

City of Biddeford
School Committee
April 05, 2023 5:00 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 3/22/2023

[Biddeford Minutes 3_22_2023.pdf](#)

F. Consent Agenda

F.1. Nominations:

Jaime Loynds ~ BPS Teacher ~ Replacing Kaitlyn Knaus

Deborah Newman ~ BRCOT Early Education Teacher ~ Replacing Mary Maxfield

Timothy Fenimore ~ BRCOT Teacher ~ Replacing Marc Cadorette

Susan Sinnott ~ JFK Special Education FLS Teacher ~ Replacing Mariel Leonard

Appointments:

Mark Anderson ~ BIS Custodian ~ Replacing Tina Tellier, who moved to another school in the district

Frank Gattuso ~ BPS Custodian ~ Replacing Isis McCue

BMS Spring Sports Stipends

Transfers:

Sharon McGovern ~ Transferring to BIS 4th Grade Position ~ Replacing Taylor Alen

Allison Young ~ Transferring to JFK Special Education Teacher FY23 ~ Replacing Carole Brown

Resignations:

Justine Bouthot ~ BMS Teacher

Jennifer Young ~ BPS Ed Tech

[FY 24 Budget Memo - Additional subsidy 3.30.23.pdf](#)

[Recommended Reductions Bidd 3.30.23.pdf](#)

[scan_jray_2023-03-29-14-55-59.pdf](#)

[AC Biddeford for Policy - Revised.pdf](#)

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

[ACAA-R - Revised .pdf](#)

[ACAB - Revised 3_22_2023.pdf](#)

[ACAB-R - Revised 3_22_2023.pdf](#)

[CBI Evaluation of the Superintendent - Revised 3_22_2023.pdf](#)

[GCFB Recruiting and Hiring of Administrative Staff-Revised 3_22_23.pdf](#)

[IHBGC Private School Student Participation in Middle School Athletic Programs - Review.pdf](#)

[JICC-R Student Conduct on School Buses Administrative Regulation-Strike or](#)

Revise.pdf
JICFA Student Hazing .pdf
JJB High School Dances .pdf
JKD Suspension of Students _ Revise.pdf
JKE-2022 Revise.pdf
JKE-R Expulsion of Students Guidelines - Revise.pdf
JKF Suspension-Expulsion of Special Education Students-Strike.pdf
JKF-Revise.pdf
Stipend nominations BMS.xlsx - 2022-2023.pdf

G. Student Rep Reports:

H. Superintendent's Report:

I. Committee Reports: Finance/Building, Grounds; Curriculum; Policy; Waterhouse Advisory Committee

J. Old Business:

K. New Business: Public participation opportunity after each item listed below (3 minutes per item)

K.1. Budget Adjustments and Approval

State Subsidy Update

Recommended Reductions

Revenue Sheet

Budget Approval

First Reading of Policies to Strike:

JICC-R ~ Student Conduct on School Buses Administrative Regulation

JICFA ~ Student Hazing Covered under ACAD

First Reading of Policy to Strike and Revise:

JKF ~ Suspension/Expulsion of Special Education Students

First Reading of Policies to Revise:

AC ~ Nondiscrimination/Equal Opportunity and Affirmative Action

ACAA ~ Harassment and Sexual Harassment of Students

ACAA-R ~ Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

ACAB ~ Harassment and Sexual Harassment of School Employees

ACAB-R ~ Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

CBI ~ Evaluation of the Superintendent

GCFB ~ Recruiting and Hiring of Administrative Staff

JJB ~ High School Dances

JKD ~ Suspension of Students

JKE ~ Expulsion of Students

JKE-R ~ Expulsion Guidelines

JKF ~ Disciplinary Removal of Students with Disabilities

First Reading of Policy Tabled from Prior Meeting:

IHBGC ~ Private School Student Participation in Middle School Athletic Programs

- L. Public Participation: (3 minutes; any item)**
- M. Communications:**
- N. Executive Session:**
- O. Adjournment:**

School Committee Meeting Minutes
Little Theater Biddeford High School
7:00 pm ~ Wednesday, March 22, 2023

Public Viewing:

Local Public Access Station

City of Biddeford [Website](#)

- A. Call to Order:** ~ The meeting was called to order at 7:00 pm by Randy Forcier.
- B. Roll Call:** Michele Landry, Amy Grohman, Randy Forcier, Lauren Schuyler Giddings, Meagan Desjardins, and Jeremy Ray were present. Lisa Vadnais, Mayor Alan Casavant, and Rebecca Henry were excused.
- C. Pledge of Allegiance:**
- D. Adjustments to Agenda: Executive Session**
- E. Approval of Last Meeting's Minutes:** [3/8/2023](#) ~ Amy Grohman moved to approve the minutes from the last meeting, Meagan Desjardins seconded the motion, and all were in favor.
- F. Consent Agenda:** ~ Meagan Desjardins moved to approve the consent agenda, Amy Grohman seconded, and all were in favor
- Nominations:**
 - a. Michelle Carpenter ~ BPS Art Teacher ~ Replacing Concetta Domenico
 - b. Sophia Ward ~ BPS Teacher ~ Replacing Lauren Ginn
- Appointments:**
 - a. Kalina Labang ~ BIS Custodian ~ Replacing Garrett Parsons
 - b. Robin Gosselin ~ BHS Food Service Worker ~ Replacing Kathryn McCarthy
 - c. Alexius Theberge ~ BPS Ed Tech II ~ Replacing Deanna Vigliotta
- Transfers:**
- Resignations:**
 - a. Mariel Leonard ~ JFK Special Education Teacher
 - b. Taylor Alen ~ BMS 5th Grade Teacher ~ End of School Year
 - c. Carole Brown ~ JFK Special Education Teacher ~ Retiring End of School Year
 - d. Ariana Wardwell ~ JFK Ed Tech II
 - e. William Gray ~ JFK Ed Tech II
 - f. Allan Henri ~ BRCOT Carpentry Teacher
- G. Superintendent's Report:** ~ Jeremy Ray ~ Finance Committee will meet on the 29th. Registration for Pre-K and Kindergarten is now open. Please call JFK if you have any questions. Spring Parent Teacher Conferences are around the corner. Please watch for sign-up material coming your way. Three weeks away from April vacation. Reminder that our last day before the break will be Wednesday. Spring sports are beginning to start. The budget update will be covered under New Business.
- H. Committee Reports:**

