E. Support Services

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EBAA - CHEMICAL HAZARDS

The Board is committed to providing a safe environment for students and employees. It is the policy of the Cape Elizabeth School Department (CESD) to follow safe practices in regard to the storage and handling of hazardous chemicals in its schools. The school unit will comply with all applicable Maine and federal laws and regulations concerning hazardous chemicals.

The Superintendent has responsibility for the safe handling and storage of hazardous chemicals in schools, the development of required written plans, the designation of a Chemical Hygiene Officer, and ensuring that staff is trained in respect to chemical hazards found in the workplace. Written plans shall include information regarding proper purchasing, labelling, storage, training, and disposal of hazardous chemicals.

HAZCOM (HAZARDOUS COMMUNICATION) STANDARDS

The school unit will comply with OSHA'S Hazard Communication standard 29 CFR 1910.1200, adopted and enforced by the Maine Department of Labor, which requires a written hazard communication (HazCom) plan, including a listing of chemicals being used in the schools; training of employees that handle these chemicals being used in the schools and, for all employees, where safety data sheets (SDS) are located, and how to read them. This standard applies to hazard communications for hazardous chemicals such as those used in cleaning and disinfection, which may be found in custodial and food service areas, among other locations.

LABORATORY SCIENCE CHEMICALS

The school unit will comply with OSHA standard CFR 1910.1450, as adopted and enforced by the Maine Department of Labor, which addresses science laboratory chemicals. This standard applies to science laboratory chemicals commonly found in chemistry and biology laboratories in schools.

The Superintendent will appoint an employee of the school unit as Chemical Hygiene Officer for CESD. The Chemical Hygiene Officer will be responsible for developing and implementing a Chemical Hygiene Plan, to be reviewed annually, that includes procedures relevant to the identification, purchase, storage, inventory, handling, and disposal of hazardous chemicals used in science laboratories; maintenance of safety data sheets (SDS) for laboratory chemicals; and ensuring that employees with science/laboratory responsibilities are provided appropriate training on specific hazards associated with the chemicals being used in school laboratories and how to read the SDS for these chemicals. The person appointed Chemical Hygiene Officer must be an employee of CESD, preferably a science teacher or another staff member who is knowledgeable about chemicals used in school laboratories in the schools.

Adopted:

- December 11, 2019

EBAA-E - Chemical Hazards Preparation Form

Lesson: _____

Date(s):_____

Chemicals identified to be use:

Name Compatible with other chemicals?

_____ ___ Yes ___ No

_____ ___ Yes ___ No

_____ ___ Yes ___ No

Replacement of incompatible or high hazard chemicals evaluated? ___ Yes ___ No

Check the row(s) below and columns(s) to the right indicating what safety equipment and procedures are to be used, and when they should be followed.

	Pre-lab	Lab	Post-lab
Corrosive Solid			
Corrosive Liquid			
Volatile			
Other			
Safety Glasses			
Goggles			
Splash Shield			
Gloves (list types available)	(ID glove)		
Body Protection: Apron, lab coat			
Foot: In addition to covered foot/toe areas			

Respiratory, for those in the program:

I. ? (list what's available; splash guard, etc)

II. ? Use Fume Hood

III. ? Eyewash Station in working order

IV. ? Safety Deluge Shower in working order

V. ? Type of Fire Extinguishers required

List any hazardous products, by products or wastes that may be created anytime during the use of the chemical identified above. Use diluted or small quantities of hazards. *Handle and dispose of properly.

Product	Pre-lab	Lab	Post-lab

Specific emergency procedures: [especially important for chemicals that are incompatible with usual spill kit or fire extinguishing materials.]

EBBD - TEMPERATURE STANDARDS FOR SCHOOLS

Maine law (20-A MRSA § 1001(23)) requires school boards to adopt and implement a policy establishing standards for minimum and maximum temperatures for school buildings.

The Cape Elizabeth School Board believes that the optimal environment ("comfort zone") for teaching and learning is between a minimum of 68 degrees and a maximum of 82 degrees and adopts this as the "temperature standard" for the District's schools. Official temperatures will be measured per ASHRAE Standard 55.

The Cape Elizabeth School Board recognizes that, due to age and manner of construction, the District's school buildings may not have HVAC (heating, ventilation, and air conditioning) systems capable of maintaining consistent temperatures in this range in some or all areas of the building. Some schools may have air conditioning in a few spaces, and some schools may have no air conditioning at all.

When temperatures in the building as a whole or in classrooms or other occupied spaces exceed the maximum comfort zone by + 4 degrees Fahrenheit, schools are expected to take practicable measures to relieve heat and discomfort such as (but not limited to):

- Opening windows, when this can be done safely
- Pulling down shades or blinds
- Using fans and/or opening doors within the building to improve air circulation
- Turning off heat-producing electronics and equipment
- Having water readily available to students and staff
- Allowing students and staff to bring battery operated personal fans to school
- If an individual classroom is affected, allowing teachers to move students to a cooler area of the building (e.g., air-conditioned library or space on shaded side of the building) or, if feasible, to move students to a cooler "outside classroom" for continued instruction
- On days of extreme heat, considering rescheduling tests/exams to another day to enable more effective demonstration and evaluation of student performance

This does not preclude building administrators from acting preemptively in anticipation of a rise in building/classroom temperature to the point that will require action to be taken.

On cold days, when building and classroom temperatures hover near the minimum, schools are encouraged to incorporate more opportunities for physical activity during class time and may consider having extra layers of clothing available.

Families should ensure that their students are dressed appropriately for expected weather conditions.

Building administrators will be responsible for implementation of this policy, including identifying and planning for measures that are feasible in their schools.

This policy will be posted/made accessible to the public on the District's website.

Legal Reference

- 20-A MRSA § 1001(23)

Adopted

- June 9, 2026

Word version

EBCA - COMPREHENSIVE HEALTH AND SAFETY EMERGENCY MANAGEMENT PLAN

The Board hereby adopts the Cape Elizabeth School Department Comprehensive Health and Safety Emergency Management Plan. The Superintendent and building administrators shall be responsible for developing, in consultation with staff and persons or agencies with expertise in planning for health, safety and emergency planning and response (including school nurses, physicians and public health staff), a comprehensive emergency management plan that identifies and addresses all hazards and potential hazards that could reasonably be expected to affect the school unit and school facilities.

The Superintendent and building administrators shall be responsible for ensuring that the plan is implemented in each school and evaluated on an annual basis. It is understood that specific procedures may vary from school to school due to differences in school facilities and the ages of students.

As required by law, the Board will approve the plan annually. Any substantive changes in the plan shall be subject to the approval of the Board.

The Superintendent and building administrators shall be responsible for ensuring that the plan is implemented in each school and evaluated on an annual basis. It is understood that specific procedures may vary from school to school due to differences in school facilities and the ages of students.

At the request of any Board member or full-time school employee, the Board shall form a steering committee composed of school employees, Board members, parents, and others. A majority of the school employees must be chosen by the local representatives of the applicable bargaining unit if the school employees are covered by a collective bargaining agreement. The steering committee shall regularly review and refine the comprehensive health and safety plan.

