Note: This is a VIRTUAL meeting, with members attending via Zoom Video Conferencing. If you are interested in joining this video conference, please call (207 608 8701) or email (ldudgeon@sanford.org) prior to 6:00 pm Monday. This meeting will be live-streamed at https://townhallstreams.com/towns/sanfordme; it will also be available for viewing after the meeting has ended. Email pertinent concerns, questions and public comments to schoolinfo@sanford.org before the meeting starts OR any time prior to the Public Comments portion of the meeting.

Members present: Don Jamison, Jonathan Mapes, John Roux, Emily Sheffield, Kendra Williams

Student Reps present: Juliana Levesque

Staff present: Matt Nelson, Superintendent
Steve Bussiere, Assistant Superintendent
Cheryl Fournier, Business Manager
Bethany Lambert, Curriculum Director

A. Call to Order

B. Pledge of Allegiance

C. Adjustments

D. Approval of Minutes

1. June 15, 2020 5:30 pm Executive Session (Attachment D.1.)
2. June 15, 2020 6 pm Regular Meeting (Attachment D.2.)
3. July 20, 2020 4:30 pm Workshop Session (Attachment D.3.)

Recommendation: To accept the minutes as presented.

E. Public Comments

F. Communications

1. Thank you from Ledgemere/STA (Attachment F.1.)

G. Committee Reports

1. Construction Updates
   i. SHS/SRTC Construction Project
   ii. Elementary Construction Projects
2. Performing Arts Committee (PAC) – Emily Sheffield
3. WSSR Advisory Committee – Kendra Williams

H. Superintendent's Report

1. Student Representative Report – none
2. Update – School Resource Officers

I. Directors’ Reports
   1. Business Administrator – Cheryl Fournier
      i. CARES Act Funding update
      ii. COVID-19 hiring
   2. Assistant Superintendent Steve Bussiere – no report
   3. Curriculum Director Bethany Lambert
      i. Update – Diversity curriculum

J. New Business
   1. COVID-19 Update
      Initial review of Sanford School Department’s Plan for opening school
      • Pandemic Plan for Families
      • Return to Work Guidelines for Staff (Attachment J.1.)
   2. Proposal to amend the 20/21 School Calendar to reflect Tuesday, September 8, 2020 as the first
day of school for students in grades 1 – 12. (Attachment J.2.)
      Recommendation: To approve the proposal as presented.
   3. Proposed 20/21 Sanford School Committee Meeting Schedule (Attachment J.3.)
      Recommendation: To approve the proposal as presented.
   4. Proposal to share Sanford Community Adult Education Director position with SAD 60
      Recommendation: To approve the proposal as presented. (Attachment J.4.)

K. Old Business
   None
**L. Resignations**

1. Superintendent Nelson will announce the following resignation(s):

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>School</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cote, Pamela</td>
<td>ELA Teacher</td>
<td>SMS</td>
<td>8/31/20</td>
</tr>
<tr>
<td>Denault, Allyson</td>
<td>Social Worker</td>
<td>SHS</td>
<td>8/31/20</td>
</tr>
<tr>
<td>Geaumont, Melinda</td>
<td>Social Worker</td>
<td>SMS</td>
<td>8/31/20</td>
</tr>
<tr>
<td>Lavalley, Ashley</td>
<td>JV Girls Volleyball Coach</td>
<td>SHS</td>
<td>Nov. 2019</td>
</tr>
<tr>
<td>McLellan, Nate</td>
<td>Asst. Football Coach</td>
<td>SHS</td>
<td>Resignation RESCINDED</td>
</tr>
<tr>
<td>Petelo, Amy</td>
<td>Science Teacher</td>
<td>SHS</td>
<td>8/31/20</td>
</tr>
<tr>
<td>Pombriant, Ty</td>
<td>Facilities Director</td>
<td>District</td>
<td>TBD</td>
</tr>
<tr>
<td>Rice, Jessica</td>
<td>Ed Tech III, Transition Room</td>
<td>SHS</td>
<td>8/31/20</td>
</tr>
<tr>
<td>Turgeon, Nancy</td>
<td>Ed Tech II, sp ed</td>
<td>SHS</td>
<td>8/31/20</td>
</tr>
<tr>
<td>Wakefield, Ashley</td>
<td>Kitchen Mgr., Central Foodservice</td>
<td>Eff. 4/3/20</td>
<td></td>
</tr>
</tbody>
</table>

**M. Staff Appointments**

1. Superintendent Nelson will announce the following appointment(s):

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>School</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baker, Missy</td>
<td>Ed Tech, Hourly</td>
<td>ESY Summer School</td>
<td>Virtual Program</td>
</tr>
<tr>
<td>Belanger, Judy</td>
<td>Kitchen Personnel – Central Kitchen</td>
<td>Summer Foodservice Program</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>Black, Sandy</td>
<td>Kitchen Personnel – Central Kitchen</td>
<td>Summer Foodservice Program</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>Bright, Janet</td>
<td>Kitchen Personnel – Central Kitchen</td>
<td>Summer Foodservice Program</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>Gabriel, Kate</td>
<td>Ed Tech II</td>
<td>Pre-K</td>
<td>Eff. 9/1/20</td>
</tr>
<tr>
<td>Hartford, Katrina</td>
<td>2nd Shift Custodian</td>
<td>MCS</td>
<td>Eff. 7/30/20</td>
</tr>
<tr>
<td>House, Scott</td>
<td>Ed Tech II</td>
<td>Technology (District)</td>
<td>Eff. 9/1/20</td>
</tr>
<tr>
<td>Lamb, Mona</td>
<td>Kitchen Personnel – Central Kitchen</td>
<td>Summer Foodservice Program</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>Mello, Debra</td>
<td>Kitchen Personnel – Central Kitchen</td>
<td>Summer Foodservice Program</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>Orchard, Samantha</td>
<td>VPA Chair</td>
<td>SMS</td>
<td>Eff. 9/1/20</td>
</tr>
<tr>
<td>Perez, Courtney</td>
<td>Kitchen Personnel – Central Kitchen</td>
<td>Summer Foodservice Program</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>Peters, Kristy</td>
<td>Grade Level Leader, grade 5</td>
<td>District</td>
<td>Eff. 9/1/20</td>
</tr>
<tr>
<td>Stone, Linda</td>
<td>Kitchen Manager</td>
<td>Summer Foodservice Program</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>Suratt, Christian</td>
<td>Teacher, Hourly</td>
<td>ESY Summer School</td>
<td>Virtual Program</td>
</tr>
</tbody>
</table>
N. Staff Transfers

1. Superintendent Nelson will announce the following transfer(s):

<table>
<thead>
<tr>
<th>Name</th>
<th>From Location</th>
<th>To Location</th>
<th>Position</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alston, Kevin</td>
<td>Lafayette Custodian</td>
<td>New MCS 2nd shift custodian</td>
<td>Eff. TBD</td>
<td></td>
</tr>
<tr>
<td>Belanger, Judy</td>
<td>CJI Kitchen Manager</td>
<td>MCS Kitchen Manager</td>
<td>Eff. 7/22/20</td>
<td></td>
</tr>
<tr>
<td>Bell, Kaylyn</td>
<td>CJI ET II special ed self contained</td>
<td>MCS ET II special ed self contained</td>
<td>Eff. 9/1/20</td>
<td></td>
</tr>
<tr>
<td>Campbell, Erin</td>
<td>MCS ET II Literacy-Grade 1</td>
<td>Willard ET II Literacy-Grade 1</td>
<td>Eff. 9/1/20</td>
<td></td>
</tr>
<tr>
<td>Castle, Sarah</td>
<td>Lafayette Resource Room teacher</td>
<td>Willard Resource Room teacher</td>
<td>Eff. 9/1/20</td>
<td></td>
</tr>
<tr>
<td>Crowley, Christy</td>
<td>CJI Grade 3 Teacher</td>
<td>District K-4 Literacy Coach</td>
<td>Eff. 9/1/20</td>
<td></td>
</tr>
<tr>
<td>Drouin, Shawna</td>
<td>CJI ET I sp ed</td>
<td>SMS ET I sp ed</td>
<td>Eff. 9/1/20</td>
<td></td>
</tr>
<tr>
<td>Mello, Debra</td>
<td>CJI Kitchen Personnel</td>
<td>CJI Kitchen Manager</td>
<td>Eff. 8/4/20</td>
<td></td>
</tr>
<tr>
<td>Pilkington, Brenda</td>
<td>SHS Kitchen Personnel</td>
<td>MCS Kitchen Personnel</td>
<td>Eff. 7/22/20</td>
<td></td>
</tr>
<tr>
<td>Randall, Rochelle</td>
<td>CJI ET I sp ed</td>
<td>MCS ET I sp ed</td>
<td>Eff. 9/1/20</td>
<td></td>
</tr>
<tr>
<td>Werner, Dawn</td>
<td>CJI K teacher</td>
<td>MCS K teacher</td>
<td>Eff. 9/1/20</td>
<td></td>
</tr>
</tbody>
</table>

O. Staff Nominations

1. Per School Committee vote on June 1, 2020 allowing the Superintendent to offer contracts to teachers to fill vacancies during the summer of 2020, contracts have been extended to the candidates listed below:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Location</th>
<th>Effective Date</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartlett, Jennifer</td>
<td>Career Planning Coordinator</td>
<td>SRTC</td>
<td>Eff. 9/1/20</td>
<td>Replacement</td>
</tr>
<tr>
<td>Bate, Kimberly</td>
<td>Kindergarten Teacher</td>
<td>CJL</td>
<td>Eff. 9/1/20</td>
<td>Replacement</td>
</tr>
<tr>
<td>Brannan, Hunter</td>
<td>Grade 3 Teacher</td>
<td>Willard</td>
<td>Eff. 9/1/20</td>
<td>Replacement</td>
</tr>
<tr>
<td>Gagnon, Kathleen</td>
<td>Resource Room Teacher</td>
<td>Elementary</td>
<td>Eff. 9/1/20</td>
<td>New</td>
</tr>
<tr>
<td>McGuckin, Roisin</td>
<td>Grade 4 Teacher</td>
<td>CJL</td>
<td>Eff. 9/1/20</td>
<td>Replacement</td>
</tr>
</tbody>
</table>
P. Policies (Attachment P)
1. Second reading: Policy IHBEA-R Sanford School Department LAU Plan
   **Recommendation:** To adopt Policy IHBEA-R
2. First reading: Policy AC – Nondiscrimination/Equal Opportunity and Affirmative Action
3. First reading: Policy ACAA – Harassment and Sexual Harassment of Students
4. First reading: Policy ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
5. First reading: Policy ACAB – Harassment and Sexual Harassment of School Employees
6. First reading: Policy ACAB-R – Employee Discrimination/Harassment and Title IX Sexual harassment Complaint Procedures
   **Recommendation:** To accept the first readings of Policies AC, ACAA, ACAA-R, ACAB and ACAB-R.

Q. Items for Future Agenda(s)

R. Calendar Announcements

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, August 17, 2020</td>
<td>Summer Meeting</td>
<td>6:00 pm</td>
<td>TBD</td>
</tr>
<tr>
<td><strong>TENTATIVE:</strong> Monday,</td>
<td>Regular Meeting</td>
<td>6:00 pm</td>
<td>TBD</td>
</tr>
<tr>
<td>September 14, 2020</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TENTATIVE:</strong> Monday,</td>
<td>Regular Meeting</td>
<td>6:00 pm</td>
<td>TBD</td>
</tr>
<tr>
<td>September 21, 2020</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

S. Adjournment
1. **Recommendation:** To adjourn at ______.
SANFORD SCHOOL DEPARTMENT
SANFORD SCHOOL COMMITTEE
MINUTES
Monday, June 15, 2020 ~ 5:30 pm

Note: Meeting was held in City Council Chambers, 3rd Floor, City Hall Annex; participants were required to follow current CDC and State of Maine COVID-19 recommendations.

Members present: Don Jamison, John Roux, Emily Sheffield

Staff present: Matt Nelson, Superintendent
Steve Bussiere, Assistant Superintendent
Aaron Tremblay, SHS Assistant Principal

Guests present: Student, parents

A. Call to Order
   Time: 5:30 pm

B. Executive Session
   Student Matter

   1. Motion by Mr. Jamison: To enter Executive Session to consider the re-admission of a student to Maine public schools pursuant to 1 MRSA § 405(6)(B) at 5:30 pm. Motion seconded by Mr. Roux. Motion carried 3 to 0.

