

CAPE ELIZABETH SCHOOL DEPARTMENT
Cape Elizabeth, Maine

Tuesday, September 24, 2019
POLICY COMMITTEE MEETING
JORDAN CONFERENCE ROOM
3:00 p.m.

• **MEETING AGENDA**

1. Non-Discrimination/Equal Opportunity and Affirmative Action: AC
2. Harassment and Sexual Harassment of Students: ACAA
3. Student Discrimination and Harassment Complaint Procedure: ACAA-R
4. Harassment and Sexual Harassment of School Employees: ACAB
5. Hazing: ACAD
6. Compulsory School Attendance: JEA
7. Truancy: JHB

Adjourn Meeting

Time: _____

NONDISCRIMINATION / EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

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

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

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

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

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

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

ADOPTED: August 20, 1996
REVISED: September 14, 1999
May 13, 2003
October 12, 2004
August 28, 2012

Legal Reference (cont.):

Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)
Pregnancy Discrimination Act of 1978
Genetic Information Nondiscrimination Act of 2008 (GINA)
(42 U.S.C. § 2000ff et seq.)
5 MRSA § 4551, et seq. (Maine Human Rights Act); 19301-19302

Cross Reference: [School Unit Name] Affirmative Action Plan
ACAA - Harassment and Sexual Harassment of Students
ACAB - Harassment and Sexual Harassment of School Employees
JICK - Bullying

Adopted: _____

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

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

Harassment

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

Sexual Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student's education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

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

The Superintendent, building administrator, or Title IX Coordinator will investigate complaints of harassment in accordance with the Student Discrimination and Harassment Complaint Procedure (ACAA-R). School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))
5 MRSA §§ 4602; 4681 et seq.
20-A MRSA § 6553

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

ADOPTED: September 14, 1999

REVISED: May 13, 2003

October 12, 2004

REVIEWED: August 2006
REVISED: February 12, 2008
 August 28, 2012
REVISED: June 11, 2019

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

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

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Sexual Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student's education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

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

The Superintendent or the employee designated as the Title IX Coordinator [**may be the Affirmative Action Officer/Sexual Harassment Officer(s) as determined by the local school unit**] will investigate complaints of harassment in accordance with the Student Harassment Complaint Procedure. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))
5 MRSA §§ 4602; 4681 et seq.
20-A MRSA § 6553

Cross Reference: ACAA-R - Student Discrimination and Harassment Complaint
Procedure
AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD - Hazing
JICIA - Weapons, Violence and School Safety

Adopted: _____

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STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

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

Definitions

For purposes of this procedure:

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

How to Make a Complaint

- A. Any student who believes he/she has been discriminated against or harassed should report their concern promptly to any staff member. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with a building administrator.
- B. School staff are expected to report possible incidents of discrimination or harassment of students to a building administrator. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Students and others will not be retaliated against for making a Complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.
- D. Students are encouraged to utilize the school unit's Complaint Procedure. However, students are hereby notified that they also have the right to report Complaints to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

Complaint Handling and Investigation

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

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

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

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

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

ADOPTED: May 13, 2003
REVISED: October 12, 2004
August 28, 2012

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

[NOTE: The organizational structure of local school units varies widely, as do the personnel and resources available for investigating complaints. This sample complaint procedure is intended to provide general guidance for local Boards in developing a procedure that meets local needs and conditions.]

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

Definitions

For purposes of this procedure:

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

[NOTE: The board should make a determination at the local level regarding the staff authorized to receive and investigate student discrimination and harassment complaints. Examples of such staff may be an Affirmative Action Officer, building principal, or guidance counselor who has received appropriate training and has an understanding of the legal issues involved in addressing complaints. The Board may also want to consider providing both male and female staff members to whom students can make complaints and/or varying the procedure depending upon the age of students served in a particular building. Local Boards should insert specific staff member(s) by title wherever the term “school administrator” appears in bold throughout this procedure.]

[NOTE: The time lines in this procedure are only suggestions and may be adapted to meet local needs. However, the Board should take care not to unreasonably limit the time school administrators may have to investigate and resolve complaints.]

