

City of Biddeford
School Committee
November 30, 2022 7:00 PM Little Theater at BHS

- A. Call to Order:**
- B. Roll Call:**
- C. Pledge of Allegiance:**
- D. Adjustments to Agenda:**
- E. Consideration of Minutes:**
 - E.1. Minutes 11/19/2022
[Biddeford Minutes 11_9_2022.pdf](#)
- F. Consent Agenda**
 - F.1. Katherine Kalagias ~ BIS Cross Country Stipend
Richard Shumate ~ BMS Third Team Boys Basketball Stipend
BHS Athletic Stipends
Danielle Ludington ~ BIS Ed Tech II ~ Replacing Diane Bourque
Transfers:
Katheryn Letellier, Part-Time Admin Assistant JFK, moving to BIS Ed Tech III ~
Replacing Emily Henley.
Jesika Wolfahrt ~ BIS Ed Tech Long Term Sub moving to BIS Ed Tech I ~ Replacing
Megan Tenney
Heather Crowe ~ Ed Tech moving to BPS Special Education Teacher ~ Replacing
Shoshanna Cotton
Resignations:
Clarence Hollman ~ BHS Ed Tech II Behavior
Emily Henley ~ BIS & JFK SEL Ed Tech III
Gil Standish ~ BPS Lead Custodian

[BIS Stipends - 2022.pdf](#)
[Athletic & Nonathletic stipends nominations BHS & COT.xlsx - 2022-2023.pdf](#)
- G. Superintendent's Report:**
- H. Committee Reports: Finance/Building, Grounds; Curriculum; Policy; Waterhouse
Advisory Committee**
- I. Old Business:**
- J. New Business: Public participation opportunity after each item listed below (3 minutes
per item)**
 - J.1. CSTAG: Comprehensive School Threat Assessment Guidelines Presentation
NWEA Presentation
Update on COT Grant
Update on BPS Construction
First Reading Overnight Field Trip Ryan Detour Memorial Wrestling Tournament ~
December 10, 2022, ~ Anthony Cincotta (BHS Head Coach)
First Reading Overnight Field Trip Puerto Rico ~ April 15, 2023, to April 20, 2023, ~

Tom McGovern (BHS Teacher)
 Second Reading of Policies to Strike:
 GDGB - Educational Technician Substitutes
 IJOC-E2 - School Volunteers Authority to Release Information
 Second Reading of Policies to Strike and Replace:
 IJOC-E1 - Volunteer Agreement Form
 GBN-R1 - Family and Medical Leave Act (FMLA)
 GBN-R2 - Maine Family Medical Leave Administrative Regulation
 Second Reading of Policies to Adopt:
 IJOC-E - Volunteer Agreement Form & Authority to Release Information
 GBN-R1 - Family and Medical Leave Act (FMLA)
 GBN-R2 - Maine Family Medical Leave Administrative Procedure
 Second Reading of Policies to Revise:
 IHBEA - Program for English Language Learners
 IHBEA-R - Lau Plan-Program for Limited English Proficient Students
 IHBEA-R1 - English Learner Identification Decision Tree
 IJOC - School Volunteers
 IJOC-R - School Volunteers Administrative Procedure
 BIB - School Committee Member Development Opportunities
 ACAA - Harassment and Sexual Harassment of Students
 ACAA-R - Student Discrimination/Harassment and Title IX Sexual Harassment
 EEAEFA - Video Surveillance on School Property
 EEAEFA-R - Video Camera Use on School Property Administrative Procedure
 Second Reading of Policies to Review:
 GDB - Support Staff Salary Schedules/Overtime

[11.30.22 SB Presentation_ CSTAG.pdf](#)
[Overnight Field Trip Form - Puerto Rico.pdf](#)
[Overnight Field Trip Form - Wrestling.pdf](#)
[Chris Policy.pdf](#)

K. Public Participation: (3 minutes; any item)

L. Communications:

M. Executive Session:

M.1. Labor contract negotiations pursuant to 1 M.R.S.A § 405 (6)(D)

N. Adjournment:

Biddeford School Department
Wednesday, November 9, 2022,
5:00 pm **Agenda**
Little Theater Biddeford High School

Public Viewing:

Local Public Access Station
City of Biddeford [Website](#)

- A. Call to Order:** The meeting was called to order by Mayor Alan Casavant.
- B. Roll Call:** Michele Landry, Lisa Vadnais, Mayor Alan Casavant, Lauren Schuyler Giddings, Rebecca Henry, Jeremy Ray, Mandy Cyr, and Chris Indorf were present. Meagan Desjardins and Randy Forcier were excused. Amy Grohman arrived after the first vote.
- C. Pledge of Allegiance:** The pledge was led by Mayor Alan Casavant
- D. Adjustments to Agenda:** None
- E. Approval of Last Meeting's Minutes:** Minutes from [10/26/2022](#) ~ Lisa Vadnais moved to approve the minutes from 10/26/2022, Rebecca Henry seconded, and all were in favor
- F. Consent Agenda:** Lisa Vadnais moved to approve the consent agenda, Rebecca Henry seconded, and all were in favor

Nominations:

Appointments:

- a. [BMS Athletic Stipends](#)
- b. [Krystal Taschdreau](#) ~ District-Wide Nurse Stipend
- c. [BHS Athletic Stipends](#)
- d. Marcus Curit-Kurasz ~ BMS Ed Tech II ~ Replacing Jennifer Schweizer
- e. Isis McCute ~ Custodian ~ Replacing Brian Danis, who moved to another position in the district
- f. Ashley Ortiz ~ BHS Food Service Worker ~ Replacing Donna Cadorette

Transfers:

Resignations:

- a. Megan Tenney ~ Ed Tech II BHS
- G. Superintendent's Report:** Jeremy Ray ~ We did not receive any electric buses in the first round. This is one of five rounds they plan to do. Dayton was successful, and we will be building some of the charging infrastructures. No School on Friday in honor of Veterans Day. Next week I will be presenting at the City Council meeting. I have a meeting set up with Leah, Margaret, Mandy, and the team to discuss the timeline and construction. Election day was here at the High School Yesterday.

School Committee Members:

Alan Casavant-Chair	Randy Forcier
Lisa Vadnais-Vice Chair	Meagan Desjardins
Michele Landry	Rebecca Henry
Amy Grohman	Lauren Schuyler Giddings

cc: Jeremy Ray- Superintendent
cc: Chris Indorf-Asst. Superintendent
cc: Mandy Cyr- Dir. Instr. & Innov.

Appreciative of the city and staff who helped out. We are fortunate to have the gym space and parking. The police department was very supportive. Principals and staff have started the budget process and will have the information before they go home for the winter holiday. The subsidy must be to us by February by law.

H. Committee Reports

I. Old Business:

J. New Business:

- a. October Enrollment Numbers
 - i. PK-12 ~ 2299 students enrolled. We see a slight increase in the % for Sped, FR numbers, and EL students.
 - ii. [CTE Enrollment](#) ~ 351 unique students and 399 enrolled. Hope for 400 students. Looking forward to next year with the expansion of the CTE programming. Thank you to the school counselors who work to coordinate programming for our students.
- b. [Timeline for Vocational Building Addition/Updated Building Plans](#) ~ Review out loud the timelines that are attached to this agenda. Leah believes this is a one-year project. Next fall, we will start the hospitality and athletic training program. Grand opening in the fall of 2024. A nonstate school-funded project may sit in the city council's hands for approval.
- c. Highlights - Maine School Board Conference ~ Two days were spent at the Maine School Board Conference. The guest speaker was about building trust in our organization. We are working on Clarity. Jeremy went to legal updates and challenging issues for school committees. Also saw a Student Advisory Board presentation from Brunswick High School. Michele Landry went to items impacting school boards and topics happening across the state. NAMI re: Suicide Prevention and risk factors. Behavioral health assessment interventions. Many things we are already doing here. Rebecca Henry was interested in all the mental health components. She wants to connect with the right people in the district to learn what can be shared. VR portal that one of the schools has. Katahdin Elementary does a lot of outdoor learning.

First Reading of Policies to Strike:

[GDGB](#) - Educational Technician Substitutes

[IJC-E2](#) - School Volunteers Authority to Release Information

First Reading of Policies to Strike and Replace:

[IJC-E1](#) - Volunteer Agreement Form

[GBN-R1](#) - Family and Medical Leave Act (FMLA)

[GBN-R2](#) - Maine Family Medical Leave Administrative Regulation

First Reading of Policies to Adopt:

[IJC-E](#) - Volunteer Agreement Form & Authority to Release Information

[GBN-R1](#) - Family and Medical Leave Act (FMLA)

School Committee Members:

Alan Casavant-Chair

Randy Forcier

Lisa Vadnais-Vice Chair

Meagan Desjardins

Michele Landry

Rebecca Henry

Amy Grohman

Lauren Schuyler Giddings

cc: Jeremy Ray- Superintendent

cc: Chris Indorf-Asst. Superintendent

cc: Mandy Cyr- Dir. Instr. & Innov.

[GBN-R2](#) - Maine Family Medical Leave Administrative Procedure

First Reading of Policies to Revise:

[IHBEA](#) - Program for English Language Learners

[IHBEA-R](#) - Lau Plan-Program for Limited English Proficient Students

[IHBEA-R1](#) - English Learner Identification Decision Tree

[IJOC](#) - School Volunteers

[IJOC-R](#) - School Volunteers Administrative Procedure

[BIB](#) - School Committee Member Development Opportunities

[ACAA](#) - Harassment and Sexual Harassment of Students

[ACAA-R](#) - Student Discrimination/Harassment and Title IX Sexual Harassment

[EEAEFA](#) - Video Surveillance on School Property

[EEAEFA-R](#) - Video Camera Use on School Property Administrative Procedure

First Reading of Policies to Review:

[GDB](#) - Support Staff Salary Schedules/Overtime

The policies were taken as a flight. Amy Grohman moved to approve the first readings of the policies, Lisa Vadnais seconded, and Amy thanked the policy committee for the time taken to update, and all voted in favor.

K. Public Participation: (3 minutes; any item) None

L. Communications: Jeremy gave one more plug for substitute teachers. It continues to be a drain on the day. The stressful Admin ends the day and starts the day with concerns regarding coverage. Mayor Alan Casavant congratulated Ron Cote for being inducted into the Maine Sports Hall of Fame.

M. Executive Session: None

N. Adjournment: Amy Grohman moved to adjourn the meeting at 5:28 pm Rebecca Henry seconded the motion, and all were in favor

Signed: 
Jeremy Ray ~ Superintendent of Schools

Date: 11/11/2022

School Committee Members:

Alan Casavant-Chair

Randy Forcier

Lisa Vadnais-Vice Chair

Meagan Desjardins

Michele Landry

Rebecca Henry

Amy Grohman

Lauren Schuyler Giddings

cc: Jeremy Ray- Superintendent

cc: Chris Indorf-Asst. Superintendent

cc: Mandy Cyr- Dir. Instr. & Innov.

Stipend Position				
FALL	Candidate Name	Stipend	Nominated	Approved by Board
Cross Country Elementary	Joseph Aiken	\$786.34	8/19/2022	8/24/2022
Cross Country Elementary	Nathaniel Molleur	\$786.34	8/19/2022	8/24/2022
Cross Country Elementary	Katherine Kalagis	\$786.34	11/14/2022	
Drama Elementary	Robert Petit	\$1,526.88	8/19/2022	8/24/2022
Cross Country Elementary	Kayla Keimach	\$786.34	8/19/2022	8/24/2022
Yearbook	Telicia Michaud	\$1,764.00	8/19/2022	8/24/2022

FALL	Candidate Name:	Season	Stipend	Nominated	Approved by Board	Sent Form
Varsity Football (H)	Steve Allosso	Fall	\$7,077.06	7/18/2022	7/18/2022	x
JV - Assistant Football (A)	Derek Gaudreau	Fall	\$4,246.24	8/1/2022	8/10/2022	x
JV - Assistant Football (A)	Jeff Wolfahrt	Fall	\$4,246.24	7/18/2022	7/18/2022	x
JV - Assistant Football (A)	Keith Leblanc	Fall	\$4,246.24	7/18/2022	7/18/2022	x
FR Football FR (H)	EJ Kruse	Fall	\$4,246.24	7/18/2022	7/18/2022	x
FR Football FR (A)	Jon Chenard	Fall	\$4,246.24	7/18/2022	7/18/2022	x
Varsity Soccer (G) (H)	Darren Boynton	Fall	\$4,718.04	7/18/2022	7/18/2022	x
JV Soccer (G) (A)	Alyssa Rondo	Fall	\$2,830.82	7/18/2022	7/18/2022	x
Head Varsity Boys Soccer	Paul Illiano	Fall	\$4,718.04	7/18/2022	7/18/2022	x
JV Soccer (B) (A)	Brady Huot	Fall	\$2,830.82	7/18/2022	7/18/2022	x
Varsity Field Hockey (H)	Caitlin Tremberth	Fall	\$4,718.04	7/18/2022	7/18/2022	x
JV - Field Hockey (A)	Suraiya Gobeil	Fall	\$2,830.82	7/18/2022	7/18/2022	x
Varsity Volleyball (H)	Ruth Shaw	Fall	\$4,324.87	7/18/2022	7/18/2022	x
JV - Volleyball (A)	Gerald Lapierre	Fall	\$2,594.92	7/18/2022	7/18/2022	x
Varsity Cheerleading (H) Fall	Deb Lebel	Fall	\$2,752.19	7/18/2022	7/18/2022	x
Varsity - Golf (H)	Jon Jacques	Fall	\$3,538.53	7/18/2022	7/18/2022	x
JV -Golf	Josh Williams	Fall	\$2,123.12	7/18/2022	7/18/2022	x
Varsity Cross Country (B/G)	Chris Quint	Fall	\$3,931.70	7/18/2022	7/18/2022	x
Field Lining - Fall	Shawn Descoteaux	Fall	\$1,500.00	7/18/2022	7/18/2022	x
WINTER						
Varsity - Basketball (B) (H)	Justin Tardif	Winter	\$6,290.72	7/18/2022	7/18/2022	X
FR - Basketball (B) (H)	Keith Leblanc	Winter	\$3,774.43	7/18/2022	7/18/2022	
JV - Basketball (B) (A) 1/2	James Strohm (1/2)	Winter	\$1,887.21	11/10/2022		
JV - Basketball (B) (A) 1/2	Robert Cote (1/2)	Winter	\$1,887.21	11/10/2022		
Varsity - Basketball (G) (H)	Jeannine Paradis	Winter	\$6,290.72	7/18/2022	7/18/2022	
FR - Basketball (G) (H)	Gerald Lapierre	Winter	\$3,774.43	7/18/2022	7/18/2022	
JV - Basketball (G) (A)	VACANT	Winter	\$3,774.43	7/18/2022	7/18/2022	
Varsity - Hockey (B) (H)	Ethan Basille	Winter	\$5,504.38	7/18/2022	7/18/2022	
JV - Hockey (B) (A)	Cody Braga	Winter	\$3,302.63	11/10/2022		
Varsity - Hockey (G) (H)	Josh Williams	Winter	\$5,504.38	7/18/2022	7/18/2022	
JV - Hockey (G) (A)	Elizabeth Goodrich	Winter	\$3,302.63	11/4/2022	11/9/2022	x