   2. Motion by Mr. Jamison: To exit Executive Session at 5:41 pm. Motion seconded by Mr. Roux. Motion carried 3 to 0.

Public Session:

   3. Motion by Mr. Jamison: The School Committee has discussed the information presented regarding the student’s request and found it to be credible and the behavior that resulted in the student being expelled will not likely recur. Based on that information, the student will be readmitted to Sanford High School after meeting with appropriate SHS administration to map out strategies for successful re-entry. In addition, the Superintendent will provide the student and parents with a written notice of the School Committee’s findings and conclusions. Motion seconded by Mr. Roux. Motion carried 3 to 0.

C. Adjournment
   Mr. Jamison made a motion to adjourn at 5:41 pm.
   Mr. Roux seconded the motion. Motion carried 3 - 0.

Respectfully submitted,

__________________________________  ________________________________
Don Jamison, School Committee Chair     Matt Nelson, Superintendent

Attachment D.1.
SANFORD SCHOOL DEPARTMENT
SANFORD SCHOOL COMMITTEE
MINUTES
Monday, June 15, 2020 ~ 6:00 pm

Note: Meeting was held in City Council Chambers, 3rd Floor, City Hall Annex with CDC and State of Maine COVID-10 recommendations in place.

Members present: Don Jamison, Jonathan Mapes, John Roux, Emily Sheffield

Student Reps present: None

Staff present: Matt Nelson, Superintendent
Steve Bussiere, Assistant Superintendent
Cheryl Fournier, Business Manager

Guests present: Roland Cote

A. Call to Order Time: 6:02 pm

B. Pledge of Allegiance Said

C. Adjustments Motion by Mr. Jamison: To include an addendum to add a nomination for Sanford Middle School Music Instructor to Item O. Teacher Nominations. Motion seconded by Mr. Roux. Motion carried 4 – 0.

D. Approval of Minutes

1. June 1, 2020 6 pm Regular Meeting (Attachment D.1.)
2. June 8, 2020 3 pm Workshop Meeting (Attachment D.2.) Motion by Mr. Jamison: To adopt the minutes as presented. Motion seconded by Mr. Roux. Motion carried 4 – 0.

E. Public Comments

1. Roland Cote requested public use of the new Sanford High School tennis courts.

F. Communications

1. McKinney-Vento Award – Matt Nelson (Attachment F.1.) Announcement of $25,000 grant received from the Maine Dept. of Education for use for appropriate expenses for homeless students affected by COVID-19.

G. Committee Reports

1. Construction Updates
   i. SHS/SRTC Construction Project
      1. Meeting scheduled for this Friday, June 19, 2020 to address punch list items
      2. Architect recommends retainage of $446,494.00

ii. Elementary Construction Projects
   1. MCS
      a. Interior work progressing well
      b. Kitchen should be operational this week
      c. Gym floor should be completed this week
      d. B addition almost complete
      e. Office addition needs most work
      f. Grass planted; Shaw Bros. to return this week
      g. Mr. Potter gave teacher tours
      h. New playground should be ready at the beginning of August, 2020
      i. Potential meeting regarding delay claim later this week
      j. July 15, 2020 target date for substantial completion
   2. Sanford Middle School (aka CMS)
      a. Exterior site work continues
      b. Interior work (acoustic panels, windows, kitchen, toilet rooms, tiling, grouting, etc.) continues
      c. Joan Wright/IT Dept. installing Promethean Boards
      d. Portables to be demolished
      e. No updates to construction scheduled established 5/21/20
      f. Architect involved with request to re-route affected Sanford Trail
      g. Delay claim mediation postponed until August
      h. Anticipated fall opening
   3. Converted Elementary School (CES)
      a. No schedule established yet
      b. Classroom are packed

2. Performing Arts Committee (PAC) – Emily Sheffield – no report

3. WSSR-TV Advisory Committee – no report

H. Superintendent’s Report
   1. Student Representative Reports – None
   2. SHS received Southwestern Maine Activities Association League Sportsmanship Award
   3. Drive-Through SHS Graduation and Motorcade was successful
   4. COVID19 Update
      a. Return of technology accomplished; teachers have packed and curriculum has been reviewed
      b. A Team in midst of two day meeting regarding the 2020/2021 school year
      c. Maine DOE to make determination for all Maine public schools
      d. Rec’d 1600 responses to Sanford’s family survey
         i. 10% of responses expressed concern regarding students returning to classrooms
      e. Rec’d 400 responses to Sanford’s staff survey
      f. Recent meeting at Biddeford High School with Maine Connections Academy for info on distance learning from their perspective
I. Directors’ Reports

1. Business Administrator Cheryl Fournier
   a. **CARES Act Funding update**
      1. $923,000 for Sanford
      2. Workshop last week on this topic
      3. Cannot use funds to replace equipment

2. Assistant Superintendent Steve Bussiere
   a. **ESEA (Elementary & Secondary Education Act) Funding**
      1. Money from four Title programs to be used for
         a. Student achievement – literacy and math
         b. SEL – social emotional learning
         c. Professional Development
      2. Funding from Maine DOE based on Sanford’s Free & Reduced Lunch Eligibility
      3. Current application due 7/31/20

J. New Business

1. **RUS Grant Proposal– Steve Bussiere** *(Attachment J.1.)*
   Proposal to collaborate with SAD 6, Kittery School Dept. and Aucocisco School (FL) for a RUS Grant for distance learning equipment. Amount anticipated is $250,000 leveraging a 15% match of $37,500 already in the 20/21 technology budget. This should be enough to equip one classroom per department in grades 7-12 and one classroom per grade level in grades K-6.
   Motion by Mr. Jamison: **To approve the proposal for a RUS Grant as presented.**
   Motion seconded by Mr. Mapes. Motion carried 4 – 0.

   Sanford is a high receiver of state subsidy; School Dept. has been in a budget freeze since January 2020. School Dept. will need to take a proactive, strategic approach to control expenses and creatively problem solve in the event of a curtailment due to COVID-19.

K. Old Business

None

L. Resignations

1. Superintendent Nelson announced the following resignations:

<table>
<thead>
<tr>
<th>Name</th>
<th>Grade</th>
<th>School</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greene, Luba</td>
<td>GLL 5</td>
<td>District</td>
<td>8/31/20</td>
</tr>
<tr>
<td>Remick, Sharon</td>
<td>Principal</td>
<td>Lafayette School</td>
<td>6/30/20</td>
</tr>
</tbody>
</table>
M. Staff Appointments

1. Superintendent Nelson announced the following appointments:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>School Type</th>
<th>Program Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bissell, Jennifer</td>
<td>Ed Tech, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Boissonneault, Stephanie</td>
<td>Teacher, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Costa, Amy</td>
<td>Teacher, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Dumont, Barbara</td>
<td>Ed Tech, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Giordano, Theresa</td>
<td>Teacher, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Lamb, Amy Green</td>
<td>Teacher, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Magill, Cyndi</td>
<td>Ed Tech, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>McCall, Kathy</td>
<td>Teacher, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Miller, Lisa</td>
<td>Teacher, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Politano, Amy</td>
<td>Teacher, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Walsh, Deidre</td>
<td>Ed Tech, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Weltin, Marilyn</td>
<td>Ed Tech, Hourly</td>
<td>ESY Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Arnold, Ann</td>
<td>Teacher, Hourly</td>
<td>Title I Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Deschambault, Sara</td>
<td>Teacher, Hourly</td>
<td>Title I Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Joy, Kim</td>
<td>Teacher, Hourly</td>
<td>Title I Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Kantolak, Karen</td>
<td>Teacher, Hourly</td>
<td>Title I Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Labbe, Angie</td>
<td>Teacher, Hourly</td>
<td>Title I Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Mercier, Megan</td>
<td>Teacher, Hourly</td>
<td>Title I Summer</td>
<td>Virtual</td>
</tr>
<tr>
<td>Stone, Jason</td>
<td>Teacher, Hourly</td>
<td>Title I Summer</td>
<td>Virtual</td>
</tr>
</tbody>
</table>
N. Staff Transfers

1. Superintendent Nelson announced the following transfer(s):

<table>
<thead>
<tr>
<th>Name</th>
<th>From</th>
<th>To</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen, Joshua</td>
<td>Grade 7 Boys Soccer Coach</td>
<td>Grade 8 Boys Soccer Coach</td>
<td>6/4/20</td>
</tr>
<tr>
<td>Boissonneault, Mark</td>
<td>Freshmen Football Coach</td>
<td>Assistant Varsity Football Coach</td>
<td>6/4/20</td>
</tr>
<tr>
<td>Camire, Ryan</td>
<td>Grade 8 Boys Soccer Coach</td>
<td>Grade 8 Girls Soccer Coach</td>
<td>6/4/20</td>
</tr>
<tr>
<td>Curtis, Kristan</td>
<td>Grade 4 teacher at CJL</td>
<td>Grade 4 teacher at Willard</td>
<td>9/1/20</td>
</tr>
<tr>
<td>Dumont, Barbara</td>
<td>SMS Ed Tech II</td>
<td>SMS Ed Tech III</td>
<td>9/1/20</td>
</tr>
<tr>
<td>Mann, Nate</td>
<td>Grade 8 Girls Soccer Coach</td>
<td>Grade 7 Boys Soccer Coach</td>
<td>6/4/20</td>
</tr>
<tr>
<td>Tounge, Gwynne</td>
<td>MCS Kindergarten teacher</td>
<td>CJL Kindergarten teacher</td>
<td>9/1/20</td>
</tr>
</tbody>
</table>

O. Staff Nominations:

1. Superintendent Nelson nominated the following professional staff for 1st year probationary contracts:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>School</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kane, Marti</td>
<td>Sp. Ed Teacher Replacement</td>
<td>SMS</td>
<td>9/1/20</td>
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<tr>
<td>Burke, Kayla</td>
<td>Music Teacher Replacement</td>
<td>SMS</td>
<td>9/1/20</td>
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Motion by Mr. Jamison: **To approve the nominations as presented.**
Motion seconded by Mr. Roux. Motion carried 4 – 0.

P. Policies

(Attachment P)

1. First reading: Policy IHBEA-R Sanford School Department LAU Plan
Motion by Mr. Jamison: **To accept the first reading of Policy IHBEA-R.**
Motion seconded by Mr. Roux. Motion carried 4 – 0.

Q. Items for Future Agenda(s)

1. COVID-19 Contingency Planning
2. SHS/SRTC Scheduling
3. Role of the Student Resource Officers
4. Recent BLM Protest – student perspective
R. Calendar Announcements
   1. July 14, 2020 School Budget Referendum

S. Adjournment

   Motion by Mr. Roux: **To adjourn at 8:00 pm.**
   Motion seconded by Mr. Jamison. Motion carried 4 - 0.

Respectfully submitted,

__________________________________________

Don Jamison, School Committee Chair               Matt Nelson, Superintendent
Note: Meeting was held in the SHS Agora, 100 Alumni Boulevard, Sanford, Maine.

Members present: Don Jamison, Jonathan Mapes, John Roux, Emily Sheffield, Kendra Williams

Staff present: Matt Nelson, Superintendent
Steve Bussiere, Assistant Superintendent
Bethany Lambert, Curriculum Director
Cheryl Fournier, Business Manager
Kathy Sargent
Pam Lydon
Stacey Bissell
Chuck Potter
Matt Petermann
Gordie Salls
Mike Bailey
Aaron Tremblay
Troy Watts
Kristy Peters
Nick Ericson
Steve Walker
Diana Walker

Guests: Chief Connolly
SRO Mike Gordon
Joe Jourdain
Ayn Hanselmann
Deante Campbell
Doug Roberts
Josh Wood
Kael Parker
Christina ?

A. Call to Order Time: 4:37 pm

B. Workshop Session

1. School Resource Officers
   Workshop to review and evaluate the School Resource Officer Agreement between the Sanford School Department and the Sanford Police Department

C. Adjournment

Mr. Jamison made a motion to adjourn at 6:21 pm.
Mr. Roux seconded the motion. Motion carried 5 - 0.

