Student Code of Conduct

2009-2010

Mt. Blue Regional School District

Serving the communities of:
Chesterville
Farmington
Industry
New Sharon
New Vineyard
Temple
Vienna
Weld
Wilton
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Mission Statement
Mt. Blue Regional School District is committed to providing a safe, nurturing, and accepting environment where students can explore and develop their creative and intellectual abilities. We shall educate students, promote their self-esteem, and encourage them to achieve their maximum potential.

Students will demonstrate the ability to solve problems and to be self directed life-long learners. As productive members of our society students will demonstrate recognition and acceptance of individual differences, and demonstrate compassion and ethical judgment.

Adopted: January 11, 1994

CODE OF CONDUCT

The first statement of the Mt. Blue Regional School District Mission Statement underscores our commitment “to providing a safe, nurturing, and accepting environment where students can explore and develop their creative and intellectual abilities.”

To that end, the Student Behavior Task Force was commissioned by Superintendent Michael Cormier in the spring of 1996 as a result of discussions among teachers, building administrators, support staff, parents, and other community members over rising concerns with regard to students’ behavior in school. Specifically, the task force was charged with “defining issues related to student behavior within the schools of Mt. Blue Regional School District and to make recommendations to the Superintendent and administrative team to resolve those issues. The membership of the Task Force numbered over 60 individuals, more than half of which were parents and other members of the community.

The first recommendation of the Task Force was:
A comprehensive behavior management plan will be developed in each school to be completed by June 1997 and implemented no later than September 1997. This recommendation includes the following issues discussed by the task force: Accountability, Harassment, Conflict Resolution, School Bus Conduct, Parental Responsibility for Behavior Infractions, Safe Learning Environment, Student Engagement, Annual Assessment of Student Behavior, and School Handbooks.

This recommendation emphasizes our philosophy that managing student behavior is everyone’s responsibility in all areas of the school environment. All school personnel, including the custodians and lunch room staff, play a crucial role in establishing a safe learning environment.
The greatest effect of the Task Force, however, was to raise the awareness among all stakeholders of the issues surrounding student behavior and the negative effect inappropriate behavior has on the overall learning environment in our schools.

Each school has a Principals’ Advisory Council that meets regularly. These meetings have been used as one means of communicating and getting input concerning behavioral issues.

In addition to the recommendations of the Task Force, the elementary schools of the District, in conjunction with the Franklin County Childrens’ Task Force, implemented a Bullying & Teasing and Prevention Program this past September. A similar program has been implemented in the Middle school year. All schools in the district have a Student Assistance Team and the Middle and High Schools have Civil Rights Teams. All of these are tools in the quest to provide a safe, nurturing environment for our students.

The next page contains the statute that requires school systems to develop and maintain a Code of Conduct. In the pages following that, we address each requirement of the statute.

**Adoption of a Local Code of Conduct**

The Statute

With input from educators, administrators, parents, students and community members, each school board shall adopt a district-wide Student Code of Conduct consistent with the statewide standards for student behavior developed under section 254, subsection 11. The Student Code of Conduct must:

A. Define unacceptable student behavior;
B. Establish standards of student responsibility for behavior;
C. Prescribe consequences for violation of the Students Code of Conduct, including first-time violations, when appropriate;
D. Describe appropriate procedures for referring students in need of special services to those services;
E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class;
F. Establish policies and procedures concerning the removal of disruptive or violent students from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate; and
G. Establishing guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent’s designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property.
The School Board is responsible for ensuring that school officials inform students, parents and community members of the student code of conduct.

- Maine Statutes, Title 20-A, Chapter 101, Section 1001(15): Adoption of student code of conduct

**Mt. Blue Regional School District Policies**

Statute Reference:

F. Establish policies and procedures concerning the removal of disruptive or violent students from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate …”

The policies listed below are included on the following pages.

ACAA          Student/Employee Harassment
ACAD          Hazing
JICH          Chemical Health
JICH-R        Chemical Health Regulation
JI            Student rights and Responsibilities
JICC          Student Conduct on School Busses
JICG          Student Tobacco Use
JICHA-E       Breathalyzer Protocol Report form
JICHA-R       Breathalyzer – Regulation
JIHE-I        Canine Drug Search (Mt. Blue High School)
JICIA         Weapons in School
JICIA-R       Weapons in School – Regulation
JK            Student Discipline
JKB-R         Detention of Students – Regulation
JKD           Student Suspension and Expulsion
JKD-R         Student Suspension and Expulsion – Regulation
JKDA-R        Student suspension - Regulation
Mt. Blue Regional School District recognizes the right of each student/employee to perform in an atmosphere which is free of intimidation, ridicule, hostility and offensiveness. In order to insure such an atmosphere, Mt. Blue Regional School District students/employees should not engage in any form of harassment. Harassment is abuse based upon race, color, sex, religion, age, national origin, sexual orientation or handicap. Acts of this nature are not only a violation of this policy, but also constitutes illegal discrimination under State and Federal laws.

Examples of prohibited harassment are:

1. Unwelcome sexual advances, gestures, comments or contact,
2. Threats, which imply physical abuse or are inappropriate to an educational setting,
3. Offensive jokes,
4. Ridicule, slurs, derogatory action or remarks, and
5. Basing decisions on practice of submission to harassment.
6. Gang and gang-like behavior

Students/employees should also be advised of the importance of informing the harasser that his/her behavior is unwelcome, offensive, in poor taste, or highly inappropriate. However, if a student/employee feels uncomfortable with confronting the harasser, the student/employee is encouraged to inform the Affirmative Action Coordinator at the earliest opportunity. Students/employees who believe that they are victims of harassment, should report such occurrences to the Affirmative Action Coordinator. The Affirmative Action Coordinator shall advise the person who has allegedly been harassed of the various options available to the person: Title IX civil action; Human Rights Commission complaint; formal request for discipline by the Mt. Blue Regional School District Superintendent and/or School Directors; or by filing an employee complaint under Title VII to the Office for Civil Rights/ED, 8th Floor, 5 Post Office Square, Boston, MA, 02109-3921.

Appropriate information regarding harassment and recourse shall be posted in a prominent and accessible location in each workplace in the unit. Education and training shall take place as required by law for each new employee.

Legal Reference:  
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))  
5 MRSA §§4602; 4681 et seq.  
20-A MRSA § 6553
Maine statute defines injurious hazing as "any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school."

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

“Harassing behavior” includes acts of intimidation and any other conduct that recklessly or intentionally endangers the mental or physical health of a student or staff member. The behavior may be physical (e.g., hitting), verbal (e.g., threats), or psychological (e.g., intimidation).

“Act of intimidation” include extortion; menacing; direct or indirect threats of violence; incidents of violence; bullying; statements or taunting of a malicious and/or derogatory nature that recklessly or intentionally endanger the mental or physical health of another person; and property damage or theft.

No administrator, faculty member, or other employee of the school unit shall encourage, permit, condone, or tolerate injurious hazing activities. No student, including leaders of students organizations, shall plan, encourage, or engage in injurious hazing activities.
Persons not associated with this school unit who fail to abide by this policy may be subject to ejection from school property and/or other measures as may be available under the law.

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

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

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

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

This right to appeal does not apply to student suspensions of 10 days or less or to matters submitted to grievance procedures under applicable collective bargaining agreements.

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

Legal Reference: TITLE 20-A MRSA SEC. 6553 (2)
Cross Reference: ACAA - Student/Employee harassment Policy
                         JICI - Weapons in School

Adopted: March 14, 1995
Revised: December 14, 1999
Revised: December 11, 2001
Reviewed: November 5, 2001
Reviewed: January 29, 2009

Mt. Blue Regional School District
CHEMICAL HEALTH POLICY

The Board of Directors of Mt. Blue Regional School District recognizes that chemical abuse and/or emotional concerns may cause personal and professional problems. These problems may directly or indirectly affect the individual's performance either as a student or as a district employee.
It is the intent of the Board of Directors of Mt. Blue Regional School District to assist the individual to get the help necessary to return or continue in their present capacity.

