

## BOARD STANDING COMMITTEES

~~[NOTE: Many school boards make use of either ongoing standing committees or temporary advisory committees or both to facilitate the work of the board. Some boards, though, particularly those with five or fewer members, prefer to work as a committee "of the whole" because they believe it is more efficient or that use of committees fragments the governance process.~~

~~The standing committee system recognizes that many board members simply do not have the time to become as thoroughly knowledgeable in all aspects of board responsibilities and school system operations as they might like to be. By allowing standing committees to research issues in depth and to make recommendations, a board can better focus its energy and make informed decisions more efficiently and effectively.~~

~~Standing committees are created to perform a continuing function and remain in existence indefinitely, although the individual members of the committee may change. Typically, appointments to standing committees are made at the board's annual organizational meeting or shortly thereafter so that committee work can continue with minimal interruption.~~

~~Standing committees are comprised solely of school board members and must be less than a majority of the board. Although the superintendent may serve in an ex-officio capacity and standing committees may seek input from administrators, staff and others, only standing committee members may vote or otherwise agree upon recommendations to be made to the full board.~~

~~In contrast to standing committees, advisory committees are appointed to perform a specific task. Advisory committees may include administrators, staff, parents, students, and/or community representatives as well as board members. When it has made its final report or recommendations to the board, the advisory committee ceases to exist.~~

~~The objective of this policy is to provide a framework for those school boards that appoint standing committees. A separate MSMA sample policy, BDF, addresses advisory or temporary committees.]~~

The Board believes that standing committees can be useful to its decision-making process and in the transaction of Board business. The Board may establish such standing committees as it deems necessary to facilitate school unit governance and address ongoing school unit needs. A standing committee has only such authority as specified by the Board.

All standing committees shall be comprised of less than a majority of the Board.

All standing committee meetings are open to the public except as provided by the Freedom of Access Law and the Municipal Public Employees Labor Relations Law.

### Establishment and Functions of Standing Committees

## BOARD STANDING COMMITTEES

The following provisions apply to the establishment and functions of standing committees:

- A. All standing committees shall be established by vote of the Board. A motion to establish a standing committee shall state the purpose and responsibilities of the committee (the "charge") and set the number of members comprising the committee.
- B. The Board Chair will appoint members to a standing committee from among the membership of the Board. For existing standing committees, appointments will be made at or as soon as practicable after the School Board's annual organizational meeting.

~~[NOTE: Some boards use more informal means of assigning board members to standing committees, such as soliciting volunteers or arriving at a consensus through board discussion. For Boards of SADs: 20-A.M.R.S.A. § 1256(1) states that a board of directors "may elect a 3-member finance committee whose members shall be directors."]~~

- ~~C. The Board Chair may [or: shall] also make appointments to standing committee vacancies on standing committees that occur prior to the Board's next organizational meeting.~~

~~DC. Except as authorized by law or Board action, a standing committee may research issues and make recommendations for Board action, but may not act for the Board.~~

- ~~D. The term of appointment to a standing committee shall be until the next organizational meeting.~~

~~I. A standing committee may be abolished at any time by a vote of the Board.~~

- ~~D. Each standing committee will elect its own chair.~~

~~EF. A standing committee may be abolished at any time by a vote of the Board.~~

- F. The Board Chair and Superintendent shall be ex officio (non-voting) members of all standing committees.

~~GD. The term of appointment to a standing committee shall be until the next organizational meeting.~~

- ~~GH. Any Board member may attend standing committee meetings, but only appointed members of the committee may vote.~~

- H. ~~Except as authorized by law or Board action, a standing committee may research issues and make recommendations for Board action, but may not act for the Board.~~

~~I. A standing committee may be abolished at any time by a vote of the Board.~~

## BOARD STANDING COMMITTEES

**II** The number of members on a standing committee and/or the responsibilities of a standing committee may be modified at any time by a vote of the Board.

### **Authorization/Appointment of Standing Committees**

The Board shall have the following standing committees:

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~~[NOTE: Some examples of standing committees that Maine school boards have established include: 1) Budget; 2) Finance; 3) Policy; 4) Curriculum; 5) Negotiations; 6) Facilities; 7) Long-range Planning.]~~

The Board may establish other standing committees it deems necessary in accordance with this policy.

Legal Reference: 1 M.R.S.A. § 401 et seq.

[Cross Reference: BEDB - Agenda](#)

ADOPTED: November 12, 1991

Recoded: June 1998

REVISED: April 12, 2005

September 13, 2005

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## BOARD ADVISORY COMMITTEES

The Board may establish advisory committees to perform specific functions. Advisory committees may study particular problems or issues and make reports and/or recommendations to the Board, but may not act for the Board.

Advisory committees may include individuals who are not elected members of the Board but each advisory committee shall have at least one Board representative.

The Board will consult with the Superintendent before establishing or dissolving any advisory committee. The number of members, the composition of each advisory committee, and the selection of members will be determined by the Board, in consultation with the Superintendent based upon the purpose of the committee.

~~{NOTE: The number of members and the constituencies that should be represented on an advisory committee are issues separate from the appointment of particular individuals as members. A board typically establishes a committee and then invites applications or recruits individuals to serve and ratifies the membership by vote. Some advisory committees may need expertise in specific areas. If parents, students, or community members are to be involved, the Board may wish to encourage representation of diverse populations and/or interests.}~~

The scope and authority of any advisory committee shall be limited to that assigned to it by the Board. The Board is in no way obligated to follow advisory committee recommendations.

Unless given a new assignment by the Board, an advisory committee shall be dissolved promptly upon completion of its task ~~(OR: shall automatically dissolve after the Board has received the committee's final report or recommendations)~~. An advisory committee may be dissolved at any time by Board action. No advisory committee shall continue for a prolonged period without a specific assignment.

### Instructions to Board Advisory Committees:

~~{NOTE: These instructions are frequently referred to as the "charge" to the committee.}~~

So that the Board's intent and expectations are clear, each advisory committee shall be instructed in writing concerning:

- A. The purpose of the committee, the specific issue(s) for study, and/or the scope of the committee's activity;
- B. The composition of the committee, including designation of voting and non-voting members, if applicable;

~~NOTE: The Board should specify whether the advisory committee chair is to be appointed by the Board Chair or selected by the members of the committee.~~

## BOARD ADVISORY COMMITTEES

- C. The length of time each member is expected to serve;

~~{NOTE: Because of timing of committee establishment or complexity of task, the Board may anticipate an advisory committee's work continuing from the current board year to the next. The Board should specify whether members must be appointed/re-appointed to the committee at the Board's annual organizational meeting or whether the "term" of membership is the duration of the committee's work.}~~

- D. The role of the committee as being advisory only;

- E. The resources the Board will provide to assist the committee in completing its task;

- F. The expectations regarding the committee's relationship with the Board, the Superintendent and school system personnel;

- G. The designation of the individual who will be responsible for providing information to the public concerning the committee and its work;

- H. The time and place of the first meeting;

- I. The timeline for progress reports to the Board and/or other activities;

- J. The date on which the Board expects to receive a final report or recommendations and dissolve the committee.