The following information pertaining to the Cape Elizabeth School Department Comprehensive Health and Safety Emergency Management Plan is considered public information:

A. A description of the scope and purpose of the Plan and the process used for developing and updating it;
B. General information on auditing for safety and preparedness;
C. Roles and responsibilities of school administrators, teachers and staff and the designated chain of command during an emergency; and
D. Strategies for conveying information to parents and the general public during an emergency.

Except as specified in paragraphs A through D above, those portions of the Comprehensive Health and Safety Emergency Management Plan and any other records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism shall not be considered public information under the Freedom of Access Act but only to the extent that the release of such information could reasonably be expected to jeopardize the physical safety of school unit personnel or the public. For the purpose of this policy, "terrorism" is defined as in 1 M.R.S.A. § 402(3)(L) as "conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure."

Legal Reference:

- 20-A M.R.S.A. § 1001(16)

ADOPTED:

- February 9, 1999

Updated/Revised:

- March 11, 2008
- August 28, 2012
- November 12, 2024

EBCC - BOMB THREATS

The Board recognizes that bomb threats are a significant concern to the school unit. Whether real and carried out, or intended as a prank or for some other purpose, a bomb threat represents a potential danger to the safety and welfare of students and staff and to the integrity of school property. Bomb threats disrupt the instructional program and learning environment and also place significant demands on school financial resources and public safety services. These effects occur even when such threats prove to be false.

Any bomb threat will be regarded as an extremely serious matter and treated accordingly. The Board directs the Superintendent to react promptly and appropriately to information concerning bomb threats and to initiate or recommend suitable disciplinary action.

I. Conduct Prohibited

No person shall make, or communicate by any means, whether verbal or non-verbal, a threat that a bomb has been, or will be, placed on school premises. Because of the potential for evacuation of the schools and other disruption of school operations, placement of a bomb or of a “look-alike” bomb on school premises will be considered a threat for the purpose of this policy.

It is also a violation of Board policy to communicate by any means that any toxic or hazardous substance or material has been placed on school premises with the intent to endanger the safety and welfare of students or staff and/or to disrupt the operations of the schools. For the purpose of this policy, “toxic or hazardous substance or material” means any material or substance, including biomedical materials or organisms, that, when placed as threatened, could be harmful to humans.

II. Definitions

I. A bomb means explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, “Molotov Cocktail” or any other destructive device.

II. A “look-alike bomb” means any apparatus or object that conveys the appearance of a bomb or other destructive device.

III. A “bomb threat” is the communication, by any means, whether verbal or non-verbal, that a bomb has been, or will be, placed on school premises, including possession or placement of a bomb or look-alike bomb on school premises.

IV. “School premises” means any school property and any location where any school activity may take place.

III. Development of Bomb Threat Procedures

The Superintendent/designee shall be responsible for developing and implementing procedures specific to bomb threats as part of the school unit’s emergency management plan. These procedures are intended to inform administrators and staff of appropriate protocols to follow in the event that a bomb threat is received and should include provisions to address:

I. Threat assessment (for the purpose of identifying a response that is in proportions to the threat, in light of what is necessary to ensure safety);

II. Building evacuation and re-entry (including selection of potential alternative sites for those who are evacuated);

III. Incident “command and control” (who is in charge, and when);

IV. Communications contracts and mandatory bomb threats reporting;

V. Parent notification process;

VI. Training for staff members; and

VII. Support services for students and staff.

VIII. The initial bomb threat procedure will be subject to approval by the Board.

The Superintendent/designee will be responsible for overseeing a review or evaluation of bomb threat procedures prior to the Board’s required annual approval of the school unit’s emergency management plan, or following implementation of the procedure in response to a specific threat.

I. Reporting of Bomb Threats

A student who learns of a bomb threat or the existence of a bomb on school premises must immediately report such information to the building principal, teacher, the School Resource Office or other employee in a position of authority.

An employee of the school unit who learns of a bomb threat shall immediately inform the building administrator. The building administrator shall immediately take appropriate steps to protect the safety of students and staff in accordance with the school unit’s bomb threat procedure, as developed under Section C, and inform the Superintendent of the threat.

All Bomb threats shall be reported immediately to the local law enforcement authority, as provided in the bomb threat procedures.

The Superintendent shall be responsible for reporting any bomb threat to the Department of Education within two business days of the incident. Reports will include the name of the school, the date and time of the threat, the medium used to communicate the threat, and whether or not the perpetrators have been apprehended.

II. Student Disciplinary Consequences

Making a bomb threat is a crime under Maine law. Any student suspected of making a bomb threat shall be reported to law enforcement authorities for investigation and possible prosecution. Apart from any penalty imposed by law, and without regard to the existence or status of criminal charges, a student who makes a bomb threat shall be subject to disciplinary action by the school.

The administration may suspend and/or recommend for expulsion any student who makes a bomb threat. The making of a bomb threat will be considered deliberately disobedient and deliberately disorderly within the meaning of 20-A MRSA § 1001(9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school.

In addition, a student who is found after hearing by the board to have brought a bomb to school shall be expelled from school for at least one year in accordance with 20-A MRSA § 1001(9-A) and Policy JICIA, except that the Superintendent may modify the requirement for expulsion based on individual circumstances

A student who has been identified through the IEP process as having a disability and whose conduct in violation of this policy is related to the disability shall be disciplined as provided in Policy JKF.

III. Aiding Other Students in Making Bomb Threats

A student who knowingly encourages, causes, aids or assists another student in making or communicating a bomb threat shall be subject to the disciplinary consequences described in Section E of this policy.

IV. Failure to Report a Bomb Threat

A student who fails to report information or knowledge of a bomb threat or the existence of a bomb or other destructive device in a school building or on school property may be subject to disciplinary consequences, which may include suspension and/or expulsion.

V. Staff Disciplinary Consequences

A school system employee who makes or communicates a bomb threat will be reported to appropriate law enforcement authorities and will be subject to disciplinary action up to and including termination of employment. Disciplinary action taken shall be consistent with collective bargaining agreements, other employment agreements and Board policies.

A school system employee who fails to report information or knowledge of a bomb threat or the existence of a bomb on school premises will be subject to discipline up to and including termination of employment.

VI. Civil Liability

The school unit reserves the right to bring suit against any individual responsible for a violation of this policy and to seek restitution and other damages as permitted by law.

VII. Lost Instructional Time

Instructional time lost as a result of a bomb threat will be rescheduled at the earliest appropriate opportunity as determined by the Superintendent within the parameters set by the Board. Time lost may be rescheduled on a weekend or vacation day, or after what would normally be the last day of the school year, except on days when schools must be closed as required by law.

VIII. Notification Through Student Handbook

All student handbooks shall address the school unit’s bomb threat policy and procedures and explain the educational consequences of bomb threats. In addition, student handbooks shall notify students and parents that bomb threats violate Board policy and civil and criminal law.

Legal References:

- 18 U.S.C. §§ 921; 8921
- 17-A MRSA § 210
- 20-A MRSA §§ 263; 1001(9); 1001 (9-A); 1001 (17); 1001 (18)
- Ch. 125 § 10.06 (Me. Dept. of Ed. Rules)

Cross References:

- EBCA-Comprehensive Emergency Management Plan
- JKD- Suspension of Students
- JKE- Expulsion of Students

Adopted:

- January 8, 2019

EBCF - USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

The Cape Elizabeth School Board recognizes that medical emergencies may arise on school property that warrant the use of an Automated External Defibrillator (AED). The school department has AEDs for use in such emergencies.