It is not the Board of Directors' nor the School Administrators' task to diagnose chemical abuse and/or emotional problems, but rather to make referral to such agencies or individuals who can make the diagnosis and recommend appropriate follow-up.

I. Employee Chemical and Emotional Health Policy

A. The Board of Directors recognizes that alcoholism/drug dependency and emotional/psychological problems are treatable and has a program to address these problems for the benefit of its employees.

B. The Board of Directors has a concern and a responsibility when an employee's alcoholism/drug dependency or emotional/psychological problems adversely impacts upon job performance.

C. Any person who suspects that they may have alcoholism/drug dependency or emotional/psychological problems, even in the earliest stages, are encouraged to voluntarily seek diagnosis and follow through with treatment that may be prescribed by qualified professionals, in order to arrest the disorder as soon as possible.

D. Any person having alcoholism/drug dependency or emotional/psychological problems will receive the same consideration and offer of treatment that is presently extended under existing policy to all those who have any other adverse (health) conditions.

E. Benefits and insurance coverage shall be provided to employees for alcoholism/drug dependency or emotional/psychological disorders, as specified in current insurance policies.

F. This statement of policy specifically relates to the disease of chemical dependency (alcohol/drug) itself. The policy is designed solely to achieve restoration of full health to individuals whose job performance has been affected by chemical dependency.

G. It will be the responsibility of all Mt. Blue Regional School District employees to implement the policy and to follow the procedures which have been designed to assure that no person with alcoholism/drug dependency or emotional/psychological problems will have either job security or promotional opportunities jeopardized by a request for diagnosis and/or treatment.
H. Neither supervisors nor other representatives have qualifications to diagnose chemical dependency or emotional problems. Therefore, referral will be based on job performance.

I. The records of individuals with chemical dependency or emotional disorders will be strictly confidential.

J. Any person getting assistance will be expected to meet existing job performance standards and established work rules.

II. Student Chemical Health Policy (Secondary/Elementary)

A. The Board of Directors of Mt. Blue Regional School District recognizes that the use of mind-altering chemicals is a significant health problem for many students, resulting in negative effects on behavior, learning, and the total development of each individual. Student's use and abuse of alcohol and other drugs also affect the development of skills related to participation in extracurricular activities. Familial chemical dependency problems, likewise affect the learning of children and place them at high risk of developing chemical health problems.

B. Student health problems are primarily the responsibility of the parent or guardian. However, the school and community share in that responsibility because chemical health problems often affect learning and development.

C. It is the affected student's right to learn and the community's responsibility to provide programs and services that include guidance, counseling, support groups, education, and positive adult models that will insure a safe environment in which alcohol and other drug dependency cycle may be broken.

D. The Board of Directors support education and awareness activities for school personnel, students, and parents or guardians. These educational programs cover chemical use and abuse problems, including the symptomology of chemical dependency and related problems affecting students.

E. The Board of Directors believes that a chemical health policy should include: (1) firm standards and prohibitions about the use and distribution of chemicals and; (2) assurances to the students that the school will help them confront and overcome their chemical use and abuse problems.

F. Consequently the Board of Directors is committed to offering a comprehensive chemical health program that addresses both primary, secondary, and tertiary prevention.
1. **Primary prevention**: includes, yet is not limited to, those activities that focus on chemical health education, self-esteem, chemical-free alternatives, decision-making, and coping skills.

2. **Secondary prevention**: addresses early intervention, referral, follow-up, and support services for students and families who may have chemical dependency or emotional problems.

3. **Tertiary prevention**: addresses students who are taking part in out-patient treatment or are returning for an in-patient experience. A program will be developed and implemented to meet the individual needs of each student working on recovery from emotional or dependency problems.

G. In school or at school-related functions, a student shall not use, possess, or distribute alcohol, marijuana or other substances defined by law as a drug or a look-alike drug. Drug paraphernalia that includes any device which may facilitate the use of drugs will be considered and treated with the same penalties as possession or use as described elsewhere in district policy and regulation. Violation of this prohibition may result in suspension or expulsion.

Adopted: January 10, 1989
Revised: November 23, 1993
Revised: August 12, 1997
Reviewed: June 4, 2002
Revised: July 18, 2006
Reviewed: November 17, 2009

CHEMICAL HEALTH REGULATION

I. Administrative procedures related to employees:

A. In school or at school related functions use or possession of alcohol and/or other mood altering chemicals will result in:

   1. **First Offense** - The administration will take the disciplinary action agreed to in the contractual agreement and police notified, if necessary.

   2. **Second Offense** - In the event of a second policy violation, the employee will have to prove his/her ability to follow district policy. Steps leading to dismissal if compliance is not completed may be expected.

B. Distribution of alcohol or other mood altering drugs:
   1. Verification
   2. Suspension
Suspension will remain in force until resolution of the incident which may lead to dismissal

3. Police notified, if appropriate

II. Procedures related to students:

A. Rules:
   1. In school or at school-related functions, a student shall not use, possess, or distribute alcohol, marijuana or other substances defined by law as a drug or a look-alike drug. Drug paraphernalia that includes any device which may facilitate the use of drugs will be considered and treated with the same penalties as possession or use as described elsewhere in district policy and regulation. Violation of this prohibition may result in suspension or expulsion.

   2. It is not a violation for a student to be in possession of a legally defined drug specifically prescribed for the student's own use by his/her doctor. Students must leave the prescription with the office or school nurse for safe keeping.

   3. This policy is designed to deal with use and possession within the normal school milieu and extra curricular and athletic events/activities. The athletic handbook addresses concerns that occur outside of this policy.

   4. If there is a medical emergency, proper referral for medical attention is to be made. Disciplinary action will take place when the student is ready.

B. Role of school staff:
   1. Disciplinary Action - Any staff member who has reasonable basis to suspect any student of possession, use or selling to another student of a prohibited substance has the responsibility to:

      a) Take whatever immediate action may be necessary to secure the health and safety of the involved student(s).
      b) Report the case immediately to the proper administrator.

   2. Voluntary Referral - Any staff member who is approached by a student who is seeking help is expected to maintain the confidentiality of the student and to refer him/her to the Student Assistance Team. A staff member may respond to a student seeking help with a chemical dependency or abuse problem without being compelled to use the information in a disciplinary manner.

C. Procedures - Middle/Secondary:
1. Grades 7-12: Disciplinary Action

   a) Type one: Possession/Use

      i. First Offense:

      1) Verification
      2) Notify parent or guardian
      3) Notify police
      4) A minimum of a five-day suspension shall be imposed and student shall be sent home for remainder of day.
      5) Referral is made to the Student Assistance Team (SAT).
      6) Student and parent or guardian shall meet with members of the Student Assistance Team to develop an individual education component which consists of 10 hours of drug education (which will include an informal assessment) and a contract outlining consequences of a second offense. The SAT makes recommendations to the principal or designee before a student can return to school.
      7) A letter shall be sent to the parents and the student with the conditions for return to school defined. The conditions for return must include:

         a) the student shall submit the results of a drug test to demonstrate that the student is drug free before returning;
         b) 45 days after returning, the student shall submit to a follow-up drug test to demonstrate that he/she continues to be drug-free;
         c) failure to demonstrate cooperation or refusal to comply with the test requirements shall result in a recommendation to the Board for expulsion.

      ii. Second Offense:

      1) Verification
      2) Notify parent or guardian
      3) Notify police
      4) Notify Superintendent
      5) Student is suspended for up to 10 days
6) Student is referred to Board of Directors with recommendation for long term suspension or expulsion

b. Type two: Furnishing/Selling

i. Each Offense:
   1) Confiscate substance
   2) Notify parent or guardian
   3) Notify superintendent
   4) Notify police
   5) Suspension from school pending Board action, which may include expulsion.