How to Make a Complaint

- A. Any student who believes he/she has been discriminated against or harassed should report his/her concern promptly to the **[school administrator]**. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the **[school administrator]**.
- B. School staff are expected to report possible incidents of discrimination or harassment of students. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Students and others will not be retaliated against for making a complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.
- D. Students are encouraged to utilize the school unit's complaint procedure. However, students are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the Regional Director, Office for Civil Rights U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

Complaint Handling and Investigation

- A. **[School administrator]** shall promptly inform the Superintendent and the person(s) who is the subject of the complaint that a complaint has been received.
- B. **[School administrator]** may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit in light of the particular circumstances and applicable policies and laws.
- C. The complaint will be investigated by **[school administrator]**, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is

not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
 2. If the complaint is against an employee of the school unit, any applicable individual or collective bargaining contract provisions shall be followed.
 3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
 4. **[School administrator]** shall keep a written record of the investigation process.
 5. **[School administrator]** may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
 6. **[School administrator]** shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 7. The investigation shall be completed within 21 calendar **[OR: business]** days of receiving the complaint, if practicable.
- D. If **[school administrator]** determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
1. Determine what remedial action is required, if any;
 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
 3. Inform the student who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

- E. If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 14 calendar **[OR: business]** days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

[NOTE: Local boards may want to allow appeal of the Superintendent's decision to the Board].

[Optional language:

- F. **If the student's parents/legal guardians are dissatisfied with the decision of the Superintendent, an appeal may be submitted in writing within 14 calendar [or business] days after receiving notice of the decision. The Board will consider the appeal in executive session, to the extent permitted by law, at its next regular meeting or a special meeting. The Superintendent shall submit the investigation report and any other witnesses or documents that he/she believes will be helpful to the Board. The student, his/her parents/legal guardians and his/her representative shall be allowed to be heard. The person(s) against whom the complaint was made shall be invited and allowed to be heard. The Board's decision shall be final.]**

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07)
Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)

Title VI of the Civil Rights Act of 1964 (PL 88-352)

20 USC § 1232g;

34 CFR Part 99

5 MRSA §§ 4571; 4602; 4681 et seq.

20-A MRSA §§ 6001 et seq.

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

Adopted: _____

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HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

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

Harassment

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

Sexual Harassment

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

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

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

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

Notice and Training

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

HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

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

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

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

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

ADOPTED: October 12, 2005

Adopted: October 12, 2005

REVISED: August 28, 2012

HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

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

As defined in Maine law and for the purpose of this policy, “sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. “Gender identity” means gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.

Harassment

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

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

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

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

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

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

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

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HAZING

Maine statute 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.”

It is the policy of the Board that 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.

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 student organizations, shall plan, encourage, or engage in injurious hazing activities.

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.

Administrators, faculty members, students, and all other employees who fail to abide by this policy; may be subject to disciplinary action which may include suspension, expulsion, or other appropriate measures. In the case of an organization affiliated with this school unit which 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.

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

The Superintendent shall assume responsibility 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 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.

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-MRSA § 6553

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

ADOPTED: May 13, 2003

REVISED: October 12, 2004

August 28, 2012

HAZING

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: _____

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COMPULSORY SCHOOL ATTENDANCE

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

Compulsory Attendance Ages

Under state law, full-time attendance at school is required of every child between the ages of 6 and under 18, unless he/she has received a high school diploma or its equivalent. .

Excusable Absences from School

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

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

Adult Responsibility for School Attendance

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

Exceptions to the Compulsory Attendance Requirement

A child may be excused from compulsory attendance at school if he/she meets the requirements in one of the following sections.:

- A. He/she has:
 - 1. Reached the age of 16 years of age;

COMPULSORY SCHOOL ATTENDANCE

2. Obtained permission to leave school from his/her parent;
3. Been approved by the principal for a suitable program of work and study or training;
4. Has met with the Superintendent/designee to discuss the decision to withdraw from school;
5. Obtained permission to leave school from the Board or its designee; and
6. Agreed in writing with that person's parent and the Board or its designee to meet annually until that person's 18th birthday to review that person's educational needs.

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

- B. He/she has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to the compulsory attendance law under this paragraph must be approved by the Commissioner of Education.
- C. He/she is enrolled in an online learning program or course of study.
- D. A student who is 18 years of age or older who has not graduated from high school or obtained an equivalency diploma, and who wishes to withdraw from school shall meet with the Superintendent/designee to discuss the decision to withdraw from school.

Alternatives to Attendance in Public School

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

Equivalent instruction alternatives are as follows:

- A. A private school approved for attendance purposes pursuant to state law and regulations;
- B. A private school recognized by the Department of Education as providing equivalent instruction;
- C. A home instruction program that complies with state law and regulations;

COMPULSORY SCHOOL ATTENDANCE

- D. Any other manner arranged by the Board and approved by the Commissioner of Education; or
- E. Pursuant to 20-A MRS Sections 5104-A or 8605 (approved alternative education program or adult education program).

