

REGIONAL SCHOOL UNIT 40

Friendship • Union • Waldoboro • Warren • Washington
1070 Heald Highway, PO Box 701, Union, Maine 04862
207.785.2277

Steve Nolan, Superintendent
Christina Wotton, Assistant Superintendent

Karen Pike, Business Manager
Karen Brackett, Director of Special Services

Board of Directors Meeting Central Office Thursday, December 16, 2021 7:00 p.m.

Join by computer:
meet.google.com/nri-npoz-boj

or Join by phone:
(US)+1 413-308-2282 PIN: 579 992 945#

School Board Members: Julia Abernethy, Erik Amundsen, Guy Bourrie, Lillian Haversat, Morgan Hynd, Danny Jackson, Randy Kassa, Sandra O'Farrell, Angela Robinson, Brooke Simmons, Matthew Speno, Julie Swindler, Emily Trask-Eaton, Jeanette Wheeler, Melvin Williams, Robert Williams

Student Representatives: Natalie Dean, Owen Weber, Elizabeth Swan (alternate)

Agenda

I. Call to Order

- A. Pledge of Allegiance
- B. Declaration of Quorum
- C. Note Absences
- D. Additions/Adjustments to the Agenda

II. Consent Agenda – Approve Minutes of December 2, 2021

III. Superintendent and/or Chair Reports

- A. Board Chair's Report
- B. Superintendent's Report
- C. Business Manager's Report
- D. Student Representatives' Report

IV. Reports from Schools

V. Presentation – Mid-Coast School of Technology – Bobby Deetjen, Director and Matthew Speno, Region 8 Board Vice Chair

VI. Audience with the Public

VII. Action Items

- A. Approve teacher nominations
 - 1. Amber Webber – Teacher – Miller School
 - 2. Kathy Cook – Teacher – Medomak Middle School
- B. Amend Indoor Sports/Performing Arts 2021-22 COVID 19 Guidelines to delete:
 - Four spectators will be permitted per athlete for athletic events
 - Spectators from visiting teams are not allowed
- C. Approve policies for 1st read
 - 1. GBGA – COVID-19 Vaccination, Testing and Face Covering
 - 2. IJJ – Selection of Educational Materials
 - 3. JKAA – Use of Physical Restraint and Seclusion
 - 4. JKAA-R – Use of Physical Restraint and Seclusion Procedure

VIII. Executive Session 1 M.R.S. §405(6)(C) Personnel

- A. Action as a result of Executive Session

IX. Executive Session 1 M.R.S. §405(6)(D) Negotiations with MVEA

- A. Action as a result of Executive Session

X. Executive Session 1 M.R.S. §405(6)(D) Negotiations with Administrator Group

- A. Action as a result of Executive Session

XI. Executive Session 1 M.R.S. §405(6)(A) Superintendent Evaluation

- A. Action as a result of Executive Session

XII. Committee Meetings

- A. Policy – January 6th @ 5:30 p.m. – Central Office

XIII. Board Meeting – January 6th @ 7:00 p.m. – Central Office

XIV. Region 8 Board Meeting – January 26th @ 7:00 p.m. – Region 8

XV. Adjourn

All meetings of the Board, except executive sessions, will be open to the public. All actions of the Board will be taken openly. The public and district employees are encouraged to attend Board meetings. A time for comments by visitors at Board meetings will be scheduled on the Board's agenda. Public input is welcomed but the Board Chair may limit discussion.

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207.785.2277

Karen Pike, Business Manager
Karen Brackett, Director of Special Services

2021

or Join by phone:
(US)+1 414-882-6747 PIN: 500 402 920#

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Cassa, Sandra O'Farrell, Angela Ro
Frask-Eaton, Jeanette Wheeler, M

an, Owen Weber, Elizabeth Swan

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rsat, Sandra O'Farrell, Brooke Sim
e Agenda
Session 1 M.R.S. §405(6)(E) Adv
ard Workshop

utes of November 18, 2021
Second: Erik Amundsen

an, Owen Weber, Elizabeth Swan

I. Call to Order: 7:01 p.m.

- A. Pledge of Allegiance
- B. Declaration of Quorum: 816 of 1000
- C. Note Absences: Lillian Haversat, Sandra O'Farrell, Brooke Simmons
- D. Additions/Adjustments to the Agenda
 - 1. Addition - Add Executive Session 1 M.R.S. §405(6)(E) Advise from Legal Counsel
 - 2. Adjustment - Remove Board Workshop

II. Consent Agenda – Approve Minutes of November 18, 2021

Motion: Melvin Williams Second: Erik Amundsen Vote: 761-0-55
(Bob Williams)

III. Audience with the Public

IV. Action Items

- A. Approve proposal to compensate substitutes based on experience, college credits completed, and substitute assignment

Motion: Guy Bourrie Second: Melvin Williams Vote: 816-0-0

B. Approve policies for 2nd read

1. BHC – Board Relationships and Communications with Staff
2. GBGB – Workplace Bullying

Motion: Mathew Speno

Second: Guy Bourrie

Vote: 816-0-0

V. Committee Meetings

- A. Curriculum – December 9th @ 5:00 p.m. – Central Office
- B. Facilities – December 16th @ 4:00 p.m. – Central Office
- C. Finance – December 16th @ 5:30 p.m. – Central Office

VI. Board Meeting – December 16th @ 7:00 p.m. – Central Office

VII. Region 8 Board Meeting – December 15th @ 7:00 p.m. – Region 8

VIII. Executive Session 1 M.R.S. §405(6)(E) Advise from Legal Counsel

Motion: Melvin Williams

Second: Morgan Hynd

Vote: 816-0-0

Time In: 7:42 p.m.

Time Out: 8:21 p.m.

Action as a result of Executive Session - none

IX. Adjourn: 8:22 p.m.

I. Board Workshop – Kathleen Wade, Drummond Woodsum

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Steve Nolan, Superintendent
Christina Wotton, Assistant Superintendent

Karen Pike, Business Manager
Karen Brackett, Director of Special Services

To: Members of the Board of Directors
From: Steve Nolan
Date: December 10, 2021
Subject: Board Agenda for December 16, 2021

- I. Call to Order
- II. Consent Agenda
- III. Superintendent and/or Chair Reports
 - A. Superintendent's Report



1. Resignations:
 - Darcey Comeau - Teacher - Miller School
 - Jessica Pease - Ed Tech - Miller School
 - Carrie Johnson - Ed Tech - Medomak Valley High School
 2. Covid-19 Update
 - [Guidance for COVID-19 Prevention in K-12 Schools](#)
 - [Standard Operating Procedure for Investigation of COVID-19 in Pre-K-12 Schools](#)
 - [RSU 40 COVID-19 Notifications](#)
 - [COVID-19 Integrated County View](#)
 - [COVID-19 Vaccination Rates by Zip Code](#)
 - [COVID-19 Vaccination Rates for Youth by SAU](#)
 - [COVID-19 Vaccination Rates for School Staff](#)
 - U.S. Department of Labor OSHA [Emergency Temporary Standard](#)
- IV. Reports from Schools
- V. Presentation
- VI. Audience with the Public

VII. Action Items

A. Approve teacher nominations

You will be asked to approve teacher nominations. Please review the new hire information included in this Board packet.

B. Amend Indoor Sports/Performing Arts 2021-22 COVID 19 Guidelines to delete:

- Four spectators will be permitted per athlete for athletic events
- Spectators from visiting teams are not allowed

You will be asked to amend the Indoor Sports/Performing Arts 2021-22 COVID 19 Guidelines to allow spectators from visiting teams.

C. Approve policies for 1st read

You will be asked to approve policies for 1st read. Please review the draft policies included in this Board packet.

VIII. Executive Session 1 M.R.S. §405(6)(C) Personnel

IX. Executive Session 1 M.R.S. §405(6)(D) Negotiations with MVEA

X. Executive Session 1 M.R.S. §405(6)(D) Negotiations with Administrator Group

XI. Executive Session 1 M.R.S. §405(6)(A) Superintendent Evaluation

XII. Committee Meetings

XIII. RSU 40 Board Meeting

XIV. Region 8 Board Meeting

XV. Adjourn

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Steve Nolan, Superintendent
Christina Wotton, Assistant Superintendent

Karen Pike, Business Manager
Karen Brackett, Director of Special Services

December 16, 2021

To: School Board Members
From: Karen Pike, Business Manager
Re: Board Report for Business Office, Facilities, Food Service and Transportation

Business Office

- ESSER III application has been approved
- Working on budgets for School year 2022-2023

Facilities

- New doors and lighting during Christmas break

Transportation

- New driver starting in February
- Continue to investigate bus garage options

Food Service

- State review is nearly complete
- Participation continues to increase

Friendship Village School

23 School Street PO Box 100

Friendship, ME 04547

Phone 832-5057 ~ Fax 832-7389

<http://www.msad40.org/schools/fvs>

Terry Steinbeiser, Principal

Crystal Lee, Administrative Assistant

December 9, 2021

Staff Updates/Information

- On Friday December 3rd, we held a data day to determine if all student were receiving the interventions they needed and making progress.
- Number of students in interventions: 21 (6 of these students are in for short time to work on letter recognition)

Student Updates/Information

- Current Enrollment 82 students
- Percentage of parents in attendance for Parent/Teacher Conferences: 96%
- We continue to focus on improving our daily attendance rates. Our goal is to improve all aspects of attendance including arriving at school on time and staying for the entire day.
- The attendance of students in quarantine is not counted in the percentages on the table below.

Attendance Data: Beginning of the year to December 9

Daily Attendance Percentage	Percent of students Chronically Absent (10% or more of school year)	Overall Number of Tardy Unexcused Arrivals	Daily Percentage of Tardy Unexcused Arrivals	Number of Unexcused Early Dismissals	Daily Percentage of Unexcused early dismissals
93.48%	6.59%	246	5%	84	1.5%

Staff & Student Recognition

- Thanks Mrs. Ehle and the Playin Possums for helping us with Christmas music

Other News

- On December 22, we will have a school holiday sing along.
- During the week of December 20, Mrs. Ehle will play holiday carols on the piano during lunches.