- I. Old Business:** ~ Amy Grohman moved to approve items a through c under old business, Meagan Desjardins seconded, and all were in favor.
- a. Second Reading [Overnight Field Trip 7th Grade STEM](#) ~ Ecology School ~ Teacher in Charge Jake Long
 - b. Second Reading [Overnight Field Trip APC, May 13th through May 14th](#) ~ Teens to Trails Adventure Bound Camping Trip ~ Teacher in Charge Tabatha Frawkins and Andrew Burnell
 - c. Second Reading [Overnight Field Trip APC, June 26th through June 27th](#) ~ Extended Learning Opportunities Summer Course ~ Teacher in Charge Andrew Burnell
 - d. Second Reading [FY24 School Calendar](#) ~ Meagan Desjardins moved to to change the Parent Teacher conference start time to 3:30 pm, Michele Landry seconded, and all were in favor.
- J. New Business:**
- a. [Winter NWEA - MAP Summary](#) ~ Mandy Cyr shared the Winter NWEA-Map Summary memo with the assessment data.
 - b. [Solar Discussion](#) ~ A proposal was shared at the last meeting with figures for possibly putting solar panels on the high school. No upfront cost. In year six, we could look to purchase. It would be 2.3 million dollars in electrical savings. It would be more than we need. However, we could share some of this with the city as well. Jeremy would like a motion to pursue more information on Solar Discussions. Randy asked if the city would help fund it. Jeremy said there would be no funding needed. Amy asked if the figures in the proposal were accurate. Jeremy said there might be a few changes to them but shouldn't be much. Lauren asked for a time frame. Jeremy said we would be looking at possibly next Summer. Amy Grohman made a motion for Jeremy to be able to pursue more information on the project, Michele Landry seconded the motion, and all were in favor.
 - c. **Budget Update** ~ Jeremy Ray ~ Presented to City Council last night. Felt that it went well. Talked about the increase and the reason behind it. As a group, we will need to have more conversations about if we could make reductions in certain places and what they would be. Hoping for some good news from the insurance company. On April 5th, we will discuss things further.
- K. Public Participation:** (3 minutes; any item) None
- L. Communications:**
- a. [Waiver of the Instructional Day Requirements BMS](#) ~ The middle school was closed for one day due to a pipe freeze. The other schools were in session. To avoid the middle school attending an additional day at the end of the year past everyone else, we put in for a waiver to the state, and it was approved.

M. Executive Session: ~ Amy Grohman moved to enter into executive session,

School Committee Members:

Alan Casavant-Chair	Randy Forcier	
Lisa Vadnais-Vice Chair	Meagan Desjardins	
Michele Landry	Rebecca Henry	cc: Jeremy Ray- Superintendent
Amy Grohman	Lauren Schuyler Giddings	cc: Chris Indorf-Asst. Superintendent
		cc: Mandy Cyr- Dir. Instr. & Innov.

Meagan Desjardins seconded, and all were in favor.

- a. Labor Contract Negotiations Non-Union pursuant to 1 M.R.S.A. § 405 (6)(D)
- b. Labor Contract Negotiations Administrative Assistants pursuant to 1 M.R.S.A. § 405 (6)(D)

N. Adjournment: The regular meeting was adjourned at 7:20 pm

Signed: 
Jeremy Ray ~ Superintendent of Schools

Date: 3/24/2023

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.

TO: Biddeford School Committee
FROM: Jeremy Ray, Superintendent of Schools
DATE: March 30, 2023
RE: **Updated - FY24 State Subsidy**

On Tuesday, March 29, 2023, the Department of Education released updated and final ED 279 reports for School Administrative Units (SAUs). These final reports reflect a lower mil rate of 6.97 percent, which means more funding for your local schools.

The Department issues preliminary ED 279 reports in January as SAUs prepare to undergo your local budgeting processes. After releasing these preliminary reports, the Department thoroughly reviews the reports to ensure accuracy before finalizing them.

This week, the ongoing review identified a duplicative data entry in the algorithm that generates the funding estimates in the reports. The duplicative data entry inaccurately inflated the mill rate in the preliminary reports.

The Department has removed the duplicative data entry, and the subsequent calculation produced a lower mil rate – 6.97 percent. This lower mil rate should mean more State funding for your local schools, thereby mitigating the amount of funding needed from local property taxpayers.

The result of this change for the Biddeford School Department is an increase of **\$913,738.00** in state subsidy. This additional subsidy will be used to decrease the tax impact of the FY 24 budget.

Recommended Reductions 3.30.23	
Item	Amount
Gas/Deisel/Facilities	\$17,924.00
Granicus	\$2,320.00
Network with Saco	\$5,000.00
Remove BCBA (New Position)	-\$98,455.00
Teacher at BMS - Unfilled Position - Class Sizes	-\$67,532.00
Special Educatino Savings	-\$35,000.00
Health Insurance	-\$90,000.00
Total	-\$265,743.00

REVENUES			
		Proposed	Difference
2022-23		2023-24	
\$ 1,102,483.00	Carryover (previous year)	\$ 1,102,483.00	\$ -
\$ 223,791.00	Carryover (Long Term Debt Reduction FY20)	\$ 231,608.00	\$ 7,817.00
\$ 150,000.00	Carryover (FY22 Carryover utility)		\$ (150,000.00)
\$ 275,000.00	Carryover (Current MaineCare)	\$ 275,000.00	\$ -
\$ 80,000.00	Tuition	\$ 90,000.00	\$ 10,000.00
\$ -	Special Ed. Tuition	\$ -	\$ -
\$ 25,136.00	Transportation (Non-Public)	\$ 25,136.00	\$ -
\$ 23,495.00	Other Transportation	\$ 21,122.00	\$ (2,373.00)
\$ 30,000.00	State Agency Clients	\$ 30,000.00	\$ -
\$ 2,000.00	Miscellaneous (BMS Officials)	\$ -	\$ (2,000.00)
\$ 100,000.00	Shared Service with Saco	\$ 100,000.00	
\$ 187,185.00	Shared Service with Dayton	\$ 188,250.00	\$ 1,065.00
\$ 100,000.00	Regional Center (SMAC) Revenue	\$ 100,000.00	\$ -
\$ 70,000.00	COT Sending School Revenue	\$ 80,000.00	\$ 10,000.00
\$ 12,974,549.00	State Allocation (General)	\$ 13,545,681.00	\$ 571,132.00
\$ 89,657.00	State Allocation (Regionalization)	\$ 81,224.00	\$ (8,433.00)
\$ 2,817,062.00	State Allocation (CTE)	\$ 3,177,858.00	\$ 360,796.00
\$ 18,761,513.00	Local Allocation	\$ 19,902,370.00	\$ 1,140,857.00
\$ 2,427,070.00	Local Allocation (Local only debt)	\$ 2,360,743.00	\$ (66,327.00)
\$ 2,218,899.00	Additional Local	\$ 2,769,361.00	\$ 550,462.00
\$ 41,657,840.00	Total	\$ 44,080,836.00	\$ 2,422,996.00

\$ 2,642,466,667.00	State Valuation	\$ 2,855,433,333.00
\$ 31,736,062.81	100% EPS Total Allocation	\$ 33,448,051.00
7.10	Local Allocation Mill Rate	6.97
12,974,549.00	100% State Share	16,804,762.00
18,761,513.00	100% Local Share (must raise to receive State Allocation-General)	19,902,370.00
100.00%	Percent of State Share	100.00%
100.000000%	Percent of Local Share	100.000000%

State Allocation (General)	571,132.00	4.40%
State Allocation (Regionalization)	(8,433.00)	-9.41%
State Allocation (CTE)	360,796.00	12.81%
Total State Allocation	923,495.00	5.81%
*Local Allocation	1,140,857.00	6.08%
Additional Local	550,462.00	24.81%
Total Local	1,624,992.00	6.94%
Total Budget	2,422,996.00	5.82%
State Valuation	212,966,666.00	8.06%
100% EPS Allocation	1,711,988.19	5.39%

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

[MSMA Note: This revised sample policy recognizes the Maine Legislature’s 2022 enactment of LD 598, “*An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle.*” The previous (2021) revision of this policy added “familial status” to the list of protected categories in the context of employment. The 2020 revision of this policy included language changes, additional legal references, and changes in the titles of cross references to comply with the Title IX regulations that were effective August 14, 2020. In March 2021, the U.S. Department of Education initiated a comprehensive review of its title IX regulations, resulting in the proposed regulations the agency released on June 23, 2022. It is anticipated that the rulemaking process will be completed in May or June of 2023, with the updated rule becoming effective at the start of the 2023-2024 school year. Boards should expect another revision of this sample policy and other policies and procedures that may be affected by the Title IX rule changes.]