Respectfully submitted,

Don Jamison, School Committee Chair
Matt Nelson, Superintendent
June 23, 2020

Mr. Steve Bussiere, Assistant Superintendent
Ms. Cheryl Fournier, Business Manager
Sanford ME School District

Dear Mr. Bussiere and Ms. Fournier:

As the strangest and most challenging school year that any of us can remember draws to a close, we wanted on behalf of our employees, their families, and our community, to thank you
wholeheartedly for paying our invoices during this difficult time. Your financial support and your recognition of the important contribution that our drivers and staff make to your community was critical to keeping them engaged and feeling appreciated. Many live from paycheck to paycheck, and their income was severely, suddenly, and unexpectedly diminished.

Your continued payment went far in mitigating the loss of opportunities caused by the necessary but painful cancellation of school and with it all the usual extra spring activities. Your support has allowed us to keep our employees, their managers, our fleet, and the facilities that house them ready, willing, and able to serve your students as soon as school is back in session. We look forward to that day when we return. It cannot come soon enough.

Again, thank you. We view your support as confirmation of our partnership and our mutual devotion to our community and the employees that serve this community so well.

Sincerely,

Gregg Stinson & Deborah Coleman
Student Transportation of America
In response to COVID-19, the Sanford School Department (SSD) will comply with the guidelines set forth by the federal Centers for Disease Control (CDC), as well as the State of Maine, which are incorporated herein. These SSD Guidelines will be in effect from August 1, 2020 to December 31, 2020 and will be updated accordingly with the latest CDC and State of Maine guidelines. Special thanks to the Biddeford School Department with Superintendent Jeremy Ray and the Gorham School Department with Superintendent Heather Perry for developing initial guidelines as a baseline for school districts throughout the state and this document. Our goal is to continue to minimize the risk of possible transmission of COVID-19 between people. Therefore, these SSD COVID-19 GUIDELINES are mandatory for all employees.

This 2020-2021 school year we are about to embark upon will be challenging. All employees will need to be flexible and may need to perform tasks, duties, or be utilized in ways which were not done in previous school experiences. We must consider the important work we do for our students as our collective responsibility. With a continued focus on positive relationships, meeting our students’ where they are at academically, meeting our students’ social/emotional needs, we will successfully meet this challenge.

Matt Nelson
Superintendent
SANFORD SCHOOL DEPARTMENT COVID-19 GUIDELINES
RETURN TO WORK RULES AND EXPECTATIONS FOR ALL EMPLOYEES

Health & Safety

● Before returning to work, employees who have left Maine\(^1\) (beyond State’s in the current Executive Order--see footnote below) since July 1, 2020 must provide a negative COVID-19 test result or attest that they have sufficiently quarantined. After August 1, travel outside of Maine must be reported in advance to your immediate supervisor.

● Each day, before entering SSD property or facilities, employees must complete a self-assessment for COVID-19 symptoms. Certain responses will require an employee to immediately contact their supervisor and remain off SSD property or facilities. See attached daily self-assessment.

● All employees will be provided with two face covering/masks or a shield and must wash them daily. Employees may wear their own face covering/mask.

● Upon entering SSD property or facilities, all employees must wear a face covering/mask/shield at all times, unless their immediate supervisor has approved an exception. The following exceptions may be approved, provided that the employee can maintain six (6) feet of distance\(^2\) – about two arm’s length—from others:

1. When the employee’s face cannot safely be covered due to a medical condition.
2. When there are no others in the same room and the door is closed. For example, working or eating alone in a closed conference room, office, or classroom.
3. When students request the removal of a covering to hear instruction.

● All employees must wash their hands with soap and water for at least 20 seconds (or use sanitizer if washing is not possible)\(^3\) when:
  ○ The employee’s hands are visibly soiled (Hand washing required)
  ○ After coughing or sneezing
  ○ Before and after: eating, using the restroom, or touching bodily fluids
  ○ Before and after touching common surfaces like workstations, cash registers, table tops, touch screens, door handles, refrigerator doors, buttons or keypads, light switches, cover plates, countertops, bus seat backs, handrails, time clocks, stability poles, bars, windows and window ledges.

● All employees must practice the following proper CDC infection control measures:
  ○ If coughing or sneezing, employees must cover their mouth and nose with a tissue, or the inside of their elbow, and immediately discard the tissue.
  ○ Avoid touching their eyes, nose, or mouth.
  ○ Avoid touching any surfaces unnecessarily.
  ○ Refrain from hugs and hand-shakes.

---

\(^1\) Except for travel to New Hampshire, Vermont, Connecticut, New York, or New Jersey.

\(^2\) See CDC guidance on social distancing.

\(^3\) See CDC guidance for proper handwashing.
● All employees must practice the following proper CDC infection control measures cont.:
  ○ Notify the Human Resources Manager if they, or anyone in their household, has been confirmed to have COVID-19. See Return to Work guidelines attached.
  ○ Minimize face-to-face meetings by utilizing alternative methods to move projects forward (i.e. email, conference call, phone call, web-based meetings).
  ○ Follow any additional guidelines established for their specific job role.

  **Communal Areas/Breakrooms**

● School offices are restricted to administrative and office staff. Any other employee seeking to access main office spaces must receive prior approval from the SSD administration.
● Plexiglas barriers will be installed at all administrative assistants, nurses and librarians work stations, as needed.
● Elevators will be limited to a maximum of two (2) people per ride. Sanitize hands when entering and exiting the elevator.
● **Eating Restrictions**: Shared food is prohibited. There will be no shared utensils or kitchen supplies. Employees who bring their own meals must sanitize appliances after each use and any individual containers/utensils will be discarded at the end of the day. Employees cannot eat in groups inside rooms and occupancy of each room will be limited. Employees may, with the approval of their supervisor, eat lunch outside.

  **Visitors**

● Employees cannot bring visitors/volunteers to SSD property without prior approval by their building administrator and all visitors/volunteers must adhere to these SSD Guidelines and leave SSD property immediately after concluding their business.

  **Work-Related Travel**

● Employees are expected to travel alone in their own vehicles for work and must receive prior approval from their supervisor for work travel. If employees cannot travel alone, they must wear face coverings inside a vehicle.
● Employees must minimize contact with others while traveling and must sanitize SSD vehicles upon return. At their destination, Employees must adhere to any safety guidelines in place at that location, in addition to these SSD guidelines.

  **Leave**

● Employees may have access to the following types of leave for COVID19 related illness:
  ○ Sick leave & sick bank (if eligible)
  ○ Families First Corona Virus Act (FFCRA)
  ○ Family Medical Leave Act (FMLA)

Please contact Donna Michaud at 207-608-8705 or dmichaud@sanford.org for detailed leave information

CURRENT AS OF July 15, 2020
ADDITIONAL COVID-19 RETURN TO WORK RULES AND EXPECTATIONS FOR ADMINISTRATIVE STAFF

In addition to the SSD COVID GUIDELINES, all administrative employees must:

- Sanitize common equipment (copiers, projectors, monitors, etc.) before and after each use.

- Sanitize own desk, equipment, and office areas on a regular basis (at least daily) to prevent the spread of germs. (i.e. keyboards, telephones, doorknobs).

- Avoid using coworkers’ phones, desks, offices, or other work tools and equipment, unless the employee is authorized to do so by the employee’s supervisor. If an employee uses a coworker’s phone, desk, office, or other work tools and equipment, the employee must clean and disinfect them before and after use.

- All office communications should be by phone, email, or other remote technology and the use of paper is only for permanent records or communications that must be mailed.

- Employees will thoroughly wash their hands after opening and handling mail.
**ADDITIONAL COVID-19 RETURN TO WORK RULES AND EXPECTATIONS FOR NUTRITION AND FOOD SERVICE**

In addition to the SSD COVID GUIDELINES, all nutrition and food service employees must comply with the following rules:

**Health & Safety**

- Staff must wear face covering/shield when preparing food and working with or in proximity to employees or students.

- Food Service Workers must practice **proper handwashing** throughout their shift with soap and water for at least 20 seconds. In addition to the circumstances under which employees are required to wash their hands set forth in the district-wide Rules and Expectations, Food Service Workers must wash their hands:
  - Before, during, and after preparing food
  - Before and after work shifts-As employee arrives and leaves
  - Before and after work breaks
  - After putting on, touching, or removing cloth face coverings
  - After removing gloves
  - After directly handling used food service items
  - After touching objects that have been handled by others, such as utensils, menus, cups, and trash
  - After touching dirty surfaces like floors, walls and soiled carriers and equipment

- Employees must be vigilant to maintain six (6) feet of distance while removing or bringing in items to walk-in coolers or storerooms.

- Staff must properly use gloves during food preparation.

**Prevention Measures**

- Each employee will have an assigned workstation and should limit interactions with other workstations whenever possible.

- Minimize handling cash, credit cards, and mobile devices, whenever possible.

- Practice routine cleaning and disinfection of frequently touched surfaces, such as workstations, cash registers, table tops, touch screens, door handles, refrigerator door handles, microwave door handles and buttons/keypads, light switches and cover plates, counter tops.

- All food served to students must be covered and individually wrapped. Dining utensils are individually wrapped. All meals must be served as a unit.

- Use disposable food service items (e.g., utensils, dishes). If disposable items are not feasible or desirable, ensure that all non-disposable food service items are handled with gloves and washed with dish soap and hot water or in a dishwasher.

*CURRENT AS OF July 15, 2020*
● If food is offered at any event, have pre-packaged boxes or bags for each attendee instead of a buffet or family-style meal. Avoid sharing food or utensils.

● Any food and beverage items served from food service staff will be served by staff following safety and sanitation guidelines, including appropriate personal protective equipment (PPE).

● Staff will increase the frequency of cleaning and sanitizing and keep sanitation charts updated. Pay special attention to cleaning “high-touch” areas.

● Staff will sanitize all surfaces and equipment at days end.

● Managers will complete daily safety and sanitation checklists.
ADDITIONAL COVID-19 RETURN TO WORK RULES AND EXPECTATIONS FOR CUSTODIAL AND MAINTENANCE EMPLOYEES

In addition to the SSD COVID GUIDELINES, all custodial and maintenance employees must follow facilities documented standard procedures for routine cleaning and disinfecting.

ITEMS THAT NEED TO BE SPECIFICALLY DISINFECTED DURING A PANDEMIC:

- **Restrooms/Bathrooms:**
  - Door knobs or handles
  - Light switches and cover plates
  - Paper towel dispenser knobs or handles
  - Faucet handles
  - Toilet and urinal flush levers
  - Toilet and urinal partitions, doors (including knobs, levers or slides)
  - Other items identified locally

- **Locker rooms:**
  - Door knobs or handles
  - Light switches and cover plates
  - Other items as identified on the checklist provided

- **Classrooms and Office Spaces:**
  - Door knobs or handles
  - Light switches and cover plates

- **Other locations:**
  - Nurse’s Office
  - Elevator call and operating buttons
  - Stairway handrails, doorknobs, light switches
  - Hallway door knobs, handles, drinking fountain faucets
  - Vending machines
  - Other items identified

- Special cleaning and disinfecting processes, including wiping down walls.

- Always follow label directions on cleaning products and disinfectants. Be sure to read the label directions carefully and review SDS (safety data sheets). **Prior district training requires the use of gloves for all cleaning and disinfecting procedures regardless of SDS requirements.** For spray application of disinfectants safety glasses or goggles shall be worn again regardless of SDS requirements. Dwell time (wet time on surface) for the application of disinfectants shall be observed as outlined in application instructions.

- Do not mix cleaners and disinfectants unless the labels indicate it is safe to do so.

- Sharing of personal tools shall not be allowed. District provided tools shall be cleaned/ disinfected prior to use.

- Permission is granted to maintenance employees to travel in district vehicles to a maximum of two individuals both of which must wear face coverings for the duration of trip.

CURRENT AS OF July 15, 2020
ADDITIONAL COVID-19 RETURN TO WORK RULES AND EXPECTATIONS FOR INSTRUCTIONAL EMPLOYEES

In addition to the SSD COVID GUIDELINES, all instructional employees must:

**Health & Safety**

- Staff will model frequent hand washing/hand sanitizing for students throughout the school day, including upon entering/exiting the classroom.

- Staff will wipe down and sanitize classroom desks and changing stations when students vacate the classroom in the middle of the day. Cleaning products and proper training will be provided.

