



POLICY DEVELOPMENT NEWS

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While the Legislature enacted several important bills in its most recent session, there has been limited impact on school board policy. So, in lieu of the traditional post-season summary, this edition of Policy Development News focuses on emerging issues related to implementation of legislation and Department of Education (DOE) rules, specifically suicide prevention training and educator effectiveness. In addition, we introduce a sample policy on memorials; provide some resources related to the Ebola virus; and address required annual and situational trainings for school unit employees.

AN UPDATE ON SUICIDE PREVENTION AWARENESS

In 2013, the Maine Legislature enacted L.D. 609, "An Act to Increase Suicide Awareness and Prevention in Maine Schools." The Department of Education (DOE) subsequently adopted DOE Rule Chapter 38, effective June 29, 2014, to implement the law <http://www.maine.gov/sos/cec/rules/05/chaps05.htm>.

The regulations require all school personnel in high schools and Career and Technical Education (CTE) centers to complete suicide prevention awareness training by the beginning of the 2014-2015 school year, and all personnel in elementary and middle schools by the beginning of the 2015-2016 school year. Employees who are employed after the training has been conducted must be trained within six months of beginning employment. The regulations recommend this training for volunteers as well.

Schools must provide more extensive suicide prevention and intervention training, more familiarly known as "gatekeeper training," to two or more (up to 16) staff members in accordance with a formula based on the number of students in the school unit. The regulations recommend, but do not require, each school building in the school unit have a staff member who has completed the gatekeeper training.

Both the suicide prevention awareness training and the gatekeeper training must be repeated at least one every five years. The DOE envisions gatekeepers who have completed an additional "Train the Trainer" session being able to serve as facilitators/ presenters of the more basic suicide prevention awareness training that is required for all school personnel.

MSMA has had several inquiries concerning suicide prevention policies. We discourage boards from adopting a suicide prevention policy and instead recommend they rely on their Superintendent to ensure that training has been accomplished in compliance with the law and rule and that it has been properly documented for each employee. Boards and superintendents should also be aware that Rule Chapter 38 contains the recommendation that all Maine schools have protocols for prevention and intervention in place, with guidance available through the Maine Suicide Prevention Program (MSPP) (<http://www.maine.gov/suicide/>).

WHERE TO FIND TRAINING

Suicide prevention awareness training is being offered this year through the Maine Suicide Prevention Program and NAMI Maine (NAMI is the acronym for the National Alliance on Mental Illness). Suicide prevention awareness training dates are posted on the NAMI website at <http://www.namimaine.org/?page=TrainingCalendar>. There are also opportunities to attend the Gatekeeper and Training of the Trainer (TOT) sessions at various locations around the State.

In addition, the Maine Suicide Prevention Program, as part of the Building Caring Connections in Maine (BCCIM) youth suicide prevention grant, is offering a series of workshops for school personnel to create and strengthen protocols around suicide prevention, intervention and post-vention. All Maine school districts are invited to send up to two participants including one who has completed gatekeeper training within the past five years. Additional information is available in the Commissioner's Update of October 30, 2014, at <http://mainedoeneews.net/2014/10/29/workshops-offered-for-suicide-prevention/>.

For those planning suicide awareness training in their own school units, or those ultimately responsible for ensuring that school personnel have had the required training, links to essential information have been posted on the NAMI website.

ADDITIONAL RESOURCES

The link to the Suicide Prevention Awareness video, *Suicide Prevention Awareness for Maine School Personnel*, sponsored by the Maine Suicide Prevention Program and led by the Maine CDC in DHHS is <http://www.namimaine.org/?page=LD609ToolkitVideo>. This video of the *Suicide Prevention Awareness Session for Maine School Personnel* is designed to be used in conjunction with the *Suicide Prevention Awareness Toolkit for Maine School Personnel* to fulfill the legal mandate to provide a suicide awareness session to all school personnel. The *Toolkit* may be accessed at http://c.ymcdn.com/sites/www.namimaine.org/resource/resmgr/Suicide-Toolkit/Suicide_Prevention_Awareness.pdf. The video alone is not intended to fulfill the mandate, but is designed to be shown in a group format with a designated and experienced facilitator present to answer questions, lead discussion and exercises and to provide the attendees with guidance on school-specific protocols and school, community and state resources.

For additional information concerning training, readers may contact Kaiti Littlefield, Suicide Prevention Training Program Coordinator, NAMI Maine, 800-464-5767 ext. 318 or kaitlynn@namimaine.org.