2. Grades 7-12: School Voluntary Referrals
   a. Type one: Concerned Person
      i. Referring person consults with Support Assistance Team or team member about concern
      ii. Student Assistance Team or team member meets with referred student
      iii. Student Assistance Team member meets with student to begin an informal assessment
      iv. Student Assistance Team member may discuss case with Student Assistance Team
      v. Student Assistance Team member and student develop an action plan

   b. Type two: Self Referral
      i. Listen to student's concerns and help student make contact with a Student Assistance Team member,
      ii. Consult with Student Assistance Team member about student and best way to proceed,
      iii. Student Assistance Team member meets with student to begin informal assessment,
      iv. Student Assistance Team member may discuss case with Student Assistance Team,
      v. Student Assistance Team member and student develop an action plan.

(Nothing in this section supersedes the rules in Section A of procedures related to students.) (If the student(s) wants the initial contact person to remain involved and that person is willing, they should be included in all steps.)

D. Procedures - Elementary:
1. Kindergarten through Six (6) - Disciplinary Action:

a. Type one: Possession/Use
   i. First Offense
      1) Verification
      2) Administrator meets with student
      3) Parent or guardian contacted and student sent home with parents for the remainder of the day
      4) May suspend for 1-5 days
      5) Administrator meets with parent or guardian and student to develop an individual plan
   ii. Second Offense
      1) Verification
      2) Administrator meets with student
      3) Parent or guardian contacted and student sent home with parents for remainder of day
      4) Suspension 1 to 5 days
      5) Administrator, parent or guardian, and guidance counselor develop individual plan
      6) Student may be referred by the Administration to the Board of Directors for further action.

b. Type Two - Furnishing/Selling:
   i. Each Offense
      1) Confiscate
      2) Notify parent or guardian
      3) Notify police
      4) Send student home with parent or guardian
      5) The administrator will review the case and decide on a course of action which may include:
         aa. refer to Board of Directors for action
         bb. meet with parent or guardian
         cc. student and parent or guardian educated regarding the laws that cover furnishing and selling

3. Kindergarten through 6: Voluntary Referral
a. **Type one: Concerned Person**
   i. Referring person discusses concern with administrator and guidance counselor
   ii. Administrator and/or guidance counselor meets with student
   iii. Notify parent or guardian, if appropriate
   iv. Refer student to appropriate services.

b. **Type two: Self Referral**
   i. Listen to concern
   ii. Refer to guidance counselor
   iii. Guidance counselor and student work out an action plan that may include involving parent or guardian.

**E. School Functions Procedures - Students' Chemical Use and Abuse:**

1. **All Offenses**
   a. Remove student from function
   b. Notify parent or guardian to assume responsibility,
   c. Notify school administrator
   d. If parent or guardian cannot transport, have police transport
   e. If student must be driven home, be certain two (2) adults are involved in the process
   f. Follow regular procedures for possession and/or use as outlined in K-6 or 7-12 procedures

**F. Violation of State Liquor Laws Involving Minors:**

1. The Mt. Blue Regional School District Board of Directors is committed to keeping its student body chemically free and supports state laws that forbid the sale and distribution of alcohol and other drugs to minors.

2. When a school administrator receives information about a situation where the selling or furnishing of alcohol or other drugs to minors may occur or learns about student parties where violations may occur, it is the school administrator's job to:
   a. Notify proper authorities
   b. Notify parent or guardian, relate the information they have and inform them of the liquor laws.

**The Function of the Student Assistance Team**

A. The Student Assistance Team units may include: administrators, teachers, school counselors, behavioral specialists, law enforcement, school nurse, school psychologist, community service agencies, advisors, and support staff.
B. The Student Assistance Team units address many types of behaviors: academic decline, frequent absences or tardiness, physical health problems, disruptive behaviors, out-of-school issues affecting school performance, decreasing or non-involvement in co-curricular activities, atypical behaviors such as: depression, isolation, and self-destruction; and alcohol and other drug involvement.

C. The Student Assistance Team units accept referrals, assign advisors/mentors, develop action plans, make referrals to school/community programs, assist students with academic programs, support special services, work cooperatively with attendance committee, support teachers/parents in dealing with at risk behavior.

D. There are two (2) different types of referrals, Self Referral and Concerned Person Referral. Anyone can refer him/herself, a friend, or any other student about whom they are concerned. You can ask any teacher, administrator, coach or counselor to help you in making a referral. You can also talk directly to any member of the Student Assistance Team, or contact a team coordinator listed. Referrals are held in absolute confidence.

The team will seek additional confidential information when needed. The team will then evaluate the information and establish some plan of action to try to help the individual referred.

The team is here to help - never to punish, though helping sometimes means setting up healthy borders or limits.

Adopted: January 10, 1989
Revised: November 23, 1993
Revised: August 12, 1997
Revised: May 26, 1998
Reviewed: June 4, 2002
Revised: July 18, 2006
Revised: April 10, 2007
Revised: January 12, 2010

STUDENT RIGHTS AND RESPONSIBILITIES

In addition to the Affirmative Action/Title IX/Section 504 Program, the Board of Directors affirms the following student rights: No person on the basis of race, sex, color, national origin, marital status, age, disability, or religion is excluded from participation in, denied the benefits of, or subjected to discrimination under any educational program or activity.
A. Course Offerings

All course offerings are open to all students meeting established prerequisites.

B. Textbooks and Curriculum Materials

Prior to selection of new textbooks and materials, a study is made to ensure that there is minimal bias and stereotyping.

C. Counseling

1. Testing materials have been examined and those found to be discriminatory are being replaced as rapidly as possible.

2. Counseling procedures are reviewed on an ongoing basis.

3. Guidance counselors, whenever responding to an employer's requests for students to fill jobs, will to the greatest extent possible seek to provide candidates without regard to race, sex, color, national origin, marital status, age, disability, or religion.

D. Physical Education

All physical education classes are co-educational, except when contact sports are being played.

E. Athletics

1. Comparable sports are offered to meet the interest and ability of members of each sex.

2. Selection of teams is based upon competitive skills.

3. In activities such as basketball, the District operates separate teams for boys and girls.

4. Intramural athletic programs provide equal opportunity for members of each sex.

F. Comparable Facilities

The District provides comparable separate facilities for members of each sex.

G. Marital and Parental Status
No student is discriminated against because of marital or parental status.

Cross Reference: AC - Nondiscrimination/Equal Opportunity

Adopted: Prior to 1988
Reviewed: February 1995
Reviewed: June 4, 2002
Reviewed: November 17, 2009

STUDENT CONDUCT ON SCHOOL BUSES

While the law requires the School District to furnish transportation, it does not relieve parents of students from the responsibility of supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of school.

Once a child board the bus - and only at that time - does he/she become the responsibility of the School District. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

In view of the fact that a bus is an extension of the classroom, the Board shall require children to conduct themselves on the bus in a manner consistent with established standards for classroom behavior.

Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the Director of Transportation. In such cases, the parents of the children involved become responsible for seeing that their children get to and from school safely.

Cross Reference: EEA - Student Transportation Services

Adopted: August 14, 1985
Reviewed: February 1995
Reviewed: June 4, 2002
Reviewed: November 17, 2009
Student Tobacco Use Policy

Mt. Blue Regional School District in accordance with Maine State Law will establish the following policy for the use and/or possession of tobacco in buildings or on school property.