- **SPECIAL EDUCATION TEACHERS/ED TECHS:** Determination of additional PPE requirements will be made by the Special Education Director based upon the unique needs of each student/situation. Additional PPE may be required for staff working with young children, students with IEPs or student’s with specialized health plans such as, but not limited to:
  - Clear face coverings
  - Face shields
  - Kevlar sleeves/arm protectors
  - Gloves
  - Gowns
  - Plexiglass barriers for student desks

**Shared Objects**

- Teachers should do the following with respect to shared objects:
  - Discourage the sharing of items that are difficult to clean or disinfect.
  - Keep each child’s belongings separated from others’ and in individually labeled containers, cubbies, or areas.
  - Ensure adequate supplies to minimize the sharing of high touch materials to the extent possible (e.g., assigning each student their own art supplies, manipulatives, and other equipment) or limit the use of supplies and equipment by one group of children at a time and clean and disinfect between use.
  - Avoid sharing electronic devices, toys, books, and other games or learning aids.
  - Remove any furniture, toys, rugs, and other items that cannot be easily cleaned each day.

- Prior to being eligible to substitute within the SSD, substitutes must complete a district sponsored training program. This training program will now include specific information regarding sanitization practices required for each of the categories listed above.

- All substitutes must then follow the specific guidelines listed above for the areas within which they substitute.

8

Current as of July 15, 2020
ADDITIONAL COVID-19 RETURN TO WORK RULES AND EXPECTATIONS FOR SCHOOL NURSES

- Follow Covid-19 PPE guidelines when working with students and staff who visit the nurse’s office.
- Frequently sanitize the nurses’ station and medical equipment as well as areas used for isolation of suspected COVID-19 cases.
- Keep district administration abreast of any notable health trends, and especially any suspected or confirmed cases of COVID-19.
- Nurses should be vigilant and attend to reporting and documentation obligations, including and especially NNDSS.
ADDITIONAL COVID-19 RETURN TO WORK RULES AND EXPECTATIONS FOR VAN DRIVERS

Health & Safety

- Wash and/or sanitize their hands upon entering/exiting the van.
- Wipe all commonly used surfaces and hands before and after each use with the cleaning supplies and hand sanitizer available in all public areas. The general rule here is: “if you touch it, wipe it.”
- Wear a face shield or mask while driving with others on board.

Transporting of Students

- Limit contact between cohorts as much as possible by maintaining a six (6) foot distance.
- Seat one student per row in every other row, the seat directly behind the driver must be open.
- Seats in the back of the van must be loaded first and then move forward. The van should be emptied from the front and then the back.
- Students will need to practice social distancing when exiting the van.
- Several windows should be slightly opened to improve air ventilation.
- Up to two (2) students are allowed in each van. The total capacity of a van should not exceed three (3) people at any given time, including the driver.
- The Van should be swept and sanitized after the completion of each assigned route. See “Prevention Measures” below for more details.
In addition to the SSD COVID GUIDELINES, all social workers, counselors, and coordinators must:

- Support SEL health of students upon reentry in buildings.

- Limit home visits to emergency situations only. Employees should follow the same prevention guidelines above (masks; 6-feet distance, travel guidelines) and remain outside the home whenever possible. No home visits should be made without prior approval from the employee’s supervisor.
In addition to the SSD COVID GUIDELINES, all technology employees must:

- Staff should continue to attempt troubleshooting tasks remotely.

- Technology staff members may not work on/troubleshoot a device in close proximity to other staff members. A distance of at least six (6) feet must be maintained at all times.

- When working on other individuals’ devices, gloves should be worn at all times, and the portion(s) of the device being worked on should be disinfected providing that doing so will not harm the device. Staff will be provided with wipes to accomplish this purpose.

- After all incidents of working on other people’s devices, the Technology staff must wash their hands for at least 20 seconds and/or use hand sanitizer.

- Technology staff will devise a system/furniture set up in their own workspaces that will encourage or prevent others from passing a certain point/entering the room.

- Technology staff will encourage staff to drop off devices in need of service. The technology staff will then work on devices without staff waiting to minimize contact.

- When meeting with outside vendors, Technology staff must wear face coverings and require vendors to do the same.

- Technology staff will clean their own workspaces, equipment, desks, devices, etc. daily.
In addition to the SSD COVID GUIDELINES, all coaches and stipend positions must maintain adequate cleaning schedules, which will be created and implemented for all athletic facilities to mitigate any communicable diseases. Until an MPA guidance document is produced, please use the National Federation of State High School Associations Document for detailed guidance.

CDC TRAINING VIDEOS:

- Cloth Face Coverings Do’s and Don'ts
- Handwashing
- Social Distancing
- Stop the spread of germs
- Know the Symptoms of COVID-19
GUIDELINES FOR REPORTING ILLNESS - PROFESSIONAL STAFF

Covid-19 Symptom Identified

Notify Supervisor

Stay Home

Enter Absence in ESS & Frontline

If Positive

Call PCP

Get Tested

If Negative

Report Results

Stay home for at least 3 days, no fever and symptoms improved and 10 days symptoms first appeared

Report to Facilities

Contact Trace

Return to Work
GUIDELINES FOR REPORTING ILLNESS - SUPPORT STAFF

Covid-19 Symptom Identified

- Notify Supervisor
- Stay Home
  - Record Absence on Timecard and enter in ESS & Frontline
    - Stay home for at least 3 days, no fever and symptoms improved and 10 days symptoms first appeared
    - or
    - Call PCP
    - Get Tested
    - Report Results
      - If Negative
        - Return to Work
      - If Positive
        - Contact Trace

CURRENT AS OF July 15, 2020
Prior to accessing FFCRA Leave, an employee must submit an FFCRA Leave Request. SSD may require medical documentation or certification in order to approve an FFCRA Leave Request.

*Any employee showing symptoms of COVID-19 may only return to work after meeting the standards recommended by the CDC. Any employee who exhausts their FFCRA Leave and/or contractual leave may request an unpaid leave of absence from the Superintendent. The decision to grant such a request is subject to the Superintendent’s discretion.
RETURN TO WORK PLAN FOR EMPLOYEES WHO HAVE TESTED POSITIVE FOR COVID-19

The Sanford School Department will comply with CDC recommendations regarding employees’ return to work after testing positive for COVID-19. Under the current CDC guidance, an employee who has tested positive for COVID-19 will NOT be able to return to work until:

- the employee has gone three days without exhibiting symptoms of COVID-19, and at least ten days have passed since the employee’s symptoms appeared; OR
- the employee has received two negative COVID-19 test results from specimens taken more than 24 hours apart.

If an employee has been out of work due to testing positive for COVID-19 and the employee has used personal sick leave, FFCRA or FMLA leave, the employee will need to provide a medical note stating that they are medically cleared to return to work prior to doing so.

RETURN TO WORK PLAN FOR EMPLOYEES WHO HAVE BEEN SELF QUARANTINED DUE TO EXPOSURE TO COVID-19

Employees who believe they have been exposed to COVID-19 should STAY HOME, CONTACT THEIR SUPERVISOR, follow [CDC Guidelines for quarantine and self isolation](#), and contact their PCP. Employees who have been tested and the results were negative should communicate those results to their supervisor. Once done, the supervisor may allow the employee to return to work and forward paperwork along to the Human Resources Manager. Employees who have not been tested but who have exhibited symptoms of COVID-19 may not return to work until the employee has gone three days without exhibiting symptoms of COVID-19, and at least ten days have passed since the employee’s symptoms appeared.

PLAN FOR “HIGH RISK” EMPLOYEES

The Sanford School Department will work with each individual employee to provide realistic accommodations to employees who may be in need. Communication is the key to the establishment of effective accommodations for employees. Any employees who have a medical condition that is considered to be in a “high risk” category should communicate with Human Resources Generalist Donna Michaud and provide medical documentation. This will allow the SSD to review the circumstances and to understand if accommodations may be made. Employees who must be out and who are unable to work remotely, will need to use available leave provided in the appropriate employment agreement/negotiated contract. Additionally, employees may have access to additional leave via FFCRA or FMLA.
COVID-19 RETURN TO WORK AGREEMENT
EMPLOYEE TO SIGN AND RETURN TO DIRECT SUPERVISOR

The Sanford School Department (SSD) must adhere to the guidelines set forth by the CDC as well as the State of Maine in response to COVID-19. Our goal is to continue to minimize the interaction and risk of possible transmission of COVID-19 between employees. Work schedules and workspaces may have been modified or reassigned to ensure employees are safe and able to comply in accordance with the SSD COVID-19 Return to Work Agreement.

I, _______________________________________, acknowledge, understand, and agree that while working in a SSD building I am to adhere to the following protocol:

1. I will complete a self-screening assessment daily to check for symptoms of COVID-19. Certain responses will require that I remain home. In this event, I will contact my supervisor immediately.

2. I will enter any SSD building with my identification badge and a face covering each day.

3. I will wear my face covering/mask/shield when in the presence of others (ie. restroom, hallway, any suites, elevator, conference rooms, communal areas, etc.) or maintain six (6) feet of distance--about two arm’s length- at all times throughout the workday.

4. I will practice proper handwashing guidelines and use hand sanitizer upon entering the workplace and throughout the workday. Hands should be washed with soap and water for at least 20 seconds when visibly soiled, before eating, and after coughing/sneezing and using the restroom.

5. I will only utilize the elevator with one additional passenger for a maximum of two (2) people per ride.

6. If during my workday, I begin to experience any signs and symptoms of respiratory illness or spike a fever of 100.4°F or higher, I will notify my supervisor immediately to avoid exposing others in the workplace.
7. I will notify the Human Resources Generalist if I, or anyone in my household, has been confirmed to have COVID-19. As a response to protect the health and safety of our workforce, we will notify the Facilities Director so the work areas can be sanitized and will follow the CDC guidelines to notify all employees that have come in contact with and/or have been exposed to this person in the most confidential manner possible.

8. I will minimize face-to-face meetings by utilizing alternative methods to move projects forward (i.e. email, conference call, phone call, web-based meetings).

9. I will follow any additional guidelines established for my specific job role and essential travel guidelines which are included in this document.

10. I have watched the CDC training videos included and understand the expectations.

My signature below is an acknowledgment that I have read, understand, and agree to comply with the above terms. I also acknowledge that failure to adhere to this agreement could result in disciplinary action with respect to a violation of the Sanford School Department policies and procedures. Employees will be notified of updates as guidance may change.

________________________________________  ____________________  
Employee’s Signature                              Date

________________________________________  ____________________  
Director/Supervisor Signature                      Date
### SANFORD SCHOOL DEPARTMENT

#### 2020-2021 CALENDAR

**DRAFT**

**PROPOSAL FOR 8.10.20**

**SCHOOL COMMITTEE MEETING REVIEW**

**ADOPTED 2.3.20**

**REVIEWED FOR AMENDMENT 8.10.20**

#### JULY

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- **Aug. 25** New Teacher Orientation
- **Aug. 26-27** Teacher & Ed Tech In-service Days
- **Aug. 31 - Sept 3** *NEW Additional In-service days due to COVID
- **Sept. 7** Labor Day
- **Sept. 8** *NEW first day of school Grades 1-12 due to COVID
- **Sept. 10** *NEW first day of Kindergarten and Pre-Kindergarten
- **Oct. 9** K-12 Teacher Workshop Day - SRTC Conference
- **Oct. 12** Indigenous Peoples Day
- **Nov. 3** Election Day - no school at SHS/SRTC
- **Nov 6** End 1st Qtr. (7-12)
- **Nov 11** Veteran's Day (celebrated)
- **Nov 6** End 1st Qtr. (7-12)
- **Nov 13** President's Day and Break
- **Nov 14** Indigenous Peoples Day
- **Nov 17** Martin Luther King Jr. Day
- **Nov 30** Memorial Day - legal holiday
- **Dec 1** Christmas, New Years and Break
- **Dec 7** Last day if no snow days
- **Dec 17** Last day of school is Tuesday, 6/9/21
- **Dec 19** Patriot's Day and Spring Break

#### AUGUST

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- **Aug 31 - Sept 3, 2020** Additional Inservice Days
- **Aug 31** - **Sept 3** *NEW Additional In-service days due to COVID

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### NOTE:

First Day of School dates may need to be adjusted by grade level to accommodate COVID-10 Return to School Guidelines and Expectations.
Unless noted **, Sanford School Committee meetings will be held September through June on the 1st and 3rd Mondays of each month starting at 6:00 pm in City Council Chambers (3rd Floor, City Hall Annex).

