equal Opportunity  
ACAA-R - Harassment and Sexual Harassment of Students  
ACAD – Hazing  
AD – Educational Philosophy/Mission  
ADAA – School System Commitment to Standards for Ethical and Responsible Behavior  
ADF - School District Commitment to Learning Results  
CHCAA - Student Handbooks  
GCI – Professional Staff Development  
  
IJNDB-R - Student Computer and Internet Use and Internet Safety  
JI - Student Rights and Responsibilities  
JIC - Student Code of Conduct  
JICC - Student Conduct on Buses  
JICIA - Weapons, Violence and School Safety  
JK - Student Discipline  
JKD - Suspension of Students  
JKE - Expulsion of Students  
KLG - Relations with Law Enforcement Authorities

Adopted: August 9, 2006

Revised: April 10, 2013, January 11, 2017

This procedure is intended as guidance for school administrators in carrying out their responsibilities when bullying is alleged to have occurred. It provides important definitions as well as steps for reporting, investigating and responding to allegations of bullying.

Bullying behavior alleged to be based on race, color, ancestry, national origin, sex, sexual orientation, religion or disability should be addressed under the procedures set forth in the Student Harassment and Sexual Harassment procedure, ACAA-R, rather than under this procedure.

## **Bullying Reports**

### **Students and Parents/Guardians**

Students who believe they have been bullied, or who have witnessed or learned about an act of bullying should report this behavior to the building principal.

Parents/guardians may report bullying on behalf of their children or when they have witnessed or are aware of the occurrence of bullying.

Reports of bullying may be made anonymously, but no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Any student who has been determined to have made a false report of bullying will be subject to disciplinary consequences.

### **School Employees**

For the purposes of this procedure, “school employees” includes coaches, advisors for cocurricular or extracurricular activities and volunteers.

All school employees are expected to intervene when they see acts of bullying in progress and are required to report incidents of bullying they have witnessed or become aware of to the building principal as soon as practicable.

School employees who fail to report bullying or who have made a false report of bullying will be subject to disciplinary consequences up to and including termination, in accordance with any applicable collective bargaining agreement.

### **Others**

Contractors, service providers, visitors or community members who have witnessed or become aware of bullying are encouraged to report such incidents to the building principal.

### **Form of Reports**

Complaints or reports of bullying may be made orally or in writing, but all reports will be recorded in writing by school personnel authorized to receive complaints or reports, using the school unit's reporting form (JICK-E1).

School employees are required to make reports of bullying to the principal in writing. Although students, parents and others, as identified above, may make bullying reports anonymously, all persons reporting incidents of bullying are encouraged to identify themselves.

Bullying reports may be made anonymously, but in no instance will action be taken against any person or organization affiliated with the schools solely on the basis of an anonymous report.

The building principal will forward a copy of the report to the Superintendent by the end of the next school day.

### **Interim Safety Measures**

The building principal may take such interim measures as he/she deems appropriate to ensure the safety of the targeted student and prevent further bullying and will inform the parents of the targeted student of measures taken.

### **Investigation**

The principal will ensure that all reports of bullying and retaliation are investigated promptly and that documentation of the investigation, including the substance of the complaint or report and the outcome of the investigation is prepared and forwarded to the Superintendent within a reasonable period of time.

The determination of whether particular conduct constitutes bullying requires reasonable consideration of the circumstances, which include the frequency of the behavior at issue, the location in which the behavior occurs, the ages and maturity of the students involved, the activity or context in which the conduct occurs, and the nature and severity of the conduct.

For the purpose of this policy, bullying does not mean teasing, put-downs, "talking trash," trading of insults, or similar interactions among friends, nor does it include expression of ideas or beliefs so long as such expression is not lewd, profane or does not interfere with students' opportunity to learn, the instructional program or the operations of the schools. This does not preclude teachers or school administrators

from setting and enforcing rules for civility, courtesy and/or responsible behavior in the classroom and the school environment.

The determination whether particular conduct constitutes bullying requires reasonable consideration of the circumstances, which include the frequency of the behavior at issue, the location in which the behavior occurs, the ages and maturity of the students involved, the activity or context in which the conduct occurs, and the nature and severity of the conduct.

### **Response to Bullying by Students**

If bullying has been substantiated, the building principal or designee as appropriate under the circumstances will determine the appropriate disciplinary consequences, which may include detention, suspension or expulsion; alternative discipline; remediation; and/or other intervention.

Alternative discipline includes but is not limited to:

- A. Meeting with the student and the student's parents;
- B. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- C. Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
- D. Counseling;
- E. Anger management;
- F. Health counseling or intervention;
- G. Mental health counseling;
- H. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
- I. Community service; and
- J. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

In order to remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, the principal may refer the targeted student/victim, perpetrator or other involved persons to counseling or other appropriate services.

If the bullying behavior appears to be a criminal violation, the building principal will notify local law enforcement authorities.

If bullying has been substantiated, the building principal will provide written notification to:

- A. The parents/guardians of the targeted student, including the measures being taken to ensure the student's safety; and to
- B. The parents/guardians of the student found to have engaged in bullying, including the process for appeal.

All communications to parents must respect the confidentiality of student and employee information as provided by federal and Maine law and regulations.

### **Appeals**

Any appeal of the building principal's decisions in regard to consequences for bullying must be submitted, in writing, within 14 calendar days of the parental notification. The Superintendent will review the investigation report and actions taken and decide whether to sustain or deny the appeal. The Superintendent's decision shall be final.

Cross Reference:     ACAA-R – Student Harassment and Sexual Harassment Procedure  
                           JICK – Bullying  
                           JRA-R – Student Education Records and Student Information

Adopted: April 10, 2013

Revised: January 11, 2017

<b>WEAPONS, VIOLENCE AND SCHOOL SAFETY</b>
--------------------------------------------

Code: JICIA

The Augusta Board of Education believes that students and staff are entitled to learn and work in a school environment free of violence, threats and disruptive behavior. Students are expected to conduct themselves with respect for others and in accordance with Board policies, school rules, reasonable unwritten behavior expectations, and applicable state and federal laws.

School staff are required to immediately report incidents of prohibited conduct by students to the building administrator/designee for investigation and appropriate action.

