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# DELETED -GCG-R LONG TERM AND SHORT TERM SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT GUIDELINE

## REMOVAL FROM POLICY MANUAL: SEPTEMBER 10, 2013

A short term substitute is defined as a day to day absence caused by illness or personal emergencies of an individual staff member. Long term substitute is defined as a teacher covering a single assignment for at least six (6) weeks.

### Rate of Pay

1-15 days: \$75.00 per diem

16-30 days: \$100.00 per diem (paid only after 15 consecutive days in one assignment)

6 weeks or more: BA base rate (if absence is known to be six weeks or more in advance, not exceeding one semester, substitute will be paid at the bachelor base scale from day one.)

A full semester or more: if the long term assignment is known to exceed one semester in length, pay will be at the appropriate step on the teacher index.

Long term substitute teachers should be notified that the term of employment ceases at the scheduled termination of the regular teacher's leave. As temporary employees, long term substitutes are not covered by any terms of the teacher contract.

Evaluation: If a substitute is in one assignment for 6 consecutive weeks, that substitute will have one written observation by a member of the Administration.

### Cross Reference:

- GCG - Long-term and Short-term Substitute Professional Staff Employment

### Approved:

- May 12, 1992

### Revised:

- August 10, 1993
- October 8, 1996
- November 10, 1998
- May 11, 1999

### Recoded:

- June 1998

## Removed from Policy Manual:

- September 10, 2013

# GA - PERSONNEL GOALS

The School Board recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The School Board is interested in its personnel as individuals and it recognizes its responsibility for promoting their general welfare of staff.

The School Board's specific personnel goals are:

- To recruit, select, and employ the best qualified staff for the school system.
- To provide staff compensation and benefits programs sufficient enough to attract and retain quality employees.
- To provide an in-service training program for all employees in order to improve their performance and to improve the overall rate of retention and promotion to staff.
- To conduct an employee appraisal program that will contribute to the continuous improvement of staff performance.
- To set forth in written job descriptions, the duties and responsibilities for each position, along with the criteria (skill, knowledge and abilities) required to perform those duties and to review/revise those job descriptions as warranted, but not less often than every five years.
- To assign personnel so as to ensure they are utilized as effectively as possible.
- To effectively administer negotiated collective bargaining agreements to develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

## Adopted:

- June 10, 2003

## Reviewed:

- December 14, 2004
  - August 27, 2013
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# GBEBB - STAFF CONDUCT WITH STUDENTS

The Cape Elizabeth School Board expects all staff members, including teachers, coaches, counselors, administrators and others, to maintain the highest professional, moral and ethical standards in their conduct with students. For the purposes of this policy, staff members also include school volunteers.

The interactions and relationships between staff members and students should be based upon:

- Mutual respect and trust;
- an understanding of the appropriate boundaries between adults and students in an educational setting; and
- consistent with the educational mission of the schools.

Staff members are expected to be sensitive to the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

## Possible Violations

Examples of conduct by staff members that could be considered a violation of this policy include but are not limited to the following:

- Any type of physical contact with students;
- singling out a particular student or students for personal attention and friendship beyond the normal teacher-student relationship;
- for non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to be supportive but to refer the student to appropriate guidance/counseling/administrative staff;
- sexual banter, allusions, jokes or innuendos with students;
- asking a student to keep a secret; and
- disclosing personal, sexual, family, employment concerns, or other private matters to one or more students.

Before engaging in the following activities, staff members will review the activity with their building principal or supervisor, as appropriate:

- Being alone with individual students out of public view;
- permitting students to address you by your first name, nickname or otherwise in an overly friendly manner;
- addressing students with terms of endearment, pet names or otherwise in an overly familiar manner;
- driving students home or to other locations;
- inviting or allowing students to visit the staff member's home;
- visiting a student's home, unless on official school business;

- maintaining personal contact with a student outside of school by telephone or text messaging, computer (such as e-mail, Instant Messenger, social networking sites), or letters (beyond homework or other legitimate school business);
- exchanging personal gifts (beyond the customary student-teacher gifts) and/or
- socializing or spending time with students (including but not limited to activities such as going out for meals or movies, shopping, traveling, and recreational activities) outside of school-sponsored events except as participants in organized community activities.

## Reporting Violations

Students and/or their parents/guardians are strongly encouraged to notify the principal (or other appropriate administrator) if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Staff members are required to notify promptly the appropriate building administrator or superintendent if they become aware of a situation that may constitute a violation of this policy.

## Disciplinary Action

Staff violations of this policy shall be reviewed by the appropriate administrator and may result in disciplinary action up to and including dismissal. Violations involving sexual or other abuse will also result in referral to the Department of Health and Human Services and/or law enforcement in accordance with the Board's Policy.