The Superintendent shall be responsible for developing, in consultation with the school physician or other qualified experts and in accordance with the manufactureres' instructions, protocols for the use, storage, location, testing and maintenance of the school unit's AED's and for identification of school personnel who should be trained in the use of an AED. The Superintendent may delegate specific responsibilities concerning the AED program to appropriate town/school personnel as they deem appropriate.

Cape Elizabeth School Department will offer training to students on performing cardiopulmonary resuscitation (CPR) and use of an AED in accordance with such rules as may be adopted by the Maine Department of Education, and may require training for those school unit personnel who have been identified by the Superintendent, in consultation with the school physician, as needing such training to effectively carry out their job responsibilities.

Although the Board authorizes the acquisition of AEDs, it cannot and does not guarantee that an AED or a person trained in its use will be available at any particular school site or school-sponsored event.

Legal Reference:

- 20-A M.R.S.A. §4009; 6304
- 22 M.R.S.A. § 2150-C
- 14 M.R.S.A. § 164
- Maine Dept of Education Rule Ch. 41

Cross-Reference:

EBCA - Comprehensive Health and Safety Emergency Management Plan
JLCE - First Aid and Emergency Medical Care

Adopted:

- June 11, 2013
- January 13, 2026

ECB - PEST MANAGEMENT

The School Board recognizes that structural and landscape pests can pose significant problems for people and school unit property, but that use of some pesticides may raise concerns among parents, students, and staff. It is therefore the policy of the Cape Elizabeth School Department (CESD) to incorporate Integrated Pest Management (IPM) principles and procedures for the control of structural and landscape pests. A copy of this policy shall be kept in every school and made available upon request to staff, parents, students, and the public.

IPM is a systematic approach to pest management that combines a variety of methods for managing pests, including monitoring; improved horticultural, sanitation, and food storage practices; pest exclusion and removal; biological control; and pesticides.

The objective of the school unit's IPM program is to provide effective pest control while minimizing pesticide use. The goals of the IPM program include managing pests to reduce any potential hazards to human health; preventing loss or damage to school structures or property; preventing pests from spreading beyond the site of infestation to other school property; and enhancing the quality of life for students, staff, and others.

Pesticides may periodically be applied in school buildings and on school grounds and applications will be noticed in accordance with Maine Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools.

RESPONSIBILITIES OF THE IPM COORDINATOR

The Superintendent/designee will appoint an IPM Coordinator for each school. The IPM Coordinator will act as the lead person in implementing the school unit's IPM policy.

The Coordinator will be responsible for coordinating pest monitoring and pesticide applications; making sure that all notice requirements set forth in Maine Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Schools, are met; keeping records of pesticide applications as required by rule; authorizing any pesticide applications that are not exempted by rule; and implementing the notification provisions required by rule.

The IPM Coordinator will complete the training requirements established in Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notifications in Schools.

The school unit will provide the Board of Pesticides Control with the identity and contact information for any person appointed as IPM Coordinator in the schools.

NOTIFICATION OF PESTICIDE APPLICATIONS

When school is in session the school shall provide notification of each application not exempted by rule, whether inside a school building or on school grounds, to all school staff and parents/guardians of students. Such notices shall state, at a minimum: a) the trade name and EPA registration number of the pesticide to be applied; b) the approximate date and time of the application; c) the location of the application; d) the reasons for the application; and e) the name and phone number of the person to whom further inquiry regarding the application may be made. Notices must be provided at least five days prior to the planned application. In addition, signage will be posted at each point of access to the treated area and in a common area of the school at least two working days prior to the application and for at least 48 hours following the application.

When school is not in session, signage will be posted at each point of access to the treated area and in a common area of the school at least two working days prior to the application and for at least 48 hours following the application.

In accordance with Maine Board of Pesticides Rule Chapter 27, school is considered to be in session during the school year, including weekends. School is not considered to be in session during any vacation of at least one week.

The IPM Coordinator for the Cape Elizabeth Schools is David Bagdasarian, who may be contacted at 617-785-9060. This IPM policy and Board of Pesticides Control Rule Chapter 27, Standards for Pesticide Applications and Public Notification in Public Schools is available for inspection and copying at every school.

Legal Reference:

- 7 MRSA §§ 601-625
- 22 MRSA §§ 1471-A-1471-X
- Ch. 27 ME. Dept. of Agriculture Board of Pesticides Control Rules (Standards for Pesticide Applications and Public Notification in Schools)

Cross Reference:

- EBAA – Chemical Hazards

Adopted:

- February 12, 2019

EEA - STUDENT TRANSPORTATION SERVICES

The Board will provide transportation for all students living beyond a reasonable distance from their school or from a scheduled bus stop as the Board has determined. This distance is defined as one mile.

Distance shall be measured by the shortest public road from the residence to the bus stop or school door. In cases questioned, distance will be measured and established by the Superintendent.

Exceptions to the above distance shall be made for the following reasons only:

I. Health

   Exceptions to established walking distances may be made for students with disabilities as required by their IEP or Individual Health Plan (504 Plan).
   Exceptions may also be made to accommodate a student's need for transportation with written documentation from the student's physician.

II. Kindergarten Students

   Kindergarten bus service will include pick-up and delivery to the home, providing a suitable bus time is available.

III. Hazardous Walking Conditions

   Hazardous walking conditions shall be defined as those which would place a child of a given age in a situation of greater than normal or average danger (e.g. crossing a high-traffic road without a regularly stationed crossing guard present).

Authorized bus stops will be located so as to load and unload students with the most safety allowed by road conditions. The distance between stops may vary according to safety factors. If possible, students will be loaded and unloaded so that it is not necessary for them to cross a main highway to reach their homes.

Bus routes will be reviewed annually. Appeals for bus stops inconsistent with this policy must be made in writing to the Transportation Administrator. The Superintendent and the Transportation Administrator will review appeals. The decision will be communicated in writing and will be final.

Legal Reference:

- 20-A MRSA § 5401

Cross Reference:

- JICC - Student Conduct on Buses

ADOPTED:

- 1984?

RECODED:

- June 1998 [Policy EE: Transportation Services Management]
- June 11, 2013

Reviewed/Revised:

- December, 1994
- March 10, 1998
- May 9, 2006
- June 11, 2013
- March 11, 2025

EEAEAA - DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS

In accordance with the federal Omnibus Transportation Employee Testing Act of 1991, in addition to other pertinent state and federal laws promulgated to effectuate a drug and alcohol free workplace, the Cape Elizabeth School Board is committed to the establishment of an alcohol and controlled substance testing program for school bus drivers, in addition to any other employees who drive vehicles to transport sixteen (16) or more passengers, including the driver.

The purpose of the testing program shall be to help prevent accidents, injuries, and deaths resulting from the misuse of alcohol and controlled substances by drivers performing safety sensitive functions. The Superintendent shall be responsible for the implementation of an alcohol and drug testing program consistent with federal regulations and shall implement additional administrative procedures to assist and further the implementation of the federal mandates regarding alcohol and controlled substances testing as the Superintendent deems necessary.