#### **I. PROHIBITED CONDUCT**

Students, staff and all other persons are prohibited from engaging in the following conduct on school property, while in attendance at school or at any school-sponsored activity, or at any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school:

- A. Possession and/or use of articles commonly used as weapons or designed to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nunchucks;
  - B. Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to bats, belts, picks, pencils, compasses, objects capable of ignition (e.g., matches, lighters), files, tools of any sort, and replicas of weapons (including toys);
  - C. Violent or threatening behavior including but not limited to fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property (e.g., verbal or written death threats, threats of bodily harm, bomb threats);
  - D. Verbal or written statements (including those made using computers or other electronic communications devices or technologies) which threaten, intimidate, or harass others, or which tend to incite violence and/or disrupt the school program;
  - E. Willful and malicious damage to school or personal property;
  - F. Stealing or attempting to steal school or personal property;
  - G. Lewd, indecent or obscene acts or expressions of any kind;
  - H. Violations of the school unit's drug/alcohol and tobacco policies;
  - I. Violations of state or federal laws; and
  - J. Any other conduct that may be harmful to persons or property.
- II. EXCEPTIONS TO PROHIBITIONS ON POSSESSION AND DISCHARGE OF FIREARMS ON SCHOOL PROPERTY

The prohibition on the possession and discharge of firearms on school property does not apply to law enforcement officials acting in the performance of their duties.

III. USE OF OTHER WEAPONS IN INSTRUCTIONAL ACTIVITIES

Nothing in this policy shall prevent the school system from offering instructional activities using objects other than firearms that are generally considered weapons (e.g., bows and arrows) or from allowing an object generally considered a weapon to be brought to school for supervised instructional activities (e.g., archery, boatbuilding) approved by the Board so long as the Board has adopted appropriate safeguards to ensure student and staff safety.

Any proposal to introduce an instructional activity involving such objects must be submitted in writing to the Superintendent, and if the Superintendent supports it, a recommendation will be made to the Board. Such proposal must state the objectives of the activity and describe the safeguards that will be put in place to ensure student and staff safety.

No weapons or objects that are generally considered weapons may be used in instructional activities or brought to school for instructional activities unless the Superintendent/designee has given specific permission in advance.

#### IV. DISCIPLINARY ACTION

Principals may suspend and/or recommend expulsion of students who violate this policy based upon the facts of each case and in accordance with applicable state and federal laws. Conduct which violates this policy is deliberately disobedient and deliberately disorderly within the meaning of 20-A MRSA § 1001(9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school. Such conduct may also be grounds for expulsion under other provisions of 20-A MRSA § 1001(9 and 9-A) that specifically prohibit the use and possession of weapons, infractions of violence, and possession, furnishing, and trafficking of scheduled drugs.

A student who is determined to have brought a firearm to school or to have possessed a firearm at school shall be expelled for a period of not less than one year, except that this requirement may be modified by the Superintendent on a case-by-case basis.

All firearms violations shall be referred to law enforcement authorities as required by law. Other violations of this policy shall be referred to law enforcement authorities at the discretion of the Superintendent.

Students with disabilities shall be disciplined in accordance with applicable federal and state laws/regulations and Board Policy JKF.

#### V. NOTIFICATION TEAM/CONFIDENTIALITY

Maine law authorizes law enforcement officers and criminal justice agencies to share with a superintendent or principal information pertaining to a juvenile when the information is credible and indicates an imminent danger to the safety of students or school personnel on school grounds or at a school function. Maine law requires the District Attorney to notify the superintendent when a juvenile is charged with use or

threatened use of force or is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of force.

Within ten days or immediately if necessary for school safety, the Superintendent shall convene a notification team. The notification team must include the administrator/designee of the school building where the student attends, at least one classroom teacher to whom the student is assigned, a guidance counselor, and the student's parent/guardian. The notification team shall determine on this basis of need which school employees are entitled to receive information concerning allegations or adjudications of use or threatened use of force. Information received by the Superintendent/designee and disclosed to the notification team and/or disclosed to school employees is confidential and may not become part of the student's educational record.

The Superintendent shall ensure that confidentiality training is provided to all school employees who have access to this information.

## VI. PSYCHOLOGICAL EVALUATION/RISK ASSESSMENT

The Board authorizes the Superintendent to request an immediate psychological evaluation of a student who engages in conduct prohibited by this policy when, in his/her opinion, such an evaluation will assist in assessing the risk the student poses to school safety if the student were to remain in school.

The Superintendent is also authorized to request psychological evaluations of students who have been identified as posing a substantial risk of violent behavior. All such evaluations shall be performed at the school unit's expense.

If the parent/guardian and/or student refuses to permit a requested psychological evaluation, the Superintendent and the Board may draw any reasonable inferences from the student's behavior concerning the risk the student poses to school safety for purposes of determining appropriate action.

Legal References: 5 MRSA § 4681 et seq.  
15 M.R.S.A. §§ 3301-A; 3308(7)(E); 3009  
17-A MRSA §§ 2(9); 2(12-A)  
20 USCA § 7151 (Gun-Free Schools Act)  
20-A MRSA §§ 1001(9); 1001(9-A); 1055(11); 6552

Cross References: ACAA - Harassment and Sexual Harassment of Students  
ADC - Tobacco Use and Possession  
EBCA - Crisis Response Plan  
JICH - Drug and Alcohol Use by Students  
JK - Student Discipline  
JKD - Suspension of Students  
JKE - Expulsion of Students  
JKF - Suspension/Expulsion of Students with Disabilities



Adopted: February 9, 2000

Revised: April 10, 2013

**STUDENT EDUCATION RECORDS AND INFORMATION**

CODE: JRA

The Augusta School Department shall comply with the Family Educational Rights and Privacy Act ("FERPA") and all other federal and state laws and regulations concerning confidentiality and maintenance of student records and student information.

A. Directory Information

The Augusta School Department designates the following student information as directory information: name, participation and grade level of students in recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, and honors and awards received. The Augusta School Department may disclose directory information if it has provided notice to parents (and eligible students over 18) and has not received timely written notice refusing permission to designate such information as directory information.

B. Military Recruiters/Higher Education Access to Information

Under federal law, military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and the Augusta School Department must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent.

C. Information on the Internet

Under Maine law, the Augusta School Department shall not publish on the Internet any information that identifies a student, including but not limited to the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names, without written parental consent.

D. Transfer of Student Records

As required by Maine law, the Augusta School Department sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records (except for confidential

health records for which consent for dissemination has not been obtained).