## Policy to be Included in Handbooks (or disseminated by other means)

This policy shall be included in all employee, student and volunteer handbooks.

## Cross Reference:

- [ACAA-Harassment and Sexual Harassment of Students](#)
- [JLF- Reporting Child Abuse and Neglect](#)

## Adopted:

- December 14, 2004

## Updated:

- May 8, 2012

## Reviewed:

- May 6, 2013
  - August 27, 2013
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# GBEC - DRUG-FREE WORKPLACE

The Cape Elizabeth School Board recognizes that alcoholism and drug dependency are treatable diseases. Left untreated, they may result in serious personal and family problems. At the same time, the Board is also seriously concerned about the effects of alcohol and drug dependency upon an employee's job performance and ability to serve as a role model for our students.

The Board believes strongly that all employees and students should be able to work and learn in an environment free from alcohol and drug abuse. Accordingly, the Board expects all employees to report for work and to perform their duties in a manner which does not jeopardize the health, safety, and well-being of co-workers and students.

Any employee who suspects that they may have an alcohol or drug dependency problem is strongly encouraged to contact their supervisor to seek voluntary diagnosis and treatment. The employee will be provided confidential referral services to an outside agency upon request and assisted in determining the extent to which insurance coverage to help pay for such services is available. All voluntary referrals shall be kept confidential.

## PROHIBITED CONDUCT

No employee shall distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor. Nor shall an employee unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, or any other controlled substance (as defined in schedules I through V of section 202 of the federal Controlled Substance Act [21 USC§ 812]; by regulation at 21 CFR, § 1300.11 through 1300.15; and in 17-A MRSA, § 1101). This applies before, during, and after school hours, at school or in any other school system location, defined as follows:

"School system location" means in any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school department; or during any period of time the employee is supervising students on behalf of the school system or otherwise engaged in school department business.

Any illegal use, possession, furnishing, selling, or provision of assistance in obtaining alcoholic beverages or scheduled drugs not covered by the preceding paragraph is also prohibited.

In addition, employees (including coaches) are prohibited from selling, distributing, or promoting any performance-enhancing substances included on the banned substances list prepared by the Maine Department of Health and Human Services Office of Substance Abuse.

## FAMILY AND MEDICAL LEAVE

The Cape Elizabeth School Department shall comply with all applicable provisions of the federal Family and Medical Leave Act of 1993 (FMLA), the Maine Family Medical Leave Law, and any other Board policies and collective bargaining agreements regarding family and medical leave.

The Superintendent is responsible for implementing administrative procedures to comply with this policy.

## Legal Reference:

- 26 USC Sec. 2601 et seq.
- 29 CFR Part 825

- 26 MRSA Sec. 843 et seq.

## Adopted:

- November 10, 1998

## Revised:

- December 14, 2004
  - August 27, 2013
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# GBGB - WORKPLACE BULLYING

The Board is committed to providing a respectful, safe, and inclusive workplace for employees, one that is free from bullying conduct. All employees and students in the school unit, as well as parents, community members and others involved with the schools are prohibited from engaging in workplace bullying as defined in this policy.

## DEFINITION

For the purposes of this policy, “workplace bullying” means intentional behavior that a reasonable person would expect to interfere with an employee’s work performance or ability to work. Generally, workplace bullying will involve repeated conduct. However, a single incident of egregious conduct could constitute workplace bullying. Examples of workplace bullying include, but may not be limited to:

- Humiliating, mocking, name-calling, insulting, maligning, or spreading rumors about an employee;
- Shunning or isolating an employee or encouraging others to do so;
- Screaming or swearing at an employee, slamming doors or tables, aggressively invading an employee’s personal space; placing an employee in reasonable fear of physical harm; or other types of aggressive or intimidating behavior;
- Targeted practical jokes;
- Damaging or stealing an employee’s property;
- Sabotaging an employee’s work or purposely misleading an employee about work duties (e.g., giving incorrect deadlines or intentionally destroying an employee’s work);
- Harassing and/or retaliating against an employee for reporting workplace bullying;
- Cyberbullying, which is defined in Maine law as bullying occurring through the use of technology or any electronic communication, including but not limited to, a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device, or personal digital assistant.

## EXCLUSIONS

Workplace bullying does not include the following:

- When supervisors set reasonable performance goals or provide verbal or written counseling, direction, feedback, or discipline to employees in the workplace when the intent is to address unsatisfactory work performance or violations of law or school policy.
- When supervisors make personnel decisions designed to meet the operational or financial needs of the school unit or the needs of students. Examples include, but are not limited to changing shifts, reassigning work responsibilities, taking steps to reduce overtime costs, transferring or reassigning employees to another building or position.
- Discrimination or harassment based on protected characteristics (race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, familial status, disability, or genetic information). Such conduct is prohibited under separate policies and complaints shall be addressed under [ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure](#).