The Biddeford School Committee does not discriminate on the basis of sex or other protected categories in its educational programs and activities, as required by federal and state laws/regulations.

In accordance with applicable Federal and/or State laws and regulations, the Biddeford School Department prohibits discrimination against and harassment of employees, candidates for employment, students and others with rights to admission or access to school programs, activities or premises on the bases of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, **familial status**, disability or genetic information are prohibited. For the purpose of this policy, “sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.

For the purpose of this policy, “race” Includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

[EDITORS NOTE: Locs are an African hairstyle that consists of hair strands that have been colled, braided, twisted, or rolled to have a rope-like appearance]

The Biddeford School Committee delegates to the Superintendent the responsibility to implement a continuing program designed to prevent discrimination against all applicants, employees, students, and other individuals having access rights to school premises and activities.

The Biddeford School Department Affirmative Action Plan will include the designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all Federal and State requirements related to nondiscrimination, including sexual harassment. The Affirmative Action Officer will be appointed by the Superintendent and will be a person with direct access to the Superintendent.

The Superintendent/Affirmative Action Officer shall be responsible for ensuring that notice of compliance with Federal and State civil rights laws is provided to all applicants for employment, employees, students, parents, and others, as appropriate.

The Biddeford School Department has implemented complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. The school unit provides required notices of these complaint procedures and how they can be accessed, as well as the school unit's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents, and other interested parties.

[Note: The requirement that local school units have a Title IX Coordinator is not new, but the new Title IX regulations require that school units “designate and authorize” Title IX Coordinators to perform their duties. It is still permissible for local boards to combine the roles of Affirmative Action Officer and Title IX Coordinator, so long as the title of the position includes both roles. There are advantages to combining these roles in one position in terms of efficiency, but given the increased responsibilities of Title IX Coordinators under the new regulations, school units should ensure that the individual(s) in these roles are provided enough time to fulfill all the associated duties.]

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261) amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.)
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)
Equal Pay Act of 1963 (29 U.S.C. § 206)
Vocational Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.)
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)
Genetic Information Nondiscrimination Act of 2008 (GINA)
(42 U.S.C. § 2000ff et seq.)
5 MRSA § 4551 (Maine Human Rights Act); 19301-19302

Cross Reference: Biddeford School Department Affirmative Action Plan
ACAA – Harassment and Sexual Harassment of
Students
ACAB – Harassment and Sexual Harassment of School

Employees Adopted: April 27, 1999

Revised: July 8, 2008, April 23, 2013, July 28, 2020, _____

Reviewed: January 8, 2019

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students because of race, color, sex, sexual orientation, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of 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.

For the purpose of this policy, “race” Includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

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: November 30, 2022, _____

STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

[Note: 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.

This procedure and related policies/procedures (AC, ACAA and ACAB/ACAB-R) have been revised to reflect a change in the Maine Human Rights Act that specifies that discrimination in employment and education programs based on hair texture or style that are race-based is prohibited. This new law has been effective since August 8, 2022.

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 **(including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists and locs)**, 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 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 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 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 designees decision on the appeal shall be provided to the parties within 10 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 business days);
 - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
 - Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
 - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.

2. If additional allegations become known at a later time, 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 business days to submit a written response.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.

- i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision-maker.
6. The investigation shall be concluded within 40 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 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 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"). **[Note: School units can use the clear and convincing standard, but we recommend retaining the preponderance standard that school units use in most other cases.]**
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 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: November 30, 2022, _____

HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment of school employees because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, **familial status** or genetic information or disability is prohibited. Such conduct is a violation of the Biddeford School Committee policy and may constitute illegal discrimination under state and federal laws.

For the purpose of this policy, “race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

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

A. Harassment

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

B. Sexual Harassment

Sexual harassment is addressed under federal and state laws and 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 promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct;
- b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual’s equal access to the school unit’s education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are

defined in federal laws.

2. Sexual Harassment Under Title VII and Maine Law

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

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

C. Reports and Complaints of Harassment or Sexual Harassment

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

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

Legal References Title IX of the Education Amendments of 1972 (20 U.S.C. § 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 U.S.C. § 2000d)
Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as

amended

Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)

Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)

Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)

5 MRSA § 4551 et seq.

MHRC Rule Chapter 94-348, ch. 3

26 MRSA §§ 806-807

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

Adopted: November 13, 2001
Revised: July 8, 2008, July 28, 2020, _____
Reviewed: October 8, 2013

EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

NOTE: 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 unlawful 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 the 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.

Please also note that the federal Office of Civil Rights is currently considering further changes to the Title IX regulations, so further changes may be made in the next several months. School units should monitor these developments.

Note to Local Boards: This policy and related policies/procedures (AC, ACAB and ACAA/ACAA-R) have been revised to reflect a change in the Maine Human Rights Act that specifies that discrimination in employment and education programs based on hair texture or style that are race-based is prohibited. This new law is effective August 8, 2022.

All notes and highlighting should be removed from the procedure prior to adoption.

The School Committee has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section 2 may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the School Committee’s Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R).

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

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I. DEFINITIONS

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

A. Discrimination/Harassment Complaint Procedure Definitions

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s membership in a protected category, which, for

employees, includes race, **(including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists and locs)**, color, sex, sexual orientation, gender identity, age, **familial status**, religion, ancestry, national origin, genetic information or disability.

2. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the school unit’s programs or activities by creating a hostile, intimidating or offensive environment.
4. Under Title VII and under Maine law/regulations, sexual harassment is defined differently than under Title IX. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
5. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”
6. “Gender identity”: Under Maine law, this means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”
7. “Complaint” is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color,

sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).

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

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. “Title IX sexual harassment”: Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’s education programs and activities:
 - a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct;
 - b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies an individual’s equal access to the school unit’s education programs and activities; or
 - c. Sexual assault, dating violence, domestic violence, and stalking these terms are defined in federal laws.
2. “Report”: Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Affirmative Action Officer/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” is filed.
3. “Formal Complaint”: Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAB-R. Only a school employee (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.

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

II. DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

[Note: This procedure generally tracks the procedure in earlier versions of ACAB-R, with some adjustments in an effort to minimize differences, where possible, between this complaint procedure and the Title IX sexual harassment complaint procedure in Section 3.]

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

A. How to Make A Complaint

1. An employee who believes they have been unlawfully harassed or discriminated against (as such terms are defined in Section 1.A.1-3) is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and requesting that the behavior stop. This shall not prevent the employee from making an immediate complaint to the AAO/Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the AAO/Title IX Coordinator. A written complaint must include basic information 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).
3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the matter with the AAO/Title IX Coordinator.
4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.
5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school unit’s complaint procedure.

However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, 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 (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.
4. The complaint will be investigated by 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 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 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:
 - a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
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 or business days.
4. The Superintendent or Designee shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent 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.

[NOTE: The Board should decide whether to allow appeal of the Superintendent's decision to the Board. MSMA recommends discussing this option with legal counsel before drafting such language.]