All advisory committee meetings are open to the public except as may otherwise be provided by law. Committee reports and minutes of advisory committee meetings, if prepared, are public information subject to the Freedom of Access Law.

Notice of advisory committee meetings shall be provided in a manner consistent with the Board's policy and practice concerning notification of Board meetings.

The Board recognizes that any advisory committee mandated by state law or Department of Education regulations may require deviation from any or all of the provisions of this policy. Any such deviations shall be identified when the Board establishes such a committee and reflected in the Board's instructions to the committee.

Legal Reference: 1 M.R.S.A. § 401 et seq.

~~Cross Reference: 10:100 - Agenda~~

ADOPTED: May 10, 2005

## EVALUATION OF THE SUPERINTENDENT

The Board's primary purposes in evaluating the Superintendent are to provide strong leadership and management for the school unit; to strengthen the working relationship and communication between the Board and Superintendent; and to assist the Board in judging the effectiveness of the Superintendent's performance.

### Guidelines

1. The Board will evaluate the Superintendent on a schedule determined by the Board.
2. The evaluation criteria and schedule will be made available to the Superintendent in advance of the evaluation process. The Superintendent shall also conduct a self-evaluation in advance of the formal evaluation by the Board.
3. Board members will be asked to submit individual written evaluations to the Board Chair.
4. The Board Chair will draft an evaluation that will include a summary of all individual evaluations submitted.

**NOTE: If desired, the Board could meet to review the evaluation form prior to meeting with the Superintendent, but this is an optional step. The Board may meet without the Superintendent in executive session unless the meeting involves "charges" against or an "investigation" of the Superintendent. In such an event, 1 M.R.S.A. § 405(6)(A)(2) allows the Superintendent to be present. The Board Chair should resolve any questions in this regard by prior counsel with the Board's attorney.**

5. The Board will meet with the Superintendent to review the evaluation, including relevant issues that may not be specifically included on the evaluation form. The Superintendent will be provided with a copy of the written evaluation.

The Superintendent will be given the opportunity to provide feedback to the Board regarding his/her evaluation, job responsibilities, and working relationship with the Board. Specific matters related to the terms of the Superintendent's contract may be discussed at this meeting or a subsequent meeting.

6. The Board will use the Superintendent's evaluation and the Board's priorities/goals to establish performance goals for the Superintendent. The next evaluation will include the Board's assessment of the Superintendent's progress toward these performance goals.

Legal Reference: 1 M.R.S.A. § 405

## EVALUATION OF THE SUPERINTENDENT

As a regular and scheduled activity, the board will evaluate the performance of the superintendent. The primary purposes of the evaluation will be to effect improvements in administrative and educational leadership of the school district.

### Guidelines:

- A. The superintendent should be involved in the development of the standards with which he/she will be evaluated.
- B. Evaluation should be at a regularly scheduled time and place, in an executive session with all Board members present.
- C. Both parties should prepare for the evaluation--the superintendent by conducting a rigorous self-evaluation, the Board by examining various sources of information relating to the superintendent's performance.
- D. Board members will submit individual written assessments to the Chair, using the evaluation form and standards, with supporting comments and specific examples related to the Superintendent's conduct and/or performance.
- E. The Chair will develop a summary evaluation from members' written opinions and meet with the Board in executive session prior to the evaluation session, if necessary, to review the summary evaluation materials related to the Superintendent's performance, as well as issues directly related to the Superintendent's employment such as compensation, benefits and extension of contract.
- F. The Board will meet with the Superintendent in executive session to discuss the evaluation. The evaluation should include a discussion of strengths as well as areas identified for improvement.
- G. The Board should not limit itself to the items that appear on the evaluation form as no form or set of guidelines can encompass the totality of the superintendent's responsibilities.
- H. The superintendent shall be given the opportunity to discuss the performance of the Board and the working relationship between the Board and the Superintendent.

### Performance Objectives

Using the Superintendent's evaluation for the year and new priorities established by the Board, the Board and the Superintendent will mutually establish a new set of specific performance goals and standards for the Superintendent for the ensuing year. These will then become the primary criteria for the next Board evaluation of the Superintendent at the end of the designated year.

ADOPTED: December 10, 1991

Recoded: June 1998

UPDATED: October 11, 2011

## FUNDRAISING

It is the intent of the Cape Elizabeth School Board to provide for the basic educational, co-curricular and athletic needs of the students and programs through the normal budgetary process. However, the Board recognizes that certain types of fundraising activities will enhance the relationship between school and community and will contribute to the overall improvement of the school program. Fundraising is the selling of a product, providing a service or activity, or requesting donations. School fundraising directly funds school programs and students.

In order that fundraising not interfere with the academic program and place undue demands on the Cape Elizabeth community, it is the desire of the School Board that fundraising activities be selective, coordinated and purposeful.

Also, the Cape Elizabeth School Board strongly encourages representatives from all booster organizations to meet at least once a year to discuss equity and recognition issues related to fundraising efforts.

All schools, school-based organizations and parent/community groups raising moneys to benefit the Cape Elizabeth School Department must comply with the established fundraising administrative procedures.

Cross Reference: DF-R – Fundraising Administrative Procedure

ADOPTED: March 14, 2000

REVISED: January 9, 2007

June 14, 2011



## **FUNDRAISING ADMINISTRATIVE PROCEDURE**

The Cape Elizabeth School Board recognizes that most fundraising affiliated with the school unit falls within the categories of Student/School-Based Fundraising or School-Affiliated Fundraising. These are guidelines that apply to all fundraising efforts that benefit the schools. This procedure excludes the Cape Elizabeth Education Foundation.