Legal References:

- 49 CFR Part 382
- 26 MRSA §§ 681(8)(B); 685(2); 689

Cross Reference:

- EEAEAA-R - Drug and Alcohol Testing of School Bus Drivers Administrative Procedure

Adopted:

- December 12, 1995

Revised:

- June 1998
- May 9, 2006
- August 28, 2012
- June 13, 2023

EEAEAA-R - DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS ADMINISTRATIVE PROCEDURE

DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS

ADMINISTRATIVE PROCEDURE

The Cape Elizabeth School Board, hereinafter referred to as the "Board," is committed to the establishment of an alcohol and controlled substance testing program that meets all applicable requirements of the federal Omnibus Transportation Employee Testing Act of 1991, in addition to pertinent state laws and regulations. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions.

The following administrative procedure represents a summary of the main provisions found in federal regulations promulgated to effectuate drug and alcohol testing of bus drivers. The following procedure in no way attempts to modify said regulations, which should always be referred to when questions as to implementation of this policy/procedure arise.

I. APPLICABILITY

All persons operating a commercial motor vehicle in commerce in any state and subject to the commercial driver's license requirements mandated under both federal and state laws, including the Omnibus Transportation Employee Testing Act of 1991, shall be subject to the drug and alcohol testing provisions herein contained.

II. IMPLEMENTATION

The Superintendent shall be responsible for implementing a drug and alcohol testing program which complies with procedures set forth in Title 49 Parts 40, 382, 390, and 395 of the Federal Code of Regulations. Such testing programs shall include pre-employment/ pre-duty drug testing, post accident testing, random testing, reasonable suspicion testing, return-to-duty, and follow-up testing. Cape Elizabeth School Department shall provide parties subject to testing with written notice of materials and information available to them as required by Part 382.

III. CONTROLLED SUBSTANCES

Controlled substances in this policy/procedure refer to those covered by the Omnibus Transportation Employee Testing Act of 1991, including marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP), MDMA (Ecstasy) and 6-Acetylmorphine (heroin).

IV. SAFETY-SENSITIVE FUNCTION

Safety-sensitive function(s) in this policy/procedure refer to functions defined in 49 CFR § 382.107 and § 395.2 (On-Duty Time, paragraphs (1) through (6)).

V. PROHIBITIONS

All drivers subject to this policy shall be prohibited from:

I. Using any alcohol while on duty and four (4) hours prior to going on duty;

II. Possessing alcohol while on duty;

III. Reporting for duty or remaining on duty while having an alcohol concentration of 0.02 or greater;

IV. Using any alcohol for eight (8) hours following an accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first;

V. Refusing to submit to a required alcohol or controlled substance test(s);

VI. Reporting for duty or remaining on duty when using any controlled substance, except when use is pursuant to the instructions of a physician who advised the driver that the substance does not adversely affect the driver's ability to safely operate the vehicle; and

VII. Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for a controlled substance.

VI. REQUIRED TESTING

I. Pre-Employment Testing. Prior to the first time a driver performs a safety-sensitive function for the school dept., the driver shall undergo testing for controlled substances. However, no driver shall be subjected to pre-employment controlled substance testing prior to having been offered a position. Employment is conditioned upon a verified negative controlled substance test result.

II. Post-Accident Testing. As soon as practicable following an accident, each surviving driver will be subject to alcohol and controlled substance testing as follows:

   I. Any driver performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life;

   II. Any driver who receives a citation under State or local law for a moving violation arising from the accident; and

      1. Causes bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

      2. Should one or more motor vehicles incurring disabling damage as a result of the accident, require a motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

   III. In addition, the following provisions will also apply.

      1. Alcohol. If a test required under this section is not administered within two (2) hours following the accident, the school department shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the accident, the school department shall cease attempts to administer the test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request of the Associate Administrator.

      2. Controlled Substances. If a test required by this section is not administered within thirty-two (32) hours following the accident, the school dept. shall cease attempts to administer the test and shall

prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.

3. Random Testing. All drivers subject to this policy/procedure will be subject to random and unannounced alcohol and controlled substance testing throughout the year. As the school department conducts random testing for alcohol and/or controlled substances through a consortium, the number of drivers to be tested may be calculated for each individual school department or may be based on the total number of drivers covered by the consortium who are subject to random testing at the same minimum annual percentage rate under 49 CFR Part 382 or any Department of Transportation random testing rule.

4. Reasonable Suspicion Testing. All drivers subject to this policy/procedure shall submit to alcohol and controlled substance testing when the employer has reasonable suspicion to believe that the driver has violated the prohibitions found in Part V of this procedure, with the exception of Part V.B. regarding alcohol possession. The school department shall base its determination that reasonable suspicion exists requiring the driver to undergo such testing on observations concerning appearance, behavior, speech, or body odors of the driver. When controlled substances are at issue, observations may include indications of the chronic and withdrawal effects of controlled substances.

In addition, the following provisions also apply:

I. Alcohol. Alcohol testing will be performed only if the aforementioned observations are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this policy/ procedure. If a test required under this section is not administered within two (2) hours following the reasonable suspicion determination, the school dept. shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required under this section is not administered within eight (8) hours following a determination that reasonable suspicion exists, the school department shall cease attempts to administer an alcohol test and shall state in the record reasons for not administering the test. The school department shall submit to the FMCSA/FHWA records of tests required by this section that were not completed within eight (8) hours according to the mandates of 49 CFR § 382.307 (3).

II. Controlled Substances. The school department shall, within twenty-four (24) hours or before the results of the controlled substances test are released, whichever is earlier, create a written record of the observations leading to a controlled substances test which shall be signed by the supervisor or school department official making said observations.

V. Return-to-Duty Testing. Prior to returning to duty requiring the performance of safety-sensitive functions when a driver has engaged in conduct prohibited under this policy/procedure, the driver shall undergo a return-to-duty alcohol and/or controlled substances test(s) as appropriate.

Drivers found to have engaged in prohibited conduct under the alcohol provisions of this policy/procedure will not be permitted to return to duty unless the subsequent alcohol test reveals a result less than or consistent with federal and state standards. In cases involving controlled substances, a verified negative result is necessary before a driver may return to duty.

VI. Follow-up Testing. In the event that a driver has been found to have been in violation of the prohibitions herein contained and is identified as requiring assistance in resolving problems associated with alcohol and/or controlled substances, the school department shall require the driver to submit to at least six (6) unannounced follow-up alcohol and/or controlled substances tests during the first twelve (12) months after returning to duty. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to duty. Follow-up alcohol testing shall be conducted only when the driver is performing, just before, or just after ceasing to perform safety sensitive functions.