FALL	Candidate Name:	Season	Stipend	Nominated	Approved by Board	Sent Form
Varsity - Wrestling (H0	Anthony Cincotta	Winter	\$5,504.38	7/18/2022	7/18/2022	
JV - Wrestling (A)	Ryan Toussaint	Winter	\$3,302.63	7/18/2022	7/18/2022	
Var - Cheerleading (H) Winter	Deb Lebel	Winter	\$3,931.70	7/18/2022	7/18/2022	X
JV - Cheerleading (A) Winter	VACANT	Winter				
Varsity Track Indoor (B/G) (H)	Chris Quint	Winter	\$5,111.21	7/18/2022	7/18/2022	
JV - Track Indoor (B/G) (A)	Ron Ouellette	Winter	\$3,066.73	7/18/2022	7/18/2022	
JV - Track Indoor (B/G) (A)	Erin O'Connor	Winter	\$3,066.73	7/18/2022	7/18/2022	
JV - Track Indoor (B/G) (A)	EJ Kruse	Winter	\$3,066.73	7/18/2022	7/18/2022	
Weight Lifting (School Year)	Steve Allosso	2022-2023	\$4,324.87	7/18/2022	7/18/2022	
Unified Basketball (H)	VACANT	Winter	\$1,965.85	7/18/2022	7/18/2022	
Unified Basketball (A) Liaison	Nicole Walker	Winter	\$1,179.51	7/18/2022	7/18/2022	
SPRING						
Varsity - Baseball (H)	Keith Leblanc	Spring	\$4,718.04	7/18/2022	7/18/2022	
JV - Baseball (A)	Richard Letelliere	Spring	\$2,830.82	7/18/2022	7/18/2022	
FT - Baseball (H)	James Kenney	Spring	\$2,830.82	7/18/2022	7/18/2022	
Varsity - Softball (H)	Mike Fecteau	Spring	\$4,718.04	7/18/2022	7/18/2022	
JV - Softball (A)	Erin Martin	Spring	\$2,830.82	7/18/2022	7/18/2022	
Varsity - Lacrosse (B) (H)	Jason Martel	Spring	\$5,111.21	7/18/2022	7/18/2022	
JV - Lacrosse (B) (A)	Jeffrey Wolfahrt	Spring	\$3,066.73	7/18/2022	7/18/2022	
Varsity - Lacrosse (G) (H)	Caitlin Tremberth	Spring	\$5,111.21	7/18/2022	7/18/2022	
JV - Lacrosse (G) (A)	VACANT	Spring				
Varsity - Track Outdoor (G) (H)	Chris Quint	Spring	\$4,718.04	7/18/2022	7/18/2022	
Varsity - Track Outdoor (B) (H)	EJ Kruse	Spring	\$4,718.04	7/18/2022	7/18/2022	
JV - Track Outdoor (B/G) (A)	Erin O'Connor	Spring	\$2,830.82	7/18/2022	7/18/2022	
JV - Track Outdoor (B/G) (A)	Ron Ouellette	Spring	\$2,830.82	7/18/2022	7/18/2022	
Varsity - Tennis (B)	Donald Stanhope	Spring	\$2,752.19	7/18/2022	7/18/2022	
Varsity - Tennis (G)	Teri Schang	Spring	\$2,752.19	7/18/2022	7/18/2022	
Summer Conditioning	Steve Allosso	2023	\$1,965.85	7/18/2022	7/18/2022	
Field Lining - Spring	Shawn Descoteaux	2023	\$1,500.00	7/18/2022	7/18/2022	
Field Cleaning	VACANT	2023				
BHS - Co-Curricular						

FALL	Candidate Name:	Season	Stipend	Nominated	Approved by Board	Sent Form
Annual - 2022-2023						
Choral Director	Elizabeth Joseph	22-23	\$2,359.02	7/18/2022	7/18/2022	
Drama Director - Fall (1/2)	Elizabeth Joseph	22-23	\$2,359.02	7/18/2022	7/18/2022	
Drama Director Musical (1/2)	Elizabeth Joseph	22-23	\$2,359.02	7/18/2022	7/18/2022	
Instrumental Director	Mike Murphy	22-23	\$3,538.53	7/18/2022	7/18/2022	
Fall - 2022						
Marching Band Director	Mike Murphy	22-23	\$3,538.53	7/18/2022	7/18/2022	
BHS Drill Instructor	Brandon Johnson	22-23	\$2,359.02	7/18/2022	7/18/2022	
BHS Color Guard	Margaret Pitt	22-23	\$2,359.02	7/18/2022	7/18/2022	
BHS Percussion	Grace Murphy	22-23	\$3,145.36	7/18/2022	7/18/2022	
BHS Marching Band Tech	Will Martin	22-23	\$1,179.51	7/18/2022	7/18/2022	
Winter - 2022-2023						
Marching Band Director	Mike Murphy	22-23	\$3,145.36	7/18/2022	7/18/2022	
BHS Visual Design	Brandon Johnson	22-23	\$1,572.68	7/18/2022	7/18/2022	
BHS Percussion	Grace Murphy	22-23	\$1,572.68	7/18/2022	7/18/2022	
Percussion Staff - Winter	Mike Caliandro	22-23	\$1,572.68	7/18/2022	7/18/2022	
BHS Marching Band Tech	Will Martin	22-23	\$1,179.51	7/18/2022	7/18/2022	
Non-Instrumental Stipends						
Civil Rights Team Advisor (1/2)	Shari Brinkman-Young	22-23	\$589.75	8/25/2022	9/14/2022	
Civil Rights Team Advisor (1/2)	Jordan Seavey	22-23	\$589.75	8/25/2022	9/14/2022	
Debate Team Coach	Not Offered	22-23				
Interact	Hannah Burgess	22-23	\$1,179.51	7/18/2022	7/18/2022	
Freshmen Mentor Advisor	Joyce Tarp	22-23	\$1,572.68	7/18/2022	7/18/2022	
Robotics	Carol LePauloue	22-23	\$1,79.51	7/18/2022	7/18/2022	
National Honor Society	Vicki Salo	22-23	\$1,179.51	7/18/2022	7/18/2022	
Journalism	Jordan Seavey	22-23	\$1,179.51	7/18/2022	7/18/2022	
Math Team Advisor	James Grover	22-23	\$1,179.51	7/18/2022	7/18/2022	
Odyssey of the Mind Cord.	Vicky Salo	22-23	\$1,179.51	7/18/2022	7/18/2022	
Student Council Advisor	Becky Auten (1/3)	22-23	\$786.33	7/18/2022	7/18/2022	
Student Council Advisor	Hannah Burgess (1/3)	22-23	\$786.33	7/18/2022	7/18/2022	
Student Council Advisor	James Grover (1/3)	22-23	\$786.33	7/18/2022	7/18/2022	

FALL	Candidate Name:	Season	Stipend	Nominated	Approved by Board	Sent Form
Yearbook Advisor	Heather Tremblay	22-23	\$3,145.36	7/18/2022	7/18/2022	
Dungeons & Dragons Advisor	James Grover	22-23	\$1,000.00	7/18/2022	7/18/2022	
COT						
Technology/Social Media Coordinator	Matthew Laney	22-23	\$1,500.00	7/18/2022	7/18/2022	
National Technical Honor Society	Matthew Laney	22-23	\$500.00	7/18/2022	7/18/2022	
BHS Class Advisors						
Freshmen Class Advisor (1/2)	Lydia Wasina	22-23	\$1,114.50	9/14/2022	9/14/2022	
Freshmen Class Advisor (1/2)	Jordan Seavey	22-23	\$1,114.50	9/14/2022	9/14/2022	
Sophomore Class Advisor	Marissa Cassily	22-23	\$2,359.02	7/18/2022	7/18/2022	
Junior Class Advisor	Joyce Tarpy	22-23	\$3,145.36	7/18/2022	7/18/2022	
Senior Class Advisor (1/2)	Olga Tarpy	22-23	\$1,572.68	7/18/2022	7/18/2022	
Senior Class Advisor (1/2)	Kim Doody	22-23	\$1,572.68	7/18/2022	7/18/2022	
BHS Department Heads						
FINE ARTS	Karen Rubin	22-23	\$2,229.00	9/14/2022	9/14/2022	
ENGLISH	Heather Tremblay	22-23	\$3,343.50	9/14/2022	9/14/2022	
LANGUAGE, FOREIGN	Tom McGovern	22-23	\$1,857.50	9/14/2022	9/14/2022	
MATH	Jon Jacques	22-23	\$3,343.50	9/14/2022	9/14/2022	
PHYSICAL EDUCATION	Keith LeBlanc	22-23	\$1,857.50	9/14/2022	9/14/2022	
SCIENCE	Joshua Williams	22-23	\$3,343.50	9/14/2022	9/14/2022	
SOCIAL STUDIES	Ryan Minzy	22-23	\$3,343.50	9/14/2022	9/14/2022	
GUIDANCE	Jennifer Rowland	22-23	\$1,857.50	9/14/2022	9/14/2022	
Nurse (District Wide Head)	Krystal Taschereau	22-23	\$4,000.00	11/2/2022	11/9/2022	
BHS Extra Block Teaching Stipend						
BAND	Mike Murphy	22-23	\$9,829.25	10/5/2022	10/5/2022	
CHORUS	Ellie Joseph	22-23	\$9,829.25	10/5/2022	10/5/2022	
INTRO TO PHYSICAL SCIENCE	Doreen Collin	22-23	\$8,846.37	10/5/2022	10/5/2022	

FALL	Candidate Name:	Season	Stipend	Nominated	Approved by Board	Sent Form
INTRO TO PHYSICAL SCIENCE	Cassidy Baranowski	22-23	\$8,846.37	10/5/2022	10/5/2022	
HONORS CHEMISTRY	Linda Barry	22-23	\$8,846.37	10/5/2022	10/5/2022	
GUIDANCE	Jennifer Rowland	22-23	\$8,846.37	10/5/2022	10/5/2022	



CSTAG:

Comprehensive School Threat Assessment Guidelines

Biddeford Schools
est. 1848

Saco Schools

Dayton Consolidated

What is CSTAG?



“A problem solving approach to violence prevention that involves assessment and intervention with students who have threatened violence in some way.”

Violence prevention strategy recommended by

- US Department of Education
- US Secret Service
- Federal Bureau of Investigation

Multidisciplinary team approach to identify behaviors of concern, assess the level of risk, and provide appropriate interventions.

What is CSTAG?



Training Requirements

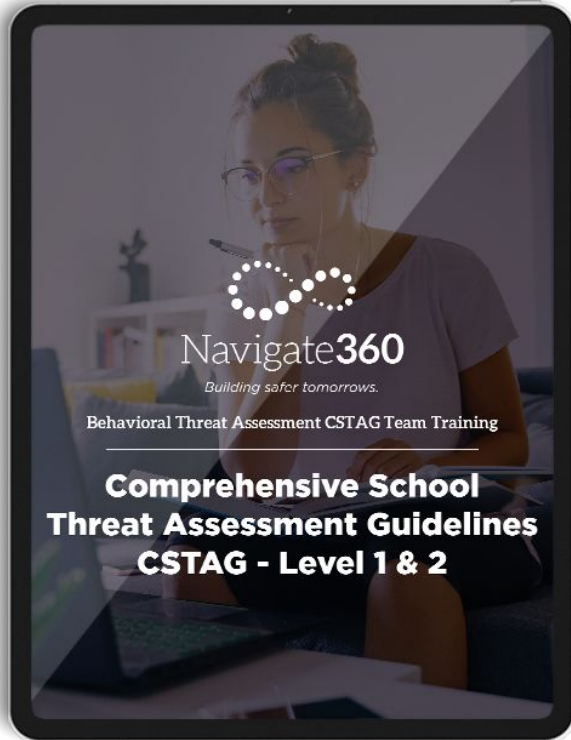
1. Level 1: 6 hours, completed individually
2. Level 2: 4 hours, completed with interdisciplinary team

Who is involved?

Threat Assessment teams in each school may include administrators, school counselors, social workers, nurse, resiliency coordinators, and/or School Resource Officers.

Provided for free by Maine School Safety Center

Implementation



- 2021-2022
 - Administration trained in all 3 districts
 - Multiple other staff members also trained in all 3 districts
- 2022-2023
 - 92 staff members trained by end of 2022
 - Biddeford: 44 team members
 - Dayton: 6 team members
 - Saco: 35 team members
 - Central Office: 7 team members
 - Complete teams in all schools and central office

Why CSTAG?

Facts

- Those headed down a path of targeted violence display observable behaviors (i.e. they don't just "snap")
- When school communities know these warning signs, they can intervene and help
- Behavioral Threat Assessment is a fact-based, non-punitive method of identifying the reasons a student may be headed down a path of violence
- BTA uses a collaborative, multidisciplinary team to assess and identify effective interventions and supports that mitigate a potential threat



Outcomes

- Schools using BTA, see a decrease in their use of suspension
- Counseling is used more often for students who receive a threat assessment
- Both students and staff report a more positive school climate
- Students report less bullying and more willingness to seek help from adults

Next Steps

- School Teams complete Level 1 & 2 Training- December 2022
- Online platform to document and record threat assessment team information- Spring 2023
- Continue to review procedures in each building to align with CSTAG practices
- Review of data for behavioral threat assessments to identify trends and patterns
- Use of data to inform school practices and preventative measures



Overnight Field Trip Form

On the date of departure, a passenger manifest, listing of all passengers per vehicle, must be submitted to the building administrator (Manifest must be kept on file in the main office of appropriate school building).