Respectful

Responsible

Hardworking

Miller School

Julia Levensaler, Principal
Jamie White, Assistant Principal
145 Kaler's Corner Street
Waldoboro, ME 04572-6000
(207) 832-2103
Fax # (207) 832-2101

Meeting Date: December 16, 2021

Enrollment = 335

Food Service: The kitchen staff served about 12,000 meals in October and November.

Staff Updates/Information:

- Teachers sent report cards home on Friday, December 10.
- The "Math Pact Team" is recruiting members to develop a Mathematics Whole School Agreement. This work is part of our Tier III work and came from a series of webinars we attended from the Department of Education.

Student Updates/Information:

- Mrs. Paul's kindergarten class had fun creating and decorating gingerbread houses.
- Sixth graders were introduced to their first history mystery. They are using human remains and an artifact exhumed from a grave shaft at the Jamestown Rediscovery archaeological dig. These resources, along with documents and the 1607 environment in Virginia, will enable the 6th graders to determine the identity of the skeleton in the grave. Sixth grade usually says that this unit is one of the most interesting and fun things they do all year.
- Third graders began their unit on informational writing.

Staff & Student Recognition:

- Fifth graders, led by teacher, Mrs. Hyler, picked up the "compost" and soil from around the greenhouse and spread it in the courtyard gardens. We appreciate their hard work.

Other News:

- The character trait for the month of December is Self-Control.
- We will hold our school-wide celebration on Friday, December 17. Students in all classes will do a directed drawing activity that will be displayed after the break.
- The Mischievous Makers have scheduled Crazy Outfit/Sock day, Crazy Hair/Hat Day and Holiday Sweater Day for Spirit Week right before break.

Medomak Middle School
318 Manktown Road
Waldoboro, Maine 04572
Telephone: 207-832-5028

Kate Race, Principal
Beth Ahlholm, Assistant Principal
Candy Powell, Administrative Secretary
Laurie Lee, Administrative Secretary

Administrator's Monthly Report
December 2021
School/Department: Medomak Middle School

Student Updates/Information:

Current Enrollment: 295
Attendance Statistics: 91%

Professional Development:

- PLC Times designed for both House meetings and Content development occurs weekly
- UbD continues to move forward. PLC's are working on getting ready to publish Stage 1 and 2

Staff and Student Recognition(s) and News:

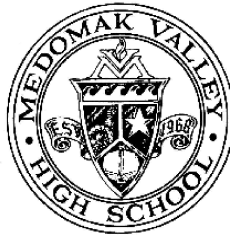
- T1 report cards will be sent home Friday, December 10 via ParentSquare
- Picture Retakes were on December 6
- COVID Clinic (2nd shot) was December 6
- Spirit Week will be December 13-17
- Ugly Sweater Competition will be December 22
- November SOM is RESPONSIBILITY. Assembly is December 20
- Our new Educator in Residence (EIR) from Kieve started right after Thanksgiving break. Sage Landry is teaching four Social-Emotional/Leadership classes a day
- Smudge has been at MMS for a couple of weeks for additional training. Tilla is visiting Miller for the time being

Other News/Dates:

- Basketball has started
- Pool testing is going really well. We have 87 students participating
- Fire Drills – All completed

Medomak Valley High School

320 Manktown Road
Waldoboro, Maine 04572
Office: (207) 832-5389
Guidance: (207) 832-7270
Fax: (207) 832-2280



Linda M. D. Pease, Principal
Tamra S. Philbrook, Assistant Principal
Matthew S. Carlson, Assistant Principal
Matthew S. Lash, Athletic Director

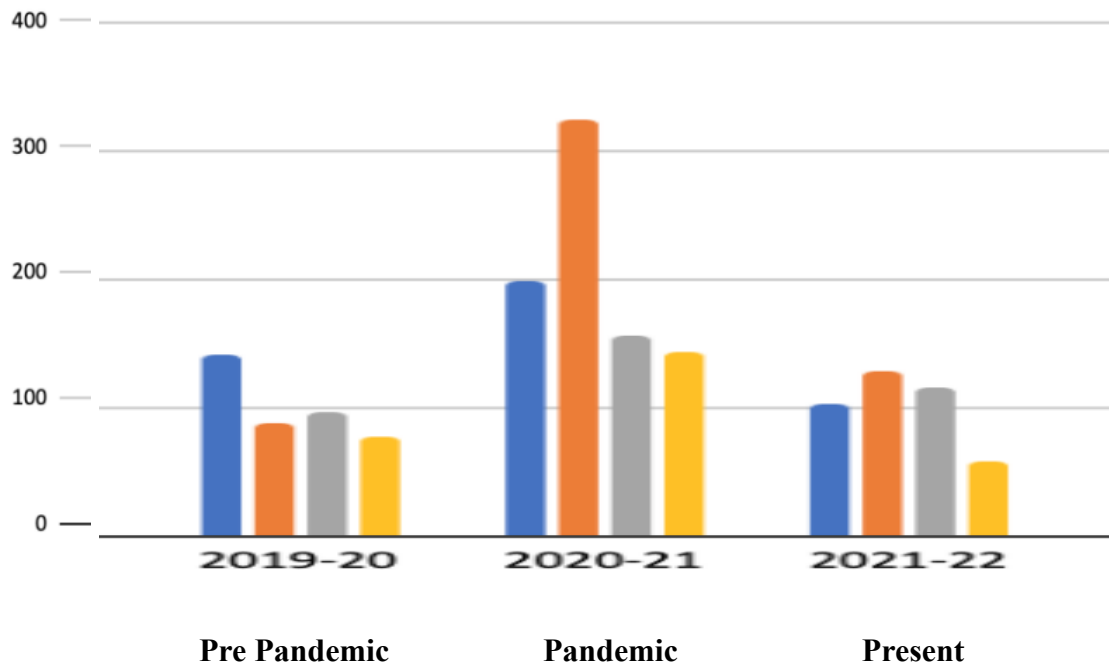
Medomak Valley High School Report to the Board December 9, 2021

Staff Updates/Information

- We continue to advertise for a school counselor and an educational technician II.
- Jamie Marquis, Educator in Residence for Kieve/ Wavus has joined our staff with a focus to enhance our social / emotional learning opportunities.

Student Updates/Information

- Total Failures Quarter One 2019 - 2021



Blue: Freshmen Orange: Sophomores Gray: Juniors Yellow: Seniors

- The number of students and staff who participated in pooled testing this week totaled 141.

Staff and Student Recognition

- Our behavioral health counselor reports that students notice and comment upon the kindness and compassion of their teachers during the pandemic.

Prescott Memorial School
100 Waldoboro Road
Washington, ME 04574
Tel. (207) 845-2424 Fax (207) 845-2748
Respectful* * Responsible* *Ready & Safe

Nancy Stover, Principal

Mary Ledger, Administrative Assistant

Administrator Report for Prescott Memorial School

December 16, 2021

Staff Updates/Information

- Students have finished projects with Mr. Lufkin as our first trimester Art classes have ended. We welcome PE teacher, Mrs. Wellman for a trimester of PE at Prescott.

Student Updates/Information

- Student enrollment is at 91.
- 18 Prescott students received their second Covid vaccination at our vaccination clinic on December 6, 2021.
- There are currently 28 students and nine staff participating in pooled testing.
- For our monthly Positive Behavior Intervention and Support (PBIS) activity on Dec. 21, all students and staff will be outside decorating cookies and having a sing-along with music teacher, Mark Phillips.
- Students will be able to shop for family gifts at our Holiday store from Dec. 13-17.

Staff & Student Recognition

- First trimester awards will be distributed at our virtual awards assembly on Friday, Dec. 17.
- Thank you to our wonderful school nurse, Michele Cooney for her guidance and support as we continue to work through the daily challenges of Covid-19. We appreciate her dedication to our students and staff and are fortunate to have her with us.

Happy Holidays from Prescott Memorial School Students and Staff!



Our beautiful 1000 Cranes for a Cause mobile is currently hanging at the Farnsworth Art Museum in Rockland and will be there for the month of December.



Author and Illustrator Matt Tavares presents a writing and drawing workshop for students.

Union Elementary School

1070 Heald Highway

Union, ME 04862

Phone 785-4330 Fax 785-4844

<http://www.msad40.org/schools/union/>

Scott A White, Principal

Allison Davis, Administrative Assistant

December 6, 2021

Staff Updates/Information

- UES is happy to share that Camp Kieve "Educator in Residence" Matt Kellett joined our school and has been busy assisting teachers and having students participate in team building activities. He will be working with our school until April 15, 2022.
- PreK teacher Greta Luellen will be transferring to the second grade position, replacing Yvonne Pitz. She will begin her second grade duties January 3, 2022.
- Educational Technician Devon Snell will become our new PreK teacher, effective January 3, 2022.
- We have posted an Ed Tech position to replace Mrs. Snell.

Student Updates/Information

- Enrollment - no changes

<u>PK M/R</u>	<u>PK T/F</u>	<u>K</u>	<u>G.1</u>	<u>G.2</u>	<u>G.3</u>	<u>G.4</u>	<u>G.5</u>	<u>G.6</u>	<u>Total</u>
9	10	16	15	15	16	10	19	19	129

- School Meal Daily Averages: Breakfasts = 75 Lunches = 90

Staff & Student Recognition

- Our staff has really stepped up over the past couple of weeks covering for each other. This effort is worth noting as we have had some non-Covid related illnesses requiring staff to stay home and trouble procuring substitutes.
- Our PBIS monthly theme for December is **Compassion**! We emphasize that compassion is a feeling one gets when they recognize someone else is going through a tough time and they are motivated to help them.
- 4th grade teacher Donna Munro applied for UES to participate in WinterKids and our school was accepted! 22 schools from several counties in Maine will challenge their students to participate in outdoor play and track their activities from January 17-February 11th. All participating schools will win cash prizes, including \$10,000 for Gold, \$7,500 for Silver, and \$5,000 for Bronze medals! UES will receive a playbook with all the details in the coming weeks. WinterKids is the only

nonprofit in Maine dedicated exclusively to increasing outdoor physical activity in children and families during our longest, most sedentary season.