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

2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the AAO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
 - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
 3. The school unit cannot provide an informal resolution process for resolving a report until a formal complaint is filed.
 4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.
 5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize the school unit's complaint procedures. However, employees are hereby notified that they also have the right to report sexual harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
 6. The Superintendent or Designee shall be informed of all reports and formal complaints of sexual harassment.
- B. How to Make A Formal Complaint
1. An alleged victim may file a formal written complaint requesting 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).

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

2. In certain circumstances, the AAO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school unit). In such cases, the alleged victim is not a party to the case but will receive notices as required by the Title IX regulations at specific points in the complaint process.
 3. In accordance with the Title IX regulations, the AAO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of the school unit's education programs and activities, or c) did not occur in the United States.
 4. In accordance with the Title IX regulations, the AAO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by the school unit or c) there are specific circumstances that prevent the school unit from gathering evidence sufficient to reach a determination regarding the formal complaint.
 5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
 6. If the conduct alleged potentially violates other laws, School Committee policies, and/or professional expectations, the school unit may address the conduct under Section 2 or another applicable policy/procedure.
- C. Administrative Leave

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

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. The respondent will be provided notice of the administrative leave and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency leave was unreasonable.
3. Any such decision to place an employee on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five 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 procedure is prohibited and may result in disciplinary action; and

- 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 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 extent, they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider 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 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.
 - a. The decision-maker shall explain to a party proposing questions if the decision-maker excludes a question as not relevant.
- 2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five 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

[NOTE: 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, local Boards 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

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 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.
3. 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 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 References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 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 U.S.C. § 2000d)
 Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended
 Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
 Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)
 Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)
 Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)

Cross Reference: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
 ACAB – Harassment and Sexual Harassment of School Employees

Adopted: July 28, 2020

Revised: _____

EVALUATION OF THE SUPERINTENDENT

The School Committee will evaluate the performance of the Superintendent as a regular and scheduled activity. The primary purposes of the evaluation will be to continually improve administrative leadership, to strengthen the working relationship of the School Committee and Superintendent, and to assist the School Committee in reviewing issues associated with the Superintendent's employment.

Guidelines

- A. The Superintendent should be involved in developing the evaluation form and standards or reviewing the existing evaluation form and standards.
- B. The evaluation(s) should be at a regularly scheduled time and place, in an executive session in which all School Committee members are present.
- C. The Superintendent may prepare for the evaluation by conducting a self-evaluation.
- D. The School Committee should prepare for the evaluation as follows:
 - 1. School Committee members will submit individual written assessments to the Vice Chair, using the evaluation form and standards, with supporting comments giving specific examples related to conduct and/or performance.
 - 2. The Vice Chair will develop a composite evaluation from members' written opinions.
 - 3. The School Committee will meet in executive session to review the composite evaluation and materials related to the Superintendent's performance. The Superintendent may be invited to, or excluded from, this session at the School Committee's discretion. The Superintendent must be present for any discussion that may lead to or result in allegations, charges or investigation of misconduct.
- E. The School Committee will meet with the Superintendent in executive session to review the evaluation:
 - 1. The School Committee as a whole will meet with the Superintendent to discuss the evaluation, which should include the composite of individual School Committee members' written assessments as agreed upon by the School Committee.
 - 2. The evaluation should include a discussion of strengths as well as areas identified for improvement.
 - 3. As no form or set of guidelines can encompass the totality of the Superintendent's responsibilities, the evaluation discussion may include items not described in the evaluation form.

4. The School Committee's evaluation should be supported by specific examples of the Superintendent's conduct/performance, and should represent the perspective of the majority of the School Committee.
5. The Superintendent shall be given the opportunity to provide feedback to the School Committee regarding his/her perceptions of the working relationship between the Superintendent and the School Committee and other issues the Superintendent identifies as relevant to his/her job responsibilities and performance.
- F. ~~The School Committee will meet in executive session to discuss issues such as compensation, benefits, and extension of contract that are directly related to the Superintendent's evaluation and employment. The Superintendent may be invited to, or excluded from, this session at the School Committee's discretion.~~
- G. The School Committee will meet with the Superintendent in executive session to discuss compensation, benefits, extension of contract and other matters relevant to the Superintendent's employment.
- H. Following the completed evaluation process, the School Committee Vice Chair shall provide the Superintendent with a written summary of the key elements of the evaluation review.

Performance Objectives

Using the Superintendent's evaluation(s) for the year and the priorities established by the School Committee, the School Committee and the Superintendent will establish mutually agreed upon and clearly understood performance goals for the ensuing year prior to January 1. Progress toward these goals will be included as part of the next School Committee evaluation of the Superintendent.

Cross Reference: BDD - School Committee-Superintendent Relationship
 CB - School Superintendent
 CB-R - Superintendent Job Description

Adopted: April 27, 1999

Revised: April 24, 2001, April 10, 2007, January 10, 2017, _____

[EDITORS NOTE: To ensure an effective partnership between the school committee and Superintendent, best practices (that run contrary to exclusionary executive sessions) include 1) Having shared expectations. School Committee members and the Supt. should share what they expect of each other and their understanding of the critical indicators of program and organizational success. 2) Cooperative planning. School Committee members and the Superintendent should work together to plan for the future--this includes the future of the position of Superintendent (a requirement of a district receiving state funding) and any possible transition in it. 3. Collaborative evaluation. The Committee and Supt should evaluate programs and outcomes together. School Committee members should assess their own performance and the performance

of the Superintendent. 4) Open and honest communication, trust and respect. This is the foundational element for an effective partnership. If the Committee and the Superintendent do not trust each other or respect each other's role, they won't plan together, share expectations, or evaluate programs together. If they do not communicate openly and honestly, the partnership collapses.

These 4 principles are accepted practices for boards of non-profit and educational institutions around the world.

RECRUITING AND HIRING OF ADMINISTRATIVE STAFF

The Biddeford School Committee affirms its commitment to the strict prohibition of discrimination in employment on the basis of race, national origin, religion, sex, age, or disability, and to the principle of affirmative action to obtain wide and representative candidate pools.

For the purpose of this policy, “race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

In accordance with 20-A MRSA, § 1001.13, the Superintendent shall prepare a procedure designed to ensure nondiscriminatory practice in recruitment and hiring for all positions requiring administrator certification, as well as to result in selection of the most qualified candidates. This procedure shall be attached hereto as GCFB-R, and shall be reviewed periodically.

Moreover, upon each occasion of administrative vacancy, the Superintendent shall review the procedure and make appropriate adaptations as may be warranted by special circumstances. In the case of a vacancy in the Superintendency, the Biddeford School Committee shall review the regulation, adapting as appropriate.

In accordance with 20-A MRSA, § 4502.4-A, the school unit’s Affirmative Action Plan shall include a description of the status of the unit’s nondiscriminatory administrator hiring practice; plans for in-service training programs on gender equity for teachers, administrators and the Biddeford School Committee.