VII. REFUSAL TO SUBMIT TO TESTING

All drivers who are required by federal regulations to submit to drug/alcohol testing must do so immediately upon being directed to submit to the test(s). A driver's refusal to submit to testing will subject the driver to immediate removal from the performance of safety-sensitive functions. In addition, failure to comply with Federal regulations or this procedure is grounds for disciplinary action up to and including dismissal. Any of the following actions on the part of a driver constitutes a refusal to submit to a test:

I. Failure to provide adequate specimens/samples of substance(s) undergoing testing, including but not limited to breath and urine, without a valid medical reason;

II. Engaging in conduct which obstructs the testing process, such as:

    I. Refusal to empty their pockets;

    II. Refusal to wash their hands after being directed to do so by the test collector;

    III. Admitting to the collector that the driver adulterated or substituted their specimen;

    IV. Behaving in a confrontational way that disrupts the collection process;

    V. Declining to allow a collection to be monitored or directly observed (as allowed by federal regulations);

    VI. With respect to direct observation collections, the employee fails to follow the observer's instructions to raise or lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process; or the employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process;

    VII. Refuses to void through self-catheterization if this is the employee's normal method.

III. Refusal by an employee to complete and sign testing forms.

VIII. TRAINING FOR SUPERVISORS

Cape Elizabeth School Department will assign persons who will be designated to determine whether reasonable suspicion exists to require a driver to undergo testing under Part 382, with at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on controlled substances. Training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

IX. ENFORCEMENT

Cape Elizabeth School Department, in its independent authority as an employer, shall subject any driver who violates this policy/administrative procedure or Federal regulations to potential disciplinary action up to and including dismissal, except to the extent that any state law or collective bargaining agreement requires otherwise.

In addition, any driver who refuses to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up test(s) shall not perform or continue to perform safety-sensitive functions.

Furthermore, no driver tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours after the test was administered.

X. RECORDS

Employee drug and alcohol tests and results shall be maintained under strict confidentiality in a secure location with controlled access and released only in accordance with law. A driver, upon written request, shall receive copies of any records pertaining to their use of drugs or alcohol, including any records pertaining to their drug tests. Records shall be made available to subsequent employers or other identified persons only when expressly requested in writing by the driver.

XI. NOTIFICATIONS

Each driver shall receive educational materials prior to the school department's commencement of alcohol and controlled substances testing. Such material will explain the requirements of the Code of Federal Regulations, Title 49 Part 382, and contain a copy of the Board's policy and administrative procedures for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The school department shall also include in the package of informational material submitted to each driver, a statement certifying that they have received the informational material. The school department shall maintain the original signed copy of the statement on file.

In addition to the aforementioned items, the school department shall also make available to drivers and representatives of employee organizations information which shall identify:

I. The person designated by the school department to answer questions about the materials;

II. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;

III. Information concerning the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substance(s) problem (the driver's or co-worker's); and available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; an

IV. Post-accident procedures that will make it possible for a driver to comply with post-accident testing before any driver operates a commercial vehicle.

This school department shall also make available the following information:

I. The results of pre-employment controlled substance test(s) if the applicant requests such results within sixty (60) calendar days of being notified of the disposition of the employment application; and

II. The results of random, reasonable suspicion and post-accident drug tests if the results are verified positive. The school department shall also tell the driver which controlled substance(s) was verified as positive.

XII. CONTROLLED SUBSTANCES

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician, or other medical provider, has prescribed for therapeutic.purposes. Such substance may be used in conjunction with duty only if the driver's physician has advised the driver that it will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

XIII. REFERRAL, EVALUATION, AND TREATMENT

I. Referral. A driver who has engaged in conduct prohibited by this policy/procedure shall be advised by the school department of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. The information the driver receives will include names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs, in addition to information relating to the driver's responsibility with regard to payment of such services.

II. Evaluation Treatment. A driver who engages in such prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance or treatment, if any, the employee needs in resolving controlled substance(s) use.

XIV. RETURN TO DUTY

If a school department has not discharged a driver due to their engagement in prohibited conduct under this policy/procedure, the bus driver must, prior to returning to safety-sensitive duties:

I. Undergo return-to-duty testing and obtain an alcohol concentration level of less than 0.02 and/or a verified negative test for controlled substances;

II. Have been evaluated by a substance abuse professional; and

III. Have followed prescribed and/or recommended treatment.

XV. OTHER POLICIES/PROCEDURES

Nothing contained in this administrative procedure shall prevent the Board from establishing and enforcing independent policies/procedures relating to the possession, being under the influence of, distribution, sale or use of alcohol or controlled substances or any misconduct associated therewith and the penalties for violation of those policies/procedures, up to and including dismissal.

Legal References:

- 49 CFR Parts 40,382,390, 395
- Title 26 MRSA §§ 681(8)(B); 685(2); 689

Cross Reference:

- EEAEAA - Drug and Alcohol Testing of School Bus Drivers

Adopted:

- May 9, 2006

Revised:

- August 28, 2012
- May 9, 2023
- June 13, 2023

EEAEFA - Video Surveillance on School Property

VIDEO SURVEILLANCE ON SCHOOL PROPERTY

The School Board authorizes the use of security cameras for the purpose of enhancing school safety and security. The School Board's goals are to promote and foster a safe, secure teaching and learning environment for students and employees; to promote public safety for community members who visit or use school property; and to safeguard facilities and property. Security cameras will not be placed in confidential and private locations such as classrooms, bathrooms, conference rooms and private offices.

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

Security cameras may be used for the following purposes:

I. To investigate suspected violations of School Board policies or school, or other inappropriate conduct.

II. To monitor activities on school property (including buses) to protect safety and to enforce school rules, policies and the law.

III. By law enforcement to address school safety issues or to investigate possible criminal behavior.

Notices will be posted in public entryways to the building and other conspicuous locations informing persons that the buildings and grounds are monitored by security cameras.

The Superintendent may develop and implement any necessary administrative procedures regarding the use of security cameras.

Cross Reference:

- JRA – Student Records and Information

Adopted:

- October 11, 2022

EEBB - USE OF PRIVATE VEHICLES FOR SCHOOL BUSINESS AND STUDENT TRANSPORTATION

The Cape Elizabeth School Board recognizes the need for some school employees to use their privately owned motor vehicles for school purposes either regularly or occasionally to conduct school business.

In general, school buses or other CESD vehicles will be used to transport students. Privately owned vehicles may be used for student transportation when, in the opinion of the building principal and with the written approval of the Superintendent, this is the most practical or only possible method of transportation. Field trip and other off-campus school-sponsored activity transportation will be by school bus whenever practicable. The Superintendent may approve the use of private vehicles in situations in which the small number of students or budget or schedule restrictions make bus use prohibitive or impractical. No student may be sent on school errands with their own vehicle, an employee-owned vehicle, or a school-owned vehicle.

To safeguard Cape Elizabeth School Department employees and students in matters of liability, the following policy will be observed:

A. Prior to use of a private vehicle for school purposes, the employee must have the written permission of the Superintendent/designee. This permission may be in the form of a standing permit for employees who use their own vehicles regularly for school purposes. The permit will state the particular purpose and indicate whether it includes transportation of students. For all special trips involving students, e.g., field trips, a special permit must be obtained in advance for the specific trip.

B. For student trips made in private vehicles, the driver must have a valid Maine driver's license and carry a minimum liability insurance of $100,000/$300,000 (liability); minimum property damage of $50,000; and minimum medical coverage of $5,000. Proof of current license and insurance will be required.

C. In the case of an accident, the approved driver's liability insurance will be the primary coverage.

D. A Maine driving record check will be conducted on all prospective drivers. In the interest of safety, a prospective driver may be disqualified based on a review of information contained in the record.

E. The vehicle must have a current registration and display a current inspection sticker.

F. Any driver who has a standing permit is required to notify the Superintendent if there is any change that might affect their permit (i.e. change in vehicle, insurance, license, accident, etc.)

G. CESD retains the authority to deny any and all requests, to request additional documentation, and/or rescind authorization to use a private vehicle for school purposes at any time.