The respondent's email (tmcgovern@biddefordschools.me) was recorded on submission of this form.

Name of Event: *

Puerto Rico School Trip

Please give a brief description of your field trip: *

14 students will be going to Puerto Rico over April break 2023 with two chaperones, one male the other female: Tom McGovern & Marissa Cassily. The dates of departure are April 15 and the return date is April 20.

Date of Event: *

April 15 - 20

Teacher in Charge: *

Tom McGovern

Class/Group Attending: *

All students welcome

Address & phone number where group can be reached: *

Explorica #1888-310-7120

Number of students attending trip: *

14

School *



BHS



BRCOT



BIS



BPS



JFK



DAYTON



APC



ADULT ED



Other: _____

Number of staff/teachers required: (1 staff/teacher per every 25 students) *

2

Number of chaperones required: (1 chaperone per every 8 students): *

2

Co-ed Overnight field trip, you must ensure that both genders are proportionally represented. (example-for every 8 female students, there will be 1 female chaperone, etc.) Number of Female Chaperones required:

1

Co-ed Overnight field trip, you must ensure that both genders are proportionally represented. (example-for every 8 male students, there will be 1 male chaperone, etc.) Number of Male Chaperones required:

1

Names of Chaperones:

2

Completed volunteer forms required for chaperones *

☐

Yes

☐

No

☒

Doesn't apply. No Chaperones needed

Signature of Building Administrator (please type in name):

Martha Jaques

Date received by Superintendent:

MM DD YYYY

/ /

First Reading: Initial presentation to school committee. Must be no less than 90 days prior to event:

.....

Second Reading: Final presentation, include official chaperone list, alternates and additional information. Must be no less than 30 days prior to event:

.....

Approved by the Board:

☐ Yes

☐ No

This form was created inside of Biddeford School Department.

Google Forms



Mr. McGovern's Puerto Rico

explorica.com/McGovern-1764

April 15 - April 20, 2023

Day 1 Hola San Juan

Meet your tour director and check into hotel
San Juan city walk: Museo de Casa Blanca, La Muralla, La Fortaleza
Dinner

Day 2 San Juan landmarks

Breakfast
San Juan guided sightseeing tour: Antiguo Casino, Convento de Santo Tomás, Iglesia San Jose, Catedral de San Juan, El Castillo San Cristobal visit, Castillo San Felipe del Morro visit, San Juan Museum visit, El Capitolio
San Juan Botanical Gardens visit
Dinner
Optional Zipline Canopy Tour

Day 3 San Juan

Breakfast
El Yunque Caribbean National Forest visit
Luquillo beach free time
Dinner

Day 4 Fajardo

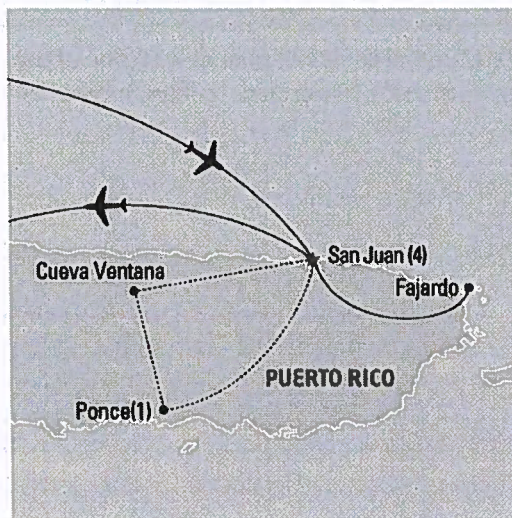
Breakfast
Island excursion & snorkel trip
Dinner
Optional Bioluminescent Bay excursion

Day 5 Start extension in Ponce

Breakfast
Cueva Ventana visit
Travel to Ponce
Ponce tour director-led sightseeing: Parque de Bombas, Lions Fountain, Ponce Cathedral, Casa Alcaldia
Taino Ceremonial Park visit
Dinner

Day 6 End tour

Breakfast
Travel to San Juan
Travel home



Reserve Your Spot!



Tour Center ID: McGovern-1764
Registration deadline: December 21, 2022

What's included

We provide everything you need for a remarkable trip:

- Round-trip transportation
- 4 overnight stays in hotels (5 with extension)
- Breakfast daily (except arrival day)
- Dinner daily (except departure day)
- Full-time services of a professional Tour Director
- Guided sightseeing tours and city walks as per itinerary
- Visit to select attractions as per itinerary
- Tour Diary™
- Overnight security chaperone
- Note: Tour cost does not include airline-imposed baggage fees, or fees for any required passport or visa. Optional excursions, optional pre-paid Tour Director and multi-day bus driver tipping, among other individual and group customizations will be listed as separate line items in the total trip cost, if included.

Tour investment

Students (travelers under the age of 23): \$2,033

Adults (age 23 and over): \$2,303

Automatic monthly payment plan

Pay just \$50 upon enrollment and the balance will be divided into equal monthly payments, charged automatically to your credit card or checking account. As of November 14, 2022, your monthly payment would be just \$661.00. (Manual plan also available; learn more on explorica.com/paymentplans.)

Travel protection

Most Explorica travelers protect their investment with one of our trusted plans, starting from just \$16 per day. To learn more, visit explorica.com/cfar.

Enroll online,
by phone, or by mail



Visit explorica.com/McGovern-1764



Use McGovern-1764 to register



1.888.310.7121

←explorica→
by WorldStrides

Download and complete
a paper application on
explorica.com/resources

Mail to:
PO Box 9033
Charlottesville, VA 22906-9033

Overnight Field Trip Form

On the date of departure, a passenger manifest, listing of all passengers per vehicle, must be submitted to the building administrator (Manifest must be kept on file in the main office of appropriate school building).

The respondent's email (dwalton@biddefordschools.me) was recorded on submission of this form.

Name of Event: *

Ryan Detour Memorial Wrestling Tournament

Please give a brief description of your field trip: *

BHS Wrestling will be attending a wrestling tournament in Bucksport, Maine

Date of Event: *

December 10th, 2022

Teacher in Charge: *

Anthony Cincotta (head coach)

Class/Group Attending: *

BHS Wrestling Team

Address & phone number where group can be reached: *

Bucksport High School / Anthony Cincotta # 294-2376

Number of students attending trip: *

Approximately 18

School *



BHS



BRCOT



BIS



BPS



JFK



DAYTON



APC



ADULT ED



Other: _____

Number of staff/teachers required: (1 staff/teacher per every 25 students) *

2

Number of chaperones required: (1 chaperone per every 8 students): *

6 coaches plus parents of wrestlings

Co-ed Overnight field trip, you must ensure that both genders are proportionally represented. (example-for every 8 female students, there will be 1 female chaperone, etc.) Number of Female Chaperones required:

0

Co-ed Overnight field trip, you must ensure that both genders are proportionally represented. (example-for every 8 male students, there will be 1 male chaperone, etc.) Number of Male Chaperones required:

6 plus parents

Names of Chaperones:

Anthony Cincotta, Ryan Toussaint, Patrick Chute, Jimmy Smith, Dylan Connell, Cody Craig, Parents.

Completed volunteer forms required for chaperones *



Yes



No



Doesn't apply. No Chaperones needed

Signature of Building Administrator (please type in name):

Dennis E. Walton

Date received by Superintendent:

MM DD YYYY

11 / 14 / 2022

First Reading: Initial presentation to school committee. Must be no less than 90 days prior to event:

.....

Second Reading: Final presentation, include official chaperone list, alternates and additional information. Must be no less than 30 days prior to event:

.....

Approved by the Board:

☐ Yes

☐ No

This form was created inside of Biddeford School Department.

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Policy Committee Meeting

October 26, 2022

4:00 pm

BHS ~ Room 7124 ~ Outside of Little Theater

A. Call to Order:

B. Policies to Strike:

[GDGB](#) - Educational Technician Substitutes

[IJOC-E2](#) - School Volunteers Authority to Release Information

C. Policies to Strike and Replace:

[IJOC-E1](#) - Volunteer Agreement Form

[GBN-R1](#) - Family and Medical Leave Act (FMLA)

[GBN-R2](#) - Maine Family Medical Leave Administrative Regulation

D. Policies to Adopt:

[IJOC-E](#) - Volunteer Agreement Form & Authority to Release Information

[GBN-R1](#) - Family and Medical Leave Act (FMLA)

[GBN-R2](#) - Maine Family Medical Leave Administrative Procedure

E. Policies to Revise:

[ADDA-R](#) - Transgender Students Guidelines-Maine

[IHBEA](#) - Program for English Language Learners

[IHBEA-R](#) - Lau Plan-Program for Limited English Proficient Students

[IHBEA-R1](#) - English Learner Identification Decision Tree

[IJOC](#) - School Volunteers

[IJOC-R](#) - School Volunteers Administrative Procedure

[BIB](#) - School Committee Member Development Opportunities

[AD](#) - Revision 1 - (Tabled from the last meeting) - Educational Philosophy/Mission

[AD](#) - Revision 2 - Educational Philosophy/Mission

[ACAA](#) - Harassment and Sexual Harassment of Students

[ACAA-R](#) - (**Non-regulatory guidance for the Policy Committee**) Student Discrimination/Harassment and Title IX Sexual Harassment

[EEAEFA](#) - Video Surveillance on School Property

[EEAEFA-R](#) - Video Camera Use on School Property Administrative Procedure

Policies to Review:

[GDB](#) - Support Staff Salary Schedules/Overtime

F. Adjournment:

~~EDUCATIONAL TECHNICIAN SUBSTITUTES~~

~~The School Committee authorizes the employment of educational technical substitutes to serve on a day-to-day basis in the following circumstances:~~

~~A. Special Education~~

- ~~1. When an educational technician whose primary responsibility is to provide one-on-one services to student(s) as recommended by a PET is absent; or~~
- ~~2. Under other circumstances as deemed appropriate by the building administrator in consultation with the Special Education Director.~~

~~B. Regular Education~~

- ~~1. When an Ed. Tech III who teaches a particular curriculum area is absent from school, a substitute may be employed to avoid disruption of the instructional program.~~

~~Adopted: November 20, 1991~~

~~Revised: April 27, 1999~~

☐ BHS/COT (9-12) ☐ BMS (6-8) ☐ BIS (4-5) ☐ BPS (1-3) ☐ JFK (Kindergarten)

SCHOOL VOLUNTEERS AUTHORITY TO RELEASE INFORMATION

I hereby authorize the representative of the Biddeford School Department bearing this release, or copy thereof, within one year of its date, to perform a criminal history records check.

This release is executed with full knowledge and understanding that the information is for the official use of the Biddeford School Department. I hereby release the custodian of such records, including law enforcement agency officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and requests to release information or any attempt to comply with it. Should there be any question as to the validity of this release, you may contact me as indicated below. All records obtained are confidential and may not be made available for public inspection or copying.

FULL NAME _____ D.O.B. _____
(signature)

FULL NAME _____ DATE _____
(typed or printed)

CURRENT ADDRESS _____

TEL: _____ Social Security # _____

WITNESS: _____

Gross Reference: IJOG School Volunteers
IJOG R School Volunteers Administrative Procedure

Adopted: _____ January 8, 2013

☐ BHS/GOT (9-12) ☐ BMS (6-8) ☐ BIS (4-5) ☐ BPS (1-3) ☐ JFK (Kindergarten)

VOLUNTEER AGREEMENT FORM

I have read the Biddeford School Department policy IJOG (School Volunteers):

I understand that as a volunteer in the Biddeford schools that ALL student and staff information is confidential. I agree not to access, review, disclose or use confidential student or staff information without specific authorization from a school administrator. I also understand that even when I am no longer a volunteer in the schools, any confidential information I have learned must continue to be kept confidential. I understand that any breach of these confidentiality requirements will result in my immediate termination as a volunteer and may result in legal action against me.

I understand that I must comply with all Biddeford School Committee policies and school rules applicable to school staff as well as all directions from school administrators and staff while serving as a volunteer. I further understand that my authorization to serve as a volunteer may be terminated at the discretion of the school principal at any time if they determine it is in the best interests of the Biddeford schools.