Legal Reference: 5 MRSA § 4576
20-A MRSA §§ 6, 254.8-10, 1001.(13), 4502(4A), 13011(6), 13019-B, 13019-C

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
GCFB-R – Recruiting and Hiring of Administrative Staff Regulation

Adopted: April 27, 1999

Revised: January 26, 2016, _____

**PRIVATE SCHOOL STUDENT PARTICIPATION IN
MIDDLE SCHOOL ATHLETIC PROGRAMS**

1. The school unit will allow students enrolled in private schools in the City of Biddeford to participate in Middle School football, cross country, wrestling, field Hockey, and outdoor track (boys and girls) as follows:
 - A. Students must agree to abide by all rules of participation applicable to regularly-enrolled students participating in the activity, including tryouts; behavioral, disciplinary, attendance, and transportation rules; and academic standards.
 - B. Students must comply with the same physical examination, immunization, and insurance coverage requirements as regularly-enrolled students. All required documentation must be made available upon request by the school unit.
2. Students may participate in activities with limited enrollment only if there is space available. Section A and B will be applicable to all such students.¹

Adopted: November 18, 1992

Revised: August 10, 1999, _____

¹ Private school students who compete in cooperative team arrangements or outside the SMMSAC are subject to all guidelines articulated in Article X, Section 7 of the SMMSAC Constitution (amended last in 2023) and Title 20-A Education/5021-A of Maine state law.

~~STUDENT CONDUCT ON SCHOOL BUSES~~

~~ADMINISTRATIVE REGULATION~~

~~Bus drivers are authorized to enforce these regulations and to take the necessary steps to ensure student safety. Students are expected to follow the instructions of bus drivers as they do their teachers and other school staff. The bus driver is safety-minded, knows safety rules, and his/her first goal is the safety of the students. Students can help by paying attention when the driver speaks, learning the bus rules, doing what the driver says, being on time for the bus, and remembering that the driver cannot wait if the student is late.~~

~~Boarding the Bus~~

- ~~_____ A. At the bus stop, do not wait in the road and stay back from the roadway until the bus arrives.~~
- ~~_____ B. Wait until the bus comes to a complete stop before trying to board the bus.~~
- ~~_____ C. Board the bus in an orderly fashion, and let younger students board first.~~
- ~~_____ D. Use the handrail to keep your balance, especially when it is slippery.~~
- ~~_____ E. Go directly to a seat and remain seated.~~

~~Traveling on the Bus~~

- ~~_____ A. All directions from the bus driver must be followed.~~
- ~~_____ B. Stay quietly seated during the trip.~~
- ~~_____ C. Eating, drinking, and smoking are not allowed on the bus.~~
- ~~_____ D. Place books or bundles under the seat or hold them on your lap where they cannot slide, fall or block the aisle. Do not throw anything on the bus.~~
- ~~_____ E. Keep your arms and legs out of the aisles.~~
- ~~_____ F. Act as you would in the classroom. Loud or boisterous talking drowns out traffic sounds and other drivers' horns and could cause an accident.~~

- ~~— G. — Absolutely no horseplay on the school bus. Distracting the driver could cause injury to you and your fellow passengers.~~
- ~~— H. — Do not throw or stick anything out of bus windows. Keep your head, arms and hands inside the bus.~~
- ~~— I. — Do not open windows without permission from the driver.~~
- ~~— J. — No talking is permitted at railroad crossings. The driver stops the bus to listen for a train that might be hidden from view.~~
- ~~— K. — The emergency door may not be used except in an emergency.~~

Upon Arrival

- ~~— A. — Wait for the bus to stop completely before standing.~~
- ~~— B. — Students may exit only at their regular or authorized stop.~~
- ~~— C. — Report any damage to the bus driver.~~
- ~~— D. — People closest to the front should exit first.~~
- ~~— E. — Exit in an orderly fashion.~~
- ~~— F. — Watch your step leaving the bus.~~
- ~~— G. — Move away from the bus immediately, and keep away from the side of the bus as it pulls away.~~

Crossing the Road

- ~~— A. — Walk 10 steps ahead of the bus along the edge of the road.~~
- ~~— B. — Watch for the driver's signal to cross, and then look both ways to make sure the road is clear of moving traffic. Although the law states that traffic must stop both ways for a stopped school bus, do not depend on it.~~
- ~~— C. — After the driver's signal and looking both ways, walk quickly across the road to the other side.~~

~~Bus Misconduct~~

~~_____ A. _____ Bus drivers shall report all disciplinary problems to the appropriate building Principal.~~

~~_____ B. _____ Parents shall be notified of disciplinary problems and appropriate action taken.~~

~~Cross Reference: _____ JICC – Student Conduct on School Buses
_____ JICC-E – Bus Report Form~~

~~Adopted: _____ September 1998~~

~~Revised: _____ March 17, 1993; April 27, 1999, _____
_____ Or Strike. See note below~~

[*EDITORIAL NOTE: The MSMA recommends this administrative regulation should reside in BMS, BHS, and CTE student handbooks. Much of the content is warehoused in other existing policies. If the Committee concurs and moves to strike, I recommend taking action now (while handbook revisions are being contemplated or written) with an effective date of June 21, 2023]

~~STUDENT HAZING~~

~~Maine statute defines injurious hazing as “any action or situation which recklessly or intentionally endangers the mental or physical health of a student enrolled in a public school.”~~

~~It is the policy of the School Committee that injurious hazing activities of any type, either on or off school property, by any student, staff member, group or organization affiliated with this school unit, are inconsistent with the educational process and shall be prohibited at all times.~~

~~No administrator, faculty member, or other employee of the school unit shall encourage, permit, condone, or tolerate injurious hazing activities. No student, including leaders of students organizations, shall plan, encourage, or engage in injurious hazing activities.~~

~~Persons not associated with this school unit who fail to abide by this policy may be subject to ejection from school property and/or other measures as may be available under the law.~~

~~Administrators, faculty members, students, and all other employees who fail to abide by this policy may be subject to disciplinary action which may include suspension, expulsion, or other appropriate measures.~~

~~In the case of an organization affiliated with this school unit which authorizes hazing, penalties may include rescission of permission for that organization to operate on school property or to receive any other benefit of affiliation with the school unit.~~

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

~~The Superintendent shall assume responsibility for administering this policy. In the event that an individual or organization disagrees with an action—or lack of action—on the part of the Superintendent as he/she carries out the provisions of this policy, that individual or organization may appeal to the full School Committee. The ruling of the School Committee, with respect to the provisions of this policy, shall be final.~~

~~A copy of this policy shall be included in all school, parent, and faculty handbooks or otherwise distributed to all school employees and students.~~

~~Legal Reference: — 20-A MRSA § 6553~~

~~Adopted: — April 27, 1999~~

HIGH SCHOOL DANCES

The School Committee expects high school dances to be held in compliance with the following guidelines:

- A. Dances shall be chaperoned by a minimum of one administrator and an appropriate number of teachers and/or security personnel.
- B. A school custodian shall be present during each dance and shall remain after the dance to clear and secure the facility.
- C. Students under school suspension may not attend dances.
- D. Students must present a valid student identification card or guest pass. At the discretion of the chaperone, supporting proof of identity may be required.
- E. Dances are school functions. All school rules apply, including drug, alcohol and tobacco policies.
- F. Students who leave a dance may not be re-admitted and must leave the school campus.
- G. A Biddeford High School student may bring one guest to a dance. A guest pass is required for admittance. Guest passes may be obtained from the main office prior to the dance at a time and place designated by the administration.
- H. If a student or his/her guest appears to be under the influence of alcohol or drugs or is in possession of these substances, the student/guest will be refused entrance or removed and subject to disciplinary action. The parents will be requested to pick them up or the police may be called to transport them to the station until parents can be reached.
- I. Students not attending the dance will not be permitted to loiter on school grounds.