E. Designation of Law Enforcement Unit

School units may disclose student education records without parental consent to personnel of its law enforcement unit, provided that they have been designated as school officials with legitimate educational interests for the purpose of compliance with FERPA.

The Board hereby designates the Augusta Police Department as the Augusta School Department's law enforcement unit for the purpose of disclosure of student education records under FERPA.

F. Health or Safety Emergency Emergencies

As permitted by FERPA, the school unit may disclose personally identifiable information from a student's educational record to appropriate parties, including parents of an eligible student, if taking into account the totality of the circumstances, it determines that there is an articulable and significant threat to the health or safety of the student or other individuals and that knowledge of the information is necessary to protect the health or safety of the student or other individuals. In the event of disclosure, the school unit will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the school unit has disclosed and maintain such record with the student's educational record.

G. Administrative Procedures and Notices

The Superintendent is responsible for developing and implementing any administrative procedures and parent notices necessary to comply with the applicable laws and regulations concerning student education records and information. Notices shall be distributed annually to parents and eligible students concerning their rights under these laws and regulations. A copy of this policy shall be posted in each school.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99  
20 U.S.C. § 7908  
20-A M.R.S.A. §§ 6001, 6001-B  
Ch. 101, 125 (Me. Dept. of Ed. Rules)

Cross Reference: JRA-E – Annual Notice of Student Education Records and  
Information Rights  
JRA-R – Education Records and Information Administrative  
Procedure  
ILD – Student Surveys

Adopted: April 10, 2002  
Revised: February 11, 2015

This administrative procedure is intended to assist administrators and school staff in complying with the requirements of federal and state statutes and regulations concerning student education records and information, including special education requirements.

A. Definitions

The following definitions apply to terms used in this procedure.

1. "Act" means the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g).
2. "Directory information" means the following information contained in an education record of a student: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, and honors and awards received.
3. "Eligible student" means a student who has attained 18 years of age who has not been judged by a court of competent jurisdiction to be so severely impaired that the student is unable to make decisions or exercise judgment on his/her own behalf. When a student attains the age of 18, all rights accorded to parents concerning education records transfer to the eligible student.
4. "Parent" means parent, regardless of divorce or separation, a legal guardian, or individual acting as a parent or guardian provided that there shall be a presumption that a parent has the authority to exercise the rights governing such matters as divorce, separation or custody or a legally binding instrument that specifically revokes such rights.
5. "Education Record" means information or data that directly relates to a student and is maintained by the school unit in any medium, including but not limited to handwriting, print, computer media, video or audio tape, microfilm and microfiche. Records of instructional, supervisory and administrative personnel and personnel who support these individuals, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute for the person who made the record are excluded from this definition.
6. "Student" includes any individual with respect to whom the school unit maintains education records.

B. Notification

Parents and eligible students shall be provided with notice of their rights under FERPA and other applicable federal and state laws and regulations concerning education records at the

beginning of each school year or upon enrollment if a student enrolls after the start of the school year. The Augusta School Department may provide notice through any of the following means:

1. Mailing to students' homes;
2. Distribution to students to take home;
3. Publication in student handbooks; and
4. Publication in newsletters or other materials distributed to each parent/ eligible student.

C. Access to Policy and Administrative Procedures

The Board's policy on Student Education Records and Student Information shall be posted in each school. In addition, school administrators shall provide copies of this administrative procedure to parents/eligible students upon request.

D. Inspection and Review of Education Records

Parents/eligible students may review and inspect their educational records by the following procedure:

1. The parent/eligible student must make a written request to the Superintendent or building administrator to review the records.

2. The Superintendent or building administrator will comply with the request without unnecessary delay and in a reasonable period of time, but in no case more than 45 days after it received the request, and will comply before any IEP Team meeting regarding an Individualized Education Program or any due process hearing relating to the identification, evaluation, or placement of the student.

3. The Superintendent or building administrator may deny a request for access to or copies of the student's education records if there is reasonable doubt as to the legality of the parent-child relationship. Access will be withheld until a determination of legal right to access can be established.

Parents/eligible students may also request to review the following:

1. The Augusta School Department's list of types and locations of all records and titles of officials responsible for the records; and

2. The Augusta School Department's record of disclosures of personally identifiable information (see following section).

E. Requests to Amend Education Records

Parents/eligible students may ask the Augusta School Department to amend education records they believe are inaccurate, misleading or in violation of the student's privacy rights as follows:

1. The parent/eligible student must make a written request to the Superintendent or building administrator to amend the education record. The request must clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

2. The Superintendent or building administrator shall, within a reasonable period of time after receipt of the request, either amend the record in accordance with the request or inform the parent/eligible student of its refusal to amend the record and inform the parent/eligible student of their right to request a hearing.

3. If the parent/eligible student requests a hearing, it shall be held within a reasonable period of time from the School Department's receipt of the written request. The parent/eligible student shall be given advance notice of the date, place, and time of the hearing. The Superintendent shall designate an individual to conduct the hearing. This individual may be an employee of the Augusta School Department so long as he/she does not have a direct interest in the outcome of the hearing. The parent/eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.

4. The Augusta School Department shall make its decision in writing within a reasonable period of time. The decision of the school shall include a summary of the evidence and the reasons for the decision.

5. If, as a result of the hearing, the Augusta School Department decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the education records of the student accordingly and so inform the parent/eligible student in writing.

6. If, as a result of the hearing, the Augusta School Department decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent/eligible student of their right to include a statement in the student's education record about the contested information and/or setting forth any reasons for disagreeing with the decision of the Augusta School Department.

7. Any statement placed in the student's education record under the preceding paragraph shall be maintained as long as the record or contested portion is maintained by the Augusta School Department. If the education records of the student or the contested portion is disclosed by the School Department to any party, the explanation shall also be disclosed.

#### E. Disclosure of Education Records

All disclosures of education records will be made in compliance with federal and state

statutes and regulations. The Augusta School Department will maintain a record of disclosures of personally identifiable information from the education records of a student. Such records do not include disclosures to the parents/eligible student, disclosures made pursuant to written consent of the parents/eligible student, disclosures to school officials or disclosures of directory information. The School Department will not disclose any personally identifiable information from the education records of a student without the prior written consent of the parent/eligible student. The written consent shall include a specification of the records that may be disclosed, the purpose(s) of the disclosure(s), and the identity of the party or parties to whom the disclosure(s) may be made.