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To: School Committee  
From: Matt Nelson – Superintendent  
Subject: Sharing SCAE Director with MSAD #60  
Date: July 13, 2020

This past spring, Sanford Community Adult Education Director Nichole Ivey expressed interest in sharing Adult Education Director services with MSAD 60 following a preliminary meeting with their Adult Education Director who retired June 30, 2020. Nichole felt there was a lot of potential for the programs to support one another and expand offerings.

MSAD #60 Superintendent Steve Connolly and Assistant Superintendent Susan Austin also reached out to me to discuss sharing an Adult Education Director for the 2020-2021 school year; we had a productive meeting during which we reviewed data, budgets and program offerings. Overall, MSAD #60’s program is smaller. There is some duplication of programs and services but there are also differences as well. We felt that a job-share for 2020-2021 would be a good first step. This would allow us to proceed slowly and evaluate the arrangement and long-term opportunities. MSAD #60 has had success with similar job shares with other districts in the areas of technology and curriculum and we used those models as the basis of our arrangement.

We have developed a contract for the position (see attached). The Sanford School Department would continue to employ Nichole Ivey as our Sanford Community Adult Education Director and MSAD #60 would contract with the Sanford School Department for her services. We are looking at Nichole splitting her time 50% in Sanford and 50% in MSAD #60. Currently MSAD #60 Adult Education is not open on Fridays, so Nichole would be in MSAD #60 for two days a week and Sanford three days a week. Based on the arrangement and services rendered, MSAD #60 would pay the Sanford School Department 50% of the actual cost of Nichole’s employment, including her salary, benefits, employer taxes and other required amounts such as worker’s compensation and unemployment costs. We are proposing increasing Nichole’s salary for this arrangement from a level six ($89,265) on the amended Appendix A salary scale on the Sanford Administrator’s contract to a level three ($105,438). This arrangement has been approved by the Sanford Administrators Union and supported by MSAD#60.

The arrangement also states that Nichole Ivey is and shall remain an employee of the Sanford School Department but while performing the services for MSAD#60, Nichole will be under the administrative direction, supervision and control of MSAD#60. There is also a responsibility for claims clause in the contract that states that Nichole is an individual providing services to two independent school units and that each school unit is responsible for any claims, causes of action, demands or suits of any kind or nature, which may be brought against them as a result of services provided by Nichole.

Along with the SCAE Director job share arrangement with MSAD#60, I am also proposing changes to Lisa Blanchette’s Academic & Vocational Coordinator position at SCAE. These changes include:

Mission Statement: To create educational opportunities in which students are productive, caring, informed and involved citizens, and lifelong learners.
• Job title change from Academic & Vocational Coordinator to Operations Manager to better align with her responsibilities
• Salary increase commensurate with the increase in responsibilities from $51,272 to $56,399
• Cell phone reimbursement increase from $500 to $1000

The above changes to the Academic & Vocational Coordinator position are both justified and necessary to support the Sanford Community Adult Education Director job share structure with MSAD#60 and to ensure that the Sanford School Department and Sanford Community Adult Education specifically will not be negatively impacted.

Other benefits of sharing an Adult Education Director and changing the Academic & Vocational Coordinator position include an overall savings of approximately $30,000 as well as the potential to set up a regional service center arrangement with MSAD#60 in the event that our current participation in the Southern Maine Regional Service Center is voided. This would allow us access to increased funding opportunities from the Maine Department of Education by actively participating in the regionalization of shared services.

The plan is for the School Committee to take formal action on these changes at our next School Committee meeting.
Contract for the Adult Education Director

This agreement is made and entered into the 15th day of July 2020 between the Sanford School Department and Maine School Administrative District No. 60 (MSAD #60).

WHEREAS, Sanford School Department employs Nichole Ivey as Community and Adult Education Director; and

WHEREAS, MSAD #60 wishes to contract with the Sanford School Department to secure the services of Nichole Ivey for the benefit of its Adult Education program.

NOW THEREFORE, the Sanford School Committee and the Board of Directors of MSAD #60 agree as follows:

1. Service to MSAD #60. Effective July 15, 2020, Nichole Ivey shall split her time between the Sanford School Department and MSAD #60 as follows: 50% in Sanford School Department and 50% in MSAD #60 during the contract year for the purpose of providing Adult Education services to MSAD #60. Sanford School Department and MSAD #60 shall mutually determine the actual schedule for such services after consultation with Nichole Ivey.

2. Payments by MSAD #60. For the services referred to previously in number one above, MSAD #60 shall pay to the Sanford School Department fifty percent (50%) of the actual cost of Nichole Ivey’s employment, including her salary, benefits, employer taxes, and other required amounts such as worker’s compensation and unemployment costs. Nichole Ivey’s annual salary, benefits, employer taxes, and other required amounts for the time period of July 15, 2020 through June 30, 2021 is $ _________. Sanford School Department shall bill MSAD #60 for said services on a quarterly basis with the first such bill to be rendered on or about November 1, 2020. All bills shall be paid by MSAD #60 within thirty (30) days of receipt.

3. Employee of Sanford School Department; Direction and Supervision. It is understood by and between the parties that notwithstanding this contract for shared services, Nichole Ivey is and shall remain an employee of the Sanford School Department. It is understood by the parties that, while performing services for MSAD #60, Nichole Ivey shall be subject to the administrative direction, supervision and control of MSAD #60.
4. **Responsibility for Claims.** The parties hereto recognize that although employed by the Sanford School Department, Nichole Ivey is an individual providing services to two independent school units. Accordingly, the parties hereto understand and agree that each school unit is fully and solely responsible for any claims, causes of action, demands or suits of any kind or nature, which may be brought against that unit as a result of the services provided by Nichole Ivey. Accordingly, neither party hereto undertakes to indemnify the other for claims against the other party.

5. **Term of Agreement.** This agreement shall be effective as of July 15, 2020 and shall terminate on June 30, 2021.

6. **Entire Agreement.** This contract represents the entire agreement between the parties, supersedes any prior agreements, understanding or representations, and may be amended only by an agreement in writing by both parties.

Sanford School Department

By: __________________________ ______________________________

Superintendent Matt Nelson  School Committee Chair Don Jamison

Board of Directors of MSAD #60

By: ___________________________ _______________________________

Superintendent Audra Beauvais  Board of Directors Chair
Policy Executive Summary  
August 10, 2020

The following procedure will be presented for a Second Reading on Monday, August 10, 2020.

Procedure IHBEA-R Sanford School Department LAU Plan

Procedure IHBEA-R was last updated on September 10, 2012 and needs to be updated again to align with the current Maine Department of Education requirements.

Updates include:

- Changed ELL (English Language Learner) acronym to ESOL (English for Speakers of Other Languages)
- Updated the assessments used to identify English Language Learners, replaced the W APT with the WIDA Screener Online and added the preLAS to screen PRE-K students
- Changed the housing of the Language Development File from the ESOL teacher to the student’s cumulative file
- Added definitions for the preLAS and WIDA Screener Online
- Added an additional method for students to be identified for screening, “Students may also be screened if a staff member becomes aware that another language in addition to English is spoken in the home or if the teacher has language proficiency concerns.”
- Added the use of Language Line as an alternative to in-person translation services
- Changed the requirement to meet as a team to consult with the teacher and parent annually

Recommended Motion

1. Motion to adopt Procedure IHBEA-R: Sanford School Department LAU Plan as presented.
Sanford School Department LAU Plan

A. Policy Statement

The Sanford School Department shall provide appropriate programs for students with limited English proficiency to assist them in attaining English language proficiency and meeting state and local academic achievement standards in compliance with applicable federal and state requirements. The Sanford School Department’s Plan has been developed with the intention of ensuring an equal educational opportunity for all students, as well as working to identify and eliminate language barriers that impede the equal participation of our students in our instructional programs.

The Superintendent is responsible for developing and implementing Sanford School Department’s Plan and any necessary administrative procedures. The Superintendent may delegate specific responsibilities as he/she deems appropriate.

Terms and Definitions

ACCESS for ELLs: Stands for Assessing Comprehension and Communication in English State-to-State for English Language Learners. It is the federally and state-required annual assessment for all English Language Learners.

EL: English Learner (Also known as ELL) ELL: English Language Learner—designation for any student who scores below a composite score of 6 4.5 on the W-APT WIDA Screener Online, MODEL, or ACCESS test

ELP: English language proficient—designation for a student who scores a composite score of 6 4.5 on the W-APT WIDA Screener Online, MODEL, or ACCESS test

ELLP: English Language Learner Program

ESEA: Elementary and Secondary Education Act

ESOL: English for Speakers of Other Languages

ESL: English as a Second Language

LAC: Language Assessment Committee – This committee is charged with identifying the needs of the LEP student, and overseeing that they are met.

LAU: This refers to Lau v Nichols, a U.S. Supreme Court case. The decision requires school districts to provide support for LEP students who could not benefit from education which was conducted in English.

LDF: Language Development File – This file will be created and kept by the ELL teacher containing all documentation pertaining to an ELL student in the students cumulative file.

LEP: Limited English Proficient – (Also known as ELL)

MODEL: WIDA Measure of Developing English Language – a placement test for determining English language proficiency
PLP: Personal Learning Plan

preLAS: English Language Proficiency Assessment for Early Learners

TESOL: Teaching English to Speakers of Other Languages

W-APT: WIDA ACCESS Placement Test—a placement test for determining English language proficiency

WIDA: World-Class Instructional Design and Assessment

WIDA Screener Online: WIDA Screener Online is an English Language proficiency assessment given to new students in Grades 1-12 to help educators identify whether they are English Learners (ELs).

B. Director of ESOL Services

The Superintendent shall appoint a Director of ESOL Services (English as a Second for Speakers of Other Languages). The Director of ESOL Services has overall responsibility for implementation of the Lau Plan for the Sanford School Department, establishing reasonable timelines for the provision of services, and filing all necessary reports with the Maine and U.S. Departments of Education. The Director of ESOL Services shall report directly to the Superintendent.

C. ELSOL Advisory Committee and Program Evaluation

The ELSOL (English for Speakers of Other Languages Language Learner) Advisory Committee is composed of the Director of ESOL Services and the Sanford School Department’s ELSOL teachers.

The committee is responsible for monitoring and evaluating the overall effectiveness of the ELSOL program in accordance with the Lau Plan. The Advisory Committee will meet on a bimonthly basis and perform the following functions:

- Review staff compliance with Lau Plan procedures and requirements
- Review student data to assess student progress in achieving English proficiency
- Participate in professional development activities
- Obtain feedback and suggestions from staff, parents/guardians and students (when appropriate) concerning the services provided to students under the Lau Plan
- Review Lau Plan annually
- Submit a written report, in May, to the Superintendent regarding the Advisory Committee’s findings, including recommendations for changes to Lau Plan, procedures, and/or educational programs and services provided to LEP students

D. Identification/Assessment of Limited English Proficient Students

1. Screening Incoming Students

Whenever a student enrolls for the first time in a Sanford School (PRE-Kindergarten, Kindergarten or transfer student), the parent/guardian shall be asked
to complete a Home Language Survey. The ESOLL teachers will review all surveys in their designated buildings for the presence of a non-English background. These surveys will remain in the students’ cumulative files.

Students may also be screened if a staff member becomes aware that another language in addition to English is spoken in the home or if the teacher has language proficiency concerns.

NOTE: If a newly-enrolled student has been previously identified as Limited English Proficient (LEP), and current preLAS/MODEL/WAPT WIDA Screener Online /ACCESS scores are available, then further identification screening is not required.

2. Assessment of English Language Proficiency

If the determination is made, from the Home Language Survey or a staff request, that a student should receive further screening, the ESOLL teacher will administer an ELP (English Language Proficiency) screener assessment (W-APT or preLAS /MODEL/ WIDA Screener Online) to measure the student’s listening, speaking, reading, and written English skills.

The results of the assessment will indicate if the student is:

a. Fluent – (Composite score of 64.5– attained English proficiency).

b. Limited English Proficiency (LEP) – with an overall proficiency level of:

1. Entering
2. Beginning
3. Developing
4. Expanding
5. Bridging

E. Language Assessment Committee (LAC)

Once identified as LEP, the ESOLL teacher will form a Language Assessment Committee (LAC) for the student. The LAC, including an ESOLL teacher, classroom teacher(s), building administrator and/or guidance counselor (when appropriate), parents/guardians, interpreter (when needed), and student (when/if appropriate), will meet be contacted within 3 weeks of the student’s identification.