I. Rules Related to Students
   A. No smoking in any Mt. Blue Regional School District building and on school property.
   B. This policy is designed to deal with use and possession within the normal school environment.

II. Any student found in possession or using tobacco products will be subject to the following procedures:
   
   A. First Offense
      1. Verification
      2. Notify parent or guardian and student is removed from school
      3. Notify police (if a law is broken)
      4. Student is suspended for one to five days
      5. Student is strongly encouraged to attend a smoking cessation program

   B. Second Offense
      1. Verification
      2. Notify parent or guardian and student is removed from school
      3. Notify police (if a law is broken)
      4. Student is suspended for 5 to 10 days
      5. Student is strongly encouraged to attend a smoking cessation program

   C. Third Offense
      1. Verification
      2. Notify parent or guardian and student is removed from school
      3. Notify police (if a law is broken)
      4. Student is referred to the Board of Directors for disciplinary action

Adopted: September 23, 1997
Reviewed: June 4, 2002
Revised: November 26, 2002
Reviewed: November 17, 2009

Breathalyzer Protocol Report Form

In the event that a student exhibits any signs of alcohol consumption, the breathalyzer exam procedure will be used. It is not the intent of this policy to randomly test students. It is the intent to have the breathalyzer procedure serve as a deterrent to students attending Mt. Blue High
School functions after consuming alcohol. School functions shall be defined as any activity sponsored by Mt. Blue Regional School District and conducted on or away from school property.

Refusal to submit to the breath analyzer procedure will be considered to be a positive test for the presence of alcohol and the student will be disciplined in accordance with the Mt. Blue Regional School District drug and alcohol policy.

Breathalyzer exams will be conducted by school administrators. The procedure will be administered in a secure area away from student traffic and the results will be forwarded to the school Principal, the Superintendent of Schools, the coordinator for the Student Assistance Team and the parent/guardian of the offending student.

Student Name: ______________________________________ Date: ______________

Time of breathalyzer procedure: __________ Mt. Blue RSD event: ______________

Signs of alcohol consumption - use:

- Alcohol odor
- Slurred speech
- Unsteady gait
- Lack of coordination
- Stupor

Other: _______ Explain: _____________________

Breathalyzer Results

POSITIVE ______
NEGATIVE ______

Name of parent/guardian contacted: ______________________________________

Time of contact: __________

Administrator: ______________________________

Person responsible for transportation: ______________________________

Adopted: October 23, 2001
Reviewed: June 4, 2002
Reviewed: November 17, 2009
Breathalyzer Regulation

It is the intent of the Board of Directors of Mt. Blue Regional School District to discourage and eliminate the use of alcohol by students attending Mt. Blue Regional School District functions and activities. Functions shall be defined as any activity sponsored by Mt. Blue Regional School District and conducted on or away from school property. The following steps will be adhered to during the administration of this policy:

1. Student will be tested if they exhibit any signs of alcohol consumption.

2. Refusal to submit to the breath analyzer procedure will be considered to be a positive test for the presence of alcohol and the student will be disciplined in accordance with the Mt. Blue Regional School District drug and alcohol policy.

3. Breathalyzer tests will be administered by school administrators.

4. All breathalyzer tests will be conducted in a secure location away from student traffic.

5. It is NOT the intent of this regulation to conduct random testing of students.

6. Parents and/or guardians will be contacted and instructed to come to the school/activity and transport their child home if that student tests positive.

7. Students who test positive following a breathalyzer test will be suspended from school in accordance with the MSAD# 9 policies on alcohol consumption and suspensions.

8. The results of all breathalyzer tests will be forwarded to the school Principal, the Superintendent of Schools, the coordinator for the Student Assistance Team, and the parent/guardian of the student tested.

Cross Reference: Chemical Health Policy and Regulation  JIHC & JIHC-R

Adopted:  October 23, 2001
Reviewed:  June 4, 2002
Reviewed:  November 17, 2009

Canine Drug Search Policy
Mt. Blue High School

It is the intent of the Board of Directors of Mt. Blue Regional School District to formulate and enforce policies that eliminate and/or discourage the use and possession of illegal drugs and prohibitive substances in school. The provisions of this policy shall work in concert with the existing drug and alcohol policies of Mt. Blue Regional School District.
1. The building Principal shall be responsible for setting the date, time and place for which these searches will be conducted.

2. The building Principal shall notify the superintendent prior to any canine “sniff” search procedure.

3. Canine “sniff” searches will not be conducted on students, teachers or other people. It is the responsibility of the building Principal to ensure that this does not occur.

4. Canine “sniff” searches may be conducted on school lockers, locker rooms and other Mt. Blue Regional School District property and facilities.

5. Students shall not be present in any area where a canine “sniff” search is being conducted.

6. Dogs used for canine “sniff” searches shall be certified and accompanied during a “sniff” search by a certified handler, the building Principal or Assistant Principal and the School Resource Officer.

7. Any direct search of school property or facilities following a “positive hit” will be conducted by the high school administration. This search will work in concert with the protocol of the police agency that assigned the dog and handler.

8. Students who are found to be responsible for bringing illegal or prohibitive substances to school following a canine “sniff” search will be subject to the disciplinary procedures outlined in the drug and alcohol policies of Mt. Blue Regional School District.

9. Illegal substances discovered by school officials during a canine “sniff” search will be turned over to the Police Department.

10. It is the intent of this policy that all canine “sniff” searches will be conducted randomly and unannounced.

Adopted: April 23, 2002
Reviewed: June 4, 2002
Reviewed: November 17, 2009

WEAPONS, VIOLENCE AND SCHOOL SAFETY

The School Board believes that students and staff are entitled to learn and work in a school environment free of violence, threats, bullying and other disruptive behavior. Students are
expected to conduct themselves with respect for others and in accordance with Board policies, school rules, reasonable unwritten behavior expectations, and applicable state and federal laws.

School staff are required to immediately report incidents of prohibited conduct by students to the building administrator for investigation and appropriate action. Students who are subjected to or observe prohibited conduct are strongly encouraged to report it to a staff member or administrator.

**Prohibited Conduct**

Students are prohibited from engaging in the following conduct on school property, while in attendance at school or at any other school-sponsored activity, or at any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school:

A. Possession and/or use of articles commonly used or designed to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nunchucks;

B. Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such objects include but are not limited to bats, belts, picks, pencils, compasses, articles capable of ignition (e.g., matches, lighters), files, tools of any sort and replicas of weapons (including toys);

C. Violent, threatening or menacing behavior, including but not limited to fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property (e.g., verbal or written death threats, threats of bodily harm, bomb threats), stalking, or blocking access to school property or facilities;

D. Verbal or written statements (including those made on or through a computer or other electronic device) which threaten, intimidate, or harass others, which tend to incite violence and/or disrupt the school program, blackmail, extortion, or demands for money or property;

E. Willful and malicious damage to school or personal property;

F. Stealing or attempting to steal school or personal property;

G. Bullying behavior, including unwanted physical contact, acts or communications by any means (including by computer or other electronic device) that:

1. damage a student’s property; place a student in reasonable fear of physical harm and/or damage to his/her property; and/or disrupt the instructional program or the orderly operation of the school; and/or
2. is so severe that it creates a hostile educational environment for the student who is bullied.

H. Lewd, indecent or obscene acts or expressions of any kind;
I. Violations of the school unit’s drug/alcohol and tobacco policies;
I. Violations of state or federal laws; and
J. Any other conduct that may be harmful to persons or property.

H. Nothing in this policy shall prevent the Board from approving and offering instructional programs that involve firearms or other weapons (such as bows and arrows) or from allowing firearms or other weapons to be brought to school for specific instructional programs (such as archery or hunter safety). No weapons may be used in instructional programs or brought to school without the prior approval of the Superintendent or his/her designee and implementation of safeguards appropriate to the particular activity.