There are several exceptions to the requirement to obtain prior written consent before disclosing education records as follows:

1. **Directory Information.** The Augusta School Department may make directory information (as described in the Definitions section) public at its discretion unless a parent/eligible student has notified the Superintendent in writing by September 15<sup>th</sup> or within thirty (30) days of enrollment, whichever is later.

The Augusta School Department may disclose directory information about former students without the consent of the parent/eligible student.

2. **Military Recruiters/Institutions of Higher Education.** Military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and the Augusta School Department must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent. Parents/eligible students who do not want the Augusta School Department to disclose this information must notify the Superintendent in writing by September 15<sup>th</sup> or within thirty (30) days of enrollment, whichever is later.

3. **School Officials with Legitimate Educational Interests.** Education records may be disclosed to school officials with a “legitimate educational interest.” A school official has a legitimate educational interest if he/she needs to review an education record in order to fulfill his/her professional responsibility. School officials include persons employed by the Augusta School Department as an administrator, supervisor, instructor, or support staff member (including health or medical staff and the school unit’s designated law enforcement unit personnel, if any); members of the Board of Education; persons or companies with whom the Augusta School Department has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators or therapists); and parents, students or volunteers serving on an official committee (such as a disciplinary or grievance committee) or assisting a school official in performing his/her professional responsibilities.

4. **Other School Units.** Under Maine law (20-A M.R.S.A. § 6001-B), the Augusta School Department is required to send a student’s education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records. Consent is not required for the transfer of these records, except for confidential health records.

At the request of the Superintendent of the school unit where a student seeks admission, the student's current or former school administrators shall provide, in a timely fashion, an oral or written report to the Superintendent indicating whether the student has been expelled or suspended or is the subject of an expulsion or suspension proceeding.

5. **Other Entities/Individuals.** Education records may be disclosed to other governmental entities, agencies and individuals as specifically permitted by FERPA and the accompanying regulations.

6. **Information on the Internet.** Under Maine law (20-A M.R.S.A. § 6001), the Augusta School Department shall not publish on the Internet any information that identifies a student, including but not limited the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names, without written parental consent.

F. **Waiver of Confidentiality Rights**

A parent/eligible student may waive any of his/her rights regarding confidentiality of educational records, but any such a waiver must be in writing and signed by the parent/eligible student. The school may not require that a parent/eligible student waive his or her rights. Any waiver may be revoked with respect to actions occurring after the revocation. If a parent executes a waiver, that waiver may be revoked by the student any time after he/she becomes an eligible student.

G. **Fees for Copying Records**

There shall be no charge to search for or retrieve education records of a student. The Augusta School Department shall provide copies of education records to parents/eligible students upon request. The cost of producing copies of the record to parents/eligible student will be 25 cents per page copied, plus postage. Parents/eligible students who are unable to pay such fees will not be denied access to education records. This fee, however, will not prohibit a parent's or eligible student's opportunity for access to the records if they are unable to pay for such copies. There will be no charge to search for or to retrieve the education records of a student.

H. **Maintenance and Destruction of Education Records**

The Augusta School Department shall maintain accurate and up-to-date education records as required by federal and state statutes and regulations.

1. Records shall be maintained by personnel who are knowledgeable about the applicable confidentiality. All records shall be safeguarded from unauthorized access. Student records must be kept in fireproof storage at the school or a duplicate set kept off-site.

2. The high school transcripts of all former students shall be kept in perpetuity by the Augusta School Department. A permanent record of a special education student's name,

address, phone number, grades, attendance record, classes attended, and grade and year completed shall be maintained without time limitations. All other records will be maintained in accordance with Maine State Rules for Disposition of Local Governmental Records (Schedule L).

3. The Augusta School Department shall not destroy any education record if there is any outstanding request to inspect or review such records.

4. Records of access to education records shall be retained as long as the records themselves.

5. The Augusta School Department shall inform parents of students with disabilities when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free appropriate public education as required by law. At that point, the records may be turned over to parents/eligible student upon their request, or destroyed in accordance with the parent's request or school unit procedures.

#### I. Complaints

The United States Department of Education maintains an office that handles complaints about alleged violations of FERPA by local school units. Complaints regarding violations of rights accorded parents/eligible students may be submitted in writing to:

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

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99  
20 U.S.C. § 7908

20-A M.R.S.A. § 6001, 6001-B  
Me. Dept. of Ed. Rules, Ch. 101, 125  
Maine State Archives, Rules for Disposition of Local  
Governmental Records (Schedule L)

Adopted: December 6, 2000

Revised: February 11, 2015



In this policy, “surveys, analyses, or evaluations” refer to methods of gathering data for research purposes.

No student shall be required as part of any program wholly or partially funded by the U.S. Department of Education to submit to any survey, analyses, or evaluation that reveals information concerning:

- A. Political affiliations or beliefs of the student or the student’s parent;
- B. Mental or psychological problems of the student or the student’s family;
- C. Sex behavior or attitudes;
- D. Illegal, anti-social, self-incriminating, or demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- G. Religious practices, affiliations, or beliefs of the student or student’s parents; or
- H. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program without the prior written consent of the student’s parent/guardian, or of the student, if he/she is 18 years of age or older).

All instructional materials, including teachers’ manuals, films, tapes, or other supplementary material which will be used in connection with any such survey, analysis, or evaluation shall be available upon request for inspection by the student’s parent/guardian. For the purpose of this policy, “instructional material” does not include academic tests or assessments.

A parent may inspect, upon request, a survey created by a third party before the survey is administered or distributed to a student.

The Superintendent/designee will be responsible for implementing any procedures necessary to protect the privacy of participating students and to provide parents with access to surveys within a reasonable time before administration or distribution.

The School Department will notify parents of this policy at least annually at the beginning of the school year and within a reasonable time of any substantive change in policy. Insofar as

practicable, the school unit will also directly notify parents annually at the beginning of the school year when surveys, analyses, or evaluations are scheduled or anticipated. Parents shall have the opportunity to opt their child out of participation in any survey, analysis, or evaluation. Students who are 18 years of age or older may opt out of such surveys, analyses, or evaluations.

Legal reference: 20 U.S.C. § 1232(h)

Cross reference: JRA—Student Educational Records

Adopted: January 14, 2015

## USE OF PHYSICAL RESTRAINT AND SECLUSION

Code: JKAA

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

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

### 1. Definitions

The following definitions apply to this policy and procedure:

A. **Physical restraint:** An intervention that restricts a student's freedom of movement or normal access to his or her body, and includes physically moving a student who has not moved voluntarily.