### **Guidelines for All Fundraising Efforts**

- A. Fundraising activities must not interfere with the student's obligations to the academic program.
- B. All fundraising activities, aside from regular school events such as concerts and athletic events, must have prior written approval of the building administrator. If approval is denied, an appeal may be made to the Superintendent.
- C. The fundraising activities of school-based and school-affiliated organization groups shall be limited and coordinated so as not to be burdensome to the community. Any individual fundraising project that has a targeted amount over \$20,000 must have the prior approval of the School Board. This \$20,000 amount allows the Cape Elizabeth School Board to evaluate the level of financial commitment begin asked of Cape Elizabeth citizenry, including (but not limited to) parent groups, booster and community members. In cases of conflict between fundraising activities, in-season activities shall be given preferences.
- D. Projects resulting in alterations or additions to the physical plant/grounds must have the prior written approval of the Superintendent. (Examples include renovations, furnishings, playground/classroom equipment, signs, scoreboards, field restorations, etc.)
- E. Revenue and expenditure reports shall be submitted to the Principal, and all fundraising activity will be subject to the School Department accounting and auditing procedures.
- F. At no time shall a student be required to participate in fundraising activities.
- G. All checks should be made payable to the group or school department responsible for the fundraising effort, not to an individual.

### **Student/School-Based Fundraising**

Student/school-based fundraising refers to activities involving the participation of students. Such activities include school-wide fundraising projects and individual school-based club/organization projects.

- A. Students shall not miss more than 45 minutes per year of instructional time to participate in fundraising promotions/activities.

## **FUNDRAISING ADMINISTRATIVE PROCEDURE**

- B. Activities undertaken by students must be approved in advance by the Student Advisory Council, Athletic Administrator and the Principal, as appropriate.
- C. Fundraising activities should involve rendering a service or product for the contribution received, such as concerts, dances, suppers, etc. Gambling devices are prohibited.
- D. Student participants in fundraising activities must be supervised by an adult and are expected to abide by the school's behavior code of conduct.
- E. School organizations shall not be used to raise funds for non-school groups except for charitable purposes.
- F. Revenue and expenditure reports shall be submitted to the Principal, and all fundraising activity will be subject to the School Department accounting and auditing procedures.

### **School-Affiliated Fundraising**

School-affiliated fundraising refers to parent/community groups certified as affiliated with the Cape Elizabeth School Department for the purpose of raising moneys to benefit students. Examples include parent-teacher organizations/associations, athletic/activity booster groups and School Board appointed and approved groups.

- A. School-affiliated groups must have prior written approval for all fundraising activities:
  - 1. Parent-teacher organizations need the approval of the Building Principal.
  - 2. Athletic booster groups need the approval of the Athletic Administrator and the Principal.
  - 3. Activity groups need the approval of the Building Principal.
- B. Use of school facilities by school-affiliated groups shall be determined by the School Facility Use Policy.
- C. It is the intent of the School Board that basic uniform, equipment and material needs will be addressed through the budgetary process. Therefore, school-affiliated fundraising should be limited to providing items which are not normally included in the school budget. Special circumstances that would indicate an exception to this regulation will require the approval of the School Board.

**FUNDRAISING ADMINISTRATIVE PROCEDURE**

- D. Any school-affiliated group wanting to make use of the School Department Postal Bulk Mail Permit may make the request to the Business Manager. The group must receive approval prior to use.
- E. Revenue and expenditure reports shall be submitted to the Principal, and all fundraising activity will be subject to the School Department accounting and auditing procedures.

Cross Reference:      KF -- Community Use of School Facilities  
                              KF-R -- Use of Facilities (Administrative Guideline)

ADOPTED: March 14, 2000

REVISED: May 14, 2002

January 9, 2007

June 14, 2011

## **SAFETY PROGRAM**

It shall be the policy of the board to take appropriate precautions to protect the safety of all students, employees, visitors and others present on district property or at school-sponsored events.

The practice of safety shall also be considered a fact of the instructional plan of the district schools by virtue of educational programs in traffic and pedestrian safety, driver education, fire prevention, emergency procedures, etc., appropriately geared to students at different grade levels.

Each principal shall be responsible for the supervision of a safety program for his/her school.

### **FIRE PREVENTION**

Fire prevention measures in the district schools shall be administered in compliance with the state safety code and the directives of the state fire marshal and in cooperation with the local fire department.

Fire prevention measures shall reflect the top priority which the board gives the welfare of students and staff personnel. It shall be the responsibility of the business manager to see that all staff members are kept informed of current state regulations and the recommendations of local fire officials.

When school property is in use for purposes other than instruction — i.e., community services, athletic events, student performances, or use by non-school groups — those in charge of the building at the time, as designated by the school principal or established by board policy — shall be responsible for compliance of the users with school system fire prevention measures.

ADOPTED: October 9, 1984

Revised: March 10, 1992  
March 11, 2008

## CHEMICAL HAZARDS

The Cape Elizabeth School Department is committed to providing a safe environment for students and employees. It is the policy of the Cape Elizabeth School Department to follow safe practices in regard to the storage and handling of hazardous chemicals in its schools. The school unit will comply with all applicable Maine and federal laws and regulations concerning hazardous chemicals.

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

[\*NOTE: The Maine Department of Labor has a sample Chemical Hygiene Plan for Maine Schools on its website at [www.maine.gov/dep/mercury/school.htm](http://www.maine.gov/dep/mercury/school.htm). MSMA does not endorse this sample or any particular “sample” or “model” plan. Electronic inventory tools are also available on that website.]

[\*\*NOTE: Section 2(A) of Department of Education Rule Chapter 161, Purchase and Storage of Hazardous Chemicals, presently requires a “Hazardous Chemical Screening Process” to be established in each school administrative unit to review and approve the purchase of any hazardous chemical required by any department for academic or service functions.]

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

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

[NOTE: At present, the Maine Department of Labor offers training related to chemical hygiene, but there is no statutory or regulatory requirement that a person be specifically trained or certified before being designated as a school unit’s Chemical Hygiene Officer. On May 10, 2005, the Commissioners of the Departments of Education and Environmental Protection sent a memorandum to the Joint Standing Committee on Natural Resources in response to the provisions of L.D. 1157, An Act to Protect Children from Toxic Chemicals in Schools, and the Committee’s directive to the DOE and DEP to develop a proposal to resolve the issues involved. The proposal outlined some potential changes to DOE Rule Chapter 161, including certification of training for hazardous chemical officials (chemical hygiene officers) or science teachers from each school and chemical management training for those who need it.]