- Disrespectful conduct by students directed at school employees that can be addressed through enforcement of classroom rules, school rules, and applicable Board policies.

## REPORTS AND INVESTIGATIONS

Employees who believe they have been bullied in the workplace, and other persons who believe they have witnessed an incident of an employee being bullied in the workplace, are expected to report the issue to the building administrator.

If the report is about the building administrator, the report should be made to the Superintendent/designee.

The building administrator shall promptly notify the superintendent of all workplace bullying reports.

Any workplace bullying report about the Superintendent should be made to the Board Chair.

All reports of workplace bullying shall be investigated promptly and documented in writing. The person who was the subject of the alleged workplace bullying and the person alleged to have engaged in workplace bullying will be notified of the outcome of the investigation, consistent with confidentiality and privacy laws.

## DISCIPLINARY ACTION

Any employee who is found to have engaged in workplace bullying will be subject to disciplinary action up to and including termination of employment.

Students who are found to have engaged in bullying of an employee will be subject to disciplinary action in accordance with applicable student discipline procedures.

Parents and others who are found to have engaged in bullying of an employee will be dealt with in a manner appropriate to the particular circumstances.

## APPEALS

If dissatisfied with the resolution of the matter, the subject of the alleged workplace bullying or the person alleged to have engaged in workplace bullying may file a written appeal within five (5) business days with the Superintendent stating the reason for the appeal. The Superintendent will review the matter and issue a written decision within ten (10) business days. The Superintendent's decision shall be final.

If the matter involves employees covered by a collective bargaining agreement, any disagreement with the results of the investigation may be resolved through the agreement's dispute resolution process.

## RETALIATION PROHIBITED

Retaliation for reporting workplace bullying is prohibited. Employees and students found to have engaged in retaliation shall be subject to disciplinary action.

## SUPERINTENDENT'S RESPONSIBILITY

The Superintendent shall be responsible for implementing this policy and for the development of any necessary procedures to enforce it.

## Legal References:

- 20-A MRSA §1001(21); 6544(2)(C)

## Cross References:

- [AC – Nondiscrimination, Equal Opportunity and Affirmative Action](#)
- [ACAB – Harassment/Sexual Harassment of School Employees](#)
- [ACAB-R – Discrimination/Harassment and title IX /SexualHarassment of School Employees](#)

## Adopted:

- January 11, 2022
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# GBN - FAMILY AND MEDICAL LEAVE

## FAMILY AND MEDICAL LEAVE

The Cape Elizabeth School Department shall comply with all applicable provisions of the federal Family and Medical Leave Act of 1993 (FMLA), the Maine Family Medical Leave Law, and any other Board policies and collective bargaining agreements regarding family and medical leave.

The Superintendent is responsible for implementing administrative procedures to comply with this policy.

Employees are entitled to family and medical leave under the federal Family and Medical Leave Act of 1993 ("FMLA") or the Maine Family Medical Leave law when they meet all of the eligibility requirements of these laws. This policy sets forth several rules that must be applied uniformly to all employees who may be eligible for family and medical leave. As used in this policy, "family and medical leave" means leave available under both the federal and state laws.

### I. THE FEDERAL EMPLOYEE ELIGIBILITY PERIODS

Employees who have been employed for at least 12 months and have worked at least 1,250 hours in the previous 12 months are eligible for FMLA leave under the federal law. (See Section III for additional school employees who are eligible for these federal FMLA benefits.)

There are two types of eligibility periods under the federal law as described below.

#### I. 12-Month Period for Birth, Adoption or Foster Care; Serious Health Condition Purposes; Qualifying Exigency

There is a 12-month eligibility period for 12 weeks of FMLA leave taken for the following qualifying purposes:

1. Birth and care of the newborn child of the employee;
2. Placement with the employee of a son or daughter for adoption or foster care;
3. Care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. Medical leave when the employee is unable to work because of a serious health condition; or
5. Qualifying exigency leave for an employee whose spouse, child or parent is a regular member of the Armed Forces on covered active duty deployed to a foreign country or a reserve member of the Armed Forces (including National Guard) on covered active duty deployed to a foreign country under a call or order to active duty in a contingency operation. The 12-month period used to determine employee eligibility for FMLA for the purposes described above shall be the 12-month period measured forward from the date any employee's first leave begins.