H. The driver and all passengers must wear seat belts at all times while using a private vehicle for school purposes.

I. Hands-free devices may be used only for necessary calls and checking directions through a navigation system. The use of hand-held electronic devices is prohibited while driving.

J. No employee may transport students for school purposes without prior authorization by the Superintendent/designee.

K. All Board policies, administrative procedures and school rules are in effect while using a private vehicle for school purposes.

L. Any accident while using a private vehicle must be reported immediately to the appropriate law enforcement authority and to the Superintendent's Office.

M. An employee, volunteer or student must obtain prior written approval by the Superintendent/designee and meet all requirements in this policy to transport students in a private vehicle to school-sponsored activities, field trips or other events.

N. In general, students will only be permitted to transport other students in a private vehicle for school-sponsored activities in limited circumstances when there is no other reasonable alternative. No student will be allowed to transport other students on field trips or for other school-sponsored activities without prior approval from the Superintendent/designee and notice to parents.

O. Parents will be informed whenever private vehicles will be used to transport their child(ren) for a field trip or other school purpose and will be required to sign a permission form in advance.

P. Transportation of a student (other than the child of the person transporting) alone in a private vehicle is strongly discouraged and will only be authorized in extenuating circumstances.

Q. No smoking, vaping, use of alcohol, cannabis or illegal substances is allowed while transporting students.

VOLUNTEER-OWNED VEHICLES

The above provisions apply to the use of private vehicles when the driver is an approved volunteer transporting students to or from school-sponsored events or activities or using a private vehicle for other school purposes.

The school will inform approved volunteers that in the event of an accident, the approved volunteer’s liability insurance will be the primary coverage.

The school will not be responsible for any accident or injury arising from a parent’s transportation of his/her own child(ren) to or from a school sponsored event or activity. Students are expected to travel by school-provided transportation when available.

DELEGATION OF RESPONSIBILITY

The Superintendent/designee will be responsible for developing administrative procedures, including those for accident reporting, and application, permit, permission and/or other forms, to implement this policy.

Cross Reference:

- EEBB - E1- Employee Request to Use Private Vehicle to Transport Students (typable pdf)
- EEBB - E2 - Parent/Guardian Consent for Student to be Transported by Personal Vehicle (typable pdf)
- Permit for Employee to Use Private Vehicle [for Office Use-only] (typable pdf)
- IJOA – Field Trips and Other Student Travel
- IJOC - School Volunteers

Adopted:

February 8, 2022

Revised:

January 9, 2024

EFE - SALES OF FOODS IN COMPETITION WITH THE FOOD SERVICE PROGRAM

The Cape Elizabeth School Department supports good nutrition and healthy eating habits for students. The Board believes that nutrition influences a student's ability to benefit from the educational program and that good nutrition impacts student achievement. Foods and beverages sold as part of the Cape Elizabeth School Department's food service program shall include only those items which contribute to the nutritional needs of children and the development of desirable food habits, and shall not include foods of "minimal nutritional value" as defined in federal regulations.

I. Restriction on sale of Competitive Foods

Any food or beverage sold at any time on school property of a school participating in the National School Lunch or School Breakfast Programs shall be a planned part of the total food service program of the school. Only those items which contribute both to the nutritional needs of children and the development of desirable food habits shall be included, and shall not include foods of minimal nutritional value as defined in applicable federal regulations.

II. Exceptions to the Requirement that Foods and Beverages Be Sold as Part of the Food Service Program

The Board recognizes that the sale of foods and beverages outside of the Cape Elizabeth School Department food service program often provides a significant source of funds for student activities/programs and community organizations using school facilities. Therefore, the Board will allow the sale of foods and beverages outside of the food service program as follows:

I. To school staff;

II. To attendees at school-sponsored events held on school property;

III. To the public at community events held on school property in accordance with the Board's facilities use policy;

IV. In state-approved instructional Career and Technical Education Culinary Arts Programs;

V. By a school-approved student organization or program if consistent with the requirement that such sales not include foods of "minimal nutritional value" (see Section B).

This applies to sales of foods and beverages at any time on school property by any person, group or organization. When foods and beverages are sold to attendees at community events sponsored by the school or held on school property, students, staff, parents, or school-sponsored organizations involved in such sales are encouraged to include at least some healthy food choices.

C. Restrictions on Sales of Foods/Beverages of "Minimal Nutritional Value"

In general, foods and beverages sold on school property may not include foods of "minimal nutritional value" as defined by Federal regulations. The only exceptions to the prohibition on sales of foods and beverages of "minimal nutritional value" are sales to school staff and sales to the public at a community or school-sponsored event. Foods and beverages of "minimal nutritional value" may not be sold to students at any time except during an event open to the public. For example, foods and beverages of "minimal nutritional value" cannot be sold during dances open only to students.

D. Funds from Food and Beverage Sales Outside the Food Service Program

In general, funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the food service program. However, school-approved/ sponsored student organizations/programs and non-school sponsors of public events held in accordance with the Board's Facilities Use policy may retain funds raised through the sale of foods and

beverages authorized by this policy.

E. Policy Implementation

The Superintendent is responsible for implementing this policy and for developing any administrative procedures necessary, consistent with applicable state and federal laws and regulations. The Superintendent may delegate specific responsibilities to administrators and other school staff as they deem appropriate. An employee of the School Department who observes conduct believed to be in violation of this policy or is informed of such conduct by a parent, student or community member should contact the building administrator or Superintendent/ designee.

Legal Reference:

42 U.S.C. § 1751 et seq. (National School Lunch Program)

7 C.F.R. Part 210 et seq. 20-A M.R.S.A. § 6601

Maine Department of Education Rule Chapter 51 (Child Nutrition Programs in Public Schools and Institutions)

Cross Reference:

- DF - Fundraising
- DF-R- Fundraising Administrative Procedures
- JJIBC - Relations with Booster Groups
- JL - Student Wellness
- KF - Community Use of School Facilities

Adopted:

December 12, 2006

Revised:

March 10, 2009

August 28, 2012

November 8, 2022

EGAD - COPYRIGHT COMPLIANCE

The Board expects all employees and students in Cape Elizabeth School Department (CESD) to comply with the federal copyright law and guidelines. Employees and students who willfully disregard the law/guidelines and the Board's copyright policy and procedure do so at their own risk. CESD will not extend legal and/or insurance protection to employees or students for willful violations of this policy. Such violations may also result in disciplinary action.

The Superintendent is responsible for implementing this policy and the accompanying administrative procedure. The Superintendent may delegate specific responsibilities to building principals and others as the Superintendent deems appropriate.

CESD will take the following steps to discourage violations of the copyright law:

I. All instructional staff and administrators shall receive a copy of this policy and the accompanying administrative procedure.

II. Copyright notices shall be posted within view of copying equipment.

III. Teachers and library media specialists shall be responsible for informing students about the legal and ethical issues raised by copyright infringement and illegal use of copyrighted materials.