**CHEMICAL HAZARDS**

Legal Reference: 29 C.F.R. § 1910.1200  
26 M.R.S.A. § 565  
Ch. 2 § 179 (Dept. of Prof. Regulation Rule)  
Ch. 161 (Me. Dept. of Ed. Rule)  
Commissioner's Administrative Letter No. 33, June 9, 2005  
(Chemicals in Schools)

Cross Reference: EBCA – Crisis Response Plan

REVIEWED: August 2005

Revised: March 11, 2008

## BOMB THREATS

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

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

## A. Conduct Prohibited

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

It is also a violation of Board policy to communicate by any means that any toxic or hazardous substance or material has been placed, or will be placed, on school premises with the intent to endanger the safety and welfare of students or staff and/or to disrupt the operations of the schools. For the purpose of this policy, "toxic or hazardous substance or material" means any material or substance, including biomedical materials or organisms, that, when placed as threatened, could be harmful to humans.

## B. Definitions

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

## C. Development of Bomb Threat Procedures

The superintendent/designee shall be responsible for developing and implementing procedures specific to bomb threats as part of the school district's Crisis Response Plan. These procedures are intended to inform

## BOMB THREATS

administrators and staff of appropriate protocols to follow in the event that a bomb threat is received and should include provisions to address:

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

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

## D. Reporting of Bomb Threats

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

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

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

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

## E. Student Disciplinary Consequences

Making a bomb threat is a crime under Maine law. Any student suspected of making a bomb threat shall be reported to law enforcement authorities for investigation and possible prosecution. Apart from any penalties imposed by



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law, and without regard to the existence or status of criminal charges, a student who makes a bomb threat shall be subject to disciplinary action by the school.

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

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

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

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

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

#### G. Student Failure to Report a Bomb Threat

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

#### H. Staff Disciplinary Consequences

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

A school system employee who fails to report information or knowledge of a bomb threat or the existence of a bomb or other destructive device in a school building or on school property may be subject to disciplinary consequences

#### I. Civil Liability

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

## BOMB THREATS

## J. Lost Instructional Time

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

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

## K. Notification Through Student Handbook

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

Legal Reference: 18 U.S.C. §§921; 8921  
17-A M.R.S.A. § 210  
20-A M.R.S.A. §§ 263; 1001(9-A); 1001(17); 1001(18)

Cross Reference: EBCA – Crisis Response Plan  
JKD – Suspension of Students  
JKE – Expulsion of Students  
JKF – Suspension/Expulsion of Students with Disabilities  
JIC - Student Code of Conduct  
JICIA – Weapons, Violence, Bullying and School Safety

ADOPTED: May 13, 2003

Revised: March 11, 2008

**USE OF AUTOMATED EXTERNAL DEFIBRILLATORS**

The Cape Elizabeth School Board recognizes that medical emergencies may arise on school property that warrants the use of an Automated External Defibrillator (AED). The school department has an AED for use in such emergencies. The Superintendent is responsible for implementing the AED program and all necessary administrative procedures. The Superintendent may delegate specific responsibilities concerning the AED program to administrators, including the Health Services Director [**or other appropriate administrator(s)**], as he/she deems appropriate.

Cross Reference: Automated External Defibrillator Administrative Procedure

Legal Reference: 20-A M.R.S.A. § 6304  
22 M.R.S.A. § 2150-C (**AED law**)  
14 M.R.S.A. § 164 (**immunity from civil liability law**)  
20-A M.R.S.A. § 4009 (**school emergency medical treatment law**)

***NOTE: The bold language is for the Board's reference only and can be deleted when the policy is adopted.***

**TRAFFIC AND PARKING CONTROLS**

The assignment of parking areas to staff, students, and visitors to the school shall be the responsibility of the school administration. The roadways on the school property will be posted and policed in accordance with local town ordinances.

Legal Reference: Town of Cape Elizabeth Traffic Regulations Ordinance (Ch. 13)

ADOPTED: Prior to 1996

Recoded: June 1998

Revised: April 10, 2007

## TRANSPORTATION SERVICES MANAGEMENT

The Superintendent with the approval of the School Board and in accordance with the State Law will provide the following transportation services:

1. The municipality will provide transportation for elementary school students a part or whole distance to and from the nearest elementary school:
  - a. Kindergarten students – All Kindergarten students regardless of distance will be bused to and from school.
  - b. Elementary/Middle School students (1-8) – The Superintendent has set the discretionary distance of those who live beyond a mile from school will be transported to and from school.
2. Special Education/504 students – All students, regardless of distance if specified in an IEP or 504 Plan, will be transported to and from school; door-to-door.
3. Vocational students – Students will be provided transportation from the secondary school or from home pending IEP or 504 plan to and from a technical education center.
4. High School students – The school district may provide transportation for high school students. The Superintendent has set the discretionary distance of those who live beyond a mile from school may be transported.

Bus routes will be reviewed annually. Appeals for additional stops must be made in writing to the Transportation Administrator. An appeals committee comprising the Superintendent, a School Board Member, and the Transportation Administrator will review all appeals. The decision of the committee will be communicated in writing and will be final.

Acquisition of new buses and maintenance of those presently owned and operated by the schools shall comply with all legal requirements and shall be accomplished in the most economical manner that is consistent with the welfare and safety of the students.

Legal Reference: 20-A MRSA § 5401

ADOPTED: 1984?

Reviewed: December, 1994

REVISED: March 10, 1998

Recoded: June 1998

REVISED: May 9, 2006

## STUDENT TRANSPORTATION SERVICES

The Board will provide transportation for all students living beyond a reasonable distance from their school or from a scheduled bus stop as the Board has determined. This distance is defined as \_\_\_\_\_ mile.

Distance shall be measured by the shortest public road from the residence to the bus stop or school door. In cases questioned, distance will be measured and established by the Superintendent.

Exceptions to the above distance shall be made for the following reasons only:

A. Health

Exceptions to established walking distances may be made for students with disabilities as required by their IEP or Individual Health Plan (504 Plan). Exceptions may also be made to accommodate a student's need for transportation with written documentation for the student's physician.

B. Kindergarten Students

Kindergarten bus service will include pick-up and delivery to the home, providing a suitable bus turn is available.

C. Hazardous Walking Conditions

Hazardous walking conditions shall be defined as those which would place a child of a given age in a situation of greater than normal or average danger.

Authorized bus stops will be located so as to load and unload students with the most safety allowed by road conditions. The distance between stops may vary according to safety factors. If possible, students will be loaded and unloaded so that it is not necessary for them to cross a main highway to reach their homes.

Requests for bus stops, inconsistent with this policy must be made in writing and submitted to the Superintendent.

Legal Reference: 20-A MRSA § 5401

Cross Reference: JICC - Student Conduct on School Buses

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

## **SCHOOL BUS SAFETY PROGRAM**

The safety and welfare of student riders shall be the first consideration in all matters pertaining to transportation. Responsibility for student riders begins when the rider sets foot on the bus and ends when the rider safely exits the bus at his/her destination. Specific guidelines for the administration of transportation services exist for each school in its handbook and are available from the Superintendent's Office.