The Language Assessment Committee will coordinate and oversee the educational program of the identified ELL student. The committee members will:

- Create a Personal Learning Plan (PLP) for newly identified ELL students.
- Meet The ESOLL teacher will annually consult with members of the committee, (or sooner if needed) to review the status of enrolled LEP students, and update their PLPs.

F. Personal Learning Plan (PLP)
The LAC will develop a Personal Learning Plan (PLP), to create a program of services for the identified student. This plan will be based on the results of the W-APT preLAS/MODEL/WIDA Screener Online for newly identified students. When developing a PLP for students already enrolled in the district’s ESOLL program, or newly-enrolled but previously identified, the LAC will use results of the ACCESS test, as well as other district assessments, grades, class performance, etc. The plan will include:

- Language goals and objectives
- Class placement and programming
- The level and amount of ELL ESOLL services/support to be provided
- Recommendations for modifications
- Timeline for review

The PLP shall be written within 60 days of identification/enrollment for new students, and in May/June for returning students.

G. LEP Programming

Identified ELL students will receive programming in one or a combination of the following models:

- ESOLL instruction provided within a mainstream classroom by ESOLL teacher – Push in
- Specially Designed Academic Instruction in English (SDAIE) - Pull-out (Student receives his/her instruction from the ESOLL teacher in either a small group or one-on-one)
- Classroom modifications appropriate for the student provided by the mainstream classroom teacher in consultation with the ESOLL teacher
- Supported Grade Level Instruction (Student is taught by grade level teacher with support from ESOLL teacher using programs available to all students. Student will be monitored by ESOLL teacher.)

Each student will be enrolled in an age appropriate content program and integrated into regular activities. Accommodations to the regular curriculum will be supported by appropriate instructional materials.

The following guidelines will be followed for the development of a student’s program:

1. Instruction will be provided during the regular school hours.
2. Student's grade placement will be age appropriate.
3. The ESOLL teacher and classroom teacher will coordinate efforts to support the student’s acquisition of English and the grade appropriate learning targets.
4. The amount of time spent with the ESOLL teacher will be based on the needs of the student as determined by the LAC.

H. Recordkeeping

The ESOLL teacher will create a Language Development File (LDF) for each identified ELL student. The file will be maintained in the student’s cumulative file by the ESOLL teacher to document all actions regarding the student. All records pertaining to a student’s LEP status, including screening, assessments, programming, LAC notes, evaluations, parent/guardian notices and forms shall be included in his/her LDF.

These files will be sent on to the new ESOLL teacher(s) when students move on to different schools or levels within the district (e.g. primary/middle/junior high/high school).

In addition, copies of the current ACCESS Teacher Report and the Personal Learning Plan will be added to the student’s cumulative folder.

I. Parent Notification and Involvement

When a student qualifies for ESOLL services, the parents/guardians will be notified no later than 30 days after the beginning of the school year, or within two weeks of the child’s placement in the program in accordance with the requirements of the Elementary and Secondary Education Act (ESEA).

Parents/guardians will be included and encouraged to participate in decisions pertaining to their child’s ESOLL programming. The school unit shall notify parents/guardians of students about the instructional program and parents'/guardians' rights, as required by law. Parents/guardians will be apprised of their child’s progress at each marking period (trimesters at K-6/ quarters at 7-12).

Whenever practicable, communications with parents/guardians will be in the language they understand. An interpreter will be provided in person or through Language Line services, on an as needed basis, to assist parents/guardians in communicating with school staff to discuss the student’s programming and progress in attaining English proficiency.

J. Refusal of Services

Parents/guardians have the right to refuse ESOLL services for their child. In the event that a parent/guardian refuses ESOLL services, he/she will be required to sign a Decline Services form. This form needs to be signed by a school official, and then placed in the student’s cumulative file. Parents/guardians may withdraw this refusal of services at any time.

Identified LEP students who do not receive services, must still be assessed yearly (ACCESS test), as required by law, until they attain a composite score of 64.5. The ACCESS scores will be sent to the parents, and ELL services will again be offered (if the student has not yet reached a composite score of 64.5). A new Decline Services form must be signed annually. Copies must then be placed in the student’s cumulative folder as well as the LDF.

K. Evaluation of Student Progress, Reclassification, and Exit from LEP Programs

The ESOLL teacher will consult with the LAC will meet in May/June to review information/data to evaluate each student’s progress in meeting goals and objectives, determine class
placement and programming for the following year, and update the Personal Learning Plan. The information/data to review should include:

1. Teacher evaluation of general language proficiency by observing the student’s oral performance in both formal and informal settings.

2. A comparison of the current year’s ACCESS scores with the previous year’s scores to measure progress (if applicable).

3. Results of district assessments, grades, class performance, etc. to determine if the student is meeting the standards for the different content areas.

All identified English learners who have not attained a Composite Score of Level 64.5 on the ACCESS for ELLs must take the ACCESS test until he/she reaches a composite score of 64.5.

Once students receive a composite score of 64.5 on the ACCESS test, they will be determined to be English language proficient (ELP) by the state of Maine.

In accordance with federal law, any English learner who has met proficiency must be monitored for two years, by the LAC, in order to ensure academic success. The ESOLL teacher will consult with the LAC and determine how and when the monitoring will occur based on the needs of the student. If within those two years, the student’s status changes, the student will be reclassified as LEP, and have a new PLP developed to meet his/her needs.

L. Special Needs Placement

Limited English proficiency (LEP) is not a disability covered by IDEA or Maine special education regulations. Determining special needs placement for students who are receiving ESOLL services is a complex process. There may be a number of individual or combined factors determining why language and cultural minority students are making little academic progress over time, including but not limited to: the normal process of second language acquisition, the acculturation process, different learning styles, motivation to learn, and/or the student’s lack of prior schooling.

If an LEP student experiences continued, serious academic/social behavioral difficulty, it must be determined whether the student is exhibiting temporary learning and behavior characteristics shared by learning disabled students and students of English as a second language. Steps must be taken to identify the source of difficulty and possible remedies before making a special education referral. The ESOLL teacher must be involved throughout the process. These steps include examining:

- **Curriculum:** continuity of exposure, scope and sequence, student’s entry level skills, cognitive demands, mastery criteria, amount of practice exhibited in the native language

- **Instruction:** sequencing of content, language use, effective teaching behaviors, coordination with other teachers

- **Classroom teacher:** qualifications, experience with LEP students, teaching style, expectations, perceptions, instructional management, behavior management

- **Student:** experiential background, native language proficiency, cultural characteristics, cognitive learning style, self-concept, motivation
• **Assessment**: learning standards, modifications

• **Cultural differences**: country of origin, length of residence in US, age at arrival

• **Language differences**: first language characteristics, rate of progress in English, opportunities to use English outside of school, literacy skills in first language

• **Environmental factors**: background factors, attitudes on schooling, interruptions/traumas, frequency of school moves, family separation, family support for schooling, home environment factors

• **Medical/physical factors**: history, present conditions

• **Achievement/Performance factors**: listening and reading comprehension, oral and written expression, basic reading skills

• **Learning/behavior factors**: visual and auditory discrimination, visual and auditory memory, visual motor coordination, problem solving, speech

Parents, teachers, and support staff can initiate referrals to Special Education. Parents/guardians will be provided an interpreter (if needed). The ESOL teacher and classroom teacher will gather the information and make the referral.

An LEP student may only be placed in a special education program if:

• Testing shows a learning disability, independent of the LEP determination

• The student's native language skills were assessed

• Appropriate procedures for special education services have been followed

• All steps, procedures, and testing are well-documented

**NOTE**: LEP students may receive RTI or Title I services for which they are eligible under the same criteria as other students, but these services may not supplant structured language support services (ESOL program).

**M. Qualified Personnel**

All ESOL teachers must possess appropriate teacher certification and ESL endorsement as defined by the State of Maine. When it is necessary, teachers with conditional certification may be hired if they are actively engaged in obtaining appropriate credentials.

**N. ESOL Teacher Requirements and Responsibilities**

The responsibilities of an ESOL teacher include, but are not limited to:

1. Function as an active part of the Advisory Committee and LAC.

2. Review all Home Language Surveys for designated schools.
3. Screen cumulative folders of new incoming students.

4. Create (with LAC) a Personal Learning Plan for all students in caseload:
   - For students already enrolled: written each May/June for the following school year.
   - For new students: written once they are enrolled in the ESOLL program.

5. Maintain a Language Development File in the student’s cumulative folder (LDF) on each student in caseload.

6. Update and maintain all paperwork for ELL students in caseload.

7. Arrange for, and administer, required testing, e.g., W-APTpreLAS/MODEL/WIDA Screener Online and ACCESS

8. Monitor and document progress of English language proficiency of ELL students in caseload at the end of each quarter (or trimester).

9. Communicate at least quarterly (or each trimester), with parents/guardians regarding progress of students.

10. Provide meaningful cultural and language information to students, teachers, and classmates.

11. Monitor students who have exited the ESOLL program for a period of two years.

12. For high school ESOLL teachers: Work with guidance counselors to provide appropriate career and educational information, and accessibility to post-graduate opportunities.

Legal reference: Title VI of the 1964 Civil Rights Act
                20 U.S.C. ss 6312; 6701 et seq.
                20-A M.R.S.A. ss 4701
                Maine Department of Education Rules Chapter 127
                Maine DOE Administrative Letter No. 24 (December 9, 2003)
                Maine DOE Priority Notice (February 11, 2020)

Adoption date: May 3, 2004
Effective date: May 3, 2004
Revision Date: May 12, 2012; September 10, 2012
                June 15 2020;
Policy Executive Summary
August 10, 2020

Maine School Management in partnership with our legal firm Drummond Woodsum provided multiple informational and professional development sessions outlining the changes in the Title IX regulations issued on May 6, 2020 that go into effect on August 14, 2020.

Title IX Statute says: “No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

The new Title IX regulations issued on May 6, 2020 address “Sexual Harassment” for the first time.

- Other forms of sex/gender discrimination covered under Title IX besides “Sexual Harassment” are unaffected by these new regulations, and the existing Title IX requirements pertaining to the remain (e.g., athletics).

Under the federal new Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’s education programs and activities:

a. “Quid pro quo” sexual harassment by a school employee:
   Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct;

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

c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
Aside from the significant changes in the definition of “Sexual Harassment”:

- The regulations only apply in the context of school “programs and activities.”
- The regulations now address:
  - Employee to student harassment;
  - Student to student harassment, AND
  - Employee to employee harassment

School units must respond when they have “Actual Knowledge” of sexual harassment. Actual Knowledge” means a report to the Title IX Coordinator, an official with authority to take corrective action, and ANY K-12 school employee. Once a school unit has a report they must respond following the Title IX requirements.

There is a difference between a report and a formal complaint. Upon receiving a report, a school unit must:

- Offer “Supportive Measures” to the alleged victim.
  - These are what previously were referred to as “Interim Measures” (such as no contact orders, changes to class or work locations, etc.)
  - Must consult with the alleged victim about the supportive measures
- Explain the “Formal Complaint” process to the alleged victim.
- Generally, a school unit does not need to act beyond these steps unless it receives a “Formal Complaint.”
- A Title IX Coordinator can file a formal complaint in certain circumstances.

Schools Must:

- Treat complainants and respondents (those alleged to have committed sexual harassment) “equitably” in terms of the process.
- Complete the process within reasonable timeframes
- Dismiss complaints when they do not meet the new definition of sexual harassment under Title IX (although such conduct may still be addressed through applicable policies)
Schools Can:

- Offer an informal resolution option (after a formal complaint is filed), but only if both parties agree (and not when the complainant is a student and the respondent is an employee).
- Remove a student or employee on an emergency basis
- The respondent must be provided with notice and an immediate opportunity to challenge the emergency removal.

Schools must:

- Follow a detailed new procedure to investigate and adjudicate formal complaints.
- Provide formal training of Title IX coordinators, investigators, decision-makers, and others involved in the Title IX process.

Other Important Issues/Requirements:

- Title IX Coordinators must be “designated” and “authorized” by the school unit and their contact information disseminated.
- There are extensive notice and website posting requirements regarding Title IX information
- There are extensive record keeping requirements (7 years)
The following policies and procedures will be presented for First Readings.