Legal Reference:

- 17 U.S.C. § 101 et seq. (The Copyright Act of 1976)
- P.L. 107-273 (The TEACH Act of 2002)

Cross Reference:

- EGAD-R - Copyright Compliance Administrative Procedure
- GCSA - Employee Computer and Internet Use
- IJND - Cape Elizabeth School District Website/Web Pages
- IJNDB - Student Computer and Internet Use

Adopted:

- January 10, 2006

Revised:

- June 11, 2013
- October 14, 2025

EGAD-R - COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE

This administrative procedure summarizes the major provisions found in the federal copyright law and guidelines concerning reproduction of copyrighted works by educators. This summary is not intended to replace the law/guidelines, which should be referred to when questions regarding implementation arise.

Instructional staff teaching any form of distance learning or on-line course must carefully review and comply with Part III in addition to all other parts of this procedure.

I. GENERAL RULE AND COPYRIGHT OWNERSHIP

Presumption of copyright. Works, in any medium (written, recorded, digitally-stored, etc.), should generally be presumed to be protected by copyright law, regardless of whether the work displays a copyright notice, the symbol "©," or other express reservation of rights. Personal streaming subscriptions' Terms of Service include a "personal use" only restriction and are not allowed to be used in classrooms.

Rule against copyright violations. Except as otherwise permitted by this policy and applicable law, school employees shall not reproduce, perform or display copyrighted works without permission of the owner.

U.S. Government works. United States government works are not subject to copyright protection, and may freely be copied.
Public domain. Works that are in the public domain due to expiration of copyrights, as provided by law, may be freely reproduced, performed or displayed.

Student works. Students are the owners of exclusive rights in works that they create.

Works made for hire. Works created by school employees in the course and scope of their employment are "works made for hire," and the school department retains exclusive rights in such works, unless otherwise agreed in writing by the school board.

Distance learning. All rights in works created by school employees in the course of teaching distance learning courses are owned by the school department that employs the individual(s) who created the work, unless otherwise agreed in writing by the employing school department.

II. DEFINITIONS

1. "FAIR USE"

A copyright provides the owner with the exclusive rights of reproduction, adaptation, publication, performance and display of the covered work. The copyright law contains certain "fair use" provisions that permit limited reproduction of materials based on four criteria:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

- The nature of the copyrighted work;

- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

- The effect of the use upon the potential market for or value of the copyrighted work.

II. "FACE-TO-FACE INSTRUCTION"

Performance or display of any copyrighted work by teachers or students without permission from the copyright holder is permissible under the following circumstances:

- The work must be performed or displayed in a face-to-face setting by a teacher or by students; and

- The performance or display must be in the course of teaching activities, in a classroom or a similar educational setting.

  Examples of performances or displays falling under this exception include reading a play in a classroom, singing a song in a classroom or showing a video or DVD (provided that it has been purchased or lawfully copied).

  The following sections summarize the permissible or "fair use" of different types of copyrighted works. Because the law and technological applications continue to evolve, school department employees are responsible for ensuring that the intended use of materials does not conflict with the copyright law/guidelines and for informing students of such issues as appropriate.

III. DISTANCE EDUCATION: TRANSMISSION OF PERFORMANCES AND DISPLAYS TO REMOTE SITES

The following may be transmitted by any device or process, including interactive television or Internet courses:

- Performance of nondramatic literary works (e.g. novels, short stories, or poems) or musical works, or

- Reasonable and limited portions of any other work, or

- Display of a work in an amount comparable to that which is typically displayed in the course of a live classroom only if:

  I. The performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of instructional activities;

  II. The performance or display is directly related and of material assistance to the teaching content of the transmission;

  III. The transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to students officially enrolled in the particular course and employees of the school department as part of their duties;

  IV. Technological measures are implemented that reasonably prevent retention of the work in accessible form by recipients of the transmission for longer than the class session and prevent unauthorized further dissemination of the work in accessible form by such recipients to others;

V. There is no interference with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination of materials; and

VI. Students in such courses must be given notice that materials used in connection with the course may be subject to copyright protection.

IV. PRINT MATERIALS

I. Permissible Uses

1. A single copy of the following made for use in teaching or in preparation to teach a class:
    a. A chapter from a book;
    b. An article from a periodical or newspaper;
    c. A short story, short essay or short poem, whether or not from a collective work; and
    d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. Multiple copies made for classroom use (not to exceed one copy per student in a course) from the following:
    a. A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length, or an excerpt of not more than 250 words from a longer poem;
    b. A complete article, story or essay of less than 2,500 words;
    c. Prose excerpts not exceeding 10 percent of the whole or 1,000 words, whichever is less;
    d. One chart, graph, diagram, cartoon or picture per book or per issue of a periodical; and
    e. An excerpt from a children's book containing up to 10 percent of the words found in the text and not more than two printed pages of the published work.
3. One transparency for classroom instruction may be made from consumable materials such as workbooks, exercises, activity sheets, etc.
4. All permitted copying must include appropriate credits, including the author, title, date, copyright notice and any other pertinent information.

II. Prohibited Uses

1. More than one work or two excerpts from a single author copied during one class term;
2. More than three works from a collective work or periodical volume copied during one class term;
3. More than nine sets of multiple copies made for distribution to students in one class term;
4. Copies made to create, replace or substitute for purchasing anthologies or collective works;
5. Copies made of "consumable" works, such as workbooks, exercises, standardized tests and answer sheets (except as noted in A.3 above);

6. The same work copied from term to term;

7. The same material copied for more than one particular course, or copied every time a particular course is offered, unless permission is obtained from the copyright owner;

8. Copies made when there is sufficient time prior to the intended use to obtain permission from the copyright owner; and

9. No charges may be made to students beyond the actual cost of photocopying.

V. COMPUTER SOFTWARE

I. All software is protected by copyright law. Any unauthorized copying of software is illegal and may subject the copier to substantial civil or criminal penalties.

II. All software purchased for use in Cape Elizabeth Schools must be approved by the Superintendent or Director of Educational Technology. Only the Superintendent or the Director of Educational Technology may obtain and sign software licensing agreements and duplication rights agreements. All terms of such licensing/duplication agreements must be observed by all school employees and students.

III. Software purchased by the school department for classroom, lab, media center and office use remains the property of the school department and may be used only in school-sponsored programs and activities.

IV. The Director of Educational Technology is responsible for reviewing and supervising compliance with all software license agreements. The Director of Educational Technology shall retain all license agreements and modifications thereto.

V. Permissible Uses

1. One archival (back-up) copy of copyrighted software may be made by authorized employees (unless a licensing agreement prohibits copying for any purpose);

2. Software may be used on a networked computer system as authorized by the license or if written permission is obtained from the owner or a version intended for network is used;

3. Software may be loaded on multiple equipment to the extent authorized by the license or if written permission has been obtained from the owner; and

4. Preview software may be evaluated for a reasonable evaluation period before being purchased or returned.

VI. Prohibited Uses

1. Illegal copies of copyrighted software programs made or used on school equipment;

2. Copies made of preview software;

3. Use of software on a networked computer system not intended for network use without written permission from the owner;
   Copies made of locally produced adaptations or modifications of copyrighted software for any purpose.

4. Multiple loading of software not specifically licensed for multi-loading without written permission;

5. Multiple copies made of copyrighted software (beyond an authorized archival copy);

6. Multiple copies made of printed documentation accompanying copyrighted software;

7. Copies made of software for sale, loan, transmission, or gift to other users; and,

8. Copies made of locally produced adaptations or modifications of copyrighted software for any purpose.

VII. Unauthorized copying. Any employee or student who becomes aware of unauthorized copying of school software shall inform the Director of Educational Technology.