MEMORIALS

The death of a student or staff member, whether by suicide, accident or other causes can have a powerful emotional effect on students and school personnel. MSMA occasionally receives requests for a sample policy that addresses memorials to deceased students and others. MSMA's new sample policy FFA, Memorials, appears on pages 7 and 8 and may be downloaded in word format by clicking [here](#).

A more immediate response to death in the school community, particularly when it is the result of a school shooting or other on-campus act of violence, should be anticipated in the school unit's emergency management plan.

AN EBOLA COMMUNICATIONS TOOLKIT FOR SCHOOLS

Faced recently with intense media interest after five Dallas students might have had contact with a person diagnosed with the Ebola virus, the Dallas (Texas) Independent School District (ISD) developed a communications toolkit. The District has since shared the tools with school communicators nationwide. Unlike Dallas with its student population of over 127,000 students, most Maine school districts do not have public relations departments, so MSMA is pleased to share this information with local school boards and superintendents.

The toolkit includes:

The letter the District sent to the National School Public Relations Association (NSPRA) listing the steps that the Dallas ISD took to communicate with parents, students, staff and the community at large: <https://www.nspr.org/files/LetterfromDISD.pdf>.

An "all staff" notice with essential information: https://www.nspr.org/files/ALL_Staff_Notice.pdf.

A letter to parents (provided in Spanish and Vietnamese as well as English): <https://www.nspr.org/files/ParentLetterENGLISH.pdf>.

FAQs regarding Ebola: https://www.nspr.org/files/FAQ_Ebola.pdf.

Resources for talking with children about Ebola: https://www.nspr.org/files/Talking_with_Children_Magellan.pdf.

"Recognizing and Reducing Anxiety in Times of Crisis": https://www.nspr.org/files/2014Anxietywith%20Ebola_EAP_Final.pdf.

RESOURCES FOR EBOLA, FLU AND OTHER POTENTIAL OUTBREAKS

A wealth of up-to-date information on Ebola is available on the US Centers for Disease Control (CDC) website at <http://www.cdc.gov/vhf/ebola/> and from Maine's own CDC (a division of Maine's Department of Health and Human Services (DHHS)) at <http://www.maine.gov/dhhs/mecdc/infectious-disease/epi/zoonotic/ebola/public.shtml>.

The US Department of Health and Human Services Pandemic Flu website has a section on school planning for pandemic flu: <http://www.flu.gov/planning-preparedness/school/index.html>.

The federal CDC's seasonal flu update may be found at <http://www.cdc.gov/flu/>. (According to the CDC, the H1 N1 virus that caused the 2009-2010 pandemic is now considered a regular human flu virus that continues to circulate seasonally worldwide.)

Information concerning Enterovirus D-68 may be found at <http://www.cdc.gov/non-polio-enterovirus/about/EV-D68.html>.

For a checklist for district preparedness planning for pandemic threats, click [here](#).

Boards and superintendents are generally familiar with 20-A MRSA § 6306 which allows the superintendent to exclude a student who is a public health threat or a student or employee who has contracted or been exposed to a communicable disease as directed by a physician after consultation with the Bureau of Health.

However, we would also like to remind boards and superintendents of the broad authority that the Maine Department of Health and Human Services has with the respect to the control of "notifiable" diseases and conditions and communicable diseases (see 20-A MRSA § 6301(6) and DHHS Maine Center for Disease Control and Prevention Rule Chapter 258, "Rules for the Control of Notifiable Diseases and Conditions," <http://www.maine.gov/sos/cec/rules/10/chaps10.htm>). We urge readers to pay particular attention to Section 10, which covers control measures in the event of an extreme health emergency.

FROM THE TRAINING FILES

MSMA has frequently been asked about staff trainings for employees, both from the perspective of compliance with mandates for annual, refresher or situational training and the perspective of risk reduction, which can save school unit money when purchasing insurance.

Ed Antz, MSMA's Risk and Safety Manager, has put together a list of required trainings. The starting point is the question, what are the target employee groups? Then, what trainings do they need? When, and how often, do they need it? And, finally, where can they get the required training? Some of the required training is available through MSMA's risk management services through live training sessions, PowerPoint modules and/or online through MSMA's relationship with Target Solutions.

Readers can access the list [here](#). To schedule a live training session for school employees, contact Ed Antz at (207) 622-3473 or eantz@msmaweb.com.