Disciplinary Action

Principals may discipline, suspend and/or recommend expulsion of students who violate this policy based upon the facts of each case and in accordance with applicable state and federal laws. Conduct which violates this policy is deliberately disobedient and deliberately disorderly within the meaning of 20-A M.R.S.A. § 1001(9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school. Such conduct may also be grounds for expulsion under other provisions of 20-A M.R.S.A. § 1001 (9 and 9-A) that specifically prohibit the use and possession of weapons, infractions of violence, and possession, furnishing and trafficking of scheduled drugs.

Students who are found to have brought a firearm or to have possessed a firearm at a school (as both terms are defined by federal law), shall be expelled for a period of not less than one year, unless this requirement is modified by the Superintendent on a case-by-case basis in writing.

All firearms violations shall be referred to law enforcement authorities as required by law. Other violations of this policy shall be referred to law enforcement authorities at the discretion of the Superintendent.

Students with disabilities shall be disciplined in accordance with applicable federal and state laws/regulations and Board Policy JKF.

Psychological Evaluation/Risk Assessment

The Superintendent is authorized to request a psychological evaluation of a student who violates this policy when, in his/her opinion, such an evaluation will assist in assessing the risk the student poses to school safety if the student were to remain in school.
All such evaluations shall be performed at the school unit’s expense. If the parents/guardians and/or student refuse to permit a requested psychological evaluation, the Superintendent and the Board may draw any reasonable inferences from the student’s behavior concerning the risk the student poses to school safety for purposes of determining appropriate action.

Staff/Student Training and Procedures

The Superintendent is authorized to institute training programs for staff and students designed to prevent bullying and support the goal of providing a safe, orderly and respectful school environment. The Superintendent is also authorized to implement any administrative procedures necessary to carry out this policy.

Legal References: 20 USC §8921 (Gun-Free Schools Act of 1994)
20 U.S.C. § 7151 (No Child Left Behind Act)
5 MRSA § 4681 et seq.
17-A MRSA § 2(9); 2(12-A)
20-A MRSA §§1001(9), (9-A), (15); 6552
P.L. 2005, ch. 307

Cross References: ACAA - Harassment and Sexual Harassment of Students/Employees
ADC - Tobacco Use and Possession
EBCA - Crisis Response Plan
JFCK – Student Use of Cellular Telephones and Other Electronic Devices
JIC – System-wide Student Code of Conduct
JICH - Drug and Alcohol Use by Students
JICK – Anti Bullying
JK - Student Discipline
JKD - Suspension of Students
JKDA-R Student Suspension Regulation
JKE - Expulsion of Students
JKF - Suspension/Expulsion of Students with Disabilities
JIH - Questioning and Searches of Students

Adopted: January 26, 1993
Reviewed: February 1995
Reviewed: June, 14, 2002
Revised: February 10, 2004
Revised: June 14, 2005
Reviewed: November 17, 2009
Revised:
WEAPONS IN SCHOOLS - Administrative Procedure

The Mt. Blue Regional School District is committed to the enforcement of a "Weapons in Schools" policy that meets all applicable requirements of the federal Gun-Free Schools Act of 1994, in addition to pertinent state laws and regulations. The purpose of the following Administrative Procedure is to effectuate the mandates imposed by federal law in addition to this Unit's policy on Weapons in Schools.

I. **Applicability** - All students, staff and other persons are subject to the prohibitions contained in the Mt. Blue Regional School District Weapons in Schools policy. Prohibitions shall apply at all times on school premises, in any school vehicle, at any school-sponsored activity, or at any time or place if the conduct has an adverse effect on the discipline and welfare of the school.

II. **Prohibitions** - The following shall constitute conduct prohibited by this Procedure:

A. Possession and/or use of articles commonly used or designed to inflict bodily harm and/or to intimidate, coerce or harass persons. Examples of such articles include but are not limited to the following: firearms, ammunition, explosives, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nunchucks.

B. Use of any object as a weapon, although not necessarily designed to be a weapon, to inflict or threaten bodily harm and/or to intimidate, coerce or harass. Examples of such articles include but are not limited to the following: bats, belts, picks, pencils, scissors, compasses, objects capable of ignition (e.g., matches, lighters), files, tools of any sort and replicas of weapons (including some toys).

III. **Administrative Implementation Procedures**

A. **Administrators/Principals** - Administrators shall take appropriate action for any violation of this policy/procedure including but not limited to student discipline and action by law enforcement officials as appropriate. Administrators will confiscate any article described in this policy/procedure using appropriate measures and, if appropriate, submit the article to a suitable law enforcement agency.

  Principals may authorize inspections of student automobiles, clothing, purses, bags, backpacks and other personal belongings when there are reasonable grounds to suspect that the inspection will produce evidence that this policy/procedure has been violated.

III. **Administrative Implementation Procedures** - Continued

B. **School Staff** - School personnel shall take appropriate action in the event of an altercation involving violence and/or the use of a weapon. Incidents shall be reported immediately to the appropriate administrator.
IV. **Enforcement**

A. **Title 20-A MRSA § 1001(9)(1995)** - Any student who violates this policy may be expelled under Title 20-A MRSA § 1001(9)(1995) if "found necessary for the peace and usefulness of the school." The School Board shall expel any student:

1. Who is deliberately disobedient or deliberately disorderly;

2. For infractions of violence;

3. Who possesses on school property a firearm, as defined in Title 17-A MRSA § 2, subsection 12-A, without permission of a school official; and

4. Who with the use of any other dangerous weapon, as defined in Title 17-A MRSA § 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury.

B. **Title 20-A MRSA § 1001 9-A(B)** - Nothing in the MSAD No 9 Weapons in the Schools policy or in this Administrative Procedure shall prevent a school board from:

1. Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by Mt. Blue Regional School District; or,

2. Providing educational services in an alternative setting to a student who has been expelled.

The Superintendent or his/her designee shall be responsible for granting permission to conduct such instructional activities consistent with Title 20-A MRSA § 1001 9-A(B).

C. **The Gun Free Schools Act of 1994** - Any student who is determined to have brought a firearm to school, as defined by 18 USCA § 921, shall be expelled from the regular school program for at least one (1) year. This shall be modified on a case-by-case basis by the Superintendent, in consultation with the School Board, as necessary as authorized by 20-A MRSA § 1001 (9-A) and the federal Gun-Free Schools Act of 1994. Such modifications may include placement in alternative educational programs. In addition, any student bringing a firearm to school shall be referred to local law enforcement and/or the juvenile justice system as appropriate.

**Legal References:**

- **Gun Free Schools Act of 1994 (20 USCA § 8921)**
STUDENT DISCIPLINE

Good discipline in the school is extremely important to the school program. Without good discipline the school cannot discharge its primary responsibility in the development of citizenship. Without good discipline, students cannot realize their greatest opportunities for growth. In maintaining discipline, teachers must be able to proceed with the assurance that support will be forthcoming from the principal, the Superintendent, and the Board. The following guides to good discipline are recommended:

A. Good discipline is usually positive rather than negative in nature. It consists of keeping students interested and busy doing something constructive rather than punishing them for doing things that are anti-social.

B. Good discipline is always fair, dignified, and in good temper.

C. Conference with teachers, principals, and parents should be effectively employed to bring about acceptable classroom behavior.

Teachers shall have the authority to develop guidelines and rules for establishing a classroom climate where learning can occur. These rules and guidelines shall be subject to approval by the building administration. Physical force shall not be used.

Teachers shall utilize every resource to give guidance to their pupils and shall refer only extreme cases of discipline to the principal.