Adopted: January 16, 1991

Revised: July 14, 1993; April 27, 1999, _____

[*EDITORIAL NOTE: The MSMA's disposition on this policy is that it may remain a School Committee policy or can reside in student handbooks. It's worth noting that because students from other communities mingle with Biddeford students through the COT having the visibility and gravitas of an official sentiment of the School Committee may have value]

SUSPENSION OF STUDENTS

The School Committee delegates to the principals the authority to suspend disobedient and disorderly students for a period not to exceed ten (10) school days. **Suspensions may be in-school or out-of-school at the discretion of the principal.** Suspensions longer than 10 days may be imposed by the School Committee.

Students in grade 5 or below may not be given an out-of-school suspension except when a student has violated the federal Gun-Free Schools Act or presents an imminent danger of serious physical injury to the student or others, and it is determined that less restrictive interventions would be ineffective. Any suspension of a student in grade five or below cannot be longer than three school days.

Prior to the suspension, except as hereinafter provided:

- A. The student shall be given oral or written notice of the charge(s) against him/her;
- B. The student shall be given an explanation of the evidence forming the basis for the charge(s); and
- C. The student shall be given an opportunity to present his/her version of the incident.

However, students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the instructional process may be immediately removed from school. In such cases, the notice of charges, explanation of evidence, and the student's opportunity to present his/her version of the incident shall be arranged as soon as practicable after removal of the student from school.

The student's parents/guardians shall be notified of ~~the~~ **any in-school or out-of-school** suspension as soon as practicable by telephone (if possible) and by written notice sent by **electronic or U.S. mail.** A copy of the notice shall also be sent to the Office of the Superintendent.

Students are not allowed on school property during any out-of-school suspension except with the prior authorization of the principal or Superintendent.

The parents/guardians and the student shall be required to schedule a conference with the building administrator/designee within the suspension period and prior to re-admittance to school.

Students shall be responsible for any schoolwork missed during their suspension. After re-admittance, they shall be permitted to take tests, quizzes or any other form of evaluation affecting their grades.

Legal Reference: 20-A MRSA § 1001.9, (15-A)(D)

Cross Reference: **JIC - Student Code of Conduct**

JICIA – Weapons, Violence and School Safety

JICK - Bullying

JK - Student Discipline

JKE - Expulsion of Students

JKF – Suspension/Expulsion of Students with Disabilities

Adopted: April 27, 1999

Revised: _____

EXPULSION OF STUDENTS

No student shall be expelled from school except by action of the School Committee.

Following a proper investigation of a student's behavior and in accordance with the Board's districtwide disciplinary policies, the School Committee shall expel the student, if found necessary for the peace and usefulness of the school, as provided in 20-A MRSA § 1001(9) and (9-A).

Students in grade five or below cannot be expelled, except for violations of the Gun-Free Schools Act, as provided in 20-A MRSA 20-A MRSA § 1001(9-A).

The Superintendent has the discretion under Maine law to provide an alternative to expulsion on a case-by-case basis. Such determination must be made in writing.

The School Committee also has the authority to readmit an expelled student on satisfactory evidence that the behavior which was the cause of the student being expelled will not likely recur **and with the expelled student meeting the School Committee's terms and conditions for admission or readmission.**

NOTICE OF EXPULSION HEARING

Before any expulsion hearing, the Superintendent shall:

- A. Provide written notice, by regular and certified mail, to the parents/guardians and the student that:
 1. Informs them of the date, time and location of the hearing;
 2. Provides a description of the incident(s) that resulted in the expulsion hearing;
 3. Informs them of their right to review the school's records prior to the hearing;
 4. Includes a copy of the Board's expulsion guidelines(JKE-R);
 5. Informs them of the student's right to an attorney or other representation, and the right to be present and cross-examine witnesses; and

6. Includes a list of available free and low-cost legal services, which must be created and updated annually by the Maine Department of Education.
- B. Invite the parents/guardians and the student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

EXPULSION HEARING AND REENTRY

The hearing shall be in a properly called executive session and may also be attended by persons designated by the Superintendent to present information in the case.

Upon making a decision to expel a student, the Board may:

- A. Expel the student for a specific period of time not to exceed the total number of instructional days approved by the Board for the current year; or
- B. Expel the student for an unspecified period of time and authorize the Superintendent to provide the expelled student with a reentry plan, to be developed in accordance with 20-A MRSA § 1001(9-C), specifying the conditions that must be met in order for the student to be readmitted to school after the expulsion.

[NOTE: 20-A MRSA § 1001(8-A)(C) states, “The notice of the school board’s written decision may include a reentry plan developed in accordance with subsection 9-C,” which lists requirements associated with the development of the plan. The plan is to be developed by the Superintendent/designee in consultation with the student and his/her parents/ guardians as guidance to help the student understand what he/she must do to establish satisfactory evidence that the behavior resulting in the expulsion will not likely recur (see 20-A MRSA § 1001(9-C)(B)(1)). The law provides that if the student or parents do not attend the meeting to develop a reentry plan, the reentry plan must be developed by school staff and provided to the parents and student in writing (see 20-A MRSA § 1001(9-C)(B)(2-4)).]

The Board has adopted guideless (JKE-R) that outline the procedure for conducting an expulsion hearing and for developing a reentry plan, if applicable.

After the expulsion hearing, the Board shall provide written notice of its decision to the parents/guardians and the student by certified mail.

Nothing in this policy shall prevent the Board from providing educational services in an alternative setting to a student who has been expelled.

Legal Reference: 20-A MRSA § 1001(8-A), (9), (9A-9D)
1 MRSA § 405(6)(B)

Cross Reference: JKE-R – Expulsion of Students—Guidelines
JIC – Student Code of Conduct
JICIA – Weapons, Violence and School Safety
JICK – Bullying
JK – Student Discipline
JKD – Suspension of Students
JKF – Disciplinary Removal of Students with Disabilities

Adopted: April 27, 1999
Revised: _____

EXPULSION OF STUDENTS-GUIDELINES

The following steps constitute general guidelines for the conduct of an expulsion hearing. The guidelines may be adjusted to meet the flexible requirements of due process on a case-by-case basis, **consistent with applicable laws.**

Procedure for Conduct of School Committee Hearing to Expel

- A. Any discussion, consideration or hearing by the School Committee of suspension or expulsion of a student shall be in executive session.
- B. The School Committee shall be in a public meeting and vote to enter executive session. Executive session requires a 3/5 affirmative vote of the members present and voting, and the vote must be recorded.
- C. The parents/guardians, the student and legal counsel (if any) must be present for the hearing, except that the hearing may go forward if the parents/guardians and student (~~if 18 years of age or older~~) have been provided prior written notice and failed to appear for the hearing.

Executive Session

I. GENERAL RULES OF CONDUCT

- A. The hearing officer (School Committee Chair/designee or School Committee attorney) will conduct the hearing.
- B. Witnesses shall be sequestered in response to a request by either party.
- C. The hearing officer will state “no irrelevant or repetitious evidence will be allowed and no debate between the parties will be allowed.”
- D. The hearing officer will state that “all parties are expected to maintain the confidentiality of the proceeding.”
- E. The School Committee and student (at his/her own expense) may be represented by legal counsel through each stage of the process.