- UES students traveled to the Commons December 3rd to decorate the trees with bird friendly ornaments. Members of the Union Chamber of Commerce welcomed the students and provided candy canes!

Other News

- UES hosted its fourth round of Pooled Testing Tuesday, December 7th.
- UES hosted its second vaccination clinic December 6. 19 students received their second dose and several staff members, who were eligible, were able to get their booster. We are in the process now of asking our parents, who didn't have their children vaccinated during these original clinics, if they are interested in having their child get vaccinated in January. If we have enough interest we may host another clinic.
- UES has opened its doors for the boys and girls youth basketball programs. Coaches are helping break down tables to clear the gym and return them after their practices. It has been a team effort.

Warren Community School

117 Eastern Rd, Warren Me, 04864
(Tel) 207- 273 - 2001 (Fax) 207-273-3207



Justin Kangas
Principal

Gabrielle Laperriere
Assistant Principal

12/09/21

Staff Updates/Information:

Student Updates/Information:

Enrollment Numbers			
Pre-K	26	Third Grade	42
Kindergarten	30	Fourth Grade	55
First Grade	30	Fifth Grade	46
Second Grade	53	Sixth Grade	47

Staff and Student Recognition:

I just want to give a huge shout out to our amazing staff. We have worked really hard on developing a community at our school and we have seen this in full effect this year. We have a lot of staff over the last month that have come upon extremely difficult personal situations and everyone has stepped up in a huge way to support one another and make sure everyone is taken care of. I cannot due justice with words how amazing these people are.

Other News:

Pooled testing continues to go super well. We have around 150 kids participating and we had close to 50 kids attend the vaccine clinics. The clinics went very smoothly and Lincoln Health was awesome.

RSU 40 New Hire and Change of Status
Professional Staff

Date: 11/30/2021

Administrator: Karen Brackett

Effective date: 1/3/2022

Employee name: Amber Webber

Position: Resource Room Teacher

Type of Change: New Hire

FTE: 1

Replacing: Darcey Comeau

School: Miller

Department: Special Education

Certification: 282E Teacher of Students with Disabilities (K-8)

Type of certification: Professional

Highest degree: Bachelors

Year: 3

Salary Amount: \$42,936

Funding source: 1000-2200-1000-51010-020

References checked by: Karen Brackett/Casey Lufkin

Business Manager Approval:_____

Superintendent Approval:_____

Met with Superintendent: December 9, 2021

Scheduled for Board Approval: December 16, 2021

RSU 40 New Hire and Change of Status
Professional Staff

Date: 12/8/2021

Administrator: Kate Race

Effective date: 1/3/2022

Employee name: Kathy Cook

Position: Health Teacher

Type of Change: New Hire

FTE: 1

Replacing: Jackson Fortin

School: Medomak Middle

Department: Regular Instruction

Certification: 020 General Elementary Endorsement (K-8)

Type of certification: Professional

Highest degree: Masters

Year: 7

Salary Amount: \$48,501 prorated based on start date

Funding source: 1000-1100-1000-51010-010

References checked by: Kate Race

Business Manager Approval:_____

Superintendent Approval:_____

Met with Superintendent: December 13, 2021

Scheduled for Board Approval: December 16, 2021

Regional School Unit 40
Indoor Sports/Performing Arts 2021-22
COVID-19 Guidelines*

The following guidelines have been adapted from the *Mid-Coast Superintendent's Region Indoor Sports/Performing Arts 2021-22 COVID-19 Guidelines* developed by Mid-Coast Superintendents as a common framework for indoor sports and after-school performing arts, including all middle school and high school (sub-varsity and varsity level) competition. Teams will communicate prior to games/performances to determine what masking measures will be followed (the more rigorous) for each event.

Masking

- Athletes/Performers:
 - Masks are not required *during activities* for athletes/performers, coaches and referees if fully vaccinated or participating in pooled testing.
 - Inter-district competition will follow the guidelines of the school with the more rigorous standards regardless of whether the event is home or away.
 - Masking is required of athletes/performing artists at all other times (bench, bus, locker room, etc.)
- Others:
 - Universal masking of directors and spectators is required for all indoor activities until further notice. This includes all middle, sub varsity, and varsity levels.
 - Failure to comply with universal mask mandates may result in an individual's removal from the venue and may result in a forfeit of the match for the team represented by the individual.
 - While spectators are required to wear masks, food and drink will be prohibited in the same room where the athletic/performing arts event is taking place. There is no restriction for food and drink for outdoor events.
- Outdoor Sports:
 - Masking of all athletes, performers, coaches, referees, and spectators is optional for all outdoor events. This includes all middle, sub varsity, and varsity levels.
 - Note: Schools will adhere to all guidelines set by individual facilities unless a particular school has stricter guidelines that must be followed.

Vaccination

- COVID-19 vaccination is highly recommended for all athletes/performers and coaches as a measure to reduce serious illness and limit the number of required quarantine individuals on the team due to close contact.
- Some venues that may host winter sports may require proof of vaccination to enter and our athletes will need to comply in order to participate at those venues.

Pooled Testing

- Where schools have pooled testing programs available, participation is highly recommended for all athletes/performers and coaches as a measure to proactively identify individuals who have COVID-19 and to reduce spread to teammates and limit the number of required quarantine individuals on the team due to close contact.

Spectators

- Spectators are required to wear masks during all indoor activities.
- ~~Four spectators will be permitted per athlete for athletic events.~~
- Spectators are expected to sit together in family units and to distance themselves from other families.
- ~~Spectators from visiting teams are not allowed.~~
- Schools should ensure communications with opposing schools regarding local policy and expectations.

Cheerleaders/Pep Band

- Cheerleaders may attend home games only.
- Due to space constraints, pep bands will not attend indoor games.

Tournament Play

- Tournament/Post-season play will be guided by MPA and hosting facility rules.

Coach Reminders

- Please remind athletes and coaching staff to step away at least 6-feet when lowering the mask to take a drink of water.
- Remind athletes and coaching staff to regularly wash and sanitize hands, especially when exiting and entering the competition.

Locker Rooms

- Locker rooms will be accessible to both home and away teams.

Considerations...

- Events will be live streamed whenever possible.
- Schedules may be modified to avoid large crowds (avoid varsity doubleheaders, play JV/FT on different days).
- Staggered bench areas for players (basketball) will be utilized.
- Bleachers on one side of the gym only with designated seating areas will be used.
- Concessions may not be offered to help deal with masking management.
- Outside facilities (Colleges, universities, YMCA, Expo, ski lodges, etc.)
 - Schools will adhere to all guidelines set by individual facilities unless a particular school has stricter guidelines that must be followed.

COVID-19 Vaccination, Testing and Face Covering Policy Template

The OSHA COVID-19 Emergency Temporary Standard (ETS) on Vaccination and Testing generally requires covered employers to establish, implement, and enforce a written mandatory vaccination policy (29 CFR 1910.501(d)(1)). However, there is an exemption from that requirement for employers that establish, implement, and enforce a written policy allowing any employee not subject to a mandatory vaccination policy to either choose to be fully vaccinated against COVID-19 or provide proof of regular testing for COVID-19 and wear a face covering in lieu of vaccination (29 CFR 1910.501(d)(2)). Employers may use this template to develop a policy that provides employees the choice of COVID-19 vaccination or regular COVID-19 testing and face covering use. Employers using this template will need to customize areas marked with blue text and modify (change, add, or remove sections of) this document to accurately represent their policies. Text that is italicized is sample language employers may use when developing their policies; however, that text is not comprehensive and not all of that text will be applicable to all workplaces. Employers will need to add to or revise the italicized text to ensure the final policy matches the specific procedures that will be implemented in their workplaces. Lastly, employers using this template should consider incorporating their policies and procedures for non-employees (e.g., visitors, customers) and for employees of other employers (e.g., contractor employees).

[Employer name]'s Vaccination, Testing, and Face Covering Policy

Purpose:

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. [Employer Name] RSU 40 encourages all employees to receive a COVID-19 vaccination to protect themselves and other employees. [Consider inserting additional statements about the impact of vaccination of employees on the safety of workers' families, customers and visitors, business partners, and the community.] However, should an employee choose not to be vaccinated, this policy's sections on testing and face coverings will apply. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

Scope:

This COVID-19 Policy on vaccination, testing, and face covering use applies to all employees of [Employer Name] RSU 40, except for employees who do not report to a workplace where other individuals (such as coworkers or customers students) are present; employees while working from home; and employees who work exclusively outdoors. [Identify specific groups of employees or job categories, if any, that are not covered by this policy because they fall under these exceptions.]

All employees are encouraged to be fully vaccinated. Employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, such as the Pfizer or Moderna vaccines, two weeks after a single-dose vaccine, such as Johnson & Johnson's vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series. Employees who are not fully vaccinated will be required to provide proof of weekly COVID-19 testing and wear a face covering at the workplace.

~~Some employees may be required to have or obtain a COVID-19 vaccination as a term and condition of employment at [Employer Name], due to their specific job duties (e.g., public facing positions). Employees subject to mandatory vaccination requirements should follow all relevant vaccination procedures in this policy and are not given the choice to choose testing and face covering use in lieu of vaccination. [Identify specific groups of employees or job categories, if any, that are subject to a mandatory vaccination requirement.]~~

All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated, their testing results. Employees not in compliance with this policy will be subject to discipline up to an including dismissal.