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

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

Cross Reference: JFC –Dropout Prevention Committee
JHB – Truancy
IHBG – Home Schooling

Replaces original JEA/JHB Student Attendance and Truancy

ADOPTED: December 7, 2007

Revised: December 11, 2012

Reviewed: January 14, 2014

COMPULSORY ATTENDANCE

Under state law, full-time school attendance is required of all children from their 6th to their 17th birthday except:

- A. A person who graduates from high school before their 17th birthday;
- B. A person who has:
 - 1. Reached the age of 15 years or completed the 9th grade;
 - 2. Permission to leave school from that person's parent;
 - 3. Been approved by the principal for a suitable program of work and study or training;
 - 4. Permission to leave school from the Board or its designee; and
 - 5. Agreed in writing with that person's parent and the Board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the Commissioner; or
- C. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to the attendance in public school under this paragraph must be approved by the Commissioner.

Attendance of Children Five Years of Age or Older and Under Six Years of Age

A child five years of age or older and under six years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

Alternatives to Attendance at Public Day School

- A. Equivalent instruction alternatives are as follows:
 - 1. A person shall be excused from attending a public day school if the person obtains equivalent instruction in:

- a. A private school approved for attendance purposes pursuant to 20-A MRSA § 2901;
 - b. A private school recognized by the department as providing equivalent instruction;
 - c. A home instruction program that complies with the requirements of 20-A MRSA § 5001-A(3)(A)(4); or
 - d. Any other manner arranged for by the Board and approved by the Commissioner.
- B. A person may be excused from attendance at a public day school pursuant to 20-A MRSA § 5104-A (other public or private alternative programs) or § 8605 (student attendance in adult education courses).

Credit for Attendance at a Private School

A student shall be credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

Discontinuation of Home Instruction

If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for by law. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of Maine's system of Learning Results.

Excusable Absence

A person's absence is excused when the absence is for the following reasons:

- A. Personal illness;
- B. An appointment with a health professional that must be made during the regular school day;

Page 2 of 4

MAINE SCHOOL MANAGEMENT ASSOCIATION
NEPN/NSMA Code: JEA

- 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 that has been approved;
- F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development placement or some other out-of-district placement that is not otherwise authorized by either any individual education plan or a superintendents' student transfer agreement. "Education disruption" does not apply to a student who is out of school for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for planned hospitalization or recovery.

[NOTE: Instructional planning for students experiencing educational disruption, including the "school work recognition plan," is addressed in 20-A MRSA § 5162, and transfer of records for these students in 20-A MRSA § 60021(B).]

Parental Responsibility

Parents are responsible for the school attendance of students who are under 17 years of age. The school unit shall work with families in an effort to ensure compliance.

Adult Students

Secondary school students 20 years of age or more will only be admitted to the school unit with prior Board approval.

Legal Reference: 20-A MRSA § 5001-A; 5003; 5201
Ch. 125 § 8.06 (Maine Dept. of Ed. Rules)

Cross Reference: IHBG - Home Schooling
JFC - Student Withdrawal from School/Dropout Prevention
Committee

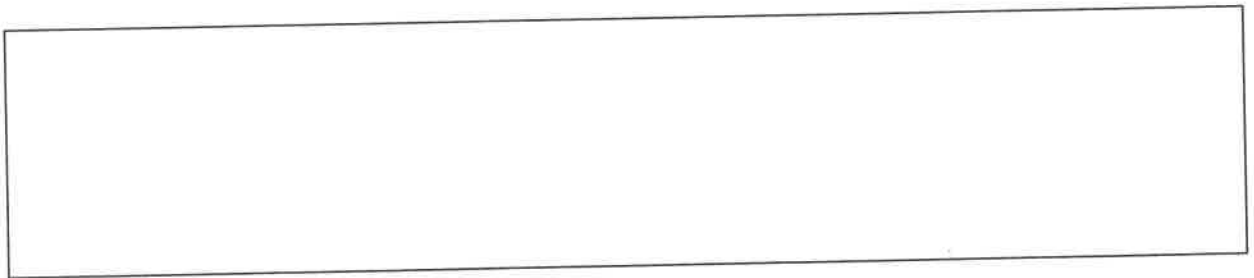
Page 3 of 4

MAINE SCHOOL MANAGEMENT ASSOCIATION
NEPN/NSBA Code: JEA

Cross Reference (cont.):

JHB - Truancy

Adopted: _____



TRUANCY

I. Definition

A student is truant if the student:

- A. Is subject to the compulsory attendance law; and
- B.
 - 1. Has completed grade six and has the equivalent of 10 full days of unexcused absences or seven consecutive school days of unexcused absences during a school year; or
 - 2. Is at least six years of age and has not completed grade six and has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year. Truancy under this paragraph is considered "child abuse and neglect" under Maine law and is reportable to the Department of Health and Human Services.