 Printed Name Telephone number (s)

 Address

 Signature of Volunteer _____ Date

Legal Reference: 10—A.M.R.S.A. § 1002

Gross Reference: —EEBC— Student Transportation in Private Vehicles
 IJOG— School Volunteers

Adopted: —January 8, 2013

~~FAMILY AND MEDICAL LEAVE ACT (FMLA)~~

~~ADMINISTRATIVE REGULATION~~

~~The following administrative regulation covers the main provisions of the federal Family and Medical Leave Act (FMLA). The guidelines in no way attempt to modify the Act, which should always be referred to when questions about implementation arise. The school unit is responsible for analyzing each employee request for leave to determine whether he/she is eligible under the federal and/or state statute. When an employee is eligible for leave under both the federal and state statutes, the applicable law with regard to each benefit shall be the one which provides the greater benefit (usually federal FMLA).~~

~~I. ELIGIBILITY REQUIREMENTS~~

~~To be eligible under the FMLA, employees must work at a site where 50 or more employees of the same school board are employed within 75 miles of that work site. An employee must have been employed by the school unit for at least twelve months and have worked at least 1250 hours in the previous twelve-month period. According to the law, teachers employed on a full-time basis are presumed to meet the minimum hours requirement.~~

~~Under the FMLA, an eligible employee is entitled to receive up to twelve weeks of leave during a twelve-month period for the following reasons:~~

~~A. The birth and care of a child;~~

~~B. The adoption or foster placement of a child with the employee;~~

~~C. To care for a spouse, child or parent with a serious health condition; or~~

~~D. The employee is unable to perform the functions of his/her position because of a serious health condition.~~

~~H. ADMINISTRATION~~

~~A. If the leave request is due to the employee's serious health condition, the employee is required to provide medical certification stating the date the health condition commenced, the probable duration, the appropriate medical facts concerning the condition, and that the employee cannot perform the functions of his/her job.~~

~~If the leave request is due to the serious health condition of a family member, the employee is required to provide medical certification stating the date the health condition commenced, the probable duration, the appropriate medical facts concerning the condition, and an estimate of the time the employee will be needed to care for the family member.~~

~~B. The twelve-month period in which an employee is entitled to twelve weeks of FMLA leave shall be the 12-month period measured forward from the date an individual employee's first leave begins.~~

~~C. An employee must submit an application for leave at least 30 days in advance when the leave is foreseeable, or as soon as practicable if it is not foreseeable.~~

~~If an employee fails to provide 30 days' notice of foreseeable leave, the leave may be delayed to start 30 days after notice is given, provided that the employee had actual notice of FMLA notification requirements.~~

~~D. Any leave taken for FMLA qualifying purposes (including leave taken under employment policies, bargaining agreements, or contracts) shall also be applied to an employee's annual FMLA entitlement. When paid leave taken for FMLA qualifying purposes is exhausted, the balance of FMLA leave shall be unpaid.~~

~~E. Upon an employee's return to work, he/she will be restored to his/her previous position or to an equivalent position with equivalent pay, benefits, conditions and terms of employment.~~

~~F. An employee returning from FMLA leave for his/her own serious health condition is required to submit medical certification that indicates fitness to return to work and ability to perform the functions of the job.~~

~~G. If the employee is unable to return to work because of his/her own serious health condition at the expiration of allowable FMLA leave, the Superintendent may consider a request for extension of unpaid leave and benefits on a case-by-case basis. Failure to return to work upon the expiration of FMLA leave may subject the employee to immediate termination unless such an extension is granted.~~

~~II. An employee who is not eligible for federal FMLA leave may be eligible for
Maine Family Medical Leave.~~

~~Legal Reference: 26 USC § 2601 et seq.
29 CFR Part 825~~

~~Adopted: April 27, 1999~~

~~MAINE FAMILY MEDICAL LEAVE ADMINISTRATIVE REGULATION~~

~~The following administrative procedure covers the main provisions of the Maine Family Medical Leave Act. The guidelines in no way attempt to modify the statute, which should always be referred to when questions about implementation arise. The school unit is responsible for analyzing each employee request for leave to determine whether he/she is eligible under the federal and/or state statute. When an employee is eligible for leave under both the federal and state statutes, the applicable law with regard to each benefit shall be the one, which provides the greater benefit (usually federal FMLA).~~

~~I. ELIGIBILITY~~

~~To be eligible for Maine Family Medical Leave, employees must work at a site where there are 15 or more employees of a school board. An employee must have been employed by the same employer for 12 consecutive months and not taken such leave within the immediately preceding 24-month period, or have used less than 10 weeks of family medical leave.~~

~~Under the Maine Family Medical Leave Act, an eligible employee is entitled to up to 10 weeks of leave during a 24-month period for the following reasons:~~

~~A. Serious health condition of the employee;~~

~~B. Birth of the employee's child or the employee's domestic partner's child;~~

~~C. Placement of a child 16 years of age or less in connection with the adoption of the child by the employee or the employee's domestic partner; or~~

~~D. Serious health condition of a child, domestic partner's child, parent, domestic partner or spouse.~~

~~Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider;~~

~~E. The donation of an organ of the employee for a human organ transplant; or~~

~~F. The death or serious health condition of the employee's spouse, domestic partner, parent or child if the spouse, domestic partner, parent or child as a member of the~~

~~state military forces, as defined in Title 37-B, section 102 of the Maine Revised Statutes, or of the United States Armed Services, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.~~

~~H. DOMESTIC PARTNER DEFINED~~

~~For the purpose of determining eligibility for Maine Family Medical Leave, "domestic partner" means the partner of an employee who:~~

- ~~A. Is a mentally competent adult as is the employee;~~
- ~~B. Has been legally domiciled with the employee for at least 12 months;~~
- ~~C. Is not legally married to or legally separated from another individual;~~
- ~~D. Is the sole partner of the employee and expects to remain so;~~
- ~~E. Is not a sibling of the employee; and~~
- ~~F. Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.~~

~~III. ADMINISTRATION~~

- ~~A. The school unit may require certification from a physician to verify the amount of leave requested. An employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination may submit certification from an accredited practitioner of those healing methods.~~
- ~~B. An employee requesting leave shall provide at least 30 days' notice of the intended dates upon which the leave will commence and terminate, unless prevented by medical emergency from giving required notice.~~
- ~~C. Any leave taken for Maine Family Medical Leave qualifying purposes, including leave taken under other applicable statutes, employment policies, collective bargaining agreements or contracts, shall also be considered leave under the Maine Family Medical Leave and shall be applied to an employee's 10-week Maine Family Medical Leave entitlement every 24-month period. When paid leave taken~~

~~for Maine Family Medical Leave qualifying purposes is exhausted, the balance of Maine Family Medical Leave shall be unpaid.~~

~~D. During Maine Family Medical Leave, an employee shall be permitted to continue his/her medical insurance plan, providing the employee remits the monthly premium to the Superintendent's Office no later than the first day of the month for which the premium is due.~~

~~E. Upon an employee's return to work, he/she will be restored to his/her previous position or to a position with equivalent seniority status, benefits, pay, and other conditions and terms of employment.~~

~~F. An employee taking Maine Family Medical Leave for his/her own serious health condition may be required to submit certification that he/she is fit to return to work and is able to perform the functions of the position.~~

~~G. If at the end of the allowable leave under Maine Family Medical Leave the employee is unable to return to work because of his/her own serious health condition, the Superintendent and School Committee may consider a request for extension of unpaid leave and benefits on a case-by-case basis.~~

~~H. An employee who is not eligible for Maine Family Medical Leave may be eligible for federal Family and Medical Leave.~~

~~IV. LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE~~

~~Subject to the other requirements of this policy, leave taken intermittently or on a reduced leave schedule (i.e., a leave schedule that reduces the usual number of hours per workweek or hours per workday of an employee may be taken subject to the following:~~

~~A. Leave for birth or placement related to adoption may not be taken intermittently or on a reduced schedule unless agreed to by both employer and employee;~~

~~B. Leave for a serious health condition of the employee or his/her child, domestic partner's child, parent, domestic partner or spouse, or for organ donation by the employee may be taken intermittently or on a reduced leave schedule when medically necessary.~~

- ~~C. The taking of leave intermittently or on a reduced leave schedule may not result in a reduction in the total amount of Maine Family Medical Leave to which the employee is entitled beyond the amount actually taken;~~
- ~~D. If an employee requests intermittent leave or leave on a reduced leave schedule for a serious health condition of the employee or his/her child, domestic partner's child, parent, domestic partner or spouse, or for organ donation by the employee that is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that 1) has equivalent pay and benefits, and 2) better accommodates recurring periods of leave than the regular employment position of the employee.~~

~~Legal References: 26 MRSA § 843 et seq.~~

~~Adopted: April 27, 1999~~

~~Revised: December 9, 2008~~

Biddeford Schools Volunteer Form -IJOC- E

I have read the Biddeford School Department policy IJOC (School Volunteers).

I understand that as a volunteer in the Biddeford schools that ALL student and staff information is confidential. I agree not to access, review, disclose or use confidential student or staff information without specific authorization from a school administrator. I also understand that even when I am no longer a volunteer in the schools, any confidential information I have learned must continue to be kept confidential. I understand that any breach of these confidentiality requirements will result in my immediate termination as a volunteer and may result in legal action against me.

I understand that I must comply with all Biddeford School Committee policies and school rules applicable to school staff as well as all directions from school administrators and staff while serving as a volunteer. I further understand that my authorization to serve as a volunteer may be terminated at the discretion of the school principal at any time if they determine it is in the best interests of the Biddeford schools.

*** Required**

1. **Email ***

2. **First Name ***

3. **Middle Initial ***

4. **Last Name ***

5. Suffix

6. Date of Birth *

Example: January 7, 2019

7. Maiden/Previous Married Last Name 1

8. Maiden/Previous Married Last Name 2

School
Volunteers
Authority
to Release
Information

By typing my name below I hereby authorize the representative of the Biddeford School Department bearing this release, or copy thereof, within one year of its date, to perform a criminal history records check.

This release is executed with full knowledge and understanding that the information is for the official use of the Biddeford School Department. I hereby release the custodian of such records, including law enforcement agency officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and requests to release information or any attempt to comply with it. Should there be any question as to the validity of this release, you may contact me as indicated below. All records obtained are confidential and may not be made available for public inspection or copying.

9. Full Name *

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Google Forms

FAMILY AND MEDICAL LEAVE ADMINISTRATIVE PROCEDURE

A. Eligibility

To be eligible under the FMLA, employees must work at a site where 50 or more employees of the same school board are employed within 75 miles of that work site. An employee must have been employed by the school unit for at least twelve months and have worked at least 1250 hours in the previous twelve-month period. According to the law, teachers employed on a full-time basis are presumed to meet the minimum hours requirement.

Maine's L.D. 912 extends the Federal FMLA eligibility to school employees who worked 900 hours in the past 12-months.

No employee may perform work for another employer while on any leave.

Key employees are considered eligible for Federal Family Medical Leaves of Absence.

B. Benefit

Under certain conditions, eligible employees, if qualified, may be entitled to up to 12 weeks or 26 weeks leave in a 12-month period with continuing participation in the school unit's group insurance plan.

The 12-month period for FMLA purposes is designated as a rolling 12-month period measured backward from the date an employee uses an FMLA leave.

C. Reasons for Taking Leave

Unpaid leave will be granted to eligible employees for any of the following reasons:

1. The birth and care of a child;
2. The adoption or foster placement of a child with the employee;
3. To care for a spouse, child or parent with a serious health condition; or
4. The employee is unable to perform the functions of their position because of a serious health condition.

D. Military Family Leave**1. Military Caregiver Leave**

An eligible employee who is a relative of a servicemember can take up to 26 weeks in a 12-month period in order to care for a covered servicemember who is seriously ill or injured in the line of duty, or a veteran who is undergoing medical treatment recuperation, or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.

2. Qualified Exigency Leave (applies to eligible employees with family members who are in the National Guard or Reserves, and Regular Armed Forces)

a. An eligible employee can take up to the normal 12 weeks of leave if a family member who is a member of the National Guard or Reserve is called up to active duty on a contingency mission.

b. Qualifying exigencies include:

- 1) Short-notice deployment;
- 2) Military events and related activities;
- 3) Childcare and school activities;
- 4) Financial and legal arrangements;
- 5) Counseling;
- 6) Rest and recuperation;
- 7) Post-deployment activities; and
- 8) Additional activities agreed to by the employer and the employee.

E. Substitution of Paid Leave

Any paid leave taken for FMLA-qualifying purposes (including leave taken under employment policies, bargaining agreements, or contracts) shall also be applied to an employee's annual FMLA entitlement. When paid leave taken for FMLA-qualifying purposes is exhausted, the balance of FMLA leave shall be unpaid.

F. FMLA Leave When Both Parents Are School Unit Employees

If both parents of a child are employed by the School, they are entitled to 12 weeks of leave per year.

However, leave may be granted to only one parent at a time, and if leave is taken it is granted for: (1) for the birth of a child or to care for the child after birth; or (2) for placement of a child for adoption or foster care or to care for the child after placement.

If the School employs spouses, the aggregate number of weeks of leave that can be taken is 26 weeks in a single 12-month period for serviceperson leave or a combination of exigency and serviceperson leave. The aggregate number of weeks of leave that can be taken by parents who work for the same employer is 12 weeks if for exigency leave only.

G. Employee Notice Requirement

The employee must follow the employer's standard notice and procedural policies for taking FMLA.

Except as provided elsewhere in this policy, an employee must submit an application for leave at least 30 days in advance when the leave is foreseeable or as soon as practicable if it is not foreseeable.

If an employee fails to provide 30 days' notice of foreseeable leave, the leave may be delayed to start 30 days after notice is given, provided the employee had actual notice of the FMLA notice requirements.

When the need for FMLA leave is foreseeable fewer than 30 days in advance, or the need for FMLA leave is not foreseeable, and the employee fails to provide notice as soon as practicable, the extent to which FMLA leave may be delayed depends upon the facts of the particular case.

H. Medical Certification

A leave request form is to be completed whenever an employee is absent from work for more than three days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.

The school unit will require medical certification to support a request for FMLA leave because of a serious health condition (at the employee's expense).

If the leave request is due to the employee's serious health condition, the employee is required to provide medical certification stating the date the health condition commenced, the probable duration, the appropriate medical facts concerning the condition, and that the employee cannot perform the functions of his/her job.

If the leave request is due to the serious health condition of a family member, the employee is required to provide medical certification stating the date the health condition commenced, the probable duration, the appropriate medical facts concerning the condition, and an estimate of the time the employee will be needed to care for the family member.

If the leave request is for leave to care for a covered servicemember, the employee is required to provide certification of the date on which the serious medical condition or injury commenced, the probable duration, and the appropriate medical facts within the knowledge of the health care provider regarding the condition or injury, and an estimate of the time the employee will be needed to care for the covered servicemember.

I. Notice for Leave Due to Active Duty or Call to Active Duty of Family Member

In any case in which the necessity for leave is foreseeable, whether because the spouse or a son, daughter, or parent of the employee is on active duty or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as soon as is practicable.

J. Employer Notice Requirement (29 C.F.R. § 825.300)

Employers must provide employees with a notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an employer must provide notice to the employee within five business days of whether the employee meets the FMLA eligibility requirements. If an employee is not eligible to take FMLA, the employer must provide a reason. The employer must also provide rights and responsibilities notice outlining expectations and obligations relating to FMLA leave. If the employer approves FMLA leave, it must provide the employee with a designation notice stating the amount of leave that will be counted against an employee's FMLA entitlement.

K. Insurance

An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, provided the employee continues paying the usual premiums throughout the leave period. An employee's eligibility to maintain health insurance coverage will lapse if the premium payment is more than 30 days late.