Policy:
**AC NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION**
The Nondiscrimination/Equal Opportunity and Affirmative Action policy was last updated in April 2020. The revised policy includes language changes, an addition to the legal references, and changes in the titles of cross references to comply with the new Title IX regulations, effective August 14, 2020.

Policy/Procedure:
**ACAAHARASSMENT AND SEXUAL HARASSMENT OF STUDENTS; ACAAR STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE**
Policy ACAA Harassment and Sexual Harassment of Students and procedure ACAA-R was last updated in February 2020. This policy and procedure have been substantially revised to include clear definitions of sexual harassment under federal and state laws/regulations, new complaint procedures, and an addition to the legal references, and changes in the titles of cross references to comply with the new Title IX regulations, effective August 14, 2020.

Policy:
**ACAB HARASSMENT and SEXUAL HARASSMENT of SCHOOL EMPLOYEES AND ACAB-R EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**
Policy ACAB Harassment and Sexual Harassment of School Employees was last updated in April 2020. This policy has been substantially revised to include clear definitions of sexual harassment under federal and state laws/regulations, new complaint procedures, and an addition to the legal references, and changes in the titles of cross references to comply with the new Title IX regulations, effective August 14, 2020.
NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

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

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

Further, in compliance with Federal law, The Sanford School Committee prohibits discrimination against school unit employees and candidates for employment on the basis of pregnancy, or genetic information.

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

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

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

The Sanford School Department has implemented complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. The Sanford School Department provides required notices of these complaint procedures and how they can be accessed, as well as the school unit’s compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents and other interested parties.
Legal Reference:
- Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106 (Title IX regulations)
- Vocational Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
- Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended
- Pregnancy Discrimination Act of 1978
- Maine Human Rights Act of 1972 (5 MRSA § 4571); 19301-19302

Cross Reference: Sanford School Department Affirmative Action Plan
ACAA - Harassment and Sexual Harassment of Students
ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
ACAB - Harassment and Sexual Harassment of School Employees
ACAB-R-Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
JICK-Bullying

Adopted: May 3, 2004 - (AC)
Revised: September 9, 1991 (GBA)
Updated: March 19, 2007
Updated: April 6, 2020, Adopted April 27, 2020
Updated: August 10, 2020, First Reading
Harassment of students because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Sanford School Committee policy and may constitute illegal discrimination under state and federal laws. The term “sexual orientation” under state law means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.” The term “gender identity” under state law means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”

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

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

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

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

The Superintendent or the employee designated as the Affirmative Action Officer will investigate complaints of harassment in accordance with Student Harassment Complaint Procedure (File: ACAA-R). School employees, school volunteers, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.
C. Title IX Sexual Harassment
Under the Federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’s education programs and activities:

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

2. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual’s equal access to the school unit’s education programs and activities; or

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

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;

2. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or

3. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive environment.

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

Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and aid any individual who is unsure whether harassment or sexual harassment has occurred.
All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

Legal Reference: Americans with Disabilities Act (42 USC §12101 et seq., as amended; 28 CFR § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 CFR § 104.7)
Title IX of the Education Amendments of 1972 (20 U.S.C. §1681, et Seq.; 34 CFR § 106.8)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000 (d))
Maine Human Rights Act, 5 MRSA § 4551 et seq.
20-A MRSA § 6553
MHR/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

Cross References: File: ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
File: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
File: ACAD-Hazing
File: JFCK – Student Use of Cellular Telephones and Other Electronic Devices
File: JICIA – Weapons, Violence, and School Safety
File: JICK - Bullying

Adoption Date: August 19, 2002
Updated Cross Reference: July 27, 2007
Revised: January 27, 2020, 1st reading
Adopted: February 24, 2020
Updated: August 10, 2020 First Reading
STUDENT DISCRIMINATION/HARASSMENT and TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE

The Sanford School Committee has adopted this procedure in order to provide a method of prompt and equitable resolution of student reports and complaints of unlawful discrimination or discriminatory and harassment of students, including sexual harassment, as described in policies AC - Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA - Harassment and Sexual Harassment of Students.

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

Steve Bussiere  
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Sanford, Me 04073  
207-324-2810  
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I. Definitions

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer/Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s membership in a protected category, which, for students, includes race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin or disability.

2. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the school unit’s programs or activities by creating a hostile, intimidating or offensive environment.
4. “Sexual harassment”: Under Maine law, this means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:
   
   a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
   
   b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
   
   c. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive environment.

5. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”

6. “Gender identity”: Under Maine law, this means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”

7. A “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin, or disability (and not otherwise addressed in the Title IX regulations and Section 3 of ACAA-R).

“Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin, or disability. “Discrimination” may include treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class. Discrimination on the basis of sex shall include acts of “sexual violence,” which refers to acts of physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. “Harassment” may include oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit the individual’s ability to participate in the school unit’s programs or activities by creating a hostile, intimidating or offensive educational environment. The term “sexual orientation” under state law means a person’s “actual or perceived
heterosexuality, bisexuality, homosexuality or gender identity or expression.”

The term “gender identity” under state law means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”

8. Complaints of bullying not involving the protected classes described above may be pursued under Board Policy JICK – Bullying and Cyberbullying of Students.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. “Sexual Harassment”: Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’s education programs and activities:

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

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

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

2. “Report”: Under the Title IX regulations, any individual may make a report of sexual harassment involving a student, whether the individual is the alleged victim or not. School employees are required to report possible incidents of sexual harassment involving a student. A report must be made to the Affirmative Action Officer/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” is filed.

3. “Formal Complaint”: Under the Title IX regulations, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAA-R. Only a student
and/or their parent/legal guardian (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.

“Student”: For the purposes of this procedure, a student is an individual who is enrolled or participating in the school unit’s education programs and activities, or is attempting to enroll or participate.

II. How to Make a Discrimination/Harassment Complaint Procedure

This procedure should be used for any complaint of unlawful harassment or discrimination complaint based on a protected category which does not involve Title IX sexual harassment (which is addressed in Section 3).

A. Any individual who believes that a student has been discriminated against or harassed should report their concern promptly to a school administrator or AAO/Title IX Coordinator and utilize this complaint procedure. Written reports are preferred, but not required.

B. Individuals, who are unsure if discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the situation with a school administrator or AAO/Title IX Coordinator.

C. School staff shall are required to promptly report possible incidents of discrimination or harassment of students to a school administrator. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students. School administration must inform the AAO/Title IX Coordinator of the complaint.

D. The individual making the report must provide basic information in writing concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who allegedly engaged in harassment or discrimination, description of allegation) to the AAO/Title IX Coordinator.

E. Students and others Individuals will not be retaliated against for making a Complaint or participating in an investigation. Retaliation is illegal under state and federal nondiscrimination laws, and any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion for students or dismissal.

F. Students Individuals are encouraged to utilize the school unit’s Complaint Procedure. However, students are hereby notified that they also have the right to report Complaints to the police, the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, Regional
III. Complaint Handling and Investigation

A. Complaint Handling and Investigation

1. The AAO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.

2. The AAO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school unit and the parties in light of the particular circumstances and applicable policies and laws.

3. The AAO/Title IX Coordinator may implement supportive measures to a student to reduce the risk of further discrimination or harassment to a student while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved or changing classes.

4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor’s authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

5. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.

6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.

7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.

9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.

11. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

B. Findings and Subsequent Actions

1. The AAO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.

2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent shall:
   a. Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
   b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.

3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

C. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.

2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.

3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.

5. The Superintendent’s decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent’s decision shall be final.

D. Records

The AAO/Title IX Coordinator shall keep a written record of the complaint process.

IV. TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1.B.1.

A. How to Make A Report

1. School employees who have reason to believe that a student has been subjected to sexual harassment is required to promptly make a report to an administrator or AAO/Title IX Coordinator.

2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed are encouraged to make a report to an administrator or AAO/Title IX Coordinator.

3. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, administrator or AAO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.

   a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (such as requiring no contact between individuals or changing classes).

   b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.

4. The school unit cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.

6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize the school unit’s complaint procedure. However, students (and their parents/legal guardians) are hereby notified that they also have the right to report sexual harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

7. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation).

   Students who need assistance in preparing a formal written complaint, are encouraged to consult with the AAO/Title IX Coordinator.

2. In certain circumstances, the AAO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school unit). In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

3. In accordance with the Title IX regulations, the AAO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or b) if the conduct alleged did not occur within the scope of the school unit’s education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the AAO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by or enrolled in the school unit; or c) there are specific circumstances that prevent the school unit from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through the applicable Board policy/procedure.

5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.

6. If the conduct alleged in a formal complaint potentially violates other laws, Board policies and/or professional expectations, the school unit may address the conduct under Section 2 or another applicable Board policy/procedure.

C. Emergency Removal or Administrative Leave

The Superintendent may remove a student from education programs and activities on an emergency basis, or place an employee on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent’s threat of self-harm due to the allegations.

2. The respondent (and in the case of a student, their parent/legal guardian will be provided notice of the emergency removal or administrative leave, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency removal or administrative leave was unreasonable.

3. Any such decision shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice shall include:

   • Notice regarding the complaint procedure and the availability of an informal resolution process;
   • Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
   • As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
   • Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
   • Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
   • Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.

2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.

3. The AAO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the AAO/Title IX Coordinator believes the circumstances are appropriate, the AAO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent;
apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school unit. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor’s authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

2. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.

3. If the complaint is against an employee of the school unit, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.

4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

5. The investigator will:

   a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.

   b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.

   c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.

   d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.

f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school unit does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.

g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.

h. Consider the parties’ written responses to the evidence prior to completing the investigation report.

i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.

j. After receipt of the parties’ written responses (if any), forward the investigation report and party responses to the assigned decision maker.

6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

[Note: The decision maker cannot be the investigator or Title IX Coordinator, and must receive specific training. If appeals are to be heard by the Superintendent, the Board should determine if they wish to use particular upper-level administrators as decision makers.]

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.

a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.

3. Each party will receive a copy of the responses to any follow-up questions.

4. The decision maker shall review the investigation report, the parties’ responses and other relevant materials, applying the preponderance of the evidence standard (“more likely than not”).

5. The decision maker shall issue a written determination, which shall include the following:
   a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
   b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
   c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
   d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school unit imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school unit’s programs and activities will be provided to the complainant;
   e. The school unit’s appeal procedure and permissible bases for the parties to appeal the determination.

6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school unit provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school unit’s education programs and activities following the decision maker’s determination. Such remedies may include supportive
measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions - Students

The following are examples of the types of discipline and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations involving sexual harassment:

- In or out of school suspension.
- Expulsion.
- Restorative justice.
- Requirement to engage in education or counseling program.

3. Discipline and Other Actions – Employees

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or

3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision maker.
3. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school unit officials in making their decision.
4. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary or other action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

A. School administration shall respect the confidentiality of the complainant and the Individual(s) against whom the Complaint is filed to the extent possible, consistent with the Sanford School Department’s legal obligations, including the necessity to investigate allegations of discrimination and/or harassment, to take appropriate disciplinary action, and to ensure the safety of the school community.

B. School administration shall promptly inform the Superintendent and the person(s) who is the subject of the Complaint that a Complaint has been received.
C. School administration may pursue a prompt and equitable informal resolution of the Complaint with the agreement of the parties involved. Any party to the Complaint may decide to end an informal resolution process and pursue the formal process at any point. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the parties and the school unit in light of the particular circumstances and applicable policies and laws.

D. A school administrator will investigate the Complaint unless the Superintendent designates another person to investigate it on his/her behalf. A person who is not subject to that supervisor’s authority shall investigate any Complaint about an employee, who holds a supervisory position. Any Complaint about the Superintendent should be submitted to the chairperson of the school board, who should consult with legal counsel concerning the handling and investigation of the Complaint.

1. The person who is the subject of the Complaint will be provided with an opportunity to be heard as part of the investigation. The Complainant shall not be required to attend meetings with the subject of the Complaint, but may choose to do so as part of the resolution process.

2. The Complainant and the subject of the Complaint may suggest witnesses and/or submit materials they believe are relevant to the Complaint.

3. If the Complaint is against an employee of the school unit, any applicable individual or collective bargaining contract provisions shall be followed.