#### **Physical restraint does not include any of the following:**

1. Physical escort: A temporary touching or holding inducing a student to walk to another location, including assisting the student to the student's feet in order to be escorted
2. Physical prompt: A teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
3. Physical contact: When the purpose of the intervention is to comfort a student and the

student voluntarily accepts the contact.

4. A brief period of physical contact necessary to break up a fight.
  5. Momentarily deflecting the movement of a student when the student's movements would be destructive, harmful or dangerous to the student or others.
  6. The use of a seat belts, safety belts or similar passenger restraints, when used as intended during the transportation of a child in a motor vehicle.
  7. The use of a medically prescribed harness, when used as intended; the use of protective equipment or devices that are part of a treatment plan prescribed by a licensed health care provider; or prescribed assistive devices when used as prescribed and supervised by qualified and trained individuals.
  8. Restraints used by law enforcement officers in the course of their professional duties are not subject to this policy/procedure or DOE Rule Chapter 33.
  9. DOE Rule Chapter 33 does not restrict or limit the protections available to school officials under 20-A M.R.S.A. § 4009, but those protections do not relieve school officials from complying with this policy/procedure.
- B. **Seclusion:** The involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving, with no other person in the room or area with the student.

**Seclusion does not include:**

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

**I. Procedures for Implementing Physical Restraint and Seclusion**

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

**II. Annual Notice of Policy/Procedure**

Augusta School Department shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee.

**III. Training Requirements**

- A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- B. Augusta School Department will ensure that there are a sufficient number of

administrators/designees, special education and other staff who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff shall be updated annually and maintained in the Superintendent's Office, in each school office and in the school unit's Emergency Management Plan.

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

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

A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the results of the local complaint process and may initiate its own investigation at its sole discretion. The Department shall issue a written report with specific findings to the parent/legal guardian and the school unit within 60 calendar days of receiving the complaint.

Legal References: 20-A M.R.S.A. §§ 4502(5)(M); 4009 --  
Me. DOE Reg., ch. 33

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

Adopted: 7/11/12

Revised: 9/11/13

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

Code: JKAA-R

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

#### **I. Definitions**

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

- A. **Emergency:** A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.
- B. **Risk of injury or harm:** A situation in which a student has the means to cause physical harm or injury to him/herself or others and such injury or harm is likely to occur, such that a reasonable and prudent person would take steps to protect the student and others against the risk of such injury or harm.
- C. **Dangerous behavior:** Behavior that presents a risk of injury or harm to a student or others.
- D. **Serious bodily injury:** Any bodily injury that involves: (1) A substantial risk of death; (2) Extreme physical pain; (3) Protracted and obvious disfigurement; or (4) Protracted loss or impairment of the function of a bodily member, organ or mental faculty.

## II. Physical Restraint

To the extent possible, physical restraint will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated a physical restraint in an emergency, trained staff must be summoned to the scene to assume control of the situation if the emergency continues.

This procedure does not preclude law enforcement personnel from implementing physical restraints in carrying out their professional responsibilities.

### A. Permitted Uses of Physical Restraint

1. Physical restraint may be used only as an emergency intervention when the  
  
behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
2. Physical restraint may be used to move a student only if the need for movement outweighs the risk involved in such movement.
3. Prescribed medications, harnesses, and other assistive or protective devices may be used as permitted by Rule Chapter 33.
4. Parents may be requested to provide assistance at any time.

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

1. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Physical restraint used to prevent property destruction or disruption of the environment in the absence of a risk of injury or harm.
3. Physical restraint that restricts the free movement of a student's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech (restraint-related asphyxia).
4. Physical restraint that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-downs (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting.
5. Aversive procedures, and mechanical and chemical restraints.
  - a. Aversive procedures are defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to infliction of bodily pain (e.g., hitting, pinching, slapping); water spray; noxious fumes; extreme physical exercise; costumes or signs.
  - b. Mechanical restraints are defined as any item worn by or placed on the student to limit behavior or movement and which cannot be removed by the student. Prescribed assistive devices are not considered mechanical restraints when used as prescribed and their use is supervised by qualified and trained individuals in accordance with professional standards.
  - c. Chemical restraints are defined as the use of medication, including those administered PRN (as needed), given involuntarily to control student behavior. Prescribed medications are not considered chemical restraints when administered by a health care provider in accordance with a student's health care plan.

### **C. Monitoring Students in Physical Restraint**

1. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult to arrive is precluded by the particular circumstances.
2. The student must be continuously monitored until he/she no longer presents a risk of injury or harm to him/herself or others.
3. If an injury occurs, applicable school policies and procedures should be followed.

### **D. Termination of Physical Restraint**

1. The staff involved in the use of physical restraint must continually assess for signs that the student is no longer presenting an imminent risk of injury or harm to him/herself or others, and the emergency intervention must be discontinued as soon as possible.
  - a. The time a student is in physical restraint must be monitored and recorded.
  - b. If physical restraint continues for more than ten (10) minutes, an administrator/designee shall determine whether continued physical restraint is warranted, and shall continue to monitor the status of the physical restraint every ten (10) minutes until the restraint is terminated.
  - c. If attempts to release a student from physical restraint have been unsuccessful and the student continues to present behaviors that create a risk of injury or harm to him/herself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

## **III. Seclusion**

To the extent possible, seclusion will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated seclusion in an emergency, trained staff must be summoned to the scene as soon as possible.

A “timeout” where a student requests, or complies with an adult request for, a break is not considered seclusion under this procedure. Seclusion also does not include any situation where others are present in the room or defined area with the student (including but not limited to classrooms, offices and other school locations).

**A. Permitted Uses and Location of Seclusion**

1. Seclusion may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
2. Seclusion may be achieved in any part of a school building with adequate light, heat, ventilation and of normal room height.
  - a. Seclusion may not take place in a locked room.
  - b. If a specific room is designated as a seclusion room, it must be a minimum of sixty (60) square feet; have adequate light, heat and ventilation; be of normal room height; contain an unbreakable observation window in a wall or door; and must be free of hazardous material and objects which the student could use to self-inflict bodily injury.
3. Parents may be requested to provide assistance at any time.