#### II. Federal 12-Month Period for Military Caregiver Leave

There is a separate 12-month period for employees eligible for military caregiver leave of up to 26 weeks. Such leave may be taken to care for a spouse, child, parent or next of kin of an eligible service member or veteran with a serious injury or illness. This leave is calculated from the first day that leave is taken for this purpose and does not track the employer's designated 12-month FMLA tracking period as described above. Any military caregiver leave that is not taken within the specific 12-month period is forfeited. This leave period may overlap with the usual 12-month leave period designated by the employer and in certain circumstances, this may impact the employee's eligibility to take other types of FMLA leave.

## II. MAINE REQUIREMENTS

### I. Leave Amount and Eligibility

Employees who have been employed for at least 12 consecutive months are eligible for leave under the Maine Family Medical Leave law. Beginning August 8, 2022, school employees who have worked at least 900 hours in the previous 12 months are also eligible for federal FMLA benefits under the same conditions as other employees eligible to receive such benefits.

The amount of family and medical leave available to employees under the Maine law is 10 work weeks in any two-year period.

### B. Qualifying Purposes

Leave may be used for the following qualifying purposes:

1. Serious health condition of the employee;
2. Serious health condition of the employee's spouse, domestic partner, child (or child of domestic partner), grandchild (or grandchild of domestic partner), parent or sibling;
3. Birth of the employee's child or child of his/her domestic partner;
4. Placement of a child 16 years of age or younger with the employee or the employee's domestic partner for adoption;
5. Donation of an organ for human transplant by the employee;
6. Death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child as a member of the state military forces or United States Armed Forces (including National Guard and Reserves) while on active duty.

## III. NOTICE BY EMPLOYEE

Employees requesting leave shall provide at least 30 days' notice to the Employer whenever the need for such leave is foreseeable. The employee shall provide appropriate medical certification (or other certification appropriate to the particular request) supporting the leave request.

When the Employer has reason to believe that an employee is or will be absent for an FMLA-qualifying purpose, the Employer should request the appropriate information from the employee to determine the employee's eligibility for family and medical leave.

## IV. COORDINATION WITH OTHER LEAVE

When leave is taken that qualifies both as FMLA and as permitted leave under any employment contract, collective bargaining agreement or policy, the employee shall use FMLA and the other type of leave concurrently, provided that the employee meets all of the eligibility requirements for each type of leave. Types of leave that shall run concurrently with FMLA include, but are not necessarily limited to accrued sick leave; vacation and compensatory time; unpaid leave; disability leave; absence for work-related injuries; and any other applicable types of leave.

## V. FITNESS FOR DUTY CERTIFICATE

Before returning to work, employees taking FMLA for their own serious health condition shall submit a certificate from a health care provider indicating that they are able to return to work and perform the essential functions of the position.

#### Legal Reference:

- 26 USC § 2601 et seq.
- 29 CFR Part 825
- 26 MRSA § 843 et seq.

#### Cross Reference:

- [GBN-R1 - Family and Medical Leave Act Administrative Procedure](#)
- [GBN-R2 - Maine Family Medical Leave Administrative Procedure](#)

#### ADOPTED:

- November 10, 1998

#### REVIEWED:

- December 14, 2004
- August 27, 2013
- April 12, 2022
- February 14, 2023



# GBN-R1 FAMILY AND MEDICAL LEAVE ACT ADMINISTRATIVE PROCEDURE

## FAMILY AND MEDICAL LEAVE ADMINISTRATIVE PROCEDURE

### **I. Eligibility**

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

### **I. Benefit**

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

The 12-month period for FMLA purposes is designated as the 12-month period measured forward from the date an individual employee's first leave begins.

### **I. Reasons for Taking Leave**

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

- I. The birth and care of a child;
- II. The adoption or foster placement of a child with the employee;
- III. To care for a spouse, child or parent with a serious health condition; or
- IV. The employee is unable to perform the functions of their position because of a serious health condition.

## **Military Family Leave**

### **I. Military Caregiver Leave**

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

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

- I. An eligible employee can take up to the normal 12 weeks of leave, if a family member who is a member of the National Guard or Reserve is called up to active duty on a contingency mission.
- II. Qualifying exigencies include:
  1. Short-notice deployment;
  2. Military events and related activities;
  3. Childcare and school activities;
  4. Financial and legal arrangements;
  5. Counseling;
  6. Rest and recuperation;
  7. Post-deployment activities; and
  8. Additional activities agreed to by the employer and the employee.