The principal, and ultimately the Superintendent, shall provide for the suspension or other serious punishment of students in accordance with Board policies.

A teacher is justified in using a reasonable degree of force against any student who creates a disturbance when and to the extent that the teacher reasonably believes such force is necessary to control the disturbing behavior or to remove such student from the scene of such disturbance. Except in cases requiring immediate use of force to prevent injury or damage to persons or property, the teacher shall not use force until the teacher first verbally warned the student clearly that unless the disturbance ceases, force shall be used. In no case shall there be used more than the amount of force necessary to control the disturbing behavior or to remove the student from the scene of the disturbance.

Any force that creates a substantial risk of serious injury (bodily) or extraordinary pain is deemed to be an unreasonable degree of force.
Any teacher who uses physical force must make a written report to the area or building principal who shall immediately forward a copy to the Superintendent.

Adopted: September 1978
Revised: February 21, 1995
Reviewed: June 4, 2002
Reviewed: November 17, 2009

File: JKB-R

DETENTION OF STUDENTS - REGULATION

Students in Grades 7-12 may be assigned detention for disciplinary reasons. Students who are given detention shall have a one (1) day's notice in order that they may arrange for transportation following the detention. School officials shall be responsible for supervision during the detention period; however, upon completion of the detention assignment, students must leave the school property and the school shall have no further responsibility for their supervision.

Students assigned detention by either teachers or the main office must report to detention hall on time prepared to work quietly for the entire detention period. Parents will be notified of all detention.

All students at Mt. Blue High School and Mt. Blue Middle School who do not report to a regular detention will face further disciplinary action.

In grades below 7, student detention is a building option. Detention may be during the school day or after school. In cases when after school detention is utilized, adequate notice will be given. Parents will be expected to provide transportation for after the detention period.

Adopted: February 21, 1995
Reviewed: June 4, 2002
Revised: November 17, 2009

File: JKD

STUDENT SUSPENSION AND EXPULSION

Definitions:

**Expulsion** - The Board of Directors may expel any obstinately disobedient and disorderly student, after proper investigation and hearing, if expulsion is necessary to the
peace and usefulness of the school. The student may be restored on satisfactory evidence of repentance.

**Suspension** - Principals have the authority to suspend students for definite periods of time to maintain good order in the schools. Suspension may be given for something done off as well as on school property if it is established that it is reasonably necessary for the physical or emotional safety and well-being of the school community or members thereof.

Adopted: February 21, 1995  
Reviewed: June 4, 2002  
Reviewed: November 17, 2009

**STUDENT SUSPENSION AND EXPULSION**

Procedures:

**Suspension** - For suspension of ten days or less:

A. Prior to suspension, the administrator must:
   1. Inform the student either orally or in writing of the charge against him/her.
   2. Inform the student of the basis of the charge (names of witnesses, or informers, need not be revealed at this time; and,
   3. Give the student the opportunity to tell his/her side of the story.

B. If the presence of the student in the school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the administrator may:
   1. Suspend the student immediately for ten days or less; and,
   2. Comply with A.1, 2, and 3, in the immediate future (within one (1) or two (2) days).

C. After suspension:
   1. The principal must notify the parents or guardians immediately by phone or by mail.
   2. The principal must notify the Superintendent immediately of the suspension.
   3. Either the Board or the Superintendent may reinstate the student after suspension.

**Expulsion or Suspension** - For expulsion or suspension of greater than ten days:

A. A hearing must be held within a reasonable period of time after suspension.

B. Students may be represented by a lawyer.
C. The hearing shall be held by the Board of Directors.

D. Students are entitled to the rudiments of adversary proceeding. These may include:
   1. The right to be presented with the names of witnesses;
   2. The right to see copies of statements and affidavits of those witnesses;
   3. The right to demand that any such witnesses appear in person to answer questions; and,
   4. The right to testify and produce witnesses on the student's own behalf.

E. A record should be kept of hearing procedures. Students are entitled to a copy of the transcript at their own expense.

F. The proceeding must be held with all reasonable speed.

G. If the School Directors find the student innocent of the alleged act or acts, the student may request that any written entry referring to the incident be expunged from his/her school records.

Appeals

Students may appeal a decision made by the principal to the Superintendent and the Board of Directors. If this is unsuccessful, they may appeal to the courts.

Legal Reference: Title 20A MRSA Sec. 1001

Adopted: September 1978
Revised: February 21, 1995
Reviewed: June 4, 2002
Reviewed: November 17, 2009

STUDENT SUSPENSION - REGULATION

Administrative Guidelines

The following guidelines will govern suspension of students:

<table>
<thead>
<tr>
<th>A.</th>
<th>Possession of drugs/tobacco, smoking on school grounds, or at school sponsored activities</th>
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<tbody>
<tr>
<td></td>
<td>K-6</td>
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<tr>
<td></td>
<td>(1st offense)</td>
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<td>Sent home remainder of the day, referral to police, may</td>
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<td>Offense</td>
<td>Penalty</td>
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<tr>
<td>(2nd offense) tobacco</td>
<td>Up to 10 days, referral to board, notify police</td>
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<tr>
<td>(3rd offense) tobacco</td>
<td>Up to 10 days, referral to board, notify police</td>
</tr>
<tr>
<td>(1st offense) drugs</td>
<td>1-5 days, referral to police</td>
</tr>
<tr>
<td>(2nd offense) drugs</td>
<td>1-5 days, referral to police</td>
</tr>
<tr>
<td>(1st offense) tobacco</td>
<td>1-5 days, referral to police</td>
</tr>
<tr>
<td>(2nd offense) tobacco</td>
<td>5-10 days, referral to police</td>
</tr>
<tr>
<td>(3rd offense) tobacco</td>
<td>Up to 10 days, referral to board, notify police</td>
</tr>
</tbody>
</table>

B. Fighting                                | Up to 5 days |
C. Vulgar Language                         | Up to 5 days |
D. Stealing                                | Up to 5 days, could result in charges being filed with police |
E. Destruction of school property          | Up to 10 days, could result in charges being filed with police |
F. Leaving school without permission       | Up to 10 days |
G. Skipping detention for third time       | Up to 5 days, (pending parent conference) |
H. Accumulation of a number of minor offenses | Up to 3 days, (pending parent conference) |
I. Accumulation of a number of serious offenses | Up to 10 days, (pending parent conference) |
J. Possession of any items that may be used as a weapon which include but are not limited to the following: firearms, ammunition, explosives, cross-bows, metal knuckles, switchblades, knives, chains, clubs, Kun Fu stars, pellet guns, and nunchucks. | Up to 10 days |
K. Harrassment (verbal, physical, sexual, etc) | Sent home for the remainder off the day, meeting with parents/guardians before re-admission |

The following adjustments are used in relations to the above guidelines:

A. A minor infraction may result in a long-term suspension if the student involved has a poor disciplinary record.

B. In severe cases, the student may gain consideration of re-admittance only after a meeting of the student, the parents, the principal, and the Superintendent.

C. In very severe cases, the student may gain consideration of re-admittance only
after a meeting of the student, the parents, the administration, and the Board of Directors.

It should be noted that these are guidelines and that many other factors affect decisions relating to suspensions. When circumstances dictate a major deviation from the guidelines, the building administrator shall consult with the Superintendent's office prior to making a final decision.