Emergency evacuation drills shall be conducted twice a year throughout the school term to thoroughly acquaint student riders with procedures in emergency situations.

All vehicles used to transport children shall be maintained in such condition as to provide safe and efficient transportation service with a minimum of delays and disruption of such service due to mechanical or equipment failure. Buses shall be replaced at such intervals as to provide good equipment at all times. All legal requirements shall be scrupulously observed.

Bus drivers shall be competent and capable of maintaining discipline among students on their buses. Bus drivers must possess a valid Class B, CDL, Maine driver's license; hold a valid State of Maine Criminal History Records Check (CHRC) Approval and comply with the legal requirements of the Maine Department of Education criteria.

Legal Reference: TITLE 20A MRSA SEC. 5401

Cross Reference: EEAE-R School Bus Safety  
JICC\_R: Student Conduct on the Bus

ADOPTED: October 9, 1984

Revised: January 17, 1995  
January 13, 1998

*Recoded: June 1998*

Revised: May 9, 2006

## **SCHOOL BUS ACCIDENT PROCEDURES**

The potential for possible injury exists whenever the school buses are in operation. Driving of the buses and the care of the students require operators who can and do exercise good judgment.

If the bus is involved in an accident, the driver should remain calm and assess the situation with a clear mind. The following procedures and training statements are to become effective immediately:

- Stop the vehicle immediately, no matter how trivial or unimportant the crash may seem.
- Do not move the vehicle unless authorized to do so, or unless its location may result in further danger.
- Set parking brake, activate four way flashers, and turn off the engine. (If driver must exit, remove keys.)
- Assess if there are any injuries and what assistance is needed.
- Notify the transportation office immediately, giving the location of the crash, if there are injuries, and what assistance is needed.
- Evaluate the scene to determine if the vehicle needs to be evacuated. If the bus is evacuated, make certain all passengers are together in a safe place.
- Check for injuries.
- If there are severely injured passengers, make them comfortable, but do not move them unless it is absolutely necessary.
- Protect the scene – set out emergency triangular reflectors.
- Obtain the names of all passengers on board and their seating location.
- When another vehicle is involved, obtain driver's name, license number and state of issue, insurance company and a list of passengers.
- If there are witnesses, get names, addresses and phone numbers.
- Remain at the scene until a law enforcement officer tells you to proceed.
- Do not release any student to anyone without the proper authorization, i.e. superintendent or designee.



## SCHOOL BUS ACCIDENT PROCEDURES

- In making any statements, be accurate and factual, make no admission of fault, make no accusations.
- Do not discuss the crash with anyone other than a law enforcement officer, your transportation supervisor, or the school superintendent or designee.

Remember, no matter how minor the crash may appear, stop the vehicle, *notify* proper authorities, assess injuries, assess the damage to the bus, and make a list of all passengers on board.

Access the accident reporting kits that are located in your Emergency Packets in the school bus to help facilitate the information sharing and gathering process. The packet contains a seating chart on which to fill out the passenger list, business cards containing insurance and other relative information which can be given to the involved party and the police officer.

Remember to gather all the necessary information needed to file an accident report before leaving the scene. As soon as possible, when your responsibilities to the students have ended or have been assumed by the proper authority, fill out all required accident forms. Explain what you actually observed. Details such as weather, road conditions, time of day, and the actions of other driver(s) should be included.

ADOPTED: January 17, 1995

Revised: March 10, 1998

*Recoded: June 1998*

Revised: May 9, 2006

## **FOOD SERVICES MANAGEMENT**

The school system, in compliance with federal and state law and with the rules and regulations of the Department of Educational and Cultural Services, shall operate a school nutrition program, which shall be under the direction of the school lunch director. A school lunch manager shall be assigned to each kitchen serving meals under this program. The business manager shall exercise control of the overall operation and efficiency of the school nutrition program and its expenditures.

In organizational relationship, the school lunch manager in each kitchen is directly responsible to the district school lunch supervisor, but shall cooperate with the principal of the school in matters essential to the proper functioning of the food service program. The responsibility for control of students using the cafeteria shall rest with the building principal.

The Board shall approve the prices set for school lunches and the price of milk. Menus shall be communicated on the website or by other methods of communication with families normally used by the schools.

As required for participation in the National School Lunch Program, the Board agrees to the following regulations:

1. That a "Type A" lunch be made available for students. The Cape Elizabeth School Board recognizes the need for students to receive a healthy, well-balanced lunch with the five basic food groups offered each meal (protein, dairy, vegetable, grain and fruit). Serving all five food group offerings to all students results in wasted food when students reject certain foods. The Board, therefore, directs that all food groups will be offered daily for lunch; however, students may reject service of as many as two food group items. All students must be served at least three out of the five basic food group offerings for lunch.
2. That free and reduced price lunches be provided for students who cannot afford to pay the price of the "Type A" lunch.

Students shall also be permitted to bring their lunches from home and to purchase beverages and incidental items.

REVISED: November 1989  
Reviewed: December 13, 1994  
Recoded: June 1998  
Revised: March 10, 2009

### **FOOD SERVICES RECORDS AND REPORTS**

The Food Services Director shall be responsible for assuring day-to-day record keeping in the various schools. The Food Services Director shall have the overall responsibility for the operation of the school food services program, and shall keep (or cause to be kept) adequate records of all transactions connected with the program.

A central accounting system for all school cafeterias and food services shall be developed and maintained by the Food Services Director, in conjunction with the Business Manager.

The Business Manager shall prepare and provide reports to the administration and to the board on a monthly basis.

ADOPTED: ?