~~[Insert additional information on potential discipline for workers who do not follow the policy (e.g., unpaid leave, termination)]~~

Employees may request an exception from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by [insert relevant instructions] submitting a doctor's note or other appropriate documentation. All such requests will be handled in accordance with applicable laws and regulations. and ~~[insert reference(s) to the employer's applicable policies and procedures]~~.

~~[Note that employers should consult other resources for information about federal laws, including the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964, that may entitle employees to reasonable accommodations. See What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws and Vaccinations – Title VII and Religious Objections to COVID-19 Vaccine Mandates.]~~

Procedures:

Overview and General Information

Vaccination

Any ~~[Employer Name]~~ RSU 40 employee that chooses to ~~or is required to~~ be vaccinated against COVID-19 must be fully vaccinated no later than ~~[Date]~~ December 5, 2021. Any employee not fully vaccinated by ~~[Date]~~ December 5, 2021 will be subject to the regular testing and face covering requirements of the policy.

To be fully vaccinated by ~~[Date]~~, an employee must:

- ~~○ Obtain the first dose of a two-dose vaccine no later than [Date]; and the second dose no later than [Date]; or~~
- ~~○ Obtain one dose of a single dose vaccine no later than [Date].~~

Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine ~~as stated above~~. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.

~~[Describe how employees may schedule their vaccination appointments, e.g., through an on-site clinic, through their own medical provider, or with a mass vaccination clinic. Also, mention who will be maintaining this policy, e.g., human resources or a designated coordinator, and provide any other general information employees need that is not addressed in the sections below.]~~

Testing and Face Coverings

All employees who are not fully vaccinated as of ~~[Date]~~ December 5, 2021 will be required to undergo regular COVID-19 testing and wear a face covering when in the workplace. Policies and procedures for testing and face coverings are described in the relevant sections of this policy.

Vaccination Status and Acceptable Forms of Proof of Vaccination

~~[This section should provide information on how the employer will comply with 29 CFR 1910.501(e) to determine each employee's vaccination status and require vaccinated employees to provide acceptable proof of vaccination.]~~

Vaccinated Employees

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. ~~Proof of vaccination status can be submitted via [insert how employees can submit vaccination information, e.g., the employer's vaccination portal or in-person at the HR office].~~

Acceptable proof of vaccination status is:

1. The record of immunization from a health care provider or pharmacy;
2. A copy of the COVID-19 Vaccination Record Card;
3. A copy of medical records documenting the vaccination;

4. A copy of immunization records from a public health, state, or tribal immunization information system; or
5. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the employee's name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. ~~In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances [Employer name] will still accept the state immunization record as acceptable proof of vaccination.~~

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:

"I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties."

An employee who attests to their vaccination status in this way should to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.

~~[Describe documentation procedures for employees who are fully vaccinated, employees who are partially vaccinated, and employees who have not yet been vaccinated.]~~

All Employees

All employees, both vaccinated and unvaccinated, must inform ~~[Employer name]~~ RSU 40 of their vaccination status. The following table outlines the requirements for submitting vaccination status documentation.

Vaccination Status	Instructions	Deadline(s)
Employees who are fully vaccinated.	Submit proof of vaccination that indicates full vaccination.	

Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).	Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained.	
Employees who are not vaccinated.	Submit statement that you are unvaccinated, but are planning to receive a vaccination by the deadline.	
	Submit statement that you are unvaccinated and not planning to receive a vaccination.	

~~[Employers can set their own internal deadlines to allow for processing. OSHA requires employers to collect all information about employee vaccination status by 30 days after publication of the ETS.]~~

Supporting COVID-19 Vaccination

~~[This section should provide information on how the employer will comply with 29 CFR 1910.501(f) and provide support for employee vaccination, including by providing up to four hours paid time at the regular rate of pay for each of their vaccination dose(s) and reasonable time and paid sick leave for recovery from side effects experienced following any vaccination dose.]~~

An employee may take up to four hours of duty time per dose to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of duty time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the vaccine must send [\[their supervisor\]](#) an email documenting the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.

Employees may utilize up to two workdays of sick leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose if necessary.

~~The following procedures apply for requesting and granting duty time to obtain the COVID-19 vaccine or sick leave to recover from side effects:~~

~~[Describe how an employee should obtain necessary approvals, how to submit requests, how leave is being granted, etc.]~~

Employee Notification of COVID-19 and Removal from the Workplace

~~[This section should provide information on how the employer will comply with 29 CFR 1910.501(h), which provides that employers must (1) require employees to promptly notify the employer when they receive a positive COVID-19 test or are diagnosed with COVID-19; (2) immediately remove such employees from the workplace; and (3) keep those employees removed until they meet return to work criteria.]~~

[Employer Name] RSU 40 will require employees to promptly notify [their supervisor] when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

~~[Describe how employees will communicate with the employer if they are sick or experiencing symptoms while at home or at work.]~~

~~[Describe any leave policies (e.g., sick leave, Family Medical Leave Act, other policies) that the employer will implement for employees who test positive for or are diagnosed with COVID-19.]~~

Medical Removal from the Workplace

[Employer name] RSU 40 has also implemented a policy for keeping COVID-19 positive employees from the workplace in certain circumstances. [Employer name] RSU 40 will immediately remove an employee from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).

~~[Describe the employer's policies for removing employees from the workplace and any relevant procedures for working remotely or in isolation.]~~

Return to Work Criteria

For any employee removed because they are COVID-19 positive, [Employer name] RSU 40 will keep them removed from the workplace until the employee receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing; meets the return to work criteria in CDC's "Isolation Guidance"; or receives a recommendation to return to work from a licensed healthcare provider.

Under CDC's "[Isolation Guidance](#)," asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:

- At least 10 days have passed since symptoms first appeared, and

- At least 24 hours have passed with no fever without fever-reducing medication, and
- Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

If an employee has severe COVID-19 or an immune disease, [Employer name] RSU 40 will follow the guidance of a licensed healthcare provider regarding return to work.

~~[Describe the employer's policies for employees returning to work following removal from the workplace.]~~

COVID-19 Testing

~~[This section should provide information on how the employer will comply with 29 CFR 1910.501(g) and address COVID-19 testing for employees in the workplace who are not fully vaccinated.]~~

All employees who are not fully vaccinated will be required to comply with this policy for testing.

Employees who report to the workplace at least once every seven days:

- (A) must be tested for COVID-19 at least once every seven days; and
- (B) must provide documentation of the most recent COVID-19 test result to [their supervisor] no later than the seventh day following the date on which the employee last provided a test result.

Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

- (A) must be tested for COVID-19 within seven days prior to returning to the workplace; and
- (B) must provide documentation of that test result to [their supervisor] upon return to the workplace.

If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result.

Employees who have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

~~[Describe how employees can fulfill the weekly testing requirement, including where they can get tested, the required schedule for testing (this should address any differences between employees who regularly come to the workplace versus those who do not), and who will cover the costs.]~~

Employees may participate in pooled testing offered at any school or coordinate testing through their primary care provider. Home-based testing results will not be accepted.

Face Coverings

~~[This section should provide information on how the employer will comply with 29 CFR 1910.501(i), which generally requires employers to ensure that each employee who is not fully vaccinated wears a face covering when indoors and when occupying a vehicle with another person for work purposes.]~~

~~[Employer name]~~ RSU 40 will require all employees who are not fully vaccinated to wear a face covering. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source); (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers; (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings. Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

Employees who are not fully vaccinated must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be implemented, along with the other provisions required by OSHA's COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for unvaccinated workers.

~~[Describe how employees will obtain face coverings (e.g., purchased by employer or self-provided) and instructions about when and how they should be worn or used.]~~

The following are exceptions to ~~[Employer name]~~ RSU 40's requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
3. When an employee is wearing a respirator or facemask.
4. Where ~~[Employer name]~~ RSU 40 has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., ~~when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee~~).

New Hires:

All new employees are required to comply with the vaccination, testing, and face covering requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment.

~~[Describe how new employees must comply with this policy, including any deadlines for submitting vaccination documentation or COVID-19 test results.]~~

Confidentiality and Privacy:

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

Questions:

Please direct any questions regarding this policy to ~~[e.g., Human Resources Department]~~.

~~This model plan is intended to provide information about OSHA's COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this model plan is not itself a standard or regulation, and it creates no new legal obligations.~~

Selection of Educational Materials

The Board is legally responsible for all matters relating to the operation of the schools, including the provision of instructional materials and maintenance of library-media resources that support the school system's curriculum.

While the Board retains its authority to approve the selection of instructional materials, it recognizes the educational expertise of its professional staff and the need for such staff to be involved in the recommendation of instructional materials. The Board delegates responsibility for the selection of instructional materials and library-media resources to the professionally trained personnel employed by the school system, subject to the criteria and procedures for selection and the Board's policy on challenged materials as described below.

With the assistance of professional staff, the Superintendent shall establish a system for the selection of instructional materials, including procedures to establish an orderly process for the review and recommendation of instructional materials. The Superintendent will be responsible for overseeing the purchase of instructional materials within budgetary parameters set by the Board. The Board expects the Superintendent to report on progress made in aligning instructional materials with curriculum development and evaluation in support of the content standards contained in Maine's system of Learning Results.

Each school will maintain a library-media program that includes books and other print materials, multimedia materials, online Internet resources and information technology that support the curriculum. A certified library-media specialist will be responsible for overseeing the library-media program, under the supervision of the Superintendent. As with instructional materials, the Board delegates responsibility for selection of library-media materials and technology and Internet resources to the school system's professionally trained staff, subject to the criteria and procedures for selection and the Board's policy on challenged materials described below.

Definitions

"Instructional materials" include textbooks and other print materials, online textbooks and instructional materials, other online/Internet resources (including access), software, and supplies and other materials to support instruction in subject areas and the implementation of standards for student learning.

"Library-media resources" include books, print materials, online/Internet resources (including access), multimedia materials and information technology that, as part of the library-media program, support the school system's curriculum.