Adopted: January 1, 1981
Revised: February 21, 1995
Revised: June 13, 2000
Reviewed: June 4, 2002
Revised: October 8, 2002
Revised: July 18, 2006
Revised: January 12, 2010

Cross Reference: JFCI-R/GBEB-R - Chemical Health Regulation
JICG - Student Tobacco Use Policy

SPECIAL EDUCATION

Statue Reference:
D. Describe appropriate procedures for referring students in need of special services to those services;
E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class;

Mt. Blue Regional School District's established a procedure for determining when further student assessment is necessary, due to disciplinary infractions by that student. These procedures are consistent with state and federal laws and regulations. The typical procedure involves a IEP meeting where a functional behavioral analysis and positive behavioral supports are developed, or if in place, reviewed. If the nature of the infraction indicates that an administrative removal in excess of 10 days, constituting a change in placement, is desired, manifestation determination takes place. As part of this process the IEP team conducts a review (assessment) and determines:
  a) whether the student’s IEP and placement were appropriate and provided;
  b) whether the student’s disability impaired the ability of the student to understand the impact and consequences of the behavior;
  c) whether the student’s disability impaired the ability of the student to control the behavior subject to disciplinary action.
The IEP meeting my order a change in placement for a student with a disability (IEP) for the same amount of time as a non-disabled student is disciplined for a similar action, not to exceed 5 school days. The change in placement is to an appropriate interim alternative educational setting and is typically instituted if weapons or drugs are involved.
Mt. Blue Regional School District policy IHBA on the special education referral process follows:

File: IHBA

INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)

It shall be the policy of the school unit to maintain a complete individualized education program (IEP) for each student who has been identified with a disability and in need of special education services under state and federal special education laws, and who is in attendance at MSAD #9 schools. MSAD #9 shall develop these IEPs in a manner consistent with the procedural requirements of state and federal special education laws.

Student IEPs shall be reasonably calculated to provide the identified student with educational benefits in the least restrictive educational environment. The school unit shall ensure that such IEPs are in effect within 30 days of when a student is first identified as in need of special education services, and in effect no later than the beginning of each school year for subsequent IEP’s. All IEP’s must be reviewed at least annually, as prescribed by state and federal special education laws.

Legal Reference: 20 USC §§ 1414(d)
34 CFR § 300.320-.328 (2006)
Ch. 101 § IX (3) (August 2007) (Me. Dept. of Ed. Rules)

Adopted: June 10, 2008
Reviewed: June 8, 2009

SHARING

Statute Reference:

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent’s designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property.

In addition to the specific references in the policies, general guidelines for sharing student information are addressed in the Family Education Rights and Privacy that follows:

STUDENT EDUCATION RECORDS AND INFORMATION

The Mt. Blue Regional School District shall comply with the Family Educational Rights and Privacy Act (“FERPA”) and all other federal and state laws and regulations concerning confidentiality and maintenance of student records and information.
A. Directory Information

The Mt. Blue Regional School District designates the following student information as directory information: name, participation and grade level of students in recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, honors and awards received, and photographs and videos of student participation in school activities open to the public (except photographs and videos on the Internet). The Mt. Blue Regional School District may disclose directory information if it has provided notice to parents (and eligible students over 18) and has not received timely written notice refusing permission to designate such information as directory information.

B. Military Recruiters/Higher Education Access to Information

Under federal law, military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and the Mt. Blue Regional School District must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent.

C. Health or Safety Emergencies

In accordance with federal regulations, the School Department may disclose education records in a health or safety emergency to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals without prior written consent.

D. Information on the Internet

Under Maine law, the Mt. Blue Regional School District shall not publish on the Internet any information that identifies a student, including but not limited to the student’s full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents’ names, without written parental consent.

E. Transfer of Student Records

As required by Maine law, the Mt. Blue Regional School District sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records (except for confidential health records for which consent for dissemination has not been obtained).

F. Designation of Law Enforcement Unit

The Board hereby designates its School Resource Officer, Farmington, Wilton, and Franklin County and the Maine State Police as the Mt. Blue Regional School District law enforcement units.

G. Administrative Procedures and Notices

The Superintendent is responsible for developing and implementing any administrative procedures and parent notices necessary to comply with the applicable laws and regulations concerning student education records and information. Notices shall be distributed annually to
parents and eligible students concerning their rights under these laws and regulations. A copy of this policy shall be posted in each school.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99, as amended
20 U.S.C. § 7908
20-A M.R.S.A. §§ 6001, 6001-B
Maine Department of Education Rules, Chapters 101 and 125

Cross Reference: JRA-E – Annual Notice of Student Education Records and Information Rights
JRA-R – Student Education Records and Information Administrative Procedure
ILD – Student Surveys and Marketing Information
EHB – Records Retention Policy

Adopted: April 3, 2001
Reviewed: June 4, 2002
Revised: January 28, 2003
Revised: October 13, 2009
Reviewed: November 17, 2009

11. INTRODUCTION

These procedures have been adopted to implement federal and state legislation establishing guidelines governing the manner in which student records are maintained and supervised. The purpose of the legislation is to ensure students and parents of a student access to their official records, to guarantee that these records are used only for legitimate educational purposes, and to ensure that the records are not released without the written permission of the student or parent of the student except as permitted by law. These procedures do not contain all the information contained in the federal or state legislation, but do adopt and incorporate such laws.

12. DEFINITIONS

The following definitions apply to terms used in this policy.

A. “Act” means the Family Educational Rights and Privacy Act (FERPA) (20 USC § 1232g).

B. “Directory information” means the following information contained in an education record of a student: Name, the student’s participation in officially recognized activities and sports, weight and height of student athletes, grade level in school of participants in extracurricular activities, date of attendance at Mt. Blue Regional School District schools and honors and awards received.
C. “Eligible student” means a student who has attained eighteen years of age, has not been judged by a court of competent jurisdiction to be so severely impaired that the student is unable to make decisions or exercise judgment on his/her own behalf or is attending an institution of post-secondary education.

D. “Parent” means parent, regardless of divorce or separation, a legal guardian, or individual acting as a parent or guardian provided that there shall be a presumption that a parent has the authority to exercise the rights inherent in the Act, unless there is evidence of a state law or court order governing such matters as divorce, separation or custody or a legally binding instrument that specifically revokes such rights.

E. “Record” means any information or data recorded in any medium including, but not limited to, handwriting, print, computer media, video or audio tape, microfilm and microfiche, but excluding records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

F. “School” means Mt. Blue Regional School District and each school within the system.

G. “Student” includes any individual with respect to who the Mt. Blue Regional School District maintains education records.

III. ANNUAL NOTIFICATION OF RIGHTS

Each year parents of students attending school or eligible students attending school will be provided with a summary of their rights through any of the following means.

A. A letter to each parent or eligible student within Mt. Blue Regional School District.

A. Publication of the policy summary in a school newspaper, newsletter or handbook distributed to each parent or eligible student.

A model copy of that summary is attached to this policy as JRA-E. That summary shall also inform the parents of locations where copies of the Board’s policy statement and administrative procedure may be obtained.

A copy of this procedure, JRA-R, and the policy statement that is the basis for this procedure, JRA, Shall be posted in each school.
IV INSPECTION AND REVIEW OF EDUCATION RECORDS

Parents of students and eligible students may review and inspect their educational records by the following procedure:

A. The parent or eligible student must request in writing to review the records through the appropriate administrator.

B. The school will comply with the request within a reasonable period of time, but in no case more than 45 days after it received the request, and will comply before any meeting regarding an Individualized Education Program (IEP) or any due process hearing relating to the identification, evaluation or placement of the student.

C. The designated administrator will list the types and locations of all records, the names and titles of officials responsible for those records and names of non-school personnel who have received copies or reviewed the education records.

D. The school may deny a request for access to or a copy of the student’s record if there is a reasonable doubt as to the legality of the parent/child relationship. Access will be withheld until a determination of legal right to access can be established.

V DISCLOSURE OF EDUCATION RECORDS

A. The school will not disclose any personally identifiable information from the education records of a student without the prior written consent of the parent or eligible student. The written consent shall include a specification of the records that may be disclosed, the purpose(s) of the disclosure(s) and the identity of the party or parties to whom the disclosure(s) may be made.