4. School administrators shall keep a written record of the investigation process.

5. School administrators may take interim remedial measures to facilitate the Complainant’s access to school programs and activities, and reduce the risk of further discrimination or harassment, while the investigation is pending. Examples of interim measures include, but are not limited to, ordering no contact between individuals, changing schedules or classes, etc.

6. School administrators shall use a preponderance of the evidence standard (i.e. more likely than not) when evaluating the evidence and shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.

7. The investigation shall be completed within 21 business days of receiving the Complaint, if practicable.

8. If the school administrator determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
A. Determine what remedial action, if any, is needed to end the discrimination or harassment, remedy its effects and prevent recurrence; and

B. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any.

9. Within five business days, inform the Complainant and the subject of the Complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

10. After the conclusion of the investigation, the complainant or the subject of the Complaint may seek an appeal of the findings solely on the basis of either (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome. Appeals must be submitted in writing to the Superintendent within 14 business days of receiving notice of the outcome of the investigation. Upon receipt of a valid appeal, the Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent’s decision on the appeal shall be provided in writing to the parties within 21 business days, if practicable. The Superintendent’s decision shall be final.

Legal Reference:  Americans with Disabilities Act (42 USC §12101 et seq., as amended; 28 CFR § 35.107)  
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 CFR § 104.7)  
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.; 34 CFR §106.8)  
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)  
20 USC § 1232g; 34 CFR Part 99  
Maine Human Rights Act 5 MRSA § 4551 et seq.  
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4  
20-A MRSA §§ 6001 et seq.  
20-A MRSA § 6554

Cross Reference:  ACAA - Harassment and Sexual Harassment of Students  
ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures  
AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAD – Hazing

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GBEB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other Electronic Devices
JICIA – Weapons, Violence and School Safety
JICK – Bullying

Revised: January 27, 2020, First Reading
Adopted: February 24, 2020
Revised: August 10, 2020, First Reading
Harassment and Sexual Harassment of School Employees

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

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

Harassment

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

Sexual Harassment

1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’s education programs and activities:

a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct;

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

c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. Sexual Harassment Under Title VII and Maine Law

Under another federal law, Title VII, and under Maine law/regulations, sexual harassment is defined differently. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

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

A. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee’s work environment or employee benefits;

B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or

C. Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

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

All complaints of harassment will be investigated in accordance with the School Employee Discrimination and Harassment Complaint Procedure.
3. Reports and Complaints of Harassment or Sexual Harassment

Any employee who believes they have been harassed or sexually harassed is encouraged to make a report to the Affirmative Action Officer/Title IX Coordinator. The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and aid any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints regarding harassment or sexual harassment of employees shall be addressed through the Employee & Third-Party Unlawful Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

Notice and Training

Annually, each employee shall receive a copy of this policy and the School Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate means to ensure that each employee receives a copy. All newly hired employees shall be provided training about sexual harassment in accordance with Maine law.

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

Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.); 34 C.F.R. Part 106


Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)

Americans with Disabilities Act (42 USC § 12101 et seq.), as amended

Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC § 794 et seq.), as amended

Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)

Age Discrimination in Employment Act (29 USC § 623)

Genetic Information Nondiscrimination Act (42 USC 2000ff et seq.)

Maine Human Rights Act (5 MRSA §§ 4602; 4681 et seq.)

20-A MRSA § 6553

5 MRSA § 4551 et seq.

MHRC Rule Chapter 94-348, ch.3

26 MRSA §§ 806-807

Cross Reference:

ACAB-R - School Employee Discrimination and Harassment Complaint Procedure

AC - Nondiscrimination/Equal Opportunity and Affirmative Action

ACAD - Hazing

Revised: March 21, 2016
Updated: April 6, 2020, Adopted April 27, 2020
Updated: August 10, 2020, First Reading
Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure

This procedure has been adopted by the School Committee in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB – Harassment and Sexual Harassment of School Employees.

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

Steve Bussiere
Assistant Superintendent
668 Main Street
Sanford, Me 04073
207-324-2810
Sbussiere@sanford.org

I. Definitions

For purposes of this procedure the following definitions will be used:

A. Discrimination/Harassment Complaint Procedure Definitions

1. “Discrimination or harassment” means discrimination or harassment on the basis of an individual’s membership in a protected category, which, for employees, includes race, color, sex, sexual orientation, gender identity or expression, age, religion, ancestry, national origin, genetic information or disability.

2. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the school unit’s programs or activities by creating a hostile, intimidating or offensive environment.

4. Under Title VII and under Maine law/regulations, sexual harassment is defined differently than under Title IX. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:
   a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
   b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

5. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”

6. “Gender identity”: Under Maine law, this means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”

7. “Complaint” is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).

8. “Employee”: Whenever the term “employee” is used in Section 2, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. “Title IX sexual harassment”: Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’s education programs and activities:

   a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct;

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

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

2. “Report”: Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Affirmative Action Officer/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” is filed.
3. “Formal Complaint”: Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAB-R. Only a school employee (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.

4. “Employee”: For the purpose of this procedure, “employee” means an applicant for employment or a current employee of the school unit.

II. Discrimination/Harassment Complaint Procedures

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment.

A. How to Make a Complaint

1. Any employee who believes he/she has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint to the Affirmative Action Officer/Title IX Coordinator.

2. Any employee who believes he/she has been harassed or discriminated against should report their written concern promptly to the Affirmative Action Officer/Title IX Coordinator. If the employee is uncomfortable reporting concerns to the Affirmative Action Officer, he/she may report the written concern to the Assistant Superintendent. A written complaint must include basic information concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation).

3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the Affirmative Action Officer/Title IX Coordinator.

4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.

5. Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the school unit’s complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the U.S. Department of Education, Office for Civil Rights/ED, 5 Post Office Square, Suite 900, Boston, MA 02109-3921 (telephone: 617-223-9622; TDD: 877-521-2172; fax: 617-289-0150).
B. Complaint Handling and Investigation

1. **The Affirmative Action Officer/Title IX Coordinator** will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.

2. **The Affirmative Action Officer/Title IX Coordinator** may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. The informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit in light of applicable policies and law.

3. The AAO/Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.

4. The complaint will be investigated by **Affirmative Action Officer/Title IX Coordinator**, unless the Superintendent chooses to investigate the complaint or designates another trained internal or external person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor’s authority. Any complaint about the Superintendent should be submitted to the Chair of the School Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.

5. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.

6. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.

7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.

8. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

9. **The Affirmative Action Officer investigator shall** keep a written record of the investigation process. The Affirmative Action Officer may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further harassment while the investigation is pending.
10. **The Affirmative Action Officer investigator** shall consult with the Superintendent
concerning the investigation, conclusions, and any remedial and/or disciplinary actions.

11. The investigation shall be completed within **21-40 business days** of receiving
the complaint, if practicable.

12. The investigator shall provide a written report and findings to the AAO/Title IX
Coordinator.

C. Findings and Subsequent Actions

1. **The AAO/Title IX Coordinator** shall consult with the Superintendent concerning the
investigation and findings.

2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX
Coordinator, in consultation with the Superintendent:
   a. Shall determine what remedial action, if any, is required to end the
discrimination or harassment, remedy its effect and prevent recurrence; and
   b. Determine what disciplinary action should be taken against the individual(s)
who engaged in discrimination or harassment, if any.

2. Inform the employee who made the complaint in writing of the results of the investigation
and its resolution (in accordance with applicable state and federal privacy laws).

D. If the employee who made the complaint is dissatisfied with the resolution, he/she may
appeal to the Superintendent within **14 business days** after receiving notice of the resolution.
The Superintendent shall review the investigation report and may conduct further
investigation if deemed appropriate. If the employee is dissatisfied with the decision of the
Superintendent, he/she may appeal to the School Committee within **14 business days** after
receiving notice of the Superintendent’s decision.

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an
appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b)
the discovery of previously unavailable relevant evidence that could significantly impact
the outcome.

2. Appeals must be submitted in writing to the Superintendent within five business days
after receiving notice of the resolution.

3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party,
along with an opportunity to provide a written statement within five business days.

4. The Superintendent shall review the available documentation and may conduct further
investigation if deemed appropriate.
5. The Superintendent’s decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent’s decision shall be final.

6. If the employee is dissatisfied with the decision of the Superintendent, he/she may appeal to the School Committee within 14 business days after receiving notice of the Superintendent’s decision.

7. The School Committee will consider the appeal in executive session, at its next regular meeting or a special meeting. The Superintendent shall submit to the School Committee his/her decision, the complaint, any responses, the investigation report and related documents. The complainant shall be allowed to be heard. The person(s) against whom the Complaint was made shall be invited and allowed to be heard. If present, the complainant’s representative and the representative of the person(s) against whom the complaint was made will also be given the opportunity to be heard.

E. Records
1. The AAO/Title IX Coordinator shall keep a written record of the complaint process.

III. TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE

A. How to Make A Report

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section 1.B.1) may make a report to the AAO/Title IX Coordinator.

2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the AAO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
   a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).
   b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.

3. The school unit cannot provide an informal resolution process for resolving a report until a formal complaint is filed.

4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.
5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize the school unit’s complaint procedures. However, employees are hereby notified that they also have the right to report sexual harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged victim may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who alleged engaged in sexual harassment, description of allegation).

   Employees who need assistance in preparing a formal written complaint, are encouraged to consult with the AAO/Title IX Coordinator.

2. In certain circumstances, the AAO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school unit. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

3. In accordance with the Title IX regulations, the AAO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of the school unit’s education programs and activities, or c) did not occur in the United States.

4. In accordance with the Title IX regulations, the AAO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by the school unit; or c) there are specific circumstances that prevent the school unit from gathering evidence sufficient to reach a determination regarding the formal complaint.

5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged potentially violates other laws, Board policies and/or professional expectations, the school unit may address the conduct under Section 2 or another applicable policy/procedure.

C. Administrative Leave

The Superintendent may place a respondent on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent’s threat of self-harm due to the allegations.

2. The respondent will be provided notice of the administrative leave, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency leave was unreasonable.

3. Any such decision to place an employee on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:

   • Notice regarding the complaint procedure and the availability of an informal resolution process;
   • Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview not less than five business days.
   • As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
   • Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
   • Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
   • Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations with be provided to the parties.

3. The AAO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the AAO/Title IX Coordinator believes the circumstances are appropriate, the AAO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school unit. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor’s authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

2. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.

3. If the complaint is against an employee of the school unit, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.

4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
   a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
   b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
   c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
   d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
   e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
   f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school unit does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
   g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business [or business] days to submit a written response.
   h. Consider the parties’ written responses to the evidence prior to completing the investigation report.
   i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business [or business] days of receipt.
   j. After receipt of the parties’ written responses (if any), forward the investigation report and party responses to the assigned decision maker.
   i. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

[Note: The decision maker cannot be the investigator or Title IX Coordinator, and must receive specific training. If appeals are to be heard by the Superintendent, the Board should determine if they wish to use particular upper-level administrators as decision makers.]
1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
   
   a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.

2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.

3. Each party will receive a copy of the responses to any follow-up questions.

4. The decision maker shall review the investigation report, the parties’ responses and other relevant materials, applying the preponderance of the evidence standard (“more likely than not”).

5. The decision maker shall issue a written determination, which shall include the following:
   
   a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;

   b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;

   c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;

   d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school unit imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school unit’s programs and activities will be provided to the complainant;

   e. The school unit’s appeal procedure and permissible bases for the parties to appeal the determination.

   i. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school unit provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.
H. Remedies, Discipline and Other Actions

1. Remedies

   a. Remedies are measures used to ensure that the complainant has equal access to the school unit’s education programs and activities following the decision maker’s determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions

   a. The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:
      b. Written warning.
      c. Probation.
      d. Demotion.
      e. Suspension without pay.
      f. Discharge.
      g. The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:
      h. Performance improvement plan.
      i. Counseling.
      j. Training.
      k. Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or

3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business [or business] days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.
4. Appeals must be filed with the Superintendent, who will consider the appeal.

5. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school unit officials in making their decision.

6. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
Americans with Disabilities Act (28 CFR § 35.07), as amended
Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7), as amended
Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)
Maine Human Rights Act (5 MRSA § 4571 et seq., 4681 et seq.)
20-A MRSA § 6553
26 MRSA §§ 806-807

This is a required policy.

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