Objectives of Selection

The Board recognizes that it is the primary objective of instructional materials to implement and support the curriculum, and of library media resources to extend and enrich the educational programs of the schools. Quality instructional materials and library media resources are essential to student learning. In preparing students to meet the content standards of the Learning Results, in supporting the achievement of RSU 40's educational goals and objectives, and in providing enrichment opportunities that expand students' interests and contribute to a desire for lifelong learning, it is the responsibility of the instructional program and the library media centers of the schools to provide a wide range of materials on all levels of difficulty, with diversity of appeal and the presentation of different points of view.

Criteria for Selection

Instructional and library media materials selected should:

- A. Support achievement of the content standards of the Learning Results;
- B. Support the goals and objectives of the school system's educational programs;
- C. Enrich and support the curriculum;
- D. Take into consideration the varied interests, abilities, and maturity levels of the students served;
- E. Foster respect and appreciation for cultural diversity and varied opinions;
- F. Give comprehensive, accurate and balanced representation to minorities and women in history, science, leadership and the arts and acknowledge the contributions of ethnic, religious and cultural groups to our American heritage;
- G. Present a balance of opposing sides of controversial issues to enable students to develop a capability for critical analysis;
- H. Stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
- I. Provide a background of information that will enable students to make intelligent decisions in their daily lives; and
- J. Respect the constraints of the school unit's budget.

Other factors that should be considered are accuracy and currency of material; importance of the subject matter; scholarship; quality of writing and production; and reputation and significance of the author, artist or composer.

In evaluating software, multimedia materials and online/Internet resources, additional factors that should be considered include purpose for use; content; format (degree of interactivity or student involvement); appropriate use of graphics, sound and animation; feedback provided; and ease of use.

Procedures for Selection

Meeting the needs of the individual schools, based on knowledge of the curriculum and the existing collections of instructional and library-media materials, will be the highest priority. Basic learning materials, i.e., those that are the predominant instructional materials used by most members of the class, are used for a significant portion of the course or receive major emphasis during a course, or are essential to student achievement of content standards of the Learning Results are to take priority in the selection process.

Before recommending materials for purchase, professional staff shall evaluate the existing collection, consulting reputable, unbiased, professionally prepared selection aids and specialists from all departments and/or all grade levels.

Social studies and science textbooks should not be older than five years unless up-to-date supplemental instructional materials are also available.

Whenever possible, purchase of non-print materials and multimedia, Internet and technology resources will be made only after personal evaluation by the librarian/media specialist and/or other appropriate professional staff. Reviewing aids may be used in lieu of personal evaluation.

Multiple copies of outstanding and much-in-demand materials should be purchased as needed. Worn or missing standard items should be replaced periodically. Out-of-date or no-longer-useful materials should be withdrawn from the collection/circulation.

Donated Materials

Gift materials are to be evaluated by the same criteria as purchased materials and are to be accepted or rejected by those criteria and in accordance with Board policy on gifts and donations.

Parental Authority

~~A student's parent/guardian may inspect, upon request, any instructional material used as part of the curriculum. The Superintendent shall develop and implement procedures for providing access to instructional material within a reasonable time after such a request is made.~~

~~The Board recognizes that the final authority as to what materials an individual student will be exposed rests with that student's parents or guardians. However, at no time will the wishes of one child's parents to restrict their reading or viewing of a particular item infringe on other parents' rights to permit their children to read or view the same material.~~

~~Library-media center materials will not be removed from the collection because of criticism except in accordance with Board policy.~~

Challenged Material

~~Despite the care taken to select materials for student and teacher use and the qualifications of the persons who select the materials, the Board recognized that objections may be raised occasionally by students, parents, school staff or community members.~~

~~In the event a complaint is made, the following procedures will apply:~~

- ~~A. The complaint will be heard first by the person providing the materials in question.~~
- ~~B. If the complaint is not resolved, the complainant will be referred to the building Principal and requested to fill out the "Instructional and Library-Media Materials Challenge Form." A copy of the form will be forwarded to the Superintendent.~~
- ~~C. The Superintendent shall appoint a committee composed of the following persons to review the complaint: one Principal at the appropriate grade level; one librarian/media specialist; one classroom teacher; the department head in the subject area of the challenged materials; one community member.~~
- ~~D. The review committee shall: read and examine the materials referred to them; check general acceptance of materials by reading reviews; weigh values and faults against each other and form opinions based on the material as a whole and not on passages or portions pulled out of context; meet to discuss the material and to prepare a written report on it.~~
- ~~E. The report of the committee will be forwarded to the Superintendent who will inform the complainant of the results.~~

- F. ~~No materials will be removed from use until the review committee has made a final decision.~~
- G. ~~The review committee's decision may be appealed to the Board. The Board may set aside a portion of a regular meeting or call a special meeting for the purpose of receiving testimony from representatives of the various points of view. The material in question will be:~~
- ~~1. Reviewed objectively and in its full content;~~
 - ~~2. Evaluated in terms of the needs and interest of students, school, curriculum and—community;~~
 - ~~3. Considered in the light of differing opinions; and~~
 - ~~4. Reviewed in light of the criteria for initial selection and purpose as provided herein.~~

~~The Board will announce its decision in writing not later than the conclusion of the next regular meeting of the Board following its receipt of said testimony.~~

~~Legal Reference: 20-A M.R.S.A. §§ 1001 (10-A); 1055 (4); 4002
Ch. 125 §§ 9.01, 9.03 (Me. Dept. of Ed. Rule)
P.L. 107-110 § 1061 (No Child Left Behind Act)~~

~~Cross Reference: IJJ E Challenge of Instructional Materials Form~~

~~*This is a required policy.*~~

~~Adopted: July 17, 2014~~ _____ ~~Reviewed: October 5, 2017~~

Selection of Educational Materials

Definitions

Chapter 125 of the Maine Department of Education defines “instructional materials” to include “textbooks and other print materials, software and other electronic materials, and supplies and other materials to support implementation of the system of Learning Results.” “Library-media resources” include “books, written materials, online Internet resource materials, multimedia materials and information technology that support the school unit’s curriculum.”

Selection of Materials

The Superintendent, in consultation with administrators and professional staff, is responsible for selecting instructional materials and library-media resources. Textbook selections must be submitted to the Board for approval. The Superintendent is responsible for developing any administrative procedures necessary to guide the review and selection of educational materials, and may delegate specific responsibilities to staff as the Superintendent deems appropriate. All administrative procedures must be consistent with this policy.

Criteria for Selection

Quality educational materials and resources are essential to student learning and supporting the school unit’s educational goals and objectives.

Instructional and library-media materials selected should:

- A. Support student achievement of the content standards of the system of Learning Results;
- B. Support the goals and objectives of the school unit’s educational programs;
- C. Enrich and support the curriculum;
- D. Take into consideration the varied interests, abilities and maturity levels of the students served;
- E. Foster respect and appreciation for cultural diversity and varied opinions;
- F. Stimulate growth in factual knowledge, literary appreciation, aesthetic values, ethical standards, and critical analysis;

- G. Provide information that will enable students to make informed decisions in their daily lives;
- H. Be accurate and current;
- I. Reflect high quality scholarship and presentation;
- J. Represent significant authors/composers and works;
- K. Be accessible by individuals with disabilities; and
- L. Be affordable.

Selection Procedure

The highest priority must be meeting the instructional needs of the individual schools. In meeting this priority, preference will be given to basic learning materials, i.e., those that are the predominant instructional materials used at particular grade levels or courses and/or are essential to student achievement of state and local content standards.

Before selecting/recommending materials for purchase, professional staff should evaluate the existing collection, consult with staff from appropriate departments and/or grade levels, personally review the material and obtain recommendations/reviews regarding the material from appropriate reputable sources.

In accordance with state regulations, social studies and science textbooks should not be older than five years unless up-to-date supplemental instructional materials are also available.

Multiple copies of materials should be purchased as needed and within budgetary constraints. Worn or missing materials should be replaced as needed. Outdated materials or materials that are no longer in demand should be withdrawn from the collection and/or circulation.

Donated Materials

Gift materials are judged by the same criteria as materials selected by the school staff and in accordance with any applicable Board policies or procedures on gifts and donations.

Inspection of Materials by Parents and Opt-Out Requests

A student's parent/guardian may inspect, upon request, any instructional or library-media materials used as part of the curriculum. Such requests will be made to the appropriate

teacher or the library-media specialist. Access to the materials will be provided within a reasonable time after such a request is made. The Superintendent may develop any administrative procedures necessary to implement this policy.

If a parent/guardian wishes to restrict their child's access to particular instructional materials, the procedure in Board policy IMBB will be followed.

Challenged Materials Procedure

This procedure applies only to requests to remove materials from the school's collection or curriculum. Individual exemption requests are subject to Board policy IMBB. In the event that an RSU 40 student, parent, staff or community member has a concern regarding particular materials or requests removal of particular material from the curriculum or collection, the following procedure will be followed:

- A. The complainant must discuss their concern first with the person providing the material in question. Individual staff members may discuss concerns, but do not have the authority to remove materials from the curriculum or library collection.
- B. If the complainant is not satisfied, they will be referred to the building administrator and requested to fill out the "Citizen's Challenge to Educational Media" form. A copy of the form will be forwarded to the Superintendent.
- C. The Superintendent will appoint a committee composed of the following persons to review the complaint: one administrator at the appropriate grade level; one librarian/media specialist; one classroom teacher; the department head in the subject area of the challenged materials; and one community member.
- D. The review committee will read and examine the materials referred to them; check general acceptance of materials by reading reviews; weigh the values and faults of the material. Committee members are expected to form opinions based on the material as a whole and not on passages or portions pulled out of context. The Committee should generally be neutral toward viewpoints expressed in materials, and will ask the Superintendent to consult legal counsel for advice concerning any questions involving freedom of speech or expression. The committee will meet to discuss the material and prepare a written report with their recommendations.
- E. The committee will provide the final report to the Superintendent, who will inform the complainant of the results.