L. Return

Upon return from FMLA leave, the employee will be restored to their previous position or to an equivalent position with equivalent pay, benefits, and other employment terms.

An employee returning from FMLA leave for his/her own serious health condition is required to submit medical certification if there is a request for light duty.

If the employee is unable to return to work because of his/her own serious health condition at the end of allowable FMLA leave, the Superintendent may consider a request for an extension of unpaid leave and benefits on a case-by-case basis. Unless an extension has been granted, failure to return to work upon the expiration of FMLA leave may subject the employee to immediate termination.

M. Special Rules for Instructional Employees

Under federal regulations, certain special rules apply to instructional employees. These rules affect the taking of leave near the end of a semester and the taking of intermittent leave or leave on a reduced leave schedule. If an instructional employee begins FMLA leave more than five weeks before the end of a term, the school may require the employee to remain on leave until the end of the term if the requested leave is expected to last at least three weeks and the employee would otherwise return to work during the last three weeks of the term. If the instructional employee begins FMLA leave during the last five weeks of a term, the school may require the employee to remain on leave until the end of the term if the leave is expected to last more than two weeks and the employee would otherwise return to work during the last two weeks of the term. If the instructional employee begins FMLA leave during the last three weeks of the term, the school may require the employee to continue taking leave until the end of the term if the leave is expected to last more than five working days.

If an instructional employee needs intermittent or reduced leave and the employee would be on leave for more than 20 percent of the total number of working days over the leave period, the school may require the employee to choose between the following: (a) taking a certain period of consecutive days on leave, not greater than the duration of the employee's planned medical treatment, or (b) transferring temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position.

N. Interaction with Maine Law

When an employee is eligible for leave under both the federal and Maine statutes, the applicable law shall be the one that provides the greater benefit and shall run concurrently.

An employee who is not eligible for federal FMLA leave may be eligible for leave under the Maine FMLA.

The school unit will analyze each request to determine eligibility for federal and/or Maine FMLA leave.

O. Recordkeeping

Employees, supervisors, and building administrators will forward requests, forms, and other material to payroll to facilitate proper recordkeeping.

Legal Reference: 29 C.F.R. Part 25 (Regulations to Implement the Family and Medical Leave Act of 1993)

Adopted: April 27, 1999
Revised: _____

MAINE FAMILY MEDICAL LEAVE ADMINISTRATIVE PROCEDURE

This administrative procedure covers the main provisions of the Maine Family Medical Leave Act. The school unit will analyze each employee's request for leave to determine whether they are eligible under the Federal and/or State statute. When an employee is eligible for leave under both the Federal and State statutes, the applicable law with regard to each benefit shall be the one that provides the greater benefit (usually Federal FMLA) and shall run concurrently.

No employee may perform work for another employer while on any leave.

I. ELIGIBILITY

To be eligible for Maine Family Medical Leave, employees must work at a site where there are 15 or more employees of a School Department. An employee must have been employed by the same employer for 12 consecutive months and not taken such leave within the immediately preceding 24-month period or have used less than 10 weeks of family medical leave.

Under the Maine Family Medical Leave Act, an eligible employee is entitled to up to 10 weeks of leave during a 24-month period for the following reasons:

- A. Serious health condition of the employee;
- B. Birth of the employee's child or the employee's domestic partner's child;
- C. Placement of a child 16 years of age or less in connection with the adoption of the child by the employee or the employee's domestic partner;
- D. Serious health condition of a child, domestic partner's child, parent, sibling, domestic partner, or spouse; grandchild or domestic partner's grandchild.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider;

- E. The donation of an organ of the employee for a human organ transplant; or
- F. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling, or child if the spouse, domestic partner, parent,

sibling, or child is a member of the state military forces as defined in Title 37-B, section 102, of the Maine Revised Statutes, or of the United States Armed Services, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

For the purpose of this procedure, “sibling” means a sibling of an employee who is jointly responsible with the employee for each other’s common welfare as evidenced by joint living arrangements and joint financial arrangements.

II. DOMESTIC PARTNER DEFINED

For the purpose of determining eligibility for Maine Family Medical Leave, “domestic partner” means the partner of an employee who:

- A. Is a mentally competent adult, as is the employee;
- B. Has been legally domiciled with the employee for at least 12 months;
- C. Is not legally married to or legally separated from another individual;
- D. Is the sole partner of the employee and expects to remain so;
- E. Is not a sibling of the employee; and
- F. Is jointly responsible with the employee for each other’s common welfare as evidenced by joint living arrangements, joint financial arrangements, or joint ownership of real or personal property.

III. ADMINISTRATION

- A. The school unit may require certification from a physician to verify the amount of leave requested. An employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination, may submit certification from an accredited practitioner of those healing methods.
- B. An employee requesting leave shall provide at least 30 days’ notice of the intended dates upon which the leave will commence and terminate unless prevented by a medical emergency from giving the required notice.
- C. Any paid leave taken for Maine Family Medical Leave qualifying purposes, including leave taken under other applicable statutes, employment policies, and collective bargaining agreements or contracts, shall also be considered

leave under Maine Family Medical Leave and shall be applied to an employee's 10-week Maine Family Medical Leave entitlement every 24-month period. When paid leave taken for Maine Family Medical Leave qualifying purposes is exhausted, the balance of Maine Family Medical Leave shall be unpaid.

- D. During Maine Family Medical Leave, an employee shall be permitted to continue their medical insurance plan, providing the employee remits the monthly premium to the Superintendent's Office no later than the first day of the month for which the premium is due.
- E. Upon an employee's return to work, they will be restored to their previous position or to a position with equivalent seniority status, benefits, pay, and other conditions and terms of employment.
- F. An employee taking Maine Family Medical Leave for their own serious health condition may be required to submit certification if there is a request for light duty.
- G. If, at the end of the allowable leave under Maine Family Medical Leave, the employee is unable to return to work because of their serious health condition, the Superintendent and School Committee may consider a request for an extension of unpaid leave and benefits on a case-by-case basis. Failure to return to work upon the expiration of Maine Family Medical Leave may subject the employee to immediate termination unless such an extension is granted.
- H. An employee who is not eligible for Maine Family Medical Leave may be eligible for federal Family and Medical Leave.

IV. LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE

Subject to the other requirements of this policy, leave taken intermittently or on a reduced leave schedule (i.e., a leave schedule that reduces the usual number of hours per workweek or hours per workday of an employee) may be taken subject to the following:

- A. Leave for birth or placement related to adoption may not be taken intermittently or on a reduced schedule unless agreed to by both employer and employee;

- B. Leave for a serious health condition of the employee or their child, domestic partner's child, parent, domestic partner or spouse, or for organ donation by the employee may be taken intermittently or on a reduced leave schedule when medically necessary;
- C. The taking of leave intermittently or on a reduced leave schedule may not result in a reduction in the total amount of Maine Family Medical Leave to which the employee is entitled beyond the amount of leave actually taken; and
- D. If an employee requests intermittent leave or leave on a reduced leave schedule for a serious health condition of the employee or their child, domestic partner's child, parent, domestic partner or spouse, or for organ donation by the employee that is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that 1) has equivalent pay and benefits, and 2) better accommodates recurring periods of leave than the regular employment position of the employee.

Legal Reference: 26 MRSA § 843 et seq.

Adopted: April 27, 1999

Revised: December 9, 2008, _____

TRANSGENDER STUDENTS GUIDELINES - MAINE

A. Purpose

The purposes of this policy are: ~~1) to foster a learning environment that is safe, and free from discrimination, harassment, and bullying; and 2) to assist in the educational and social integration of transgender students~~ **and gender expansive students** in our schools. This policy is intended to be interpreted in light of applicable federal and state laws and regulations, ~~as well as School Committee and School Committee policies, procedures, and school rules.~~

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. ~~In addition, the programs, facilities, and resources of each school also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis and to utilize this policy and other available resources as appropriate.~~

B. Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. ~~The terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Except as specifically defined in Maine law, the terminology in this area is constantly evolving, and preferences for particular terminology vary widely.~~ Administrators, school staff, volunteers, students, and others who interact with students are expected to be sensitive to the ways in which particular transgender **and gender expansive** students may wish to be identified. However, for the sake of brevity, this policy refers to "transgender students" **and "gender expansive students."**

1. *Sexual orientation* – Sexual orientation is defined in the Maine Human Rights Act as an individual's "actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression". ~~This is the only term related to these guidelines which is defined in Maine law.~~
2. *Gender identity* – ~~A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the gender assigned at birth.~~ **Gender identity is defined in the Maine Human Rights Act as "gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth." A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the gender assigned at birth.**
3. *Gender expression* – The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

4. ***Gender expansive*** – An umbrella term used to describe a person who expands notions of gender expression and identity beyond perceived or expected societal gender norms.
5. ***Transgender*** – An adjective describing a person whose gender identity or expression is different from that traditionally associated with ~~an~~ assigned sex at birth.
6. ***Transition*** – The process by which a person goes from living and identifying as one gender to living and identifying as another. For most elementary and secondary students, this involves no or minimal interventions. In most cases, transgender students under the age of 18 are in a process of social transition from one gender to another.

C. Addressing the Needs of Transgender Students

For the purposes of this policy, a student will be considered transgender if, at school, ~~he/she~~ **they consistently** asserts a gender identity or expression different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.

The following procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

1. A transgender student and/or ~~his/her~~ **their** parent(s)/guardian(s) should contact the building administrator or the student's guidance counselor. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.
2. ~~A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s), and building administrator, other participants may include the guidance counselor or social worker, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.~~
3. ~~If requested by the student, or if deemed necessary by the administration to address school-related issues, a meeting will be scheduled to discuss the student's particular circumstances and needs. In addition to the student, and depending on the particular needs of the student, other participants in the meeting may include the parent(s)/guardian(s), a building administrator, a guidance counselor or social worker, the school nurse, and/or other school staff. Outside providers and/or a support person for the student may also be included if appropriate.~~
4. In the case of a student who has not yet informed their parent(s)/guardian(s), the administrator should first discuss parent/guardian involvement with the student to avoid inadvertently putting the student at risk by contacting their parent(s)/guardian(s). The student will be notified by the administrator prior to contacting their parent(s)/guardian(s).
5. ~~A plan should be developed by the school, in consultation with the student, parent(s)/guardian(s), and others as appropriate, to address the student's particular needs. If the student has an IEP and/or 504 plan, the provisions of the 504 or IEP plan should be taken into consideration in developing the plan for addressing transgender issues.~~

6. If requested by the student, or deemed necessary by the administration to address school-related issues, a plan will be developed by the school in consultation with the student and other meeting participants. If the student has an IEP and/or a 504 Plan, the provisions of these plans should be taken into consideration in developing a plan for addressing transgender and gender expansive issues within the school program.
7. The school may request documentation from medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the student.
8. **Any plan developed must be reviewed and approved by the building administrator.** If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.

D. Guidance on Specific Issues

1. **Privacy:** The student plan should address how to deal with disclosures that the student is transgender. In some cases, a student may want school staff and students to know, and in other cases, the student may not want this information to be widely known.

~~School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information).~~

The student's plan shall be kept confidential and shared only with individuals attending the plan development meeting, the Superintendent, others with a bona fide need to know, and, if necessary, the district's legal counsel.

As part of the development of the student's plan, the discussion should include what information may be shared, to whom the information may be shared, and how the information should be shared.

School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information, the student's transgender status, their legal name, or sex assigned at birth).

School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and or parent(s)/guardian(s).

- ~~2. **Official Records:** Schools are required to maintain a permanent record for each student which includes legal name and gender. This information is also required for standardized tests and official school unit reports. This official information will only be changed upon receipt of documentation that a student's name or gender has been changed in accordance with any applicable laws. Any requests to change a student's legal name or gender in official records~~

~~should be referred to the Superintendent. To the extent that the school is not required to use a student's legal name or gender on school records or other documents, the school should use the name and gender identified in the student's plan.~~

3. **School Records:** Schools are required to maintain a large number of records for students. If a student makes a legal change in their name and/or gender, appropriate documentation should be provided to the building administrator and records will be changed.

A student who has not legally changed their name and/or gender may still request that the school unit utilize their preferred name and/or gender on school records, and this request will be honored to the extent that the school unit is not legally required to use a student's legal name or gender on particular records. This information should be included in any plan developed for the student.

If a student requests a change to their name and/or gender in school records without parental approval, the Superintendent should be consulted, and the matter resolved on a case-by-case basis. Students should be informed that parents/guardians have a right to access all education records of their child and therefore the school cannot keep the change in name and/or gender a secret. This information should be discussed in the development of the student's plan.

In the event of a student transfer to a new school unit, the building administrator will identify a person who will inform the new school unit or out-of-district school program that the student's records indicate a change in name preference, and what the student's prior and current name preferences are.

4. **Names/Pronouns:** A student who has been identified as transgender under these guidelines should be addressed by school staff and other students by the name and pronoun corresponding to their gender identity that is consistently asserted at school.
5. **Restrooms:** A student who has been identified as transgender under these guidelines should be permitted to use the restrooms assigned to the gender which the student consistently asserts at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations such as using a separate stall or a staff facility. However, a student shall not be required to use a separate non-communal facility over his/her their objection.
6. **Locker Rooms:** The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. A transgender student will not be required to use a locker room that conflicts with the gender identity consistently asserted at school. A transgender student who expresses a need for privacy will be provided with reasonable

alternative facilities or accommodations, such as using a separate stall, a staff facility or separate schedule.

7. **Other Gender-Segregated Facilities or Activities:** As a general rule, in other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school. Interscholastic athletic activities should be addressed through the Maine Principals Association Transgender Participation Policy.
8. **Dress Code:** Transgender students may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.

¶

8. ~~E. Safety and Support for Transgender and Transitioning Students:~~

1. As part of the support plan development, the concerned parties should discuss safe zones (ex. main office, counselor's office) the student may access at any time the student feels unsafe or uncomfortable. A support person (and possibly a back-up person) should also be identified for each student.
2. School staff are expected to comply with any plan developed for a transgender student and/or gender expansive student.
3. School staff are expected to promptly notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.
4. School staff should be sensitive to the fact that transgender and gender expansive students can be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator if they become aware of a problem.