**B. Prohibited Uses of Seclusion**

1. Seclusion used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Seclusion used to prevent property destruction or disruption of the environment in the absence of risk of injury or harm.

**C. Monitoring Students in Seclusion**

1. At least one adult must be physically present at all times to continuously monitor a student in seclusion. The adult, while not present in the room or defined area, must be situated so that the student is visible at all times.
2. The student must be continuously monitored until he/she no longer presents a risk of injury or harm to him/herself or others.
3. If an injury occurs, applicable school policies and procedures should be followed.

**D. Termination of Seclusion**

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting a risk of injury or harm to him/herself



or others and the emergency intervention must be discontinued as soon as possible.

- a. The time a student is in seclusion must be monitored and recorded.
- b. If seclusion continues for more than ten (10) minutes, an administrator/designee shall determine whether continued seclusion is warranted, and shall continue to monitor the status of the seclusion every ten (10) minutes until the restraint is terminated.
- c. If attempts to release a student from seclusion have been unsuccessful and the student continues to present behaviors that create an imminent risk of injury or harm to him/her or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

#### **IV. Notification and Reports of Physical Restraint and Seclusion Incidents**

For the purposes of this procedure, an “incident” consists of all actions between the time a student begins to create a risk of harm and the time the student ceases to pose a risk of harm and returns to his/her regular programming.

##### **A. Notice Requirements**

After each incident of physical restraint or seclusion:

1. A staff member involved in the incident shall make an oral notification to the administrator/designee as soon as possible, but no later than the end of the school day.
2. An administrator/designee shall notify the parent/legal guardian about the physical restraint or seclusion (and any related first aid provided) as soon as practical, but within the school day in which the incident occurred. The administrator/designee must utilize all available phone numbers or other available contact information to reach the parent/legal guardian. If the parent/legal guardian is unavailable, the administrator/designee must leave a message (if the parent/legal guardian has a phone and message capability) to contact the school as soon as possible. The parent/legal guardian must be informed that written documentation will be provided within seven (7) calendar days.

3. If the physical restraint or seclusion incident occurred outside the school day, the notifications must be made as soon as possible and in accordance with Augusta School Department usual emergency notification procedures.
4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the Augusta School Department emergency notification procedures shall be followed and an administrator/designee shall notify the Maine Department of Education within twenty-four (24) hours or the next business day.

## **B. Incident Reports**

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator/designee as soon as practical, and in all cases within two (2) school days of the incident.

The parent/legal guardian must be provided a copy of the incident report within seven (7) calendar days of the incident.

The incident report must include the following elements:

1. Student name;
2. Age, gender and grade;
3. Location of the incident;
4. Date of the incident;
5. Date of report;
6. Person completing the report;
7. Beginning and ending time of each physical restraint and/or seclusion;
8. Total time of incident;
9. Description of prior events and circumstances;
10. Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, the reasons why;
11. The student behavior justifying the use of physical restraint or seclusion;

12. A detailed description of the physical restraint or seclusion used;
13. The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
14. Description of the incident, including the resolution and process of returning the student to his/her program, if appropriate;
15. Whether the student has an IEP, 504 Plan, behavior plan, IHP (individual health plan) or any other plan.
16. If a student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification and any treatment administered;
17. The date, time and method of parent/legal guardian notification;
18. The date and time of administrator/designee notification.
19. Date and time of staff debriefing.

Copies of the incident reports shall be maintained in the student's file and in the School office.

#### **V. School Unit Response Following the Use of Physical Restraint or Seclusion**

- A. Following each incident of physical restraint or seclusion, an administrator/designee shall take these steps within two (2) school days (unless serious bodily injury requiring emergency medical treatment occurred, in which case these steps must take place as soon as possible, but no later than the next school day):
  1. Review the incident with all staff persons involved to discuss: (a) whether the use of physical restraint or seclusion complied with state and school board requirements and (b) how to prevent or reduce the need for physical restraint and/or seclusion in the future.
  2. Meet with the student who was physically restrained or secluded to discuss: (a) what triggered the student's escalation and (b) what the student and staff can do to reduce the need for physical restraint and/or seclusion in the future.

- B. Following the meetings, staff must develop and implement a written plan for response and de-escalation for the student. If a plan already exists, staff must review it and make revisions, if appropriate. For the purposes of this procedure, “de-escalation” is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk of injury or harm.

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

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

### **A. Special Education/504 Students**

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

### **B. All Other Students**

- 1. A team consisting of the parent/legal guardian, administrator/designee, a teacher for the student, a staff member involved in the incident (if not the administrator/designee or teacher already invited), and other appropriate staff shall meet within ten (10) school days to discuss the incidents.
- 2. The team shall consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is made, the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan).

## **VII. Cumulative Reporting Requirements**

### **A. Reports within the School Unit**

- 1. Each building administrator must report the following data on a quarterly and annual basis:
  - a. Aggregate number of uses of physical restraint;

- b. Aggregate number of students placed in physical restraint;
  - c. Aggregate number of uses of seclusion;
  - d. Aggregate number of students placed in seclusion;
  - e. Aggregate number of serious bodily injuries to students related to the use of physical restraints and seclusions; and
  - f. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.
2. The Superintendent shall review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.

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

1. The Superintendent shall submit an annual report to the Maine Department of Education on an annual basis that includes the information required in Section 7.A.1 above.

Legal Reference: Me. DOE Reg., Ch. 33

Cross Reference: JKAA - Use of Physical Restraint and Seclusion

Adopted: August 8, 2012

Revised: September 11, 2013

**STUDENT CODE OF CONDUCT**

Code: JIC

Promoting ethical and responsible student behavior is an essential component of the Board's educational mission.

The Board is committed to maintaining a safe, respectful and orderly school environment in which students may receive and staff may deliver quality education without disruption or interference and in which students may develop as ethical, responsible and involved citizens.

To achieve this goal, Board has developed this District-wide Student Code of Conduct with input from school administrators, staff, students, parents and the community. Based on values identified as essential to ethical and responsible behavior, the Code articulates the Board's expectations for student conduct.

The Board believes that each member of the school community should take responsibility for his/her own behavior. To that end, the Board recognizes the need to define unacceptable student conduct, identify the possible consequences for unacceptable conduct, and ensure that discipline is administered fairly, promptly, and appropriately.

The Code applies to students who are on school property, who are in attendance at school or at any school-sponsored activity, or whose conduct at any time or place directly interferes with the operations, discipline, or general welfare of the school.