## **II. Substitution of Paid Leave**

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

### **I. FMLA Leave When Both Parents Are School Unit Employees**

If both parents of a child are employed by Cape Elizabeth School Department, they each are entitled to a total of 12 weeks of leave per year. However, leave may be granted to only one parent at a time and if leave is taken: (1) for the birth of a child or to care for the child after birth; or (2) for placement of a child for adoption or foster care or to care for the child after placement.

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

### **I. Employee Notice Requirement**

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

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

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

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

## **I. Medical Certification**

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

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

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

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

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

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

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

## **I. Employer Notice Requirement (29 C.F.R. § 825.300)**

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

## **I. Insurance**

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

## **I. Return**

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

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

If the employee is unable to return to work because of his/her own serious health condition at the end of allowable FMLA leave, the Superintendent **[OR: Board]** may consider a request for extension of unpaid leave and benefits on a case-by case

basis. Unless an extension has been granted, failure to return to work upon the expiration of FMLA leave may subject the employee to immediate termination.

## **I. Special Rules for Instructional Employees**

Under federal regulations, certain special rules apply to instructional employees. These rules affect the taking of leave near the end of a semester and the taking of intermittent leave or leave on a reduced leave schedule.

### **I. Interaction with Maine Law**

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

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

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

### **I. Recordkeeping**

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

## **Legal Reference:**

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

## **Adopted:**

- March 8, 2022

# GBN-R2 MAINE FAMILY MEDICAL LEAVE ADMINISTRATIVE PROCEDURE

## MAINE FAMILY MEDICAL LEAVE ADMINISTRATIVE PROCEDURE

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

### I. ELIGIBILITY

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

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

- I. Serious health condition of the employee;
- II. Birth of the employee's child or the employee's domestic partner's child;
- III. Placement of a child 16 years of age or less in connection with the adoption of the child by the employee or the employee's domestic partner;
- IV. Serious health condition of a child, domestic partner's child, parent, sibling, domestic partner or spouse;
  - I. Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider;
- V. The donation of an organ of the employee for a human organ transplant; or
- VI. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child is a member of the state military forces as defined in Title 37-B, section 102, of the Maine Revised Statutes, or of the United States Armed Services, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

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

### I. DOMESTIC PARTNER DEFINED

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

- I. Is a mentally competent adult as is the employee;
- II. Has been legally domiciled with the employee for at least 12 months;

- III. Is not legally married to or legally separated from another individual;
- IV. Is the sole partner of the employee and expects to remain so;
- V. Is not a sibling of the employee; and
- VI. Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements, or joint ownership of real or personal property.

### III. ADMINISTRATION

- I. The school unit may require certification from a physician to verify the amount of leave requested. An employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination, may submit certification from an accredited practitioner of those healing methods.
- II. An employee requesting leave shall provide at least 30 days' notice of the intended dates upon which the leave will commence and terminate, unless prevented by medical emergency from giving required notice.
- III. Any leave taken for Maine Family Medical Leave qualifying purposes, including leave taken under other applicable statutes, employment policies, and collective bargaining agreements or contracts, shall also be considered leave under Maine Family Medical Leave and shall be applied to an employee's 10-week Maine Family Medical Leave entitlement every 24-month period. When paid leave taken for Maine Family Medical Leave qualifying purposes is exhausted, the balance of Maine Family Medical Leave shall be unpaid. **[OPTIONAL: The school unit and employee may negotiate for more or less leave, but both parties must agree.]**
- IV. During Maine Family Medical Leave, an employee shall be permitted to continue his/her medical insurance plan, providing the employee remits the monthly premium to the Superintendent's Office no later than the first day of the month for which the premium is due. **[OPTIONAL: The school unit and employee may negotiate for the school unit to maintain benefits at the school unit's expense for the duration of the leave.]**
- V. Upon an employee's return to work, he/she will be restored to his/her previous position or to a position with equivalent seniority status, benefits, pay, and other conditions and terms of employment.
- VI. An employee taking Maine Family Medical Leave for his/her own serious health condition may be required to submit certification that he/she is fit to return to work and is able to perform the functions of the position.
- VII. If at the end of the allowable leave under Maine Family Medical Leave the employee is unable to return to work because of his/her own serious health condition, the Superintendent and School Board may consider a request for extension of unpaid leave and benefits on a case-by-case basis. **[OPTIONAL: Failure to return to work upon the expiration of Maine Family Medical Leave may subject the employee to immediate termination unless such an extension is granted.]**
- VIII. An employee who is not eligible for Maine Family Medical Leave may be eligible for federal Family and Medical Leave.

### LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE

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

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

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

## Legal Reference:

- 26 MRSA § 843 et seq.