Reviewed: December 13, 1994

*Recoded: June 1998*

Revised: February 10, 2009

**COPYRIGHT COMPLIANCE**

**Drummond Woodsum recommends that local boards adopt a copyright policy and administrative procedure. This sample policy provides appropriate notice to school employees and students about their responsibilities under the federal copyright statute. The TEACH Act requires school units using copyrighted materials in instruction through digital networks (which would include distance learning programs and on-line courses) to have copyright policies and provide notice and informational materials about copyright requirements to staff and students.**

**All annotations and notes in the sample should be removed prior to policy adoption.**

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

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

Cape Elizabeth School District will take the following steps to discourage violations of the copyright law in Cape Elizabeth School District

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

Cross Reference: EGAD-R – Copyright Compliance Administrative Procedure  
GSCA/GCSA-R – Employee Computer and Internet Use  
IJND – School Web Site Policy  
~~IJNDA – Distance Learning Program~~  
IJNDB/IJNDB-R – Student Computer and Internet Use

Legal Reference: 17 U.S.C. § 101 et seq. (The Copyright Act of 1976)  
P.L. 107-273 (The TEACH Act of 2002)

ADOPTED: January 10, 2006

**COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE**

**Drummond Woodsum recommends that all local boards adopt an administrative procedure regarding copyright compliance so that employees and students have ready access to the specific requirements for various types of materials used in schools.**


**The TEACH Act (“Technology, Education and Copyright Harmonization Act of 2002”) requires school units that perform or display copyrighted materials in instructional programs through digital networks to implement copyright policies and provide informational materials to employees and staff.**

**Since the content of this procedure is taken directly from the law/guidelines, it should not be modified by local school units. All annotations and notes should be removed from the sample rules prior to adoption.**

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

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

## **I. GENERAL RULE AND COPYRIGHT OWNERSHIP**

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

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

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

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

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

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

**COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE**

**Distance learning.** All rights in works created by school employees in the course of teaching distance learning courses are owned by the school unit that employs the individual(s) who created the work, unless otherwise agreed in writing by the employing school unit.

**II. DEFINITIONS****A. “FAIR USE”**

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

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

**B. “FACE-TO-FACE INSTRUCTION”**

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

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

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

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

**COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE****III. DISTANCE EDUCATION: TRANSMISSION OF PERFORMANCES AND DISPLAYS TO REMOTE SITES**

The following may be transmitted by any device or process, including the ~~DOE Distance Learning Network~~, interactive television or Internet courses:

- Performance of nondramatic literary works (e.g. novels, short stories, or poems) or musical works, or
- Reasonable and limited portions of any other work, or
- Display of a work in an amount comparable to that which is typically displayed in the course of a live classroom only if:
  - A. The performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of instructional activities;
  - B. The performance or display is directly related and of material assistance to the teaching content of the transmission;
  - C. The transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to students officially enrolled in the particular course and employees of the school unit as part of their duties;
  - D. Technological measures are implemented that reasonably prevent retention of the work in accessible form by recipients of the transmission for longer than the class session and prevent unauthorized further dissemination of the work in accessible form by such recipients to others;
  - E. There is no interference with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination of materials; and
  - F. Students in such courses must be given notice that materials used in connection with the course may be subject to copyright protection.

**IV. PRINT MATERIALS****A. Permissible Uses**

1. A single copy of the following made for use in teaching or in preparation to teach a class:
  - a. A chapter from a book;
  - b. An article from a periodical or newspaper;

**COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE**

- c. A short story, short essay or short poem, whether or not from a collective work; and
  - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
- 2. Multiple copies made for classroom use (not to exceed one copy per student in a course) from the following:
  - a. A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length, or an excerpt of not more than 250 words from a longer poem;
  - b. A complete article, story or essay of less than 2,500 words;
  - c. Prose excerpts not exceeding 10 percent of the whole or 1,000 words, whichever is less;
  - d. One chart, graph, diagram, cartoon or picture per book or per issue of a periodical; and
  - e. An excerpt from a children's book containing up to 10 percent of the words found in the text and not more than two printed pages of the published work.
- 3. One transparency for classroom instruction may be made from consumable materials such as workbooks, exercises, activity sheets, etc.
- 4. All permitted copying must include appropriate credits, including the author, title, date, copyright notice and any other pertinent information.

**B. Prohibited Uses**

- 1. More than one work or two excerpts from a single author copied during one class term;
- 2. More than three works from a collective work or periodical volume copied during one class term;
- 3. More than nine sets of multiple copies made for distribution to students in one class term;
- 4. Copies made to create, replace or substitute for purchasing anthologies or collective works;



### **COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE**

5. Copies made of “consumable” works, such as workbooks, exercises, standardized tests and answer sheets (except as noted in A.3 above);
6. The same work copied from term to term;
7. The same material copied for more than one particular course, or copied every time a particular course is offered, unless permission is obtained from the copyright owner;
8. Copies made when there is sufficient time prior to the intended use to obtain permission from the copyright owner; and
9. No charges may be made to students beyond the actual cost of photocopying.

#### **V. COMPUTER SOFTWARE**

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

B. All software purchased for use in the school unit must be approved by Technology Coordinator ~~Coordinator~~ [insert appropriate person/entity]. Only the Superintendent ~~and/or the Technology Coordinator~~ other authorized personnell may obtain and sign software licensing agreements and duplication rights agreements. All terms of such licensing/duplication agreements must be observed by all school unit employees and students.

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

D. The Technology Coordinator **[or other authorized personnell]** is responsible for reviewing and supervising compliance with all software license agreements. The Technology Coordinator **[or other authorized personnell]** shall retain all license agreements and modifications thereto.

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

1. One archival (back-up) copy of copyrighted software may be made by authorized employees (unless a licensing agreement prohibits copying for any purpose);
2. Software may be used on a networked computer system as authorized by the license or if written permission is obtained from the owner;
3. Software may be loaded on multiple equipment to the extent authorized by the license or if written permission has been obtained from the owner; and

**COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE**

4. Preview software may be evaluated for a reasonable evaluation period before being purchased or returned.

**F. Prohibited Uses**

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

Copies made of locally produced adaptations or modifications of copyrighted software for any purpose.

G. Unauthorized copying. Any employee or student who becomes aware of unauthorized copying of school software shall inform the Technology Coordinator **[or other authorized personnel]**.

**VI. INTERNET**

The rights of the owner of copyrighted material on the Internet are the same as the rights of the owner of traditional materials. Unless there is a clear statement that art, photos, text and sounds are “public domain” and available for free use, it should be assumed that the material is copyrighted. All the criteria for “fair use” apply to works on the Internet just as they apply to other materials. The ease of copying materials from the Internet should not be used as an excuse for violating copyrights.

**COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE****VII. OFF-AIR TELEVISION RECORDING****A. Permissible Uses**

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

**B. Prohibited Uses**

1. Recording broadcast programs in anticipation of requests;
2. Recording broadcast programs when there is sufficient time prior to the scheduled program to obtain permission from the copyright owner;
3. Recording programs from pay/satellite television channels (HBO, Cinemax, Disney, etc.);

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4. Using or retaining recordings beyond the 45-day retention period without written permission;
5. Recording the same program more than once for the same teacher (regardless of how many times the program may be broadcast); and
6. Altering the program from the original content in any way (although the entire program need not be viewed)

**VIII. USE OF PRE-RECORDED VIDEOS**

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

**A. Permissible Uses**

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

**B. Prohibited Uses**

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

**IX. MUSIC AND THEATER PERFORMANCES**

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

**X. EDUCATIONAL USES OF MUSIC****A. Permissible Uses**

1. Emergency copies to replace purchased copies which for any reason are not available for an imminent performance provided that purchased replacement copies shall be substituted in due course.

**COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE**

2. For academic purposes other than performance, multiple copies of excerpts of works may be made provided that:
  - a. The excerpts do not constitute a performable unit (section, movement or aria) or more than 10 percent of the entire work;
  - b. No more than one copy per student in the class is made; and
  - c. The copyright notice appears on the copies.
3. For academic purposes other than performance, a single copy of an entire performable unit (section, movement or aria) may be made by the teacher for scholarly research or in preparation to teach a class provided that:
  - a. The work is confirmed by the copyright owner to be out of print;
  - b. The work is unavailable except in a larger work; and
  - c. The copyright notice appears on the copy.
4. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted. Lyrics may not be altered or added, if none exist.
5. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the school unit or an individual teacher.
6. A single copy of a sound recording (album, tape, cassette or CD) or copyrighted music may be made from sound recordings owned by the school unit or an individual teacher for the purpose of constructing aural exercises or examinations. The copy may be retained by the school unit or an individual teacher.
  - a. This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.

**B. Prohibited Uses**

1. Copy to create, replace or substitute for purchasing anthologies, collective works and compilations;
2. Copy “consumable” works, such as workbooks, exercises, standardized tests and answer sheets;

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3. Copy for the purpose of performance (except as noted in A.1); and
4. Copy to substitute for the purchase of music (except as noted in A.1-2).

Cross Reference: EGAD – Copyright Compliance

Legal Reference: 17 U.S.C. § 101 et seq.  
P.L. 107-273 (The TEACH Act of 2002)

Approved: January 10, 2006

## **ELECTRONIC SIGNATURE AND FILING**

### Definitions

“Communication” means any written form or filing, or other written communication.

“Electronic signature” means any electronic identifier intended by the person using it to have the same force as a manual signature.

### Electronic Signatures

The acceptance of an electronic signature from parents or guardians of a student is permitted. An electronic signature will have the full force and effect of a manual signature if the electronic signature satisfies the following requirements:

1. It is unique to the person using it;
2. It is capable of verification; and
3. It confirms to all other provision of this policy.

### Electronic Communication

Any electronic communication files with the district will be given the full force and effect of a paper communication if the following conditions are met:

1. If the communication is an electronic filing or recording, this district agrees to accept or send such communication electronically
2. If a signature is required on the communication by any statute, rule, or regulation, or other applicable law, the electronic signature on the communication confirms to Maine law.
3. The electronic communication and electronic signature on that communication conforms to all other provisions of this policy.

### Additional considerations

1. The superintendent or designee may, at his or her discretion, request that an original of the electronic communication, signed by hand, be forwarded to the district in a timely manner.
2. The district will accept and issue electronic communications only if such communications conform to any formatting requirements associated with them.
3. The superintendent or designee is authorized to establish additional rules, practices or guidelines associated with accepting electronic communications.

ADOPTED: June 14, 2011

**SCHOOL RECORDS RETENTION POLICY**

**DWM NOTE: We have an extensive set of materials available on record retention, including articles, a suggested process for addressing record retention, sample procedures/guidelines and an easy-to-use chart regarding the Maine State Archives Record Retention Rules. Let us know if you would like to receive a copy.**

Proper retention of school records is essential to conduct the business of the schools; to protect the legal interests of the schools, students and employees; and to comply with federal and state laws and regulations concerning record retention. It is also important for purposes of efficiency and management of physical and digital storage resources that unneeded records be disposed of in a timely manner.

The Board will comply with all applicable laws and rules concerning the retention, storage and disposal of specific records, as well as its preservation obligation when litigation is threatened or pending.

The Superintendent is responsible for implementing this policy and for ensuring that procedures for managing school department records are consistent with the applicable laws and rules. The Superintendent may delegate specific responsibilities to administrators or other school staff as he/she deems appropriate.

Employees shall be informed of any recordkeeping requirements applicable to their positions and are expected to comply with them.

Legal Reference:     5 M.R.S.A. § 91 et seq.  
                          Maine State Archives Rule Chapter 10 (Rules for Disposition of Local Government Records)  
                          Maine Department of Education Rule Chapter 125 (Basic School Approval Rules)

Cross Reference:    GBJ – Personnel Records  
                          JRA – Student Education Records and Information  
                          GCSA – Employee Computer and Internet Use



## INSURANCE MANAGEMENT

The board has the responsibility to maintain an adequate insurance program to protect the property of the district against fire, vandalism, theft; to protect the Board members and employees against general liability resulting from the discharge of their duties; and to offer protection against injury for all employees while acting in behalf of the school. The board may also authorize and participate in an insurance program for students and employees.

The responsibility of administering the total insurance program shall be delegated to the superintendent and the administrative staff. Underlying such administrative delegation, there will first be prepared for review and approval, specifications for insurance coverage of various types so that the insurance may be placed by competitive bid. Any modification of these specifications, which may, from time to time, be considered necessary because of changes in the law or substantial changes in the district's exposure values, will be brought before the board for discussion and adoption.

Legal Reference: 20-A MRSA § 1001(2); (14)

ADOPTED: ?

Reviewed: December 13, 1994

*Recoded: June 1998*

Revised: February 10, 2009

**FACILITIES DEVELOPMENT GOALS/PRIORITY OBJECTIVES**

As the Board seeks to overcome deficiencies in its physical plant, it will strive to provide new and remodeled facilities that will offer the best possible physical environment for learning and teaching.

The Board aims specifically toward:

- A. New buildings and renovations that will accommodate and facilitate those new organizational and instructional patterns that support the school system's educational philosophy and instructional goals;
- B. Meeting all safety requirements through the remodeling of older structures;
- C. Providing such building renovations as needed to meet requirements on the availability of public school facilities to individuals with disabilities; and
- D. Building design and construction that will lend to low maintenance costs and the conservation of energy. These two factors will also be given special consideration in the renovation of buildings.

Decisions pertaining to educational specifications of new buildings and those undergoing extensive remodeling will be developed only after the viewpoints of teachers, students and parents have been sought.

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

## **FACILITIES DEVELOPMENT GOALS**

The board believes that any educational program is influenced by the environment within which it functions. The development of a quality educational program and school facilities which help to implement it must go hand in hand.