INSTRUCTION

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- F. No material will be removed from use until the review committee has made a final decision.
- G. The review committee's decision may be appealed to the Board. The Board may set aside a portion of a regular meeting or call a special meeting to review the complaint and the committee report, and to receive testimony from representatives of the various points of view. The material in question will be:
 - 1. Reviewed objectively and in its full content;
 - 2. Evaluated in terms of the needs and interests of students, school, curriculum and community;
 - 3. Considered in the light of differing opinions; and
 - 4. Reviewed in light of the criteria set forth in this policy.

The Board will announce its decision in writing not later than the conclusion of the next regular meeting of the Board.

Legal Reference: 20-A M.R.S. §§1001 (10-A), 1055 (4), 4002
 Maine Department of Education Rule Chapter 125
 20 U.S.C. §1232h

Cross Reference: IJJ-E – Citizen's Challenge of Educational Media Form
 IMBB – Accommodation of Sincere Beliefs in Required Instruction

Adopted: July 17, 2014

Reviewed: October 5, 2017

Revised:

Use of Physical Restraint and Seclusion

The RSU 40 Board has adopted this policy and the accompanying procedure to implement the standards for use of physical restraint and seclusion with students, as required by state law and regulations, and to support a safe school environment. Physical restraint and seclusion, as defined by this policy, may only be used as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others.

The Superintendent has overall responsibility for implementing this policy and the accompanying procedure, but may delegate specific responsibilities as the Superintendent deems appropriate.

Definitions

The following definitions apply to this policy and procedure:

1. **Physical restraint:** An intervention that restricts a student's freedom of movement or normal access to his or her body, and includes physically moving a student who has not moved voluntarily.

Physical restraint does not include any of the following:

- a. **Physical escort:** A temporary touching or holding for the purpose of inducing a student to walk to another location, including assisting the student to the student's feet in order to be escorted.
- b. **Physical prompt:** A teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
- c. **Physical contact:** When the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact.
- d. **Momentarily deflecting the movement of a student** when the student's movements would be destructive, harmful or dangerous to the student or others.
- e. **The use of seat belts, safety belts or similar passenger restraints, when used as intended during the transportation of a child in a motor vehicle.**
- f. **The use of a medically prescribed harness, when used as intended; the use of protective equipment or devices that are part of a treatment plan prescribed by a**

~~licensed health care provider; or prescribed assistive devices when used as prescribed and supervised by qualified and trained individuals.~~

- ~~g. A brief period of physical contact necessary to break up a fight.~~
 - ~~h. Restraints used by law enforcement officers in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33.~~
2. ~~Seclusion: The involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving, with no other person in the room or area with the student.~~

~~Seclusion does not include:~~

- ~~a. Timeout: An intervention where a student requests, or complies with an adult request for a break.~~

Procedures for Implementing Physical Restraint and Seclusion

~~The requirements for implementing physical restraint and seclusion, as well as incident notices, documentation and reporting are included in the accompanying procedure, JKAA-R.~~

Annual Notice of Policy/Procedure

~~RSU 40 will provide annual notice to parents/legal guardians of this policy/procedure by inclusion in student handbooks and other means determined by the Superintendent/designee.~~

Training Requirements

- 1. ~~All school staff and contracted providers will receive an annual overview of this policy/procedure.~~

~~The Superintendent will ensure that there are a sufficient number of administrators/designees, special education and other staff who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff will be updated annually and maintained in the Superintendent's Office, in each school office, and in the RSU 40's Comprehensive Emergency Management Plan.~~

Parent/Legal Guardian Complaint Procedure

1. A parent/legal guardian who has a complaint concerning the implementation of this policy/procedure must submit it in writing to the Superintendent/designee as soon as possible. The Superintendent/designee will investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days, if practicable.
2. A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the results of the local complaint process and may initiate its own investigation at its sole discretion. The Department will issue a written report with specific findings to the parent/legal guardian and the school unit within 60 calendar days of receiving the complaint.

Indemnification

Maine Department of Education Rule Chapter 33 does not restrict or limit the protections available to school officials under 20-A M.R.S. §4009, but those protections do not relieve school officials from complying with this policy/procedure.

Legal References: — 20-A M.R.S. §4502(5)(M); §4009
Maine Department of Education Rule Chapter 33

Cross References: — JKAA-R – Use of Physical Restraint and Seclusion
JK – Student Discipline
KLG – School Resource Officer
EBCA – Comprehensive Emergency Management Plan

This is a required policy.

Adopted: August 15, 2013

Revised: July 18, 2019

Use of Physical Restraint and Seclusion

The RSU 40 Board has adopted this policy and the accompanying procedures to implement the standards for use of physical restraint and seclusion with students, as required by state law and regulations, and to support a safe school environment. Physical restraint and seclusion, as defined by this policy, may only be used as an emergency intervention when the behavior of a student presents an imminent risk of serious physical injury to the student or others.

State law and MDOE Rule Chapter 33 do not restrict or limit the protections available to school officials under 20-A M.R.S. §4009, but those protections do not relieve school officials from complying with this policy/procedure.

The Superintendent has overall responsibility for implementing this policy and the accompanying procedure, but may delegate specific responsibilities as they deems appropriate.

Definitions

The following definitions apply to this policy and the accompanying procedure.

- A. **Physical restraint:** A personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, or head freely.

Physical restraint does not include any of the following:

1. Physical escort: A temporary, voluntary touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location.
2. Physical prompt: A teaching technique that involves voluntary physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
3. The use of adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement than would be possible without the use of such devices or supports.
4. The use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

- B. **Seclusion:** The involuntary isolation or confinement of a student alone in a room or clearly defined area from which the student does not feel free to go or is physically denied exit.

Seclusion does not include:

1. A timeout, an intervention where a student requests, or complies with an adult request for, a break.

Procedures for Implementing Physical Restraint and Seclusion

The requirements for implementing physical restraint and seclusion, as well as incident notices, documentation and reporting are included in the accompanying procedure, JKAA-R.

Annual Notice of Policy/Procedure

RSU 40 will provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee.

Training Requirements

- A. All school staff and contracted providers will receive an annual overview of this policy/procedure.
- B. RSU40 will ensure that there are a sufficient number of administrators/designees, special education and other staff who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff shall be updated annually and maintained in the Superintendent's Office, in each school office and in the school unit's Comprehensive Emergency Management Plan.

Parent/Legal Guardian Complaint Procedure

A parent/legal guardian who has a complaint concerning the implementation of this policy/procedure must submit it in writing to the Superintendent as soon as possible. The Superintendent/designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days of receiving the complaint, if practicable.

A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the results of the local complaint process and may initiate its own investigation at its sole discretion. The Department shall issue a written report with specific findings to the parent/legal guardian and the school unit within 60 calendar days of receiving the complaint.

Legal References: 20-A M.R.S. §§4014, 4502(5)(M); 4009
Maine Department of Education Rule Chapter 33

Cross References: EBC – Comprehensive Emergency Management Plan
JK – Student Discipline
JKAA-R – Procedures on Physical Restraint and Seclusion

KLGA – Relations with School Resource Officer and Law Enforcement
Authorities
KLGA-R – School Resource Officer and Law Enforcement Procedures

Adopted: August 15, 2013

Revised: July 18, 2019

Procedures on Physical Restraint and Seclusion

These procedures are established for the purpose of meeting the obligations of RSU 40 under state law/regulations and Board Policy JKAA governing the use of physical restraint and seclusion. These procedures will be interpreted in a manner consistent with state law and regulations.

Definitions

For purposes of these procedures, the terms “physical restraint” and “seclusion” will have the meanings defined in Policy JKAA. Definitions for other important terms in this procedure include:

- A. Emergency:** A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.
- B. Risk of injury or harm:** A situation in which a student has the means to cause physical harm or injury to him/herself or others and such injury or harm is likely to occur, such that a reasonable and prudent person would take steps to protect the student and others against the risk of such injury or harm.
- C. Dangerous behavior:** Behavior that presents a risk of injury or harm to a student or others.
- D. Serious bodily injury:** Any bodily injury that involves: (1) A substantial risk of death; (2) Extreme physical pain; (3) Protracted and obvious disfigurement; or (4) Protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Physical Restraint

To the extent possible, physical restraint will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated a physical restraint in an emergency, trained staff must be summoned to the scene to assume control of the situation if the emergency continues.

This procedure does not preclude law enforcement personnel from implementing physical restraints in carrying out their professional responsibilities.

A. Permitted Uses of Physical Restraint

1. Physical restraint may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and

only after other less intrusive interventions have failed or been deemed inappropriate.

2. Physical restraint may be used to move a student only if the need for movement outweighs the risk involved in such movement.
3. Prescribed medications, harnesses, and other assistive or protective devices may be used as permitted by Rule Chapter 33.
4. Parents may be requested to provide assistance at any time.