## Adopted:

- March 8, 2022

# GBO - FAMILY CARE LEAVE

Maine's "Act to Care for Families" requires employers who provide paid leave under the terms of a collective bargaining agreement or employment policy to allow employees to use such leave to care for an immediate family member who is ill (hereafter referred to as "family care leave") in accordance with the conditions described in this policy.

## I. Definitions

For the purposes of this policy, the following definitions from the *Act to Care for Families* apply:

- I. "Employer" means a public or private employer with 25 or more employees.
- II. "Immediate family member" means an employee's child, spouse, or parent.
- III. "Paid leave" means time away from work by an employee for which the employee receives compensation, and is limited to sick time, vacation time, compensatory time, and leave that is provided as an aggregate amount for use at the discretion of the employee for any of these same purposes. Paid leave does not include paid short-term or long-term disability, catastrophic leave, or similar types of benefits.

## II. Amount of Leave Available

An employee may take up to 40 hours of available paid leave (or the amount provided by an applicable collective bargaining agreement if that is greater) as family care leave per 12-month period. For the purposes of this policy, the 12-month period is September 1 through August 31. An employee may not use paid leave for family care leave purposes until it has been earned. If the employee has more than one type of paid leave available under an applicable collective bargaining agreement or employment policy, the employee may specify which type and the amount of each type of leave to be used as family care leave.

All family care leave taken by an employee shall be counted toward their entitlement under the federal Family and Medical Leave Act or state Family Medical Leave Act.

## III. Employee Notice Requirements

Notice and verification requirements for use of family care leave shall be the same as those required by the school department for an employee's own illness. The employee must specify that leave is being taken pursuant to the *Act to Care for Families*.

## Legal Reference:

- 26 MRSA § 636

## Cross Reference:

- [GBN - Family and Medical Leave](#)



## Adopted:

- November 13, 2012

## Revised:

- January 14, 2014
- October 30, 2018
- February 14, 2023

# GBP - EARNED PAID LEAVE FOR NON-UNIONIZED EMPLOYEES

The Cape Elizabeth School Department will comply with all applicable provisions of Maine's Earned Paid Leave (EPL) law, which takes effect January 1, 2021, and with Maine Department of Labor Rules governing EPL.

The Superintendent/designee shall be responsible for developing and implementing administrative procedures to implement use of EPL under this policy.

Notice of the EPL law will be posted in a visible location in each workplace.

Administrative procedures, including employee eligibility, use of leave, and employee notice requirements will be provided to employees in writing and/or through electronic communications, the school unit's employee handbook, or other suitable means.

## Legal Reference:

- 26 MRSA §637
- Maine Dept. of Labor Bureau of Labor Standards Rule Ch. X

## Cross Reference:

- [GBN - Family and Medical Leave](#)
- [GBO - Family Sick Leave](#)
- [GBP-R - Earned Paid Leave Procedures](#)

## Adopted:

- October 12, 2021

# GBP-R - EARNED PAID LEAVE ADMINISTRATIVE PROCEDURE

This procedure implements Maine's Earned Paid Leave (EPL) Law, 26 MRSA §637. The law takes effect January 1, 2021.

This law requires most Maine employers - including school units - with more than 10 employees to provide earned paid leave that is accrued based on hours worked. EPL may be used for any purpose.

The law applies as of January 1, 2021 to non-unionized school unit employees.

For unionized employees covered by a collective bargaining agreement that addresses paid time off, the law does not apply until the expiration of the current collective bargaining agreement. Accordingly, unionized employees should refer to the provisions for paid leave in the collective bargaining agreement and follow the school unit's procedures for requesting and/or accounting for paid leave.

## I. ACCRUAL OF EARNED PAID LEAVE

- I. Effective (beginning) January 1, 2021, employees shall accrue one hour of EPL for every 40 hours worked, beginning with the first day of employment, up to a maximum of 40 hours per year.

Exempt employees, e/g., teachers and administrators, will be presumed to work 40 hours per week.

- I. Employees may not use EPL until they have been employed for 120 calendar days. EPL cannot be used before it is earned and must be used in one-hour increments.
- II. Employees employed by the school unit prior to January 1, 2021 will be eligible to use accrued EPL 120 days after their start date.
- III. The designated year for purposes of accrual and use of earned paid time off shall be July 1st-June30th.
- IV. For business office accounting purposes, depending on an employee's regularly scheduled hours, up to 40 hours of EPL time may be "front-loaded" into the school unit's payroll/personnel benefits accounting system for some employees for ease of administration, but EPL may not be used until the 120-day employment requirement has been met.