~~School staff are expected to comply with any plan developed for a transgender student and to notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.¶~~

~~School staff should be sensitive to the fact that transgender and transitioning students may be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator if he/she they becomes aware of a problem.~~

E. Staff Training and Informational Materials

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as ~~he/she~~ **they** deems appropriate.
2. ~~Teachers and other staff who have responsibilities for a transgender student with a plan will receive support in implementing the plan.~~

Cross Reference: **ADDA - Transgender Students Policy**
 AC - Nondiscrimination/Equal Opportunity and Affirmative Action

Legal Reference: 5 MRSA Sec. 4551 et seq

Adopted: November 10, 2015

Revised: _____

PROGRAM FOR MULTILINGUAL LEARNERS

The Committee recognizes the need to provide a program for students who are Multilingual learners in order to assure these students of equal educational opportunity.

To that end, the Superintendent shall be responsible for developing and implementing a “Lau Plan” to meet the needs of students who are Multilingual learners, including procedures for identification, assessment, programming, monitoring or progress, exit/reclassification, follow-up, and parent notification. A Language Assessment Committee shall be appointed to assist in the coordination, oversight, and periodic review of the program.

The Lau Plan shall be approved by the Board before it is submitted to the Maine Department of Education.

At the beginning of each school year, Biddeford School Department will notify parents of students identified for or participating in programs for Multilingual learners about the instructional program and parent rights, as required by law. Parents will be regularly informed of their child’s progress. Whenever practicable, communications with parents will be in the language understood by the parents.

Legal Reference: 42 U.S.C. § 2000d (Title VI, Civil Rights Act of 1964)
20 U.S.C. § 6801 et seq.
Me. Dept. of Educ. Rule Ch. 127.02
Federal DOJ “Dear Colleague Letter,” *Multilingual Learner Students and Limited Multilingual Proficient Parents* (01/7/2015)

Adopted: January 8, 2019
Reviewed: February 9, 2021
Revised: _____

LAU PLAN - PROGRAM FOR LIMITED MULTILINGUAL PROFICIENT STUDENTS

Section I: Legal Foundation for Providing Effective Educational Services to Multilingual Learners

A. Legal Requirements:

It is the responsibility of the Biddeford School Department to adhere to all federal and state guidelines in providing equal educational opportunities to all students. The Lau Plan¹ outlines the measures the Biddeford School Department will take to ensure that the needs of our culturally and linguistically diverse students are identified and met.

The Multilingual for Speakers of Other Languages (ESOL)/Bilingual office of the Maine Department of Education has issued the following guidelines to measure school department's compliance with both federal and state law:

B. Federal Legislation

1. **Every Student Succeeds Act (2015)** provides for strong accountability for the education of all children and for certain provisions specific to limited Multilingual proficient students, especially under Titles I and III of the Act. NCLB also provides funds to states and local schools and universities to carry out the intent of the Act. <http://www.ed.gov/policy/elsec/leg/esea02/index.html> (full text) <https://www2.ed.gov/policy/elsec/leg/essa/index.html> (U.S. Department of Education's official ESSA website)
2. **Title VI of the Civil Rights Act of 1964** prohibits discrimination on the basis of national origin (and other civil rights). <https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964#> (full text)
3. **Equal Education Opportunities Act of 1974** requires schools to "take appropriate steps" to assure equal access as stipulated in the Lau opinion below. <https://www.govinfo.gov/content/pkg/USCODE-2010-title20/pdf/USCODE-2010-title20-chap39-subchap1-part2-sec1703.pdf>

C. Supreme Court Decisions, Precedent and Legal Standards

4. **Lau vs. Nichols (1974)** ruled that providing the same access to curriculum, instruction, and materials for students of limited Multilingual proficiency as is provided to Multilingual dominant students is not in effect equitable: http://www.law.cornell.edu/supct/html/historics/USSC_CR_0414_0563_ZS.html
5. **Plyler vs. Doe (1981)** ruled that all students in public schools must be appropriately served, including any students who may not be documented as legal immigrants: http://www.law.cornell.edu/supct/html/historics/USSC_CR_0457_0202_ZO.html
6. **Castañeda vs. Pickard (1981)** case precedent requires schools to use a three-pronged approach to assure that they are following the spirit of the above decisions vis-à-vis: a practice grounded in sound educational theory; effective implementation of an appropriate program; assurance that the program is working through an evaluation and subsequent program modification to meet this requirement. <https://web.stanford.edu/~hakuta/www/LAU/IAPolicy/IA1bCastanedaFullText.htm>

¹ <https://www2.ed.gov/about/offices/list/ocr/ell/lau.html>

Section II: Multilingual Learner Identification

Action Required by Federal Law and/or State Policy	In specific detail, when and how is this action accomplished in the Biddeford School Department? Include the job title of the person responsible for ensuring that each action is completed.
Administration of the Maine DOE Language Use Survey	Families complete this survey upon registration with the Biddeford Schools. The form is returned to the registrar at each school and given to the ESOL specialists if any language other than Multilingual is indicated.
Translation/Interpretation Services Provided to Parents/Guardians	Services arranged by ESOL specialists as needed using professional interpreters contracted with the Biddeford School Department (i.e., Catholic Charities, LanguageLine).
Referral of all Potential Multilingual Learners for Screening	Referrals to the Multilingual Learner (ML) program can be made at any time through intake registration, parents, teachers, and ESOL specialists.
Administration of Multilingual Language Proficiency Screener	Administered by ESOL specialists.
Language Acquisition Committee Meeting to Develop Program of Services for Identified Multilingual Learners ²	ESOL specialists will convene meetings of necessary stakeholders to complete identification of Multilingual Learners.

The Biddeford School Department has created a ML qualification [Decision Tree](#) to help instructional personnel and registrars examine eligibility criteria.

While parents may opt students out of ML programs using this form, OCR guidance suggests they may not opt students out of screening.

Multilingual Language Proficiency Screening Assessment Requirements		
Grade	Screening Assessment	Minimum Score Required to be Non-ML
1st semester K	Kindergarten W-APT	Listening & Speaking 29
2nd semester K/1st semester 1st grade	Kindergarten W-APT	listening & speaking 29 reading 14 writing 17 composite proficiency level 6.0
1st semester K	Kindergarten MODEL	composite proficiency level 6.0
2nd semester K/1st semester 1st grade	Kindergarten MODEL	composite proficiency level 6.0
2nd semester 1st grade-12th grade	WIDA Screener Online	composite proficiency level 4.5

² Identification of Multilingual learners must occur within 30 days of enrollment from the beginning of the school year or within two weeks of enrolling during the school year.

Section III: Development of Individualized Language Acquisition Programs

All Multilingual learners must have an individualized educational program to meet their Multilingual language acquisition and academic content learning needs.

Legal Basis: Title VI of the Civil Rights Act of 1964; Castañeda, 648 F.2d at 1009-10; Cf. 34 C.F.R. § 100.3(b)(1), (2); see also 20 U.S.C. §§ 6312(g)(1)(A)(viii) (Title I), 7012(a)(8) (Title III)

Appropriate placement and programming is determined by an Individualized Language Acquisition Plan (ILAP). If a parent declines services for their ML student(s), academic and family support would still be provided by way of consultation with classroom teachers and interpreter/translation services as needed. ESOL specialists will maintain a file on each student with copies of all relevant documents in their cumulative files.

Support Structures Available for ML students

- Regular classroom instruction
- Consultation by the ML instructor to the classroom teacher
- Consultation to the student by the ML instructor / educational technician
- In-classroom support of the student by the ML instructor / educational technician.
- Direct instruction by the ML instructor of the student in the regular classroom ("push in")
- Direct instruction by the ML instructor of the student in a pull-out setting
- Partnerships with community organizations and service providers for case management, cultural brokering, etc.

Language Acquisition Assessment		
ACCESS for MLs Proficiency Levels (Composite Score)	Recommended Multilingual Language Development (MLD) Program Placement (K-12)	Recommended level of language support: - Overseen by an ESOL endorsed teacher, ESOL endorsed specialist or ESOL endorsed administrator; - Provided by a team of educators, and;
Level 1 – Entering	Intensive Multilingual Language Development (IELD) (Grades K-12)	<i>Up to 4 hours per day</i> Language programming may include: Elementary: IELD instruction, in-class academic language support Middle School: One or more IELD class periods Sheltered Multilingual Content Instruction In-class academic language support High School: One or more IELD class periods Sheltered Multilingual Content Instruction In-class academic language support
Level 2 – Beginning		
Level 3 – Developing	Cognitive Academic Language Support (CALS)	<i>Daily instruction</i> Language programming may be a combination of Level 2 – 4 services based on student need
Level 4 – Expanding	Cognitive Academic Language Support (CALS)	<i>Weekly Instruction</i> Language programming may include: Specialized CALS for areas of need (reading, writing, vocabulary development, etc.) In-class academic language support Academic tutoring as needed
Level 5 – Bridging	Cognitive Academic Language Support (CALS)	
Level 6 – Attained	Officially exited from Limited Multilingual Proficient (LEP) designation	Consultation: Differentiated instruction as needed Eligible for re-entry into ELD Programming
No longer assessed on ACCESS for ELLs.		

Section IV: Meaningful and Equitable Access to Academic and Extracurricular Programs

Multilingual learners are entitled to equitable access to all academic and extracurricular programs that their schools offer, such as college preparatory classes, Advanced Placement, dual enrollment, Gifted and Talented, Career and Technical Education, athletics, academic/career counseling, performing and visual arts, clubs, honor societies, and others.

Legal Basis: 34 C.F.R. § 100.1-2; 20 U.S.C. § 1703(f)

Students have equal access to academic and extracurricular activities. Information about these programs is provided through individual school handbooks and through communication from teachers and district leadership. Students may be given the opportunity to participate through the RTI process. Communication with families is made available in translated format by ESOL specialists as needed.

Section V: Equitable Personnel, Facilities, and Materials

Multilingual learners must be provided with sufficient, qualified teaching staff to meet their language learning and academic content acquisition needs, as well as facilities and materials of comparable quality to those of their peers.

Legal Basis: Title VI of the Civil Rights Act of 1964; 20 U.S.C. § 6826(c); Castañeda, 648 F.2d at 1013

All ESOL specialists are certified through the State of Maine endorsement 660. Staffing is adjusted according to need and number of students on teacher caseloads. ESOL Specialists are available to consult with mainstream teachers and also provide professional development when possible. ESOL specialists maintain a classroom/office space in each building where ML students attend. ESOL budget line is used to provide equitable educational materials to Multilingual Learners comparable to those of their native Multilingual speaking peers. Multilingual learners have full access to all educational opportunities and materials provided by the Biddeford School Department.

Section VI: Annual Multilingual Language Proficiency Test Administration

All Multilingual learners in Maine public school must be administered ACCESS for MLs (or Alternate ACCESS, if applicable) annually.

Legal Basis: 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III)

All Multilingual learners will be administered the ACCESS for MLs/Alternate ACCESS annually according to the State of Maine Department of Education guidance. Parents/guardians who wish to opt-out of required testing have the option to do so.

Section VII: Exit and Monitoring

Legal Basis: 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III)

When a Multilingual learner meets Maine's definition of Multilingual language proficiency on ACCESS for MLs/Alternate ACCESS (currently an overall composite proficiency level of 4.5, or level P2 on Alternate ACCESS), the student is exited from Multilingual learner status. Note that no other criteria may substitute for a score of proficient on ACCESS

for MLs/Alternate ACCESS. Biddeford School Department monitors the academic performance of all former Multilingual learners for two years³ to ensure that Multilingual language support services are no longer needed. If educators suspect that a student is no longer proficient in Multilingual, the WIDA Screener Online may be re-administered to determine Multilingual learner status. A student who scores below an overall composite score of 4.5 must be reentered into Multilingual learner status, provided Multilingual language acquisition support services, and administered ACCESS for MLs/Alternate ACCESS annually until exiting again.

Section VIII: Ongoing Program Evaluation

Legal Basis: Castañeda, 648 F.2d at 1014-15

The Biddeford School Department strives to provide a high quality educational program for all Multilingual learners. The effectiveness of ESOL specialists is assessed annually through the district-wide process of teacher evaluation. Longitudinal data collection and analysis methods are provided as needed; these data are identified in the district's Comprehensive Needs Assessment to ensure that long-term outcomes are comparable to those of students who were never Multilingual learners.

Section IX: Meaningful Communication with Parents/Guardians

Legal Basis: Title VI of the Civil Rights Act of 1964; Titles I and III of the Elementary and Secondary Education Act of 1965

The Biddeford School Department ensures meaningful communication with parents with a primary/home language other than Multilingual in a language they can understand and adequately notifies LEP parents of information about any program, service, or activity of a school department that is called to the attention of non-LEP parents. Per the [Dear Colleague Letter](#) (page 38), schools must identify LEP parents. The Biddeford School Department does this through the intake process. ESOL specialists provide support to registrars and office staff about how to access interpreters and translation services for families. As of this writing, the district utilizes a suite of services to assist parents with access to their child(ren)'s education.