MSMA provides this list and training offered by or through MSMA as information, not as a legal service or to substitute for the advice of the school unit's own legal counsel.

EDUCATOR EFFECTIVENESS – WHAT IS THE BOARD'S ROLE? AND HERE IS YOUR SCHOOL UNIT NOW?

As school board members and superintendents are well aware, Maine law requires each school administrative unit to develop and implement a performance evaluation and professional growth system for educators. The system must meet the criteria set forth in the law and in DOE rules (20-A MRSA §13701-13706). DOE Rule Chapter 180 establishes standards and procedures for implementation of performance evaluation and professional growth systems (PE/PG systems) for educators (<http://www.maine.gov/sos/cec/rules/05/chaps05.htm>).

Because the criteria are explicitly outlined in the law, we urge readers to look first to the statutes for an overall sense of direction. The rule is more complicated.

Board members may be inclined to ask, "What is the Board's role in regard to the PE/PG system?"

First, the power of appointment: In regard to 20-A MRSA §13705 requires school administrative units to develop PE/PG systems "in collaboration with teachers, principals, administrators, school board members, parents and other members of the public." The rule refers to the "initial stakeholder group" that is supposed to be engaged in a consensus-based decision-making process to develop the PE/PG system, including the proportionate weight of student learning and growth measures. (The rule itself does not set the weight to be given to student learning and growth, but it does address how learning and growth should be measured.)

The rule requires that a majority of the members of the initial group of stakeholders must be comprised of at least a majority of teachers. Of the teachers appointed to the initial group of stakeholders, 2/3rds must have the endorsement of the majority of the teachers in the school administrative unit and 2/3rds must have the endorsement of the majority of the school administrative unit's governing body.

The rule does not specify how members of the initial stakeholder group should be appointed. However, it is logical that consistent with policy (BDF, Advisory Committees) and/or practices when other advisory groups whose recommendations are subject to Board approval are appointed, that the Board would approve the appointment of members of this stakeholders group as well, subject to the requirement that teachers comprise a majority of the group and to the 2/3rds endorsements described above. The "collaboration" would be fleshed out through the appointment of principals, administrators, board members, parents and members of the public, who would represent these various constituencies as they participate in the group.

The rule also requires each school administrative unit to form a Steering Committee to regularly review and refine the PE/PG system to ensure that it is aligned with school administrative unit goals and priorities. The Board, through policy, has a role in setting goals and establishing priorities.

The Steering Committee must include representatives of the local education association, appointed by the local association, teachers, administrators and other school administrative unit staff. The structure and proposed operation of a Steering Committee, including the method of appointing members to the Steering Committee, must be included in the PE/PG system plan. The Steering Committee must be formed no later than the beginning of the pilot period of the PE/PG system. Since the Steering Committee is representative of multiple constituencies, presumably the Board would have a role in appointing members.

Second, Board approval: The PE/PG system must be approved by the DOE but, by rule, the submittal must include evidence of adoption of the system by the school board. The Board plays a critical role here. The Board can accept or reject the proposed system. While there are "fallback" provisions in the rule if there is no agreement of the stakeholder group on the proportionate weight of student learning and growth (the fallback is 20%) or on the proportionate weight of student learning and growth and additional elements the fallback is adopting one of the DOE's model plans), it would be more productive – and

better for the relationship between the Board and the school unit's educators – for a Board that doesn't like the proposed plan to let the stakeholder group know why so that it can tweak the plan to make it more agreeable to the Board.

Since the PE/PG system is to be piloted in the 2014-2015 school year (with data from the pilot used to inform potential refinement and improvement of the system), and implemented during the 2015-2016 school year, it would be reasonable for the Board to ask for an interim report on the initial stakeholder group's progress.

Third, the method of evaluation: 20-A MRSA § 1055(10) provides, "The superintendent is responsible for implementing a performance evaluation and professional growth system for all teachers and principals pursuant to [the educator effectiveness law] and an evaluation system for all other employees of the school administrative unit. The superintendent shall evaluate probationary teachers during, but not limited to, their 2nd year of employment. The method of evaluation must be determined by the school board, be in compliance with the requirements of [the educator effectiveness law] and be implemented by the superintendent." The Board continues to have a policy role in this regard.