## II. ALLOWABLE USES AND NOTICE REQUIREMENTS

- I. EPL leave may be used for any purpose. Notice requirements will differ between leave for planned purposes and leave for unplanned/emergency purposes.
  1. Planned Purpose: Employees shall provide at least four weeks' advance written notice to their supervisor to use EPL for a purpose that can be planned. Such purposes include, but are not limited to, weddings/social events, vacation, or recreational activity. Any such use of EPL shall run concurrently

with any other type of paid leave for which the employee is eligible for this purpose (such as vacation or personal leave).

In general, planned EPL should not be used for more than three (3) consecutive work days. Planned EPL cannot be used on the days immediately before and/or after a holiday or vacation period, or on any other days determined by the employees' supervisor to conflict with the school unit's operational needs.

1. Unplanned/Emergency Purpose: EPL may be used for an emergency, illness or injury, or other sudden necessity for which the employee does not have advance notice; is beyond the employee's control to schedule; and is otherwise unforeseeable. Examples include, but are not limited to, sudden illness or injury; motor vehicle accident, unanticipated child care closure; or residential issues such as burst pipes. In such cases, the employee is required to notify their supervisor as soon as practicable in the circumstances.

The employee's supervisor will request appropriate documentation demonstrating the necessity of using EPL for unplanned purposes if an employee requests such leave for three (3) consecutive days or more.

Any use of such EPL shall run concurrently with any other type of paid leave for which the employee is eligible (such as sick, personal or vacation leave).

## I. CARRYOVER

Up to 40 hours of unused, accrued EPL may be carried over to the next designated year. However, the amount of leave that an employee may accrue in that year will be reduced by the number of hours carried over. For example, if an employee carries over eight (8) hours of EPL from one year to the next the employee shall only be eligible to earn 32 hours in the second designated year.

For employees who have earned paid leave time front loaded as of July 1st will not be entitled to carry over any unused earned paid leave to the next fiscal year and such leave shall be forfeited.

## I. SEPARATION FROM EMPLOYMENT

Earned paid leave will not be paid out upon separation of employment, and it may not be used to extend an employee's employment beyond the last day actually worked.

However, if the employee returns to work within one year of leaving, the accrued/remaining leave will be reinstated.

**Adopted:**

- o September 14, 2021



# GCFB - RECRUITING AND HIRING OF ADMINISTRATIVE STAFF (ADMINISTRATORS)

## RECRUITING AND HIRING OF ADMINISTRATIVE STAFF (ADMINISTRATORS)

The Board affirms its commitment to the strict prohibition of discrimination in employment on the basis of race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists and locks), color, sex, sexual orientation, gender identity, religion, ancestry or national origin, disability, age, pregnancy, familial status or genetic information, and to the principle of affirmative action to obtain wide and representative candidate pools.

In accordance with 20-A MRSA, § 1001(13), the Superintendent shall prepare a procedure designed to ensure nondiscriminatory practice in recruitment and hiring for all positions requiring administrator certification, as well as to result in selection of the most qualified candidates. This procedure shall be attached hereto as GCFB-R, and shall be reviewed periodically.

Moreover, upon each occasion of an administrator vacancy, the Superintendent shall review the procedure and make appropriate adaptations as may be warranted by special circumstances. In the case of a vacancy in the Superintendency, the School Board shall review the procedure, adapting it as appropriate.

In accordance with 20-A MRSA, § 4502 (4-A), the school unit's Affirmative Action Plan shall include a description of the status of the unit's nondiscriminatory administrator hiring practice and plans for in-service training programs on protected class equity for teachers, administrators, and the School Board.

## Legal Reference:

- 5 MRSA § 4576 (Maine Human Rights Act)
- 20-A MRSA §§ 1001(13), 4502(4-A), 13011(6)

## Cross Reference:

- AC - Nondiscrimination/Equal Opportunity and Affirmative Action
- GCFB-R - Recruiting and Hiring of Administrative Staff (Administrators) Administrative Procedure

## Adopted:

- September 14, 2021

## Revised:

- May 10, 2022
  - December 13, 2022
-

# GCFB-R - RECRUITING AND HIRING OF ADMINISTRATIVE STAFF (ADMINISTRATORS) ADMINISTRATIVE PROCEDURE

These procedures implement School Board policy GCFB and are designed to establish a thorough, efficient, and nondiscriminatory practice for the recruiting and hiring of the most qualified candidates for administrator positions.

## I. Job Description Development/Review

- I. To ensure that a written role description of the vacant position accurately represents the current functions and needs, the Superintendent/designee (the Board in a Superintendent search) is to:
  1. Conduct a review of (if none exists, develop) the job description, with input from persons affected by the position;
  2. Include the criteria (skills, knowledge, abilities) required to perform the duties/responsibilities of the position; and
  3. List the minimum qualifications (training, education, and experience) for the position.