B. Prohibited Forms and Uses of Physical Restraint

1. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Physical restraint used to prevent property destruction or disruption of the environment in the absence of a risk of injury or harm.
3. Physical restraint that restricts the free movement of a student's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech (restraint-related asphyxia).
4. Physical restraint that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-downs (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting.
5. Aversive procedures and mechanical and chemical restraints.
 - a. Aversive procedures are defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to infliction of bodily pain (e.g., hitting, pinching, slapping); water spray; noxious fumes; extreme physical exercise; costumes or signs.
 - b. Mechanical restraints are defined as any item worn by or placed on the student to limit behavior or movement and which cannot be removed by the student. Prescribed assistive devices are not considered mechanical restraints when

~~used as prescribed and their use is supervised by qualified and trained individuals in accordance with professional standards.~~

- ~~e. Chemical restraints are defined as the use of medication, including those administered as needed (PRN), given involuntarily to control student behavior. Prescribed medications are not considered chemical restraints when administered by a health care provider in accordance with a student's health care plan.~~

C. Monitoring Students in Physical Restraint

- ~~1. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult to arrive is precluded by the particular circumstances.~~
- ~~2. The student must be continuously monitored until he/she no longer presents a risk of injury or harm to him/herself or others.~~
- ~~3. If an injury occurs, applicable school policies and procedures should be followed.~~

D. Termination of Physical Restraint

- ~~1. The staff involved in the use of physical restraint must continually assess for signs that the student is no longer presenting a risk of injury or harm to him/herself or others, and the emergency intervention must be discontinued as soon as possible.~~
 - ~~a. The time a student is in physical restraint must be monitored and recorded.~~
 - ~~b. If physical restraint continues for more than ten (10) minutes, an administrator/designee will determine whether continued physical restraint is warranted, and will continue to monitor the status of the physical restraint every ten (10) minutes until the restraint is terminated.~~
 - ~~c. If attempts to release a student from physical restraint have been unsuccessful and the student continues to present behaviors that create a risk of injury or harm to him/herself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.~~

Seclusion

To the extent possible, seclusion will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated seclusion in an emergency, trained staff must be summoned to the scene as soon as possible.

A “timeout” where a student requests, or complies with an adult request for, a break is not considered seclusion under this procedure. Seclusion also does not include any situation where others are present in the room or defined area with the student (including but not limited to classrooms, offices and other school locations).

A. Permitted Uses and Location of Seclusion

1. Seclusion may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
2. Seclusion may be achieved in any part of a school building with adequate light, heat, ventilation and of normal room height.
 - a. Seclusion may not take place in a locked room.
 - b. If a specific room is designated as a seclusion room, it must be a minimum of sixty (60) square feet; have adequate light, heat and ventilation; be of normal room height; contain an unbreakable observation window in a wall or door; and must be free of hazardous materials and objects which the student could use to self-inflict bodily injury.
3. Parents may be requested to provide assistance at any time.

B. Prohibited Uses of Seclusion

1. Seclusion used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Seclusion used to prevent property destruction or disruption of the environment in the absence of risk of injury or harm.

C. Monitoring Students in Seclusion

1. At least one adult must be physically present at all times to continuously monitor a student in seclusion. The adult, while not present in the room or defined area, must be situated so that the student is visible at all times.
2. The student must be continuously monitored until they no longer present a risk of injury or harm to themselves or others.
3. If an injury occurs, applicable school policies and procedures should be followed.

D. Termination of Seclusion

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting a risk of injury or harm to themselves or others, and the emergency intervention must be discontinued as soon as possible.
 - a. The time a student is in seclusion must be monitored and recorded.
 - b. If seclusion continues for more than ten (10) minutes, an administrator/designee will determine whether continued seclusion is warranted, and will continue to monitor the status of the seclusion every ten (10) minutes until the seclusion is terminated.
 - c. If attempts to release a student from seclusion have been unsuccessful and the student continues to present behaviors that create an imminent risk of injury or harm to themselves or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

Notification and Reports of Physical Restraint and Seclusion Incidents

For the purposes of this procedure, an “incident” consists of all actions between the time a student begins to create a risk of harm and the time the student ceases to pose a risk of harm and returns to their regular programming.

A. Notice Requirements

After each incident of physical restraint or seclusion:

1. A staff member involved in the incident will make a verbal notification to the administrator/designee as soon as possible, but no later than the end of the school day.
2. An administrator/designee will notify the parent/legal guardian about the physical restraint or seclusion (and any related first aid provided) as soon as practical, but within the school day in which the incident occurred. The administrator/designee must utilize all available phone numbers or other available contact information to reach the parent/legal guardian. If the parent/legal guardian is unavailable, the administrator/designee must leave a message (if the parent/legal guardian has a phone and message capability) to contact the school as soon as possible. The parent/legal guardian must be informed that written documentation will be provided within seven (7) calendar days.
3. If the physical restraint or seclusion incident occurred outside the school day, the notifications must be made as soon as possible and in accordance with RSU 40's usual emergency notification procedures.
4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the RSU 40 emergency notification procedures will be followed and an administrator/designee will notify the Maine Department of Education within twenty-four (24) hours or the next business day.

B. Incident Reports

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator/designee as soon as practical, and in all cases within two (2) school days of the incident.

The parent/legal guardian must be provided a copy of the incident report within seven (7) calendar days of the incident.

The incident report must include the following elements:

1. Student name;
2. Age, gender and grade;

3. ~~Location of the incident;~~
4. ~~Date of the incident;~~
5. ~~Date of report;~~
6. ~~Person completing the report;~~
7. ~~Beginning and ending time of each physical restraint and/or seclusion;~~
8. ~~Total time of incident;~~
9. ~~Description of prior events and circumstances;~~
10. ~~Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, the reasons why;~~
11. ~~The student behavior justifying the use of physical restraint or seclusion;~~
12. ~~A detailed description of the physical restraint or seclusion used;~~
13. ~~The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;~~
14. ~~Description of the incident, including the resolution and process of returning the student to their program, if appropriate;~~
15. ~~Whether the student has an IEP, 504 Plan, behavior plan, IHP (individual health plan) or any other plan;~~
16. ~~If a student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification and any treatment administered;~~
17. ~~The date, time and method of parent/legal guardian notification;~~
18. ~~The date and time of administrator/designee notification; and~~
19. ~~Date and time of staff debriefing.~~

~~Copies of the incident reports will be maintained in the student's file and in the school office.~~

School Unit's Response Following the Use of Physical Restraint or Seclusion

- A. Following each incident of physical restraint or seclusion, an administrator/designee will take these steps within two (2) school days (unless serious bodily injury requiring emergency medical treatment occurred, in which case these steps must take place as soon as possible, but no later than the next school day):
1. Review the incident with all staff persons involved to discuss: (a) whether the use of physical restraint or seclusion complied with state and school board requirements and (b) how to prevent or reduce the need for physical restraint and/or seclusion in the future.
 2. Meet with the student who was physically restrained or secluded to discuss: (a) what triggered the student's escalation and (b) what the student and staff can do to reduce the need for physical restraint and/or seclusion in the future.
- B. Following the meetings, staff must develop and implement a written plan for response and de-escalation for the student. If a plan already exists, staff must review it and make revisions, if appropriate. For the purposes of this procedure, "de-escalation" is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk of injury or harm.

Procedure for Students with Three Incidents in a School Year

The RSU 40 will make reasonable, documented efforts to encourage parent/legal guardian participation in the meetings required in this section, and to schedule meetings at times convenient for parents/legal guardians to attend.

A. Special Education/504 Students

1. After the third incident of physical restraint and/or seclusion in one school year, the student's IEP or 504 Team will meet within ten (10) school days of the third incident to discuss the incident and consider the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan), or amend an existing one.

B. All Other Students

1. A team consisting of the parent/legal guardian, administrator/designee, a teacher for the student, a staff member involved in the incident (if not the

~~administrator/designee or teacher already invited), and other appropriate staff will meet within ten (10) school days to discuss the incidents.~~

- ~~2. The team will consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is made, the need to conduct an FBA (functional behavior assessment) and/or develop a BIP (behavior intervention plan).~~

Cumulative Reporting Requirements

A. Reports within School Units

- ~~1. Each building administrator must report the following data on a quarterly and annual basis:~~
 - ~~a. Aggregate number of uses of physical restraint;~~
 - ~~b. Aggregate number of students placed in physical restraint;~~
 - ~~c. Aggregate number of uses of seclusion;~~
 - ~~d. Aggregate number of students placed in seclusion;~~
 - ~~e. Aggregate number of serious bodily injuries to students related to the use of — physical restraints and seclusions; and~~
 - ~~f. Aggregate number of serious bodily injuries to staff related to physical — restraint and seclusion.~~
- ~~2. The Superintendent will review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.~~

B. Reports to Maine Department of Education

- ~~1. The Superintendent will submit an annual report to the Maine Department of Education on an annual basis that includes the information required in Section 7(A)(1) above.~~

~~Legal Reference: — Maine Department of Education Chapter Rule 33~~

Cross Reference: ~~JKAA – Use of Physical Restraint and Seclusion~~

~~This is a required policy.~~

Procedure on Physical Restraint and Seclusion

These procedures are established for the purpose of meeting the obligations of RSU 40 under state law/regulations and Board Policy JKAA governing the use of physical restraint and seclusion. These procedures will be interpreted in a manner consistent with state law and regulations.

Physical Restraint

To the extent possible, physical restraint will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated a physical restraint in an emergency, trained staff must be summoned to the scene to assume control of the situation if the emergency continues.

This procedure does not preclude law enforcement personnel from implementing physical restraints consistent with their professional responsibilities.

Permitted Uses of Physical Restraint

1. Physical restraint may be used only when the behavior of a student presents an imminent risk of serious physical injury to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate. The physical restraint must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person, and should involve the least amount of force necessary to protect the student or other person.

“Serious physical injury” is a physical injury that a reasonable person would consider to be serious for the victim if it were to occur.

2. Prescribed medications, harnesses, seat belts and other assistive or protective devices may be used as permitted by law and described in Policy JKAA.
3. Parents/legal guardians may be requested to provide assistance with their child at any time.

Prohibited Forms and Uses of Physical Restraint

1. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.

2. Physical restraint used solely to prevent property destruction or disruption of the environment in the absence of a risk of serious physical injury.
3. Physical restraint that is life threatening, restricts breathing or restricts blood flow to the brain, including prone restraint.
4. Physical restraint that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-downs (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting.
5. Physical restraint that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if documented in:
 - A health care directive or medical management plan;
 - A school-approved behavior plan;
 - An IEP or an Individual Family Service Plan (IFSP); or
 - A school-approved 504 or ADA plan.
6. Aversive procedures, and mechanical and chemical restraints.
 - a. Aversive procedures are defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to infliction of bodily pain (e.g., hitting, pinching, slapping); water spray; noxious fumes; extreme physical exercise; costumes or signs.
 - b. Mechanical restraints are defined as any restraint that uses a device to restrict a student's freedom of movement. Such restraints do not include adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement, or the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.
 - c. Chemical restraints are defined as the use of drug or medication that is not prescribed as the standard treatment of a student's medical or psychiatric condition by a licensed physician or other qualified health professional acting under the scope of the professional's authority under state law that is used on a student to control behavior or restrict freedom of movement.