These include:

Apptegy	TalkingPoints
Thrillshare	LanguageLine
Google Classroom	Catholic Charities Maine Language Partners
Seesaw	

Legal Reference: Title VI of the 1964 Rights Act
CH. 127.03 (Maine Department of Ed. Rule)
Dear Colleague Letter, Multilingual Learner Students and Limited
Multilingual Proficient Parents (01/7/2015)

Cross Reference: IHBEA, IHBEA-R1, IHBEA-R2 (proposed to adopt)

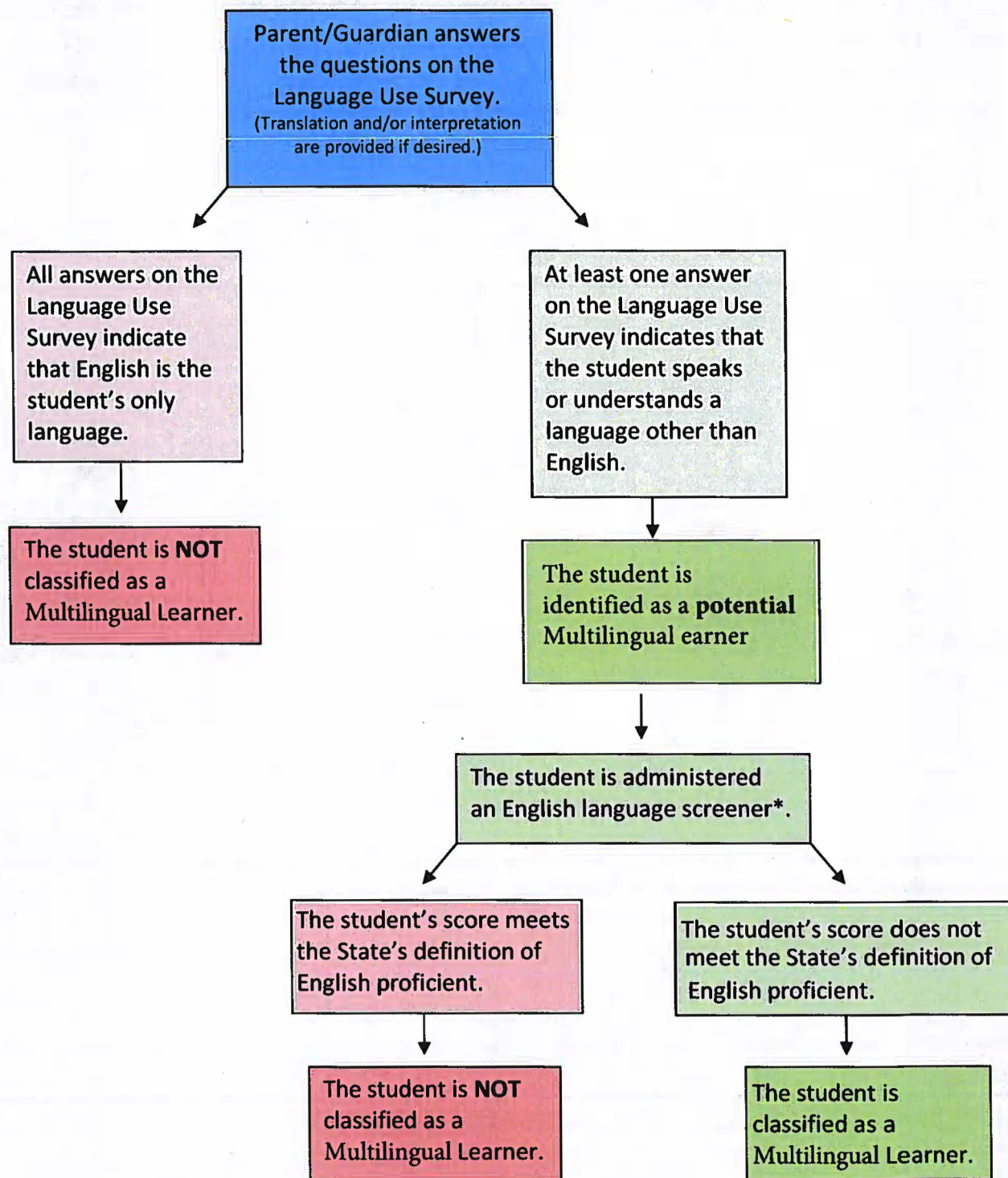
Adopted: February 9, 2021

Revised: _____

³ There is no rule, statute, or case law prescribing the monitor period. Two years is a required minimum for the Biddeford School Department; students' progress in a general education program may advance or retard during the school year. A credentialed ML instructor, IEP team or the LAC may extend the monitoring window as needed.

Multilingual Learner Identification Decision Tree- BIDDEFORD SCHOOL DEPARTMENT

The parent(s)/guardian(s) of all students enrolling in a Maine school district for the first time must complete the Language Use Survey. The entire identification process must be completed within 30 days of enrollment from the beginning of the school year or within two weeks of enrollment during the school year. Note that if a parent/guardian refuses to complete the Language Use Survey, the district is still required under federal law to identify all Multilingual learners. In such cases, the "School Use Only" section of the Language Use Survey must indicate observed or student-reported use of a primary or home language other than English before an English proficiency screener can be administered.



Cross Reference: IHBEA, IHBEA-R

*Biddeford's screener schedule: **Pre-K:** Pre-LAS, **K:** W-APT, **1-12:** WIDA

SCHOOL VOLUNTEERS

The Biddeford School Committee recognizes that community members can provide valuable services to the school by sharing their time, talents, and experience. An effective volunteer program allows students to benefit from individual attention, provides enrichment opportunities that supplement the regular education program, allows teachers to focus on teaching and learning by relieving them of non-teaching tasks, provides interested community members an opportunity to become directly involved with education, and strengthens the relationship between school and community.

The Biddeford School Committee approves the use of volunteers to support the school system's instructional programs and extracurricular activities. The Biddeford School Committee adopts this policy to provide direction for the school system's volunteer program.

For the purpose of this policy, a volunteer is a person who provides services, without compensation or benefits of any kind or amount, on an occasional or regular basis in the schools or school-**sponsored** activities.

All volunteers shall be at least 18 years of age unless their volunteer work is part of a class or **mentorship**, is done to fulfill a service learning or community service requirement for graduation, or is done by a recognized student organization.

Volunteers may provide assistance by:

- A. Tutoring students on a one-to-one or small group basis under the direct supervision of the classroom teacher;
- B. Using their special musical, artistic or other talents to provide enrichment experiences and extend student learning;
- C. Reading to children;
- D. Playing instructional games;
- E. Providing services in libraries, lunchrooms, and playgrounds;
- F. Accompanying students on field trips;
- G. Assisting teachers in assembling instructional materials; **and/or**
- H. Assisting in school plays, music programs, **athletic programs**, and other extracurricular activities.

Volunteers serve under the direct supervision of the building principal or designated staff. When volunteers work with children, their activities will be under the supervision of the classroom teacher, coach, activity adviser, or other designated employee. No volunteers are to be alone with a student unless the volunteer has successfully passed a background check.

~~In the rare instance that a volunteer is scheduled to work alone and one-on-one with a student, the school unit will make every effort to conduct a criminal background check, including a sex offender registry check. For all other activities using volunteers, the building administrator shall be responsible for screening volunteers.~~

Approval, assignment, continuation, or termination of volunteers shall be at the discretion of the building principal.

Staff must have their use of volunteers approved in advance by the building principal. Volunteers will only be assigned to staff who request them.

Volunteers are expected to abide by all Biddeford School Committee policies, procedures, and school rules when performing their assigned responsibilities. **The building principal shall make volunteers aware of applicable policies, procedures, and rules before they undertake their first assignment through a volunteer orientation, volunteer handbook, or other means.**

Volunteers should perform only those tasks that have been assigned.

Volunteers will not have access to confidential information in student records except as allowed by federal or state law or regulations and will be responsible for maintaining confidentiality regarding information seen or heard while working as a volunteer. ~~Volunteers shall fill out a volunteer agreement form (Policy HOC-E1).~~ **Because many students reserve their rights not to be photographed, volunteers are admonished from photographing students or using/sharing other personally identifiable information.**

Persons interested in volunteering time or services should contact the building principal. ~~Information collected during this screening process will be treated as confidential to the extent allowed by law.~~ **Prospective volunteers will be required to complete a Volunteer Agreement Form (IJOC-E)**

~~Parents who are registered sex offenders will not be allowed to volunteer in the schools or to chaperone either school day or extended field trips, even when their own children are involved.~~

In the interest of protecting the safety of students and staff, the school unit will conduct sex offender registry checks and criminal background checks on all volunteers including those chaperoning students on field trips or school-sponsored excursions. In the event that disclosure on the volunteer form is in conflict with a records check a volunteer shall be excluded. Information collected during this screening process will be treated as confidential to the extent allowed by law.

Volunteers may not transport students in private vehicles except as allowed by Biddeford School Committee policy.

~~The principals will be responsible for an annual written report informing the superintendent of the effectiveness of the volunteer program in their schools and of the method and results involved in the sexual offender registry check.~~

The building principal will be responsible for appropriate school recognition of volunteers.

The school unit will provide liability insurance protection for volunteers while performing assigned services.

The Superintendent will be responsible for devising a method for evaluating the effectiveness of the volunteer program on an annual basis.

Legal Reference: 20-A M.R.S.A. § 1002

Cross Reference: EEBC - Student Transportation in Private Vehicles
EEBB - Use of Private Vehicle on School Business

IJOA-Field Trips and Excursions
IJOE-E ~ School Volunteer Agreement

Adopted: January 8, 2013

Revised: _____

SCHOOL VOLUNTEERS - ADMINISTRATIVE PROCEDURE

- 1) All persons wishing to volunteer in the Biddeford Schools and/or activities shall complete the Volunteer Agreement Form.
- 2) Volunteers will be screened through the sex offender registry ~~at least once every five years.~~ **and municipal criminal records check**
- 3) ~~In the instance in which a volunteer may be working 1:1 with a child, a criminal history background check will be conducted.~~

Legal Reference: 10 – A M.R.S.A. § 1002

Cross Reference: EEBC – Student Transportation in Private Vehicles
IJOC – School Volunteers
~~IJOC-E1 – Volunteer Agreement Form~~
~~IJOC-E2 – School Volunteers Authority to Release Information~~
IJOC-E - Volunteer Agreement Form

Adopted: January 8, 2013

Revised: _____

SCHOOL COMMITTEE MEMBER DEVELOPMENT OPPORTUNITIES

On-going development and in-service education are critical aspects of the overall operation of a school system. It is recognized that the School Committee members of this school unit, like administrators, teachers, and other school personnel, need to be well-informed and to stay current on education issues. **A commitment to developing and enhancing one's skills as the members of the Biddeford School Committee** ~~Continually enhancing boardsmanship skills~~ is necessary to make each member the best that he/she can be.

Participation is encouraged in appropriate local, regional, state and national programs sponsored by the Maine School Boards Association, the Maine School Management Association, the National School Boards Association and other recognized leaders in education. This School Committee is committed to the further development of its members so that the greatest good can be rendered by them on behalf of the children in our schools. Adequate funds are to be budgeted annually to fulfill that important responsibility of school governance.

Reasonable expenses incurred by School Committee members when giving of their time to obtain in-service education shall be reimbursed in accordance with existing policy and budget allocations.

Members shall briefly report to the School Committee and the public at a meeting subsequent to a formal in-service experience. ~~This~~ **The purpose of this exercise** is to share knowledge gained and to inform the community of the benefits from such expenditures to enhance the ability to oversee the school **department** effectively. Written reports, by School Committee members or about in-service education events attended, shall appear in school and community publications when appropriate as part of the school unit's public information program.

The School Committee is committed to the individual and collective seeking of good advice, reliable information and feasible solutions to problems. The School Committee's needs are included with those of the staff for a well-developed, comprehensive in-service education program to assist all who are responsible for effective and enlightened school leadership.

Cross Reference: **BID – School Committee Member Compensation and Expenses**
 AD - Educational Philosophy/Mission

Adopted: April 27, 1999

Revised: _____

EDUCATIONAL PHILOSOPHY/MISSION

MISSION: All students are assured of an education that prepares them for the future.

VISION: A partnership of schools and the community will work together to create opportunities for the success of all learners.

The School Committee believes

- A. **The Biddeford Schools should be a leader in student-centered learning in the region. We will not retreat to one-size-fits-all academics.**
- B. **We should continue to educate ourselves and our community about serving the whole child, being mindful of trauma and the ravages of substance abuse. We will not ignore--nor excuse--the impact of what happens outside of school.**
- C. **We support all learners. We will not norm our expectations to the population we serve. Those who struggle or excel will be met, each in her own way.**

Our graduates will be prepared for the future by

- A. **Becoming Effective Communicators.** The students will be active listeners who are able to interpret and synthesize information accurately. They will use oral, written, visual, artistic, and technological modes of expression effectively.
- B. **Evolving Into Creative and Critical Thinkers.** Students will analyze problems and develop solutions that are considerate of global views by incorporating skills from all content areas and disciplines. The students will be able to express these solutions and support their relevance.
- C. **Being Informed Problem Solvers and Decision Makers.** Students will be able to analyze and solve problems creatively. The students will have the ability to evaluate relevant data in order to select effective outcomes. They will be able to express and support these solutions in a variety of ways including a responsible consideration of other viewpoints.
- D. **Practicing Global and Responsible Citizenry.** Students will interact effectively within a diverse community by having respect for all people. The students will know the value of actively participating in their community through volunteerism and organizations. They will be able to utilize resources wisely. Students will understand the need to accept responsibility for their own actions and personal decisions. **It shall be the duty of instructors to impress upon the youth the object and principles of our government, the inestimable sacrifices made by the founders of our nation and today's defenders of it, the important contribution made by all who have served in the armed services of our country since its inception, and to value the diversity of the people that make this place so special and unique in the state of Maine.**
- E. **Striving to Become Life-Long Learners.** Students will create and execute plans for personal and professional growth. They will seek and use information from a variety of sources in a

life-long quest for knowledge which will help them initiate and adapt to the constantly changing world around them.

- F. **Developing the Skills of Quality Workers.** The students will establish goals and complete them in a timely manner. They will persist in improving performance and exhibiting initiative. They will demonstrate and share a quality product. Students will work effectively both independently and collaboratively.

The Biddeford School System believes that:

- A. Every child needs to feel important;
- B. It is essential to provide a safe environment for successful learning;
- C. Students will leave school with the knowledge and skills to find a career **and continue their education;**
- D. All students learn in different ways;
- E. Schools, parents, and the community **are invited to be** ~~should be~~ active and supportive to ensure the success of our students;
- F. An appreciation of cultural diversity is essential to the future of our community; and
- G. Teachers do make a difference in students' lives.

The School Committee fully accepts the responsibility for formulating policies and acquiring adequate funding to support the education process. The Committee shall always consider the welfare of students as the single most important factor in making decisions related to educational policy. It shall be the policy of the School Committee and administrators to promote sound educational practices and professional development.

Legal Reference: 20-A MRSA §§ 1001, et seq; 4511.3, A

Adopted: August 1988

Revised: August 11, 1998; April 27, 1999

Revised: _____

EDUCATIONAL PHILOSOPHY/MISSION

MISSION: All students are assured of an education, which prepares them for the future.