The Student Code of Conduct shall be distributed to students, parents and staff through handbooks and/or other methods deemed appropriate by the Superintendent and building administrators.

#### I. STANDARDS FOR ETHICAL AND RESPONSIBLE BEHAVIOR

The Board's expectations are designed to support and encourage students in the development of behaviors that reflect the following values. These values are consistent with statewide standards for ethical and responsible behavior in Maine schools.

Respect	Fairness
Honesty	Responsibility
Compassion	Courage

#### II. CODE OF CONDUCT

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

- A. On school property;
- B. While in attendance at school or at any school-sponsored activity; or
- C. At any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school.

#### III. GENERAL BEHAVIOR EXPECTATIONS AND DISCIPLINE POLICIES

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

- A. Be courteous to fellow students, staff, and visitors;
- B. Respect the rights and privileges of other students and school staff;
- C. Obey all Board policies and school rules governing student conduct;
- D. Follow directions from school staff;
- E. Cooperate with staff in maintaining school safety, order, and discipline;
- F. Attend school regularly;
- G. Meet school standards for grooming and dress;
- H. Respect the property of others, including school property and facilities;
- I. Refrain from cheating or plagiarizing the work of others; and
- J. Refrain from vulgarity, profanity, obscenity, lewdness, and indecency.

Violations of the Code of Conduct may result in disciplinary action. Disciplinary consequences depend upon the seriousness of the violation and the student's prior disciplinary record. Consequences will range from a verbal warning for minor misconduct up to and including expulsion for the most serious offenses. Behavior that also violates the law may be referred to law enforcement authorities.

#### IV. EXPECTATIONS

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

- A. **Violence and Threats** - Students shall not engage in violent or threatening behavior. Prohibited behavior includes fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property, or threats, intimidation, or harassment. Violations may result in disciplinary action up to and including expulsion.
- B. **Weapons** - Students shall not possess or use weapons of any kind (examples include but are not limited to firearms, explosives, and knives). Students also shall not use any object, although not necessarily designed to be a weapon, to

inflict bodily harm and/or to threaten, intimidate, coerce or harass another person (examples include but are not limited to bats, lighters, tools, and toy weapons). Firearms violations will result in expulsion in accordance with state and federal statutes; other weapons violations may result in disciplinary action up to and including expulsion.

- C. **Hazing** - Hazing is prohibited. Maine law defines injurious hazing as “any action or situation, including harassing behavior that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school.” No student shall plan, encourage, or engage in such activities in connection with any school program or activity, including extracurricular, co-curricular, and athletic activities. Students who engage in hazing activities will be subject to disciplinary consequences including suspension and expulsion from school and/or other appropriate disciplinary measures.
- D. **Discrimination and Harassment/Sexual Harassment** - Students should not discriminate against other students on the basis of race, color, sex, religion, ancestry, national origin, or disability. Nor should students harass one another on the basis of race, color, sex, sexual orientation, religion, ancestry, or national origin, or disability. Sexual harassment is also prohibited. Harassment is grounds for disciplinary action up to and including expulsion.
- E. **Drug and Alcohol Abuse** - Students shall not distribute, possess, use or be under the influence of any alcoholic beverage, drug, or look-alike substance as described in Board policy. Violations may result in disciplinary action up to and including expulsion from school.
- F. **Tobacco Use** - Students shall not smoke, use, possess, sell, or distribute any tobacco products. Violations of this policy may result in disciplinary action up to and including suspension from school.
- G. **Conduct on School Buses** - Students must comply with all Board policies and school rules while on school buses. Students who violate these policies and rules on a school bus may have their riding privileges suspended or revoked, and may also be subject to additional disciplinary action, up to and including expulsion, depending upon the particular violation.
- H. **Computer/Internet Use** - Students may use school computers, networks, and Internet services only for educational purposes. Students shall comply with all policies and rules governing acceptable use. Unacceptable use may result in suspension or cancellation of computer privileges as well as additional disciplinary and/or legal action.
- I. **Athletic Code/Extracurricular Code of Conduct** - Students must follow all Board policies and school rules while participating in athletics and extracurricular activities. Students may be subject to suspension or removal from the



team/activity as well as additional disciplinary action under applicable Board policies and/or school rules.

V. REMOVAL OF DISRUPTIVE/VIOLENT/THREATENING STUDENTS

- A. Students who are disruptive, violent, or threatening death or bodily harm to others may be removed from classrooms, school buses, or other school property when necessary to maintain order and safety. The staff member who orders the student removed should arrange to have the student escorted to the office or other designated location.
- B. If a student does not comply with a staff member's order to leave, the staff member will contact an administrator, or, if not available, another suitable person, who shall respond promptly.
- C. Staff members should not use force or restraint, except only to the minimum extent necessary to protect from risk of injury or harm to the student or others.
- D. The responding administrator will take appropriate action. If the student fails to obey verbal directions, force of restraint may be used only to the minimum extent necessary to protect any person from imminent physical harm or to quell a disturbance. Whenever practicable, law enforcement should be called to restrain or physically remove the non-complaint student. The administrator may invoke the Augusta School Departments' emergency management plan, as appropriate.

VI. SPECIAL SERVICES

- A. **Referral** – The Board has adopted policies and procedures for determining when a student shall be referred for special services.
- B. **Review of Individual Educational Plan (IEP)** - The school shall schedule an IEP team meeting to review the IEP of a student who has been removed from class when:
  - 1. School officials and/or the parent believes the student may present a substantial likelihood of injury to himself\herself or others;
  - 2. The class removals are sufficient to constitute a change in the student's special education program; or
  - 3. School officials or the parent believes that the student's behavior may warrant a change in educational programming.