Exceptions to these disclosure requirements are as follows:

1. As provided by 20-A MRSA § 6001-B, when a student transfers from the local school unit to another school unit in Maine or any other state, a copy of all his/her education records, including special education records, disciplinary records, attendance records, and health records other than confidential health records for which consent for dissemination has not been obtained, will be sent to the receiving school unit upon written request of the Superintendent or designee of that unit; there is no requirement for written consent by the parent/guardian or eligible student. Confidential health records may be provided only if the Superintendent/designee of the school unit from which the student is transferring receives the authorization or consent necessary for the dissemination of information contained in records pertaining to HIV infection status, alcohol and other drug abuse treatment, health care and treatment, and mental health treatment.
2. Personally identifiable information may be disclosed without written consent if the disclosure is to:

a. State and local educational authorities, the Comptroller General of the United States, or the Secretary of the U.S. Department of Education (including those acting for the Secretary) in connection with the audit and evaluation of federal and state supported educational programs or for enforcement of or compliance with federal legal requirements, and to state and local educational authorities as required by state statute and permitted by federal law.

b. School administrators, board members, officials, teachers and other school personnel, contracted providers of educational services for the student and lawyers within Mt. Blue Regional School District who have legitimate educational interests.

c. Officials of another school, school system or institution of post-secondary education in which the student seeks or intends to enroll.

d. Institutions to which the student has applied for or has received financial aid if the information is necessary to determine the eligibility, amount or conditions of the aid or to enforce the terms or conditions of the aid.

e. Organizations conducting studies for, or on behalf of, educational agencies or institutions, including but not limited to studies to develop, validate or administer predictive tests.

f. Accrediting organizations for the purpose of carrying out their accrediting functions.

g. Parents of a dependent student, as defined in § 152 of the Internal Revenue Code of 1954.

h. Those as directed by a judicial order or lawfully issued subpoena, provided that reasonable effort is made to notify the parent of the student or the eligible student of the order or subpoena prior to compliance herewith, unless the subpoena or judicial order directs that the disclosure not occur.

i. A court of law, if relevant to an action brought by the parents of the child against the school unit, or brought by the school unit against the child or child’s parents.
j. Appropriate parties in a health or safety emergency provided that knowledge of the information is necessary to protect the health or safety of the student or other individuals. This disclosure may include the release of appropriate information to school officials in other school units about disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student or other members of the school community, if the officials in the other school unit have a legitimate educational interest in the behaviors of the student.

k. Criminal justice agencies or other agencies that by court order or agreement, are responsible for the juvenile in circumstances as described in 20-A MRSA § 6001(3).

l. Other circumstances specifically permitted by law.

3. Directory information may be disclosed without parental consent about former students.

4. Mt. Blue Regional School District reserves the right to make public at its discretion personally identifiable information from the education records of a student if that information has been designated as directory information as that term is defined under subparagraph B in section II of this policy, unless the parent of the student or eligible student informs the school in writing within 10 days of the first student day of the school year or within 10 days of enrollment, that such personally identifiable information is not to be designated as directory information with respect to that student.

5. The school unit will provide military recruiters and institutions of higher learning with the names, addresses, and telephone numbers of high school students, upon their request, unless the student’s parent/guardian or eligible student notifies the school unit in writing that he/she does not want such information released. Such information will not be disclosed if the student’s parent or eligible student notifies the school unit, in writing, that such information may not be released without his/her written consent.

B. All disclosures of information under this section will comply with regulations and guidelines provided by the Federal Government and the Maine Department of Education.

C. The school will maintain a record of disclosures of personally identifiable information from the education records of a student and will permit a parent
or eligible student to inspect that record, except that such records shall not include disclosures to the parent of a student or an eligible student, disclosures pursuant to written consent, disclosures to school officials or disclosures of directory information.

VI REQUEST TO AMEND EDUCATION RECORDS

A. All parents of students/eligible students may seek correction of education records of the student through a request to amend the records on the grounds that it is inaccurate, misleading or in violation of the privacy or other rights of the student. The school shall, within 15 days of receipt of the request, either amend the information in accordance with the parent’s/eligible student’s request or inform the parent/eligible student of its refusal to amend the information and advise the parent/eligible student of the opportunity for a hearing.

B. If the request is denied, the parents or the eligible student shall be entitled to a hearing upon request. The hearing shall be held within a reasonable period of time from the time the school receives the request, and the parents or the eligible student shall be given advance notice of the date, place and time of the hearing. The Superintendent may designate an individual to conduct the hearing. The individual may be an employee of the school unit but may not have a direct interest in the outcome of the hearing. The parents or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney. The school shall make its decision in writing within a reasonable period of time. The decision of the school shall include a summary of the evidence and the reasons for the decision.

C. If, as a result of the hearing, the school decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parents or the eligible student in writing.

D. If, as a result of the hearing, the school decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parents or eligible student of the right to place in the education records of the student a statement commenting upon the contested information in the education records and/or setting forth any reasons for disagreeing with the decision of the school.

E. Any explanation placed in the education records of the student under the preceding paragraph shall be maintained by the school as part of the education records of the student as long as the record or contested portion is maintained by the school, and if the education records of the student or the contested
portion is disclosed by the school to any party, the explanation shall also be disclosed to that party.

VII STUDENT RIGHTS

When a student becomes an eligible student, the rights accorded to and the consent required of the parents of the student shall thereafter transfer to the eligible student.

VIII LIMITATIONS ON WAIVERS

A parent of a student/eligible student may waive any of his/her rights regarding confidentiality of educational records as set forth in this policy and in the Act, but such a waiver shall be in writing and signed by the parents or student as appropriate. The school may not require that a parent/eligible student waive his/her rights.

A waiver under this section may be revoked with respect to any actions occurring after the revocation. A revocation under this paragraph must be in writing. If a parent executes a waiver under this section, that waiver may be revoked by the student any time after he/she becomes an eligible student.

IX FEES

The school shall provide copies of education records to parents/eligible student upon request. The cost of producing copies of the record, if desired, to the parents/eligible student will be TEN CENTS (.10) per copy plus postage. This fee, however, will not prohibit a parent's/eligible student’s opportunity for access to the records if they are unable to pay for such copies. There will be no charge to search for or to retrieve the education records of a student.

X LIMITATION OF DESTRUCTION OF EDUCATION RECORDS

The school may destroy parts of an education record of a student when they are no longer deemed useful, subject to the following exceptions:

A The school may not destroy any education record if there is any outstanding request to inspect or review such records.

B The record of access maintained shall be retained for as long as the education record to which it pertains is maintained.

C The school shall inform parents of students with disabilities when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free, appropriate public education as required by law. At that point, the records shall be destroyed at the request of the parents and may be turned over to parents or eligible student upon their request.
D A permanent record of a special education student’s name, address, phone number, grades, attendance record, classes attended and grade and year completed shall be maintained without time limitations.

E. High school transcripts of all students shall be maintained permanently.

XI COMPLAINT PROCEDURE

The Secretary of the U.S. Department of Education maintains an office that will investigate, process and review complaints that may be filed concerning alleged violations of the provision of the Act. Complaints regarding violations of rights accorded parents and eligible students may be submitted in writing to the following address:

Family Policy Compliance Office
Department of Education
400 Maryland Avenue, S. W.
Washington, D.C. 20202

Legal Reference: 20 USC § 1232g; 34 CFR Part 99; 20-A MRSA § 6001; Me. Dept. of Ed. Reg. Ch. 101 § 15; ME Dept. of Ed. Reg. Ch. 125 § 12.01

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BEHAVIOR MANAGEMENT

Each School will annually print a handbook outlining school rules for behavior.