Therefore, it is the board's goal to provide the facilities needed for the number of students in the district, and to provide the kind of facilities that will best support and accommodate the educational program.

In planning facilities, the board recognizes that capital outlay funds are limited, and that it must establish priorities in order to make the best use of the school building dollar. The board's first objective shall be to develop a plan which eliminates overcrowding. Whenever possible, the cultural as well as educational needs of the community shall be considered in planning for facilities.

Architects employed by the board are expected to plan for sound economics, including low, long-range maintenance costs, efficiency in energy needs, low insurance rates, high educational utility and flexibility.

ADOPTED: October 9, 1984

Reviewed: March 10, 1992  
March 14, 2006

## **FACILITIES PLANNING**

The Board recognizes that educational programs are substantially influenced by the environment within which they function. The development of a quality educational program and school facilities which help to implement it go hand in hand.

It is the Board's goal to provide the appropriate facilities needed for the number of students in the unit and to provide the kind of facilities that will best support and accommodate the educational program. To this end, there should always be a five-year facilities plan on file with the Board, which is updated every two years.

In planning facilities, the Board recognizes that capital outlay funds are limited and that it must establish priorities in order to make the best use of the school building dollar.

Architects employed by the Board are expected to plan for high educational utility and flexibility; access to and use by the disabled; sound economics; low long-range maintenance costs and energy efficiency; low insurance rates; and quality of design.

New buildings and/or renovations to existing buildings shall be in accordance with the organizational patterns established by the Board and shall be designed to fit current as well as anticipated instructional programs.

For each building project, a School Building Committee will be appointed and charged with the responsibility of facilities planning. The authority and responsibilities of this Committee shall be detailed by the Board at the time of appointment.

Decisions pertaining to the construction of educational facilities will be made after consultation with professional staff, students, parents and citizens.

All plans and procedures shall be in compliance with federal and state law, and all regulations of the Maine Department of Education shall be complied with in all stages of facilities planning and construction.

Legal Reference: 20-A MRSA § 15902

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

**FACILITIES PLANNING**

As the board seeks to maintain its physical plant, it shall strive to provide facilities that will provide the best educational environment for all students. The superintendent shall develop a buildings and grounds study committee at least once every five years.

Legal Reference: TITLE 20A MRSA SEC. 15903

ADOPTED: October 9, 1984

Reviewed: March 10, 1992  
March 14, 2006

### **NAMING OF SCHOOL FACILITIES**

It is appropriate from time to time to consider naming a school facility or some portion thereof to recognize an individual, group or other entity who has made significant contributions of time, talent or treasure to the Cape Elizabeth School Department.

The designation of any room or facility inside a school building shall be reviewed and approved by the School Board.

The designation of any school facility outside a school building, such as an athletic field, or an ancillary building or naming of the school itself, shall be reviewed and approved by the School Board and the Town Council. The Town Council will consider any such proposal only after an affirmative vote of the School Board.

Cross Reference:    KHB - Advertising in Schools

ADOPTED: May 8, 2007

## NAMING OF SCHOOL FACILITIES - GUIDELINES AND PROCEDURES

The School Board wishes to enable contributions of time, talent and treasure to be recognized, while maintaining appropriate limitations, given that school facilities, first and foremost are public facilities, financed by the public.

All requests for naming any portion of a school building or school facility outside a building, such as an athletic field, or ancillary building or the naming of the school building itself, must first be submitted to the Superintendent of Schools. In response to such request, the Superintendent will serve as Chair of a committee comprised of a school administrator; a student; a teacher and/or a school employee; a citizen; and in the case of the naming of a school itself, a Town Councilor. The Committee will review the naming proposals and make recommendations to the School Board.

The School Board has final approval over the naming of a facility or room within a school building. Naming requests for school facilities outside a school building, i.e. athletic field, ancillary building or naming of the school itself, must first be approved by the School Board. Final approval rests with the Cape Elizabeth Town Council.

The individual/group making the request must provide appropriate recognition such as a plaque or marker for the school. The location and design of interior plaques shall be subject to the approval of the School Board.

All exterior signs on school buildings, athletic fields and ancillary buildings must be in compliance with town ordinances.

Cross Reference: FFA- Memorials

APPROVED: MAY 8. 2007

## **MEMORIAL EVENTS**

1. The Board recognizes that when a school community experiences the sudden death of a student, staff, or community member with particular ties to the school community over a period of many years, it is important to the school community and to those who are personally affected by the death to acknowledge the event. Requests from students, staff, parents or others for remembering or memorializing a person may be approved by the superintendent or designee, subject to the provisions of this policy.
2. In the immediate aftermath of a death, at the discretion of the principal, the school building may be opened with counselors available to address student needs, and temporary memorials may be permitted. S/he 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.
3. Requests may be made to memorialize an individual in school yearbooks or at school events. Activities that will not detract from scheduled classroom or school activities, or the celebration of student accomplishments may, with proper building principal approval, be authorized. Activities or events may be rescheduled or cancelled with prior superintendent approval only. In considering memorial activity requests, the administration will balance memorializing or commemorating the individual or event on the one hand, while not creating an atmosphere that glamorizes a traumatic event or self-destructive behavior on the other. Major school ceremonies such as a graduation, awards and scholarship events or the like, are not appropriate for significant memorial activities.
4. Schools may observe a moment of silence in memory of the individual as deemed appropriate by the superintendent or designee. Additional district counseling services may be made available to provide support. Student, staff, or community deaths will not be announced or memorialized over the intercom or on reader boards. School will not be dismissed early or cancelled on the day of a memorial or funeral service. 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.
5. Use of school district property for memorial services is not permitted.

ADOPTED: March 8, 2005



## **MEMORIAL SCHOLARSHIPS AND GIFTS**

With the permission of the Superintendent, memorial scholarships created in the memory of an individual with a connection to the school may be created to be awarded at school activities. All offers of such scholarship opportunities will be submitted to the Superintendent with pertinent information concerning the purpose of the memorial scholarship, the criteria for its award, the connection between the person memorialized and the Cape Elizabeth schools, and the expected level of involvement of school officials and employees in collecting applications for, administering and identifying recipients of such scholarships. Displays in the school building(s) related to memorial scholarships will be limited to a plaque with the name of the scholarship and the names of the recipients.

Items may be accepted by the School Board in memory of an individual or event for installation and display outside of the school building. 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. In order to avoid unintentionally offending sensitivities, living memorials, such as planted trees, which are subject to natural decay and disease, will be strongly discouraged in favor of memorial benches and other forms of inanimate gifts.

ADOPTED: March 8, 2005