VII. REFERRALS TO LAW ENFORCEMENT AUTHORITIES

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

Legal Reference: 20-A MRSA §§ 254 (11); 1001 (15)  
Standards for Ethical and Responsible Behavior in Maine Schools and Communities (Report of the Commission for Ethical and Responsible Behavior, 2/01)

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAA/ACAA-R - Harassment and Sexual Harassment of Students  
ACAD - Hazing  
ADAA - School System Commitment to Standards for Ethical and Responsible Behavior  
ADC - Tobacco Use and Possession  
EBCC - Bomb Threats  
IHBA - Referral to Pupil Evaluation Team  
IHBAC - Child Find Policy  
IJNDB – Student Computer and Internet Use  
JICC - Student Conduct on School Buses  
JICIA - Weapons, Violence, and School Safety  
JICH - Drug and Alcohol Use by Students  
JJIC – Eligibility for Participation in Athletics/Extracurricular Activities  
JK - Student Discipline  
JKD - Suspension of Students  
JKE - Expulsion of Students  
JKF - Disciplinary Removals of Students with Disabilities

Adopted: 1975

Revised: 9/11/13

## **PARENT INVOLVEMENT IN TITLE 1**

Code: KBF

The Board endorses the parent involvement goals of Title I and encourages the regular participation by parents/guardians in all aspects of the school system's Title I programs.

For the purpose of this policy, "parents/guardians" includes other family members involved in supervising the child's schooling.

## I. DISTRICT-LEVEL PARENT INVOLVEMENT POLICY

In compliance with federal law, the school unit will develop jointly with, agree on with, and distribute to parents of children participating in the school system's Title I programs a written district-level parent involvement policy.

Annually, parents/guardians will have opportunities to participate in the evaluation of the content and effectiveness of the school unit's parent involvement policy and in using the findings of the evaluation to design strategies for more effective parent involvement and to make revisions to the policy.

## II. SCHOOL-PARENT INVOLVEMENT POLICY

As required by law, each school in the school unit that receives Title I funds shall jointly develop with parents/guardians of children served in the program a school parent/guardian involvement policy, including "School-Parent Compact" outlining the manner in which parents, school staff, and students will share the responsibility for improved student academic achievement in meeting State standards. The school policy will be distributed to parents/guardians of children participating in the school's Title I programs.

The "School-Parent Compact" shall:

A. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment enabling children in the Title I program to meet the State's academic achievement standards;

B. Indicate the ways in which parents will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, monitoring television watching, volunteering in the classroom, and participating, as appropriate, in decisions related to their children's education and positive use of extra-curricular time; and

C. Address the importance of parent-teacher communication on an ongoing basis, with, at a minimum, two parent-teacher conferences, frequent reports to parents, and reasonable access to staff.

## III. PARENT INVOLVEMENT MEETINGS

Each school receiving Title I funds shall convene an annual meeting to which all parents/guardians of eligible children shall be invited to inform them about the school's participation in Title I and to involve them in the planning, review, and improvement of the school's Title I programs and the parent involvement policy.

In addition to the required annual meeting, at least two other meetings shall be held at various times of the day and/or evenings for parents/guardians of students participating in Title I programs.

These meetings shall be used to provide parents with:

- A. Information about programs the school provides under Title I;
- B. A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency level students are expected to meet;
- C. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children; and
- D. The opportunity to submit comments to the district level if they are dissatisfied with the school-wide Title I program.

Title I funding, if sufficient, may be used to facilitate parent/guardian attendance at meetings through the payment of transportation and childcare costs.

#### IV. PARENT RELATIONS

Parents/guardians of children identified for participation in a Title I program shall receive from the building principal and Title I staff an explanation of the reasons supporting their child's selection, a set of objectives to be addressed, and a description of the services to be provided. Parents will receive regular reports on their child's progress and be provided opportunities to meet with the classroom and Title I teachers. Parents will also receive training, materials, and suggestions as to how they can assist in the education of their children at home.

#### V. DELEGATION OF RESPONSIBILITY

The Superintendent/designee shall be responsible for ensuring that the school unit's Title I plan, programs, and parent involvement policies comply with applicable law and regulations and for developing administrative procedures, as needed, to implement this policy.

Legal References: 20 U.S.C. § 6318

Adopted: October 12, 1985

Revised: February 11, 2009; February 11, 2015

<b>VISITORS TO THE SCHOOLS</b>
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Code: KI

#### **VISITORS TO THE SCHOOLS**

The Board encourages the active interest and involvement of parents and citizens in the public

schools. In order to avoid interruption of the instructional program and to promote the safety of students and staff, building principals shall institute administrative procedures concerning visitors to the schools. Such procedures shall be subject to the approval of the Superintendent. Procedures may vary from school to school due to differing considerations such as the age of the students and building layout and location.

The following general guidelines shall be incorporated in all building-level administrative procedures concerning visitors.

- A. The term “visitor” shall apply to any person on school grounds or in school buildings who is not an employee or student of the school unit.
- B. All visitors shall report to the main office upon arrival at the school. This section shall not apply to parents or citizens who have been invited to the school for an open house, performance or other preplanned school program.
- C. All visitors who wish to visit classrooms to observe aspects of the instructional program or meet with staff members are expected to schedule such visits in advance. Teachers and other staff may not use instructional time to discuss individual matters with visitors.
- D. Individual Board members shall follow the same procedures as other visitors, and state whether they are visiting the schools on personal business or in connection with Board duties.
- E. Visitors shall comply with all applicable Board policies and school rules. Visitors who violate these policies/rules and/or disrupt the safe and orderly operation of the school shall be asked to leave the premises.
- F. The building administrator/designee has the authority to refuse entry to school grounds or buildings to persons who do not have legitimate, school-related business and/or who may disrupt the operations of the schools. This may include, but not be limited to, the news media, profit-making businesses, fundraisers and other organizations seeking access to students and/or staff.
- G. School staff shall report unauthorized persons on school grounds or in school buildings to the building administrator/designee. Unauthorized persons shall be directed to leave the premises immediately.
- H. The building administrator/designee may request the assistance of law enforcement as necessary to deal with unauthorized persons or violations of the law by visitors to the schools.

Cross Reference:     BCA – Board Member Code of Ethics  
EBCA –Emergency Management Plan  
ECA – Buildings and Grounds Security  
JLIB – Student Dismissal Precautions  
JLF – Reporting Child Abuse and Neglect  
KLG – Relations with Law Enforcement Agencies

Adopted: 1975

Revised: January 13, 2016

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

Code: ECB

The Board recognizes that structural and landscape pests can pose significant problems for people and school unit property, but that use of some pesticides may raise concerns among parents, students, and staff. It is therefore the policy of the Augusta School Department 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 the Augusta School Department is Jonathan Stonier, who may be contacted at (207) 626-2468. 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

Adopted: June 10, 2015

**AUGUSTA SCHOOL DEPARTMENT  
OFFICE OF THE SUPERINTENDENT**

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Director of Buildings & Grounds  
Payroll/Benefits  
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