VI. INTERNET

The rights of the owner of copyrighted material on the Internet are the same as the rights of the owner of traditional materials. Unless there is a clear statement that art, photos, text and sounds are "public domain" , or appropriate Creative Commons license, and available for free use, it should be assumed that the material is copyrighted. All the criteria for "fair use" apply to works on the Internet just as they apply to other materials. The ease of copying materials from the Internet should not be used as an excuse for violating copyrights.

VII. OFF-AIR TELEVISION RECORDING

I. Permissible Uses

1. Off-air recordings may be made only at the request of and used by individual teachers;

2. Off-air recording of broadcast programs available to the general public without charge may be made and retained for a period not to exceed 45 calendar days after the date of recording. The following additional requirements must also be met:

   a. The recording may be used once by the individual teachers in the course of relevant teaching activities and repeated once during the first 10 consecutive school days in the 45-day retention period.

   b. Following the first 10 consecutive school days, the recording may only be used for teacher evaluation purposes (i.e., to determine whether the broadcast program should be included in the curriculum).

   c. Following the 45-day retention period, the recording must be erased or destroyed immediately unless written permission is obtained from the copyright owner to keep and use the program in teaching/learning activities.

3. A limited number of copies may be produced from each off-air recording to meet the legitimate educational needs of teachers. Such copies are subject to the same guidelines as the original copy.

4. An off-air recording need not be used in its entirety, but the recording may not be altered, edited, combined or merged. All copies must include the copyright notice of the broadcast program.

II. Prohibited Uses

1. Recording broadcast programs in anticipation of requests;

2. Recording broadcast programs when there is sufficient time prior to the scheduled program to obtain permission from the copyright owner;

3. Recording programs from pay/satellite television channels (HBO, Cinemax, Disney, etc.) and other streaming services;

4. Using or retaining recordings beyond the 45-day retention period without written permission;

5. Recording the same program more than once for the same teacher (regardless of how many times the program may be broadcast); and

6. Altering the program from the original content in any way (although the entire program need not be viewed)

VIII. USE OF PRE-RECORDED VIDEOS

Pre-recorded videos include commercially available videos marked "For Home Use Only" (such as feature films), including VHS tapes, DVD disks, filmstrips, etc. Streaming services are not covered under this exemption.

I. Permissible Uses

Pre-recorded videos may be used in "face-to-face instruction" provided that the viewing utilizes a lawfully-made copy rented or purchased by the school department.

II. Prohibited Uses

1. Videos may not be used for entertainment, filler, assemblies, fundraising, public viewing, or any other purpose without written permission of the copyright owner and permission of the building principal.

2. Videos may not be used when a written contract specifically prohibits use in classroom or direct instruction situations.

3. Videos may not be borrowed from individuals or other schools.

4. Videos may not be copied.

IX. MUSIC AND THEATER PERFORMANCES

Prior written permission must be obtained whenever copyrighted plays and musical numbers are to be performed or whenever copyrighted music is used as part of a performance.

X. EDUCATIONAL USES OF MUSIC

I. Permissible Uses

1. Emergency copies to replace purchased copies which for any reason are not available for an imminent performance provided that purchased replacement copies shall be substituted in due course.

2. For academic purposes other than performance, multiple copies of excerpts of works may be made provided that:

   a. The excerpts do not constitute a performable unit (section, movement or aria) or more than 10 percent of the entire work;

   b. No more than one copy per student in the class is made; and

   c. The copyright notice appears on the copies.

3. For academic purposes other than performance, a single copy of an entire performable unit (section, movement or aria) may be made by the teacher for scholarly research or in preparation to teach a class provided that:
    a. The work is confirmed by the copyright owner to be out of print;
    b. The work is unavailable except in a larger work; and
    c. The copyright notice appears on the copy.
4. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted. Lyrics may not be altered or added, if none exist.
5. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the school department or an individual teacher.
6. A single copy of a sound recording (album, tape, cassette or CD) or copyrighted music may be made from sound recordings owned by the school department or an individual teacher for the purpose of constructing aural exercises or examinations. The copy may be retained by the school department or an individual teacher.
    a. This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.

II. Prohibited Uses

1. Copy to create, replace or substitute for purchasing anthologies, collective works and compilations;
2. Copy "consumable" works, such as workbooks, exercises, standardized tests and answer sheets;
3. Copy for the purpose of performance (except as noted in A.1); and
4. Copy to substitute for the purchase of music (except as noted in A.1-2).

Legal Reference:

- 17 U.S.C. § 101 et seq.
- P.L. 107-273 (The TEACH Act of 2002)

Cross Reference:

- EGAD - Copyright Compliance

Approved:

- January 10, 2006

Revised:

- June 11, 2013
- October 14, 2025

EHA - ELECTRONIC SIGNATURE AND FILING

Definitions

"Communication" means any written form or filing, or other written communication. "Electronic Signature" means any electronic identifier intended by the person using it to have the same force as a manual signature.

Electronic Signatures

The acceptance of an electronic signature from parents or guardians of a student is permitted. An electronic signature will have the full force and effect of a manual signature if the electronic signature satisfies the following requirements:

I. It is unique to the person using it;

II. It is capable of verification; and

III. It conforms to all other provisions of this policy.

Electronic Communication

Any electronic communication files with the district will be given the full force and effect of a paper communication if the following conditions are met:

I. If the communication is an electronic filing or recording, this district agrees to accept or send such communication electronically;

II. If a signature is required on the communication by any statue, rule, or regulation or the applicable law, the electronic signature on the communication conforms to Maine law; and

III. The electronic communication and electronic signature on that communication conforms to all other provisions of this policy.

Additional Considerations

I. The Superintendent or designee may, at their discretion, request that an original of the electronic communication, signed by hand, be forwarded to the district in a timely manner.

II. The district will accept and issue electronic communications only if such communications conform to any formatting requirements associated with them.

III. The Superintendent or designee is authorized to establish additional rules, practices, or guidelines associated with accepting electronic communications.

Adopted:

- June 14, 2011

Reviewed:

- June 11, 2013

EHB - SCHOOL RECORDS RETENTION POLICY

Proper retention of school record is essential to conduct the business of the schools; to protect the legal interests of the schools, students and employees; and to comply with federal and state laws and regulations concerning record retention. It is also important for purposes of efficiency and management of physical and digital storage resources that unneeded records be disposed of in a timely manner.

The Board will comply with all applicable law and rules concerning the retention, storage and disposal of specific records, as well as its preservation obligation when litigation is threatened or pending.

The Superintendent is responsible for implementing this policy and for ensuring that procedures for managing school department records are consistent with the applicable laws and rules. The Superintendent may delegate specific responsibilities to administrators or other school staff as they deem appropriate.

Employees shall be informed of any record keeping requirement applicable to their positions and are expected to comply with them.

Legal Reference:

- 5 MRSA §91 et seq.
- Maine State Archives Rule Chapter 10 (Rules for Disposition of Local Government Records)
- Maine Department of Education Rule Chapter 125 (Basic School Approval Rules)

Cross Reference:

- JRA-Student Education Records and Information
- GCSA-Employee Computer and Internet Use

Adopted:

- June 11, 2013

Reviewed:

- October 13, 2015