Monitoring Students in Physical Restraint

1. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult to arrive is precluded by the particular circumstances.
2. The student must be continuously monitored until they no longer present a risk of injury or harm to the student or others.
3. If an injury occurs, applicable school policies and procedures should be followed.

Termination of Physical Restraint

1. The staff involved in the use of physical restraint must continually assess for signs that the student in physical restraint is no longer presenting an imminent risk of serious physical injury to themselves or others, and the physical restraint must be discontinued immediately after it is determined that the imminent risk of serious physical harm has ended.
 - a. The time a student is in physical restraint must be monitored and recorded.
 - b. If physical restraint continues for more than ten (10) minutes, an administrator/designee will determine whether continued physical restraint is warranted, and will continue to monitor the status of the physical restraint every ten (10) minutes until the restraint is terminated.
 - c. If attempts to release the student from physical restraint have been unsuccessful and the student continues to present behaviors that create an imminent risk of serious physical injury to the student or to others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

Seclusion

To the extent possible, seclusion will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated seclusion in an emergency, trained staff must be summoned to the scene as soon as possible.

A “timeout” where a student requests, or complies with an adult request, for a break is not considered seclusion under this procedure. Seclusion also does not include any situation

where others are present in the room or clearly defined area with the student (including but not limited to classrooms, offices and other school locations).

Permitted Uses and Location of Seclusion

1. Seclusion may be used only as an emergency intervention when the behavior of a student presents an imminent risk of serious bodily injury to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate. The seclusion must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person. "Serious physical injury" is a physical injury that a reasonable person would consider to be serious for the victim if it were to occur.
2. Seclusion may be achieved in any part of a school building with adequate light, heat, ventilation and of normal room height.
 - a. Seclusion may not take place in a locked room.
 - b. If a specific room is designated as a seclusion room, it must be a minimum of sixty (60) square feet; have adequate light, heat and ventilation; be of normal room height; contain an unbreakable observation window in a wall or door; and must be free of hazardous material and objects which the student could use to self-inflict bodily injury.
3. Parents/legal guardians may be requested to provide assistance with their child at any time.

Prohibited Uses of Seclusion

1. Seclusion used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Seclusion used solely to prevent property destruction or disruption of the environment in the absence of an imminent risk of serious physical injury.
3. Seclusion that is life threatening.

4. Seclusion that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if documented in:
 - A health care directive or medical management plan;
 - A school-approved behavior plan;
 - An IEP or IFSP; or
 - A school-approved 504 or ADA plan.

Monitoring Students in Seclusion

1. At least one adult must be physically present at all times to continuously monitor a student in seclusion. The adult, while not present in the room or defined area, must be situated so that the student is visible at all times.
2. The student must be continuously monitored until they no longer presents an imminent risk of serious physical injury to the student or to others.
3. If an injury occurs, applicable school policies and procedures should be followed.

Termination of Seclusion

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting an imminent risk of serious physical injury to the student or others, and the seclusion must be discontinued as soon as the imminent risk ceases.
 - a. The time a student is in seclusion must be monitored and recorded.
 - b. If seclusion continues for more than ten (10) minutes, an administrator/designee will determine whether continued seclusion is warranted, and will continue to monitor the status of the seclusion every ten (10) minutes until the seclusion is terminated.
 - c. If attempts to release a student from seclusion have been unsuccessful and the student continues to present behaviors that create an imminent risk of serious physical injury to the student or to others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

Notification and Reports of Physical Restraint and Seclusion Incidents

For the purposes of this procedure, an "incident" consists of all actions between the time a

student begins to create an imminent risk of serious physical injury and the time the student ceases to pose that imminent risk and returns to their regular programming.

Notice Requirements

After each incident of physical restraint or seclusion:

1. A staff member involved in the incident will make an oral notification to the administrator/designee as soon as possible, but no later than the end of the school day.
2. An administrator/designee will notify the parent/legal guardian about the physical restraint or seclusion (and any related first aid provided) as soon as practical, but within the school day in which the incident occurred. The administrator/designee must utilize all available phone numbers or other available contact information to reach the parent/legal guardian. If the parent/legal guardian is unavailable, the administrator/designee must leave a message (if the parent/legal guardian has a phone and message capability) to contact the school as soon as possible. The parent/legal guardian must be informed that written documentation will be provided within seven (7) calendar days.
3. If the physical restraint or seclusion incident occurred outside the school day, the notifications must be made as soon as possible and in accordance with the school unit's usual emergency notification procedures.
4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the RSU 40's emergency notification procedures will be followed and an administrator/designee will notify the Maine Department of Education within twenty-four (24) hours or the next business day.

Incident Reports

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator/designee as soon as practical, and in all cases within two (2) school days of the incident. The parent/legal guardian must be provided a copy of the incident report within seven (7) calendar days of the incident.

The incident report must include the following elements:

1. Student name;
2. Age, gender and grade;

3. Location of the incident;
4. Date of the incident;
5. Date of report;
6. Person completing the report;
7. Beginning and ending time of each physical restraint and/or seclusion;
8. Total time of incident;
9. Description of prior events and circumstances;
10. Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, the reasons why;
11. The student behavior justifying the use of physical restraint or seclusion;
12. A detailed description of the physical restraint or seclusion used;
13. The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
14. Description of the incident, including the resolution and process of returning the student to his/her program, if appropriate;
15. Whether the student has an IEP, 504 Plan, behavior plan, IHP (individual health plan) or any other plan.
16. If a student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification, and any treatment administered;
17. The date, time and method of parent/legal guardian notification;
18. The date and time of administrator/designee notification.
19. Date and time of staff debriefing.

Copies of the incident reports will be maintained in the student's file and in the school office.

School Unit Response Following the Use of Physical Restraint or Seclusion

- A. Following each incident of physical restraint or seclusion, an administrator/designee will take these steps within two (2) school days (unless serious bodily injury requiring emergency medical treatment occurred, in which case these steps must take place as soon as possible, but no later than the next school day):
 - 1. Review the incident with all staff persons involved to discuss: (a) whether the use of physical restraint or seclusion complied with state and school board requirements and (b) how to prevent or reduce the need for physical restraint and/or seclusion in the future.
 - 2. Meet with the student who was physically restrained or secluded to discuss: (a) what triggered the student's escalation and (b) what the student and staff can do to reduce the need for physical restraint and/or seclusion in the future.
- B. Following the meetings, staff must develop and implement a written plan for response and de-escalation for the student. If a plan already exists, staff must review it and make revisions, if appropriate. For the purposes of this procedure, "de-escalation" is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk of injury or harm.

Procedure for Students with Three Incidents in a School Year

The school unit will make reasonable, documented efforts to encourage parent/legal guardian participation in the meetings required in this section, and to schedule meetings at times convenient for parents/legal guardians to attend.

Special Education/504 Students

- 1. After the third incident of physical restraint and/or seclusion in one school year, the student's IEP or 504 Team will meet within ten (10) school days of the third incident to discuss the incident and consider the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan), or amend an existing one.

All Other Students

1. A team consisting of the parent/legal guardian, administrator/designee, a teacher for the student, a staff member involved in the incident (if not the administrator/designee or teacher already invited), and other appropriate staff will meet within ten (10) school days to discuss the incidents.
2. The team will consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is made, the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan).

Cumulative Reporting Requirements**A. Reports Within the School Unit**

1. Each building administrator must report the following data on a quarterly and annual basis:
 - a. Aggregate number of uses of physical restraint;
 - b. Aggregate number of students placed in physical restraint;
 - c. Aggregate number of uses of seclusion;
 - d. Aggregate number of students placed in seclusion;
 - e. Aggregate number of students with disabilities having IEPs or 504/ADA plans who are placed in physical restraint;
 - f. Aggregate number of students with disabilities having IEPs or 504/ADA plans who are placed in seclusion;
 - g. Aggregate number of serious physical injuries to students related to the use of physical restraints;
 - h. Aggregate number of serious physical injuries to students related to the use of seclusion;

- i. Aggregate number of serious physical injuries to staff related to the use of physical restraints; and
 - j. Aggregate number of serious physical injuries to staff related to the use of seclusion.
2. The Superintendent will review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.

Reports to Maine Department of Education

1. The Superintendent will submit an annual report to the Maine Department of Education on an annual basis that includes the information in Section 7.A.1 above.

Legal Reference: 20-A M.R.S. §§4014, 4502(5)(M); 4009
Maine Department of Education Rule Chapter 33

Cross Reference: EBC – Comprehensive Emergency Management Plan
JK – Student Discipline
JKAA– Use of Physical Restraint and Seclusion
KLGA – Relations with School Resource Officer and Law Enforcement Authorities
KLGA-R – School Resource Officer and Law Enforcement Procedure

Adopted: August 15, 2013

Reviewed: June 6, 2019

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Vote 4-0-0

- E. [BHC - Board Relationships and Communications with Staff](#) (new sample)
Motion to send to Board for 1st read: Guy Bourrie
Second: Matthew Speno Vote: 4-0-0
- F. [GBGB - Workplace Bullying](#) (new sample)
Motion to send to the Board for 1st read: Guy Bourrie
Second: Julia Abernethy Vote: 4-0-0

III. Adjourn: 6:39 p.m.

All meetings of the Board, except executive sessions, will be open to the public. All actions of the Board will be taken openly and the deliberations leading to Board action will likewise be conducted openly. The public and district employees are encouraged to attend Board meetings. A time for comments by visitors at Board meetings will be scheduled on the Board agenda. Public input is welcomed but the Board Chair may limit comments.