II. Attendance Coordinators

The Board shall appoint one or more attendance coordinators in accordance with state law.

III. Truancy Procedure

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

- A. The principal, upon determining that a student is truant under Section I, shall notify the Superintendent within five school days of the last unexcused absence.
- B. A student who is determined to be truant shall be referred by the Superintendent to the school's student intervention assistance team within five school days.
- C. The team shall meet and determine the cause of the truancy and assess the impact of the student's past and possible future absences on the student. If it is determined that the absences have a negative effect, the team shall develop an intervention plan to address the student's absences and any negative effects.

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

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

TRUANCY

9. Referral to family service agencies; and
10. Other interventions, including but not limited to referral to the school attendance coordinator, student assistance team or dropout prevention committee.

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

- D. The student and his/her parents/legal guardians shall be invited to attend any meetings scheduled to discuss his/her truancy and the intervention plan. Failure of the student and/or his/her parents/legal guardians to attend any scheduled meetings shall not preclude the school from implementing an intervention plan.
- E. If the intervention plan does not correct the student's truancy, the Superintendent shall serve or cause to be served upon the parent in-hand or by registered mail a written notice that the student's attendance at school is required by law. The notice shall:
 1. State that the student is required to attend school pursuant to 20-A MRS § 5001-A (the compulsory attendance law);
 2. Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports, and principal's reports;
 3. Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with 20-A MRS § 5053-A and will jeopardize the student's status in his/her current grade;
 4. State that the Superintendent may notify local law enforcement authorities of a violation of 20-A MRS § 5053-A, and, if the violation falls under Section I.B.2, may notify the Department of Health and Human Services; and
 5. Outline the intervention plan developed to address the student's truancy and the steps that have been taken to implement that plan.
- F. Prior to notifying local law enforcement authorities, the Superintendent shall schedule at least one meeting of the student intervention assistance team as required in Paragraph III.C and may invite a local prosecutor.
- G. If after three school days after the service of the notice described in Section III.C of this policy the student remains truant and the parent and student refuse to attend the meeting referred to in Section III.E, the Superintendent shall report the facts of the unlawful absence to local law enforcement authorities. Local law enforcement

TRUANCY

may proceed with enforcement action unless the student is at once placed in an appropriate school or otherwise meets the requirements of the compulsory attendance law.

- H. When a student is determined to be truant and in violation of the compulsory attendance law, and the student intervention assistance team has made a good faith attempt to meet the requirements of Section III.C, the Superintendent shall notify the Board of the truancy.

IV. Annual Report to Commissioner

The Superintendent shall submit an annual report regarding truancy to the Commissioner of Education by October 1. The report must identify the number of truants in the school administration unit in the preceding school year; describe the school unit's efforts to deal with truancy; account for actions brought under the truancy law, including the number of truants referred to the student intervention assistance team; and include any other information on truancy requested by the Commissioner.

Legal Reference: 20-A MRS §§ 5001-A; 5051-A to 5054
22 MRS § 4002

Cross Reference: JEA - Compulsory Attendance
JFC - Dropout Prevention Committee
JLF - Reporting Child Abuse and Neglect

ADOPTED: September 14, 1999

REVISED: January 8, 2008

December 11, 2012

Reviewed: February 11, 2014

TRUANCY

TRUANCY DEFINED

A student is truant if he/she is required to attend school or alternative instruction under Maine compulsory attendance law (20-A MRSA § 5001-A) and he/she:

- A. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or
- B. Is at least 6 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

ATTENDANCE COORDINATORS

In accordance with Maine law, the Superintendent shall appoint one or more attendance coordinators. The duties of the attendance coordinator include, but are not limited to:

- A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal;
- B. Filing an annual report with the Superintendent summarizing school year activities, findings and recommendations regarding truants;
- C. Serving as a member of the dropout prevention committee; and
- D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under Maine law.