VISION: A partnership of schools and community will work together to create opportunities for the success of all learners.

Our graduates will be prepared for the future by: ~~No colon~~

- A. **Becoming Effective Communicators.** The students will be active listeners who are able to interpret and synthesize information accurately. They will use oral, written, visual, artistic and technological modes of expression effectively.
- B. **Evolving Into Creative and Critical Thinkers.** Students will analyze problems and develop solutions that are considerate of global views by incorporating skills from all content areas and disciplines. The students will be able to express these solutions and support their relevance.
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- D. **Practicing Global and Responsible Citizenry.** Students will interact effectively within a diverse community by having respect for all people. The students will know the value of actively participating in their community through volunteerism and organizations. They will be able to utilize resources wisely. Students will understand the need to accept responsibility for their own actions and personal decisions.
- E. **Striving to Become Life-Long Learners.** Students will create and execute plans for personal and professional growth. They will seek and use information from a variety of sources in a life-long quest for knowledge which will help them initiate and adapt to the constantly changing world around them.
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Legal Reference: 20-A MRSA §§ 1001, et seq; 4511.3, A

Adopted: August 1988

Revised: August 11, 1998; April 27, 1999

Revised: _____

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

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

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

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

A. Harassment

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

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 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. Sexual Harassment Under Maine Law

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

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

C. Reports and Complaints of Harassment or Sexual Harassment

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

Students, parent(s)/legal **guardian(s)**, and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

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

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)

Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Maine Human Rights Act, 5 MRSA § 4551 et seq.
20-A MRSA § 6553
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

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

Adopted: May 31, 1989

Revised: April 27, 1999, January 11, 2005, July 11, 2006, July 8, 2008, July 28, 2020

Reviewed (no changes): October 8, 2013

Revised: _____

STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The Biddeford School Department has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful discrimination 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.

Complaints alleging unlawful harassment or discrimination against employees based on a protected category should be addressed through the Biddeford School Committee's Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

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

Michelle Brackin, Human Resources Manager

18 Maplewood Ave, Biddeford, ME 04005

207-282-8281

mbrackin@biddefordschools.me

OR

Christopher Indorf, Assistant Superintendent

18 Maplewood Ave, Biddeford, ME 04005

207-282-8280

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, , 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. “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).

8. Complaints of bullying not involving the protected categories or definitions described above may be addressed under the Biddeford School Committee 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, 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. DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

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

A. How to Make A Complaint

1. School employees are required to promptly make a report to the AAO/Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.
2. Students (and others) who believe that they or another student has been harassed or discriminated against should report their concerns promptly to the AAO/Title IX Coordinator.
3. 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 the allegation) to the AAO/Title IX Coordinator.
4. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, or who needs assistance in preparing a written complaint, they are encouraged to discuss the matter with the AAO/Title IX Coordinator.
5. Individuals 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 action, up to and including discharge for employees, and expulsion for students.
6. Individuals are encouraged to utilize the school unit's complaint procedure. However, individuals 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, 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).

B. Complaint Handling and Investigation

1. The AAO/Title IX Coordinator will promptly inform the Superintendent or designee 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 or designee, 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 any 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 or designee 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 or designee should be submitted to the Chair of the Biddeford School Committee, 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 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 ~~calendar~~ or 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.

C. Findings and Subsequent Actions

1. The AAO/Title IX Coordinator shall consult with the Superintendent or designee 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 or designee 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).

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 or designee within five ~~calendar~~ or business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent or designee shall provide notice to the other party, along with an opportunity to provide a written statement within five ~~calendar~~ business days.
4. The Superintendent or designee shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's or designee's decision on the appeal shall be provided to the parties within 10 ~~calendar~~ or business days, if practicable. The Superintendent or designee's decision shall be final.

E. Records

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

III. 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 are required to promptly make a report to the AAO/Title IX Coordinator.
2. Students, parents/legal, or other individuals who believe a student has been sexually harassed are encouraged to make a report to the 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, 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 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 or designee 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 an 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 the 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 Biddeford School Committee 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, Biddeford School Committee policies, and/or professional expectations, the school unit may address the conduct under Section 2 or another applicable Biddeford School Committee policy/procedure.

C. Emergency Removal or Administrative Leave

The Superintendent or designee 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 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 ~~calendar~~ or 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 ~~calendar~~ or business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, a 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 a 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 or designee 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 or designee 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 or designee should be submitted to the Chair of the Biddeford School Committee, 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 , 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 the 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 ~~calendar 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 ~~calendar 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.
6. The investigation shall be concluded within 40 calendar or business days if practicable. A reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

- 1. The decision maker is one of the aforementioned AAO/Title IX Coordinators unaffiliated with the investigation.

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

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 ~~calendar or~~ 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

The Title IX regulations require school units to provide a "range," not an exhaustive list of measures that would be used to ensure the complainant's equal access to the school unit's programs and activities. Likewise, the Biddeford School Committee must include a "range" of disciplinary sanctions that may be imposed.

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 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, **as may be applied under Maine law**
- Restorative justice.
- The 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 calendar 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.

1. Appeals must be filed with the Superintendent or designee, who will consider the appeal.
2. The Superintendent or designee 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 or designee 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 or designee 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.

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Maine Human Rights Act, 5 MRSA § 4551 et seq.
20-A MRSA § 6553
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4
Title 20-A §1001(9) et seq.

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

Adopted: July 28, 2020

Revised: _____

Non-regulatory guidance for the Policy Committee

This document has been substantially revised due to the requirements in the new Title IX sexual harassment regulations that become effective on August 14, 2020. The definition of sexual harassment in the Title IX regulations has been narrowed and the regulations require a more formal procedure than local Boards have generally used to address discrimination/harassment complaints. At the same time, local Boards still need to comply with other federal and state laws/regulations governing discrimination and harassment, in addition to Title IX.

For these reasons, we have structured this document in three sections. The first section provides the definitions used in the complaint procedures. The second section is the general discrimination/harassment complaint procedure to address all complaints except for those involving Title IX sexual harassment. This is very similar to the procedure school units have used in the past. The third section is the new Title IX sexual harassment complaint procedure.

Local school units have the option of addressing all discrimination/harassment complaints through the Title IX procedure if they wish and deleting Section 2. However, we suggest that local Boards carefully consider this option, as it means that all complaints will need to be addressed through a more formal process than school units have customarily used.

Please note that in previous versions of this sample, the designation of employees to be notified of discrimination/harassment complaints and who are responsible for various actions, has been left largely to the discretion of the school unit. The Title IX regulations require that the individual designated as the Title IX Coordinator be responsible for addressing all Title IX complaints. Because it can be difficult to assess which law and regulations a complaint should be addressed under, we recommend that a combined AAO/Title IX Coordinator be the individual to receive all discrimination/harassment complaints and to determine the appropriate procedure to use in specific cases. Assessing complaints, and deciding which policy/procedure is appropriate to address them, is complex and requires comprehensive training for AAO/Title IX Coordinators.

VIDEO SURVEILLANCE ON SCHOOL PROPERTY

The Biddeford School Committee recognizes the school's continuing responsibility to maintain order and an appropriate learning environment in and around schools to ensure the safety of staff and students. After carefully balancing the need for safety with student and staff interests in privacy, the Biddeford School Committee ~~supports the use of video surveillance cameras on school grounds and in areas of common use within buildings. Areas of common use include but may not be limited to parking lots, school entrances, hallways, cafeterias, libraries and gymnasiums. In an effort to maintain order and school safety, the cameras may be used to monitor activity during the school day and monitor activities in and around the school property at any time.~~ authorizes the use of security cameras for the purpose of enhancing school safety and security. The Committee's goals are to foster measures that improve the safety and security of the teaching and learning environment for students and staff, assist in protecting public safety for community members who visit or use our school property, and help safeguard facilities and property.

Security cameras may be installed in school buses, parking lots, school entryways and other areas on school grounds. Security cameras may also be installed in areas of common use within buildings, including but not necessarily limited to, school foyers, the school office, hallways, cafeterias, libraries and gymnasiums

Security cameras may be used for the following purposes:

1. To investigate suspected violations of school rules or district policies, or other inappropriate conduct.
2. To monitor activities on school premises to protect safety and to enforce school rules, employment obligations, district policies and the law.
3. By law enforcement to address school safety issues or to investigate possible criminal behavior to the extent that the superintendent deems permissible and acceptable.

~~Appropriate signage, indicating the use of video cameras, will be displayed outside and within Biddeford School Department buildings.~~

Violations of Biddeford School Committee policies procedures and school rules viewed or recorded on the video surveillance system shall be addressed in accordance with the applicable School Committee policies and/or school rules. In addition, evidence of illegal activities may be referred to law enforcement authorities. (In regard to such video recordings, the school system will comply with all applicable provisions of state and federal law concerning staff and student records).

Where applicable, appropriate signage will be posted in buses and in public entryways to buildings and other conspicuous locations informing persons that school buses, buildings and grounds may be monitored by security cameras.

The Superintendent is responsible for the development of administrative procedures regarding the use of the video surveillance system. ~~Such procedures will provide a process for review when significant violations of the staff or student discipline / conduct code occur. Procedures will also address monitoring of cameras and requests to view video recordings, retention of video recordings, the security of video cameras and recordings, the school official(s) responsible for purchase, installation, maintenance, and replacement of equipment, and scheduling and placement of cameras.~~

Cross Reference: EEAFA-R – Video Surveillance on School Property Administrative Procedure
EEAEF – Video Camera Use on School Vehicles
JRA – Student Educational Records

Adopted: January 8, 2013

Revised: April 10, 2018, _____

VIDEO CAMERA USE ON SCHOOL PROPERTY ADMINISTRATIVE PROCEDURE

The Biddeford School Department shall comply with all applicable state and federal laws related to video recordings when, as determined by the Biddeford School Department and in accordance with law, such recordings are considered for retention as a part of the student's behavioral record. Such records will also be subject to established Biddeford School Department policies and procedures regarding confidential student records including access, review and release of such records.

NOTICE

- A. ~~The Biddeford School Department will annually provide a copy of policy EEAEFA to students, parents and staff.~~
- B. ~~The following notice will be placed on all school buildings: "This building is equipped with a video/audio monitoring system."~~

USE

- A. ~~Staff and students are prohibited from tampering with or otherwise interfering with video camera equipment.~~

VIEWING REQUESTS

- A. ~~Requests in writing for viewing video records will be limited to the school administrator, parent/guardian or student 18 or older, or others with a direct interest in the proceeding as determined by the Superintendent.~~
- B. ~~Requests for viewing may be made through the Superintendent's Office within 14 days of the incident.~~
- C. ~~Only the portion of the video recording concerning a specific incident(s) will be made available for viewing.~~
- D. ~~Approval/denial of a viewing request will be made in writing to the requesting individual(s) within five (5) days of receipt of request.~~
- E. ~~Video recordings will be made available for viewing within three (3) school days of the request approval.~~

VIEWING

- A. ~~Actual viewing will be permitted at school-related sites only, including the Transportation Office, schools, Central Office, or as otherwise required by law.~~
- B. ~~All viewing will be done in the presence of the school administrator/Superintendent designee.~~
- C. ~~A written log will be maintained including the date and individuals viewing the video recording, reason, the date the recording was made.~~
- D. ~~Video recordings remain the property of the School Department and may be reproduced only in accordance with the law and Biddeford School Department policies and procedures.~~
- E. ~~Superintendent will designate access privileges to administrators.~~

A. Security Camera Placement

- 1. Security cameras may be installed on school buses as well as outside and inside school facilities as described in Policy ECAD and as approved by the Superintendent. The Superintendent shall consult with the transportation director, building administrator and/or others as appropriate prior to approving placement.

2. Security cameras will not be placed in bathrooms, locker rooms, private offices or other locations where the Superintendent determines that users have a reasonable expectation of privacy.

B. Viewing/Monitoring of Live Images from Security Cameras

1. In applicable locations, a monitor will be placed to enable office staff to observe points of access to the building.
2. The Superintendent, building administrators and others designated by the Superintendent may monitor security camera images on a periodic or random basis for school-related purposes. Unauthorized viewing of live images is prohibited.
3. In situations when the School Department's Comprehensive Emergency Plan is implemented and/or there is an immediate security risk, law enforcement officials may be authorized to view images from school security cameras at the school or their own monitors at other locations where such access is feasible.

C. Viewing of Security Camera Recordings

1. The Superintendent, building administrators and others designated by the Superintendent may review security camera recordings for school-related purposes. Other school personnel may be authorized to view recordings by the Superintendent or a building administrator if there is a legitimate educational reason to do so.
2. Any security camera recording used for student disciplinary purposes will only be disclosed as authorized by the Family Educational Rights and Privacy Act (FERPA) and in accordance with Committee policy.
3. The parents/guardians of a student or an eligible student under FERPA may request to view portions of the security camera recording used as a basis for disciplinary action against that student. Viewing of the security camera recording shall be conducted in the presence of a building administrator and shall be conducted in a manner that does not violate the confidentiality rights of other students, including alleged offenders.
4. Law enforcement personnel may review security camera recordings, when available, to investigate possible criminal conduct.
5. Unauthorized access and viewing of security camera recordings is prohibited.

D. Storage and Security of Security Camera Recordings

1. All security camera recordings will be stored in a secure location to ensure confidentiality.
2. Security camera recordings will be stored no longer than 60 days without a request from the police or a court, unless it is needed for an investigatory or disciplinary matter.
3. Recordings related to a disciplinary matter will be maintained in their original form until the matter is resolved.

E. Designation

1. Superintendent will designate access privileges to administrators.

Cross Reference: EEAEFA – Video Surveillance on School Property
 EEAEF – Video Camera Use on School Vehicles
 JRA – Student Educational Records

Adopted: January 8, 2013

Revised: _____

SUPPORT STAFF SALARY SCHEDULES/OVERTIME

The School Committee shall set the salary schedules for all support staff not covered by negotiated contracts. Salary schedules shall be reviewed annually in February and any adjustments will become effective July 1 unless otherwise directed by the School Committee.

Overtime will be paid for work in excess of 40 hours per established work week. All overtime work must be approved in advance by the Superintendent.

Adopted: March 14, 1995

Revised: April 27, 1999

Reviewed: _____