II. PROCEDURES

- A. The hearing officer will state for the record:

- Date of this hearing;
 - Place of hearing;
 - Time of hearing;
 - Name of student;
 - Those in attendance for the administration;
 - Those in attendance for the student; and
 - Those in attendance for the School Committee.
- B. The hearing officer will request from the Superintendent a copy of the hearing notice, read the hearing notice to the School Committee and include the notice in the record. If no person appears at the hearing on behalf of the parents/guardians or student, the hearing officer will request that the Superintendent confirm that the parents/ guardians and student ~~(if age 18 or older)~~ were provided notice of the hearing.
- C. The Superintendent or designee, hereafter called “the administration,” will make an opening statement that includes an overview of the evidence, his/her recommendation, the reason(s) for the recommendation, and the legal basis for the recommended expulsion.
- D. The hearing officer will inform the student and parents/guardians of their rights:
- To hear the evidence;
 - To cross examine witnesses; and
 - To present witnesses and offer other relevant evidence.
- E. The hearing officer will ask if any member of the School Committee finds him/herself in a possible conflict of interest situation because he/she knows the student or parents/guardians to such an extent, or has knowledge of the facts to such an extent, that he/she could not impartially hear the facts and decide the issue on its merits.
- F. All witnesses shall be sworn in by the hearing officer. Each witness raises his/her right hand and is asked, “Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth?”
- G. The administration calls its witnesses.

- H. After each witness has answered all questions put by the administration, then the student/designee (hereinafter, the student) may cross examine. This should be limited to questions and not arguments with the witness.
- I. The administration may ask rebuttal questions after the student finishes questioning.
- J. Members of the School Committee may ask questions at the conclusion of the rebuttal.
- K. The student may then call his/her own witnesses to testify, and the student may testify. All witnesses will be sworn. The administration may cross-examine. The student may ask rebuttal questions. After the rebuttal questions, the School Committee may ask questions.
- L. When all the student's witnesses have completed testimony (including the student), the administration may call additional rebuttal witnesses who may be cross examined.
- M. At the end of the testimony, the administration shall make a statement which should include its recommendations. The same may then be done by/for the student.
- N. The School Committee should then deliberate in executive session. The Superintendent, School Committee attorney, administration, the student charged, his/her parents/guardians, and the student's legal counsel may remain for deliberations. If the student and representatives elect not to be present during deliberations, the administration will also be excluded from deliberations, except that the Superintendent may remain to provide guidance to the School Committee if he/she was not directly involved in the investigation/presentation of evidence.
- O. The School Committee shall discuss whether the charges are more likely than not supported by the evidence presented. The School Committee may discuss and/or draft proposed finding of fact(s) concerning the charges prior to leaving the executive session.
- P. If the charges are more likely than not supported, the Board shall discuss whether an expulsion shall be for a specified period of time or for an indefinite period.
- Q. The School Committee shall then leave executive session.

III. PUBLIC SESSIONS

- A. In public session, a member of the School Committee may make a motion to “expel a student and direct the Superintendent to provide the student and his/her parents/guardians with the School Committee’s finding of fact(s).” Following a second, the School Committee Chair should state the motion and the School Committee should vote. If no motion is made to expel, the student will return to school at the conclusion of the previously-imposed administrative suspension.

If the student is expelled, a member of the Board shall make a motion as to whether the expulsion shall be for a specified period of time or for an indefinite period. If the expulsion is for an indefinite period, the Board may authorize the Superintendent to develop a reentry plan for the student as described in Section IV below.

- B. The Superintendent is responsible for notifying the parents/ **legal** guardians (and the student if ~~age 18 or older~~) of the School Committee’s decision. ~~If the student has been expelled, the Superintendent will also provide notice of the conditions, if any were given at that time, for School Committee consideration of readmission.~~

IV. **REENTRY PLAN GUIDELINES**

If the Board expels a student for an indefinite period of time and authorizes the Superintendent to develop a reentry plan, the following steps are required by law.

- A. **The Superintendent/designee shall develop the reentry plan in consultation with the student and his/her parents/legal guardians to provide guidance that helps the student understand what he/she must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.**
- B. **The Superintendent/designee shall send a certified letter or hand-deliver a letter to the parents/legal guardians of the student, giving the date, time and location of a meeting to develop a reentry plan.**
- C. **If the student and the student’s parents/legal guardians do not attend the meeting, the reentry plan must be developed by the Superintendent/designee.**
- D. **The reentry plan may require the student to take reasonable measures determined by the Superintendent that will help establish the student’s**

readiness to return to school. Professional services determined to be necessary by the Superintendent must be provided at the expense of the student's parent/legal guardians and/or the student. (See policy JKF for requirements related to students with disabilities.)

- E. The reentry plan must be provided to the parents/legal guardians and the student.
- F. The Superintendent shall designate an appropriate school employee to review the student's progress with the reentry plan at one month, three months and six months after the initial reentry plan meeting, and at other times as determined necessary by the designated employee, in consultation with the Superintendent.

Legal Reference: 20-A MRSA §§ 1001 (8A), (9C)

Cross Reference: JKF – Disciplinary Removals of Students with Disabilities

Adopted: April 27, 1999
Revised: _____

~~SUSPENSION/EXPULSION OF SPECIAL EDUCATION STUDENTS~~

~~Except as provided by federal law, no identified special education student shall be expelled or suspended in excess of 10 cumulative days in the school year for misconduct related to the student's disability. If expulsion or suspension in excess of 10 cumulative days is to be considered, the student's pupil evaluation team ("PET") shall make the determination whether the misconduct in question, including any past incidents of misconduct which may be considered in making the disciplinary decision, is related to the student's disability.~~

~~For misconduct that is related to the student's disability, the student's PET may determine what programming or placement alterations are warranted beyond the 10 cumulative days of suspension permitted under this policy.~~

~~For misconduct unrelated to the student's disability, the school unit may proceed with a suspension or expulsion consistent with law and with school policy. During any such removal in excess of 10 cumulative days in the school year, the PET shall offer free and appropriate educational services to the special education student off school grounds.~~

~~The school unit shall comply with all applicable state and federal laws governing suspension and expulsion of students with disabilities.~~

~~Legal Reference: 20-A MRS § 1001(9); (9-B)
20 USC § 1415(k)(1)(A), (3)(B), (5)(A)~~

~~Cross Reference: JKF-R – Suspension/Expulsion of Special Education Students –
Administrative Regulation
JKF-E – Manifestation Determination Checklist~~

~~Adopted: April 27, 1999~~

[*EDITORIAL NOTE: The contents of this policy are bifurcated into drafts before the subcommittee. The striking/removal of this policy should only be commensurate with the adoption of JKE, JKE-R, and Madsec's new JKF Language]

DISCIPLINARY REMOVAL OF STUDENTS WITH DISABILITIES

When removing students with disabilities from their regular school programs, whether as a result of a suspension, an expulsion, or any other removal covered by state and federal special education laws, it shall be the policy of the Biddeford School Department to comply fully with all applicable state and federal special education laws that govern such removals.

The Superintendent of Schools, in consultation with the Director of Special Education and other school administrators, may develop and promulgate procedures for implementing this policy and may, from time to time, amend those procedures as necessary.