TRUANCY PROCEDURES

[NOTE: 20-A MRSA § 5051-A (2) prescribes certain procedures that must be followed when a student is truant. Another provision, 20-A MRSA § 5051-A (B-1) requires the Superintendent to develop specific referral procedures. Both sections refer to the school's student assistance team or "school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under §4710." That section (§4710) requires school units to "develop and implement a system of interventions for kindergarten to grade 12 that provide each

student who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard.” For simplicity, we have referred to the student assistance team or “general education intervention system personnel.” 20-A MRS § 5051-A(C) sets out the procedure to be followed if the intervention plan fails to correct the truancy. The procedures in this section of the policy meld these requirements in lieu of developing separate procedures.]

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

- A. The principal, upon determining that a student is truant, shall notify the Superintendent of the student’s truancy within five school days of the last unexcused absence.
- B. Within in five school days of notification, the Superintendent/designee will refer the student who has been determined to be truant to the school’s student assistance team **[OR: or the school’s general education intervention system personnel OR: or to _____ (other title).]**
- C. The student assistance team **[OR: intervention system personnel]** will meet to determine the cause of the truancy and assess the effect of the student’s absences, as well as any future absences for the student. If it is determined that a negative effect exists, the student assistance team **[OR: intervention system personnel OR: _____ (other title)]** shall develop an intervention plan to address the student’s absences and the negative effect of these absences.

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

- 1. Frequent communication between the teacher and the family;
- 2. Changes in the learning environment;
- 3. Mentoring;
- 4. Student counseling;
- 5. Tutoring, including peer tutoring;
- 6. Placement into different classes;
- 7. Evaluation for alternative education programs;

8. Attendance contracts;
9. Referral to other agencies for family services; and
10. Other interventions including but not limited to referral to the school attendance coordinator, student assistance team, or dropout prevention committee.

Failure of the student or the student's parent(s) to appear at scheduled meetings does not preclude school administrators from implementing a plan to address a student's truancy.

- D. The student and his/her parents/guardians shall be invited to attend any meetings scheduled to discuss the student's truancy and the intervention plan.
- E. If the Superintendent/designee is unable to correct the student's truancy, the Superintendent/designee shall serve or cause to be served upon the parent(s) in-hand or by registered mail a written notice that the student's attendance is required by law. The notice shall:
 1. State that the student is required to attend school pursuant to 20-A MRSA §5001-A (the compulsory attendance law);
 2. Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports, and principal's reports;
 3. Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with 20-A MRSA § 5053-A and will jeopardize the student's status in the grade he/she is in;
 4. State that the Superintendent/designee may notify local law enforcement authorities of a violation of 20-A MRSA § 5053-A and the Department of Health and Human Services (DHHS) of a violation under and 20-A MRSA § 5051-A(1)(C); and

[NOTE: The definition of "child abuse and neglect" includes "failure to ensure compliance with school attendance requirements (in regard to students from age 7 up to completion of sixth grade) by a person responsible for the child.

Similarly, the definition of “jeopardy to health or welfare” or “jeopardy” includes “serious abuse or neglect as evidenced by. . . deprivation of adequate food, clothing, shelter, supervision or care or education when the child is at least 7 year of age and has not completed grade 6.”

See 22-MRSA § 4002 for these definitions. The “mandatory reporting” statute is 22 MRSA § 4011-A.]

5. Outline the plan developed to address the student’s truancy and the steps that have been taken to implement that plan.
- F. Prior to notifying local law enforcement authorities, the Superintendent/designee shall schedule at least one meeting of the student assistance team **[OR: intervention system personnel OR: _____ (other title)]** as required by law and paragraph B of this policy and may invite a local prosecutor.
- G. If after three school days after the service of the notice described in paragraph E of this policy the student remains truant and the parent(s) and student refuse to attend the meeting referred to in paragraph F, the Superintendent/designee shall report the facts of the unlawful absence to local law enforcement authorities. Local law enforcement may proceed with enforcement action against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements of the compulsory attendance law.
- H. When a student is determined to be truant and in violation of the compulsory attendance law, and the student assistance team **[OR: intervention system personnel OR: _____ other title)]** has made a good faith attempt to meet the requirements, the Superintendent shall notify the Board of the student’s truancy.

ANNUAL REPORT TO COMMISSIONER

The Superintendent shall submit an annual report regarding truancy to the Commissioner by October 1. The report must identify the number of truants in the school administrative unit in the preceding school year; describe the school unit’s efforts to deal with truancy; account for actions brought to enforce the truancy law; and include any other information on truancy requested by the Commissioner.

Legal Reference: 20-A MRSA §§ 5001-A; 5051-A-5054-A
22 MRSA § 4002

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

Adopted: _____

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

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