It is worth noting that the rule includes the provision that "A school administrative unit shall determine and set forth in its system plan, the frequency with which it will conduct full evaluations leading to summative effectiveness ratings. A school administrative unit is not required to conduct a full evaluation leading to a summative effectiveness rating of each educator in each year. The frequency of full evaluations may vary depending on the effectiveness rating of an educator. However, full evaluations must be conducted at least every three years, even for highly effective educators."

Finally, 20-A MRSA §13703 contains a couple of interesting nuggets. First, it directs the superintendent to use effectiveness ratings of educators to "inform strategic human capital decision-making" regarding recruitment; selection; induction; mentoring; professional development; compensation; assignment; and dismissal. The Board may well be involved in approving compensation schemes tied to educator effectiveness.

Second, this same section says that receipt of effectiveness ratings indicating that a teacher is ineffective for two consecutive years constitutes just cause for nonrenewal of a teacher's contract unless the ratings are the result of bad faith. Appeal is limited to matters relating to the implementation of the system or the existence of bad faith in an evaluation or the assignment of a rating. The professional judgment involved in an evaluation of implementation of the system is not subject to appeal or grievance. This should prove to be supportive of superintendents and boards in non-renewal situations.

PLEASE NOTE: The contents of MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are intended neither for verbatim replication nor to replace the advice of the local board's legal counsel. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the content's application and suitability to the individual school system. Rarely does one board's policy statement serve exactly to address the concerns and needs of all units. Sample policies are most appropriately used as a basis or beginning for a board's policy development on specific topics.

MSMA SAMPLE POLICY

NEPN/NSBA Code: FFA

MEMORIALS

The Board recognizes that when a school community experiences the sudden death of a student or staff member, it is important to the school community and to those who are personally affected by the death to acknowledge the event. Additionally, certain traumatic events occurring on a local, state or national level may also give rise to the need for school unit acknowledgment through appropriate activities. Requests from students, staff, parents or others for remembering or memorializing a person or event may be approved by the Board, superintendent or designee, subject to the provisions of this policy.

The Board recognizes that memorials of flowers, personal messages and mementoes are often created at lockers, parking spaces and other areas on district property upon such losses or events. Memorials may be permitted at the discretion of the building principal [OR: _____]. He/She will consult with the family of the deceased, as appropriate. The display of all remembrances will be temporary in nature, removed in a timely manner and offered to the family.

Requests may be made to memorialize an individual or event in school yearbooks, at graduation ceremonies and other district activities. Activities that will not detract from scheduled classroom or school activities, or the celebration of student accomplishments may be permitted, with prior building principal approval. Activities or events may be rescheduled or cancelled with prior superintendent approval only.

In considering memorial activity requests, school administrators will balance memorializing or commemorating the individual or event on the one hand with avoiding creating an atmosphere that glamorizes a traumatic event or self-destructive behavior on the other.

[OPTION 1: Contributions may be made to a general scholarship fund established by the school unit memorializing a member or members of the school community or in memory or recognition of certain events.]

NEPN/NSBA Code: FFA

OPTION 2: Memorial scholarships may be accepted and awarded under criteria approved by the Board in honor of persons who have special significance to the students, district or community. All such offers should be submitted to the Board with pertinent information concerning the purpose of the memorial scholarship. Funds will be administered by the school unit.]

Items may be accepted by the district in memory of an individual or event with Board approval only. The Board will consider any maintenance costs to the district of such gifts. Items received become the property of the district and will be used for the purpose for which they were donated.

Schools may observe a moment of silence in memory of the individual or in recognition of certain traumatic events as deemed appropriate by the superintendent or designee. Additional district counseling services may be made available to provide support. Deaths will not be announced or memorialized on reader boards.

School will not be dismissed early or cancelled on the day of a memorial or funeral service unless approved by the Superintendent **[OR: Board]**.

The school unit will not hang plaques commemorating the deceased or install permanent living memorials, such as planting trees unless approved by the Board.

Flags may be lowered only in accordance with state and federal law. District property (e.g., buildings, rooms, fields, gymnasiums, etc.) may be named or renamed to memorialize an individual with Board approval only.

[OPTIONAL: The Board recognizes the use of district property for memorial services is generally inappropriate. Any such request will be considered in accordance with Board policy KF – Community Use of School Facilities and applicable administrative procedures].

Cross Reference: EBCA – Emergency Management Plan
KCD – Public Gifts/Donations to the Schools
KF – Community Use of School Facilities

Adopted: _____

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