Legal Reference: Me. Dept. of Educ. Rule Ch. 101 § XVII (2017)
34 CFR § 300.101, .530 -.536

Cross Reference: JKF-R – Suspension/Expulsion of Special Education Students –
Administrative Regulation
JKF-E – Manifestation Determination Checklist

Adopted: April 27, 1999
Revised: _____

FALL	Coach's Name	Stipend	Nominated	Approved by Board	Background/Experience	Sent Frontline Form
Head Middle School Football Grade 8	Gary Pleau	\$3,538.53	7/15/2022	8/10/2022	Current Coach and BHS employee	X
Head Middle School Football Grade 7	Gary Pleau	\$3,538.53	7/15/2022	8/10/2022	Current Coach and BHS employee	X
Football Assistant	Kelly O'Guinn	\$2,123.12	7/15/2022	8/10/2022	Current coach	X
Football Assistant	Jay Demick	\$2,123.12	7/15/2022	8/10/2022	Current Coach and BSD Employee	X
8th Grade Boys Soccer Coach	Robert Martens	\$2,359.02	7/15/2022	8/10/2022	Current Coach and BIS Employee	X
8th Grade Girls Soccer Coach	Sophie Manning	\$2,359.02	7/15/2022	8/10/2022	Current Coach and BMS Teacher	X
Grade 7 Field Hockey Coach	Briana Lagasse	\$2,359.02	10/7/2022	10/26/2022		X
Grade 8 Field Hockey	Stephanie Coleman	\$2,359.02	7/15/2022	8/10/2022	Current Coach	X
Middle School Volleyball	Justine Bouthot	\$2,162.44	7/15/2022	8/10/2022	Current BMS Coach, Varsity Assistant, and BMS Teacher	X
Middle School Cross Country Coach	Mike Hallett	\$1,965.85	8/23/2022	8/24/2022	Current Indoor Track Coach for BMS	
Athletic Director	Karl Lebreux	\$10,500.00	8/23/2022	8/24/2022	Current Athletic Director	
Grade 5 Cross Country	Nick Reny	\$786.34	9/6/2022	9/14/2022	BMS Employee and 8th grade baseball coach	
Grade 5 Cross Country	Maggie Guzman	\$786.34	9/6/2022	9/14/2022	BMS Employee and did last year	
7th Grade Boys Soccer Coach	Eric Howell	\$2,359.02	9/4/2022	9/14/2022	Teacher at BMS	
Girls Soccer Coach Grades 6 & 7	Don Stanhope	\$2,359.02	9/4/2022	9/14/2022	Teacher/Coach	
WINTER	Coach's Name	Stipend	Nominated	Approved by Board	Background/Experience	
Middle School Winter Cheering Co-Coach	Natalie Hatch	\$982.92 (split stipend)	10/24/2022	11/9/2022		
Middle School Winter Cheer Co-Coach	Olivia Souliere	\$982.92 (split stipend)	10/24/2022	11/9/2022		
Grade 7 Boys Basketball	Derek Gaudreau	\$3,145.36	10/24/2022	11/9/2022		
Boys Basketball Grade 8	Tim Guillereault	\$3,145.36	10/24/2022	11/9/2022		
Grade 7 Girls Basketball	Melody Michaud	\$3,145.36	10/24/2022	11/9/2022		
Grade 8 Girls Basketball	Don Stanhope	\$3,145.36	10/24/2022	11/9/2022		
Third Team Boys Basketball BMS	Richard Shumate	\$1,160.00	11/14/2022	11/30/2022		
BMS Wrestling Head Coach	James Smith	\$2,752.19	1/19/2023	2/8/2023		
Middle School Indoor Track Head Coach	Mike Hallett	\$2,555.61	1/19/2023	2/8/2023		
Middle School Indoor Track Assistant Coach	Derek Gaudreau	\$1,533.36	1/19/2023	2/8/2023		
Middle School Indoor Track Assistant Coach						
Unified Basketball Head Coach	Marc Boissoneault	\$1,965.85	1/19/2023	2/8/2023		
Unified Basketball Assistant BMS	Kelly Pearson	\$1,179.51	1/26/2023	2/8/2023		
SPRING	Coach's Name	Stipend	Nominated	Approved by Board	Background/Experience	
Grade 7 Baseball Coach	Ben Gosselin	\$2,359.02	3/24/2023		Former little league coach and River Rats baseball organization coach	
Grade 8 Baseball Coach	Ernie Dore	\$2,359.02	3/24/2023		Youth football and baseball coach	
Grade 7 Softball Coach	Stephanie Coleman	\$2,359.02	3/28/2023		BMS Coach 2018-Present	
Grade 8 Softball Coach	Chad Laverriere	\$2,359.02	3/28/2023		Former Biddeford Little League and All Star Coach	
Head Outdoor Track Coach						
Assistant Coach Outdoor Track						
Girls LAX Coach	Hailey Allen	\$2,555.61	3/28/2023		Biddeford Alum and former player	
Outdoor Track Head Coach						
Boys LAX Coach	Leonard Dube	\$2,555.61	3/28/2023		BMS LAX Coach 2022	
Non Athletic Stipends	Recommended	Stipend	Nominated	Approved by Board	Background/Experience	
IA Equipment Maintenance	Raymond Sampson	\$1,907.00	8/23/2022	8/24/2022		
Yearbook	Anne Marie Duguay	\$2,272.00	8/23/2022	8/24/2022		
Math Curriculum Leader	Linda Descoteaux	\$786.34	8/23/2022	8/24/2022		
Science Curriculum Leader	Chelsea Brittain	\$786.34	8/23/2022	8/24/2022		
ELA Curriculum Leader	Susanna Sharpe	\$786.34	8/23/2022	8/24/2022		
Social Studies Curriculum Leader	Susanna Sharpe	\$786.34	10/7/2022	10/26/2022		
MS Curriculum Lead	Susanna Sharpe	\$1,965.85	9/9/2022	9/14/2022		
Jazz Instructor	Dave Stebbins	\$2,229.00	8/23/2022	8/24/2022		
Choral Instructor	Ann Guiney	\$1,704.00	8/23/2022	8/24/2022		
Drama Instructor	Coleen Hatt	\$852.00	8/23/2022	8/24/2022		
Drama Instructor	Rob Petit	\$852.00	8/23/2022	8/24/2022		
Instrumental Instructor	Amy Delorge	\$2,414.00	8/23/2022	8/24/2022		
Civil Rights	Samara Yandell	\$852.00	8/25/2022	8/24/2022		
Civil Rights	Gustavo Gomez	\$852.00	8/25/2022	9/14/2022		
Team Leader Grade 7	Coleen Hatt	1179.51	8/25/2022	9/14/2022		
Team Leader Grade 7	Karen Bouchard	1179.51	8/25/2022	9/14/2022		
STEM Team Leader	Ray Sampson	1179.51	8/25/2022	9/14/2022		
Team Leader Grade 6	Sophia Manning	1179.51	8/25/2022	9/14/2022		
Team Leader Grade 6	Landyn Bowers	1179.51	8/25/2022	9/14/2022		
Team Leader Grade 5	Justine Bouthot	1179.51	8/25/2022	9/14/2022		
Team Leader Grade 5	Debbie Chapman	1179.51	8/25/2022	9/14/2022		
Special Education Team Leader	Marc Boissnault	1179.51	8/25/2022	9/14/2022		
Unified Arts Team Leader	Samara Yandell	1179.51	8/25/2022	9/14/2022		