## II. Recruitment

- I. To attract a strong pool of qualified candidates, the Superintendent/designee is to advertise (except in the circumstances described in K below) by:
  1. Posting notice of the vacancy within the unit;
  2. Placing an advertisement in appropriate print and/or electronic media; and
  3. Identifying and notifying other possible sources of potential candidates, such as professional associations, educational administration programs, and placement offices at colleges and universities in Maine and other states, and the Maine Department of Education.

## III. Screening

- I. To ensure that a fair and efficient screening process will occur, the Superintendent/designee is to:
  1. Ensure that all applications are reviewed by more than one individual, with attention given to an unbiased regard for the criteria and qualifications in the job description;
  2. Appoint a screening committee with representation as deemed appropriate to the particular vacancy;
  3. Provide orientation on confidentiality and equity issues to screeners;



4. Eliminate all candidates who do not meet the minimum qualifications;
5. Conduct preliminary reference checks, as appropriate;
6. Select candidates for interview based on the degree to which they meet the criteria and demonstrate the skills, knowledge, and abilities outlined in the job description; and
7. Notify applicants not selected for an interview.

#### IV. Interviewing

I. To ensure that the interview process will be conducted in a legal and proper manner, the **Superintendent/designee is to:**

1. Appoint an interview committee (may be the same persons who serve the screening function) with representation as deemed appropriate to the particular vacancy;
2. Provide orientation on the process including the function and extent of responsibility of the committee, the weighting of criteria, and the nomination/hiring procedure; and
3. Conduct training to ensure that committee members are aware of the legal aspects of interviewing, including confidentiality and equity issues.

II. **The interviewing committee is to:**

1. Design interview questions which match the criteria and the duties/responsibilities outlined in the job description; and
2. Provide equal opportunity for the candidates to respond to the same questions/interviewers.

#### V. Selection

I. **The interview committee is to:**

1. Individually assess the candidates according to their answers to the job description-related questions, rating and/or commenting on each using a specially prepared form corresponding to the questions/criteria; and
2. Submit to the Superintendent a list of candidates to be considered further for the position.

II. **The Superintendent/designee is to:**

1. Have reference contacts made, as appropriate, to check perceived strengths and weaknesses of the candidates;
2. Review the material on the finalist candidates to determine whether additional information is needed;
3. Conduct final interviews of any or all finalists, as deemed necessary;

4. Select the most qualified candidate who fits the criteria and the duties/responsibilities outlined in the job description, based on their own professional judgment along with those of the interview committee (or, reject all finalists, reopen the position, and begin the process anew); and
5. Have any further reference checks made, as appropriate.

## VI. Nomination/Employment

### I. **The Superintendent is to:**

1. Notify and obtain agreement of the successful candidate, pending Board approval;
2. Inform the interview committee; and
3. Nominate and employ the successful candidate in accordance with state law and local policies.

## VII. Notification

### I. **The Superintendent/designee is to:**

1. Notify the nominee of the Board approval and employ the administrator; and
2. Notify the other candidates interviewed.

## VIII. Orientation and Support

To ensure that the new administrator is provided with the proper information about the system and job expectations, the Superintendent/designee is to provide an orientation that includes expectations of the duties/responsibilities of the position along with the policies and procedures of the local school unit.

## IX. Record Keeping

To ensure that the confidentiality of employee and applicant records are properly maintained, the Superintendent is to provide for the maintenance in secure files of all applications and documentation of the hiring, screening, and interviewing process for a period of three (3) years.

## X. Confidentiality

To ensure that confidentiality is maintained throughout and permanently following the hiring process, the Board, all employees involved, and any other participants are to maintain absolute confidentiality about candidates, including names, in accordance with state law (20-A MRSA § 6101). The Board is to assume responsibility through the Superintendent for providing adequate orientation at appropriate stages of the process, including at the completion.

## XI. Hiring of Current Employees

The school unit may forego one or more of the steps set forth in sections B-E of this procedure and appoint a person who is currently employed by the unit to fill an administrator position only if the Superintendent, after consultation with the School Board, or the Board in a Superintendent search, determines that the following circumstances exist:

1. The currently employed candidate is exceptionally well qualified for the position; and

2. The decision to forego all or part of the recruitment and screening process will not detract from the goals of this policy.
3. The hiring process is in compliance with the appropriate collective bargaining agreement.

## Cross Reference:

- [GCFB - Recruiting and Hiring of Administrative Staff \(Administrators\)](#)

## Adopted:

- September 14, 2021

## Reviewed:

- December 13, 2022
-

# GCG - LONG-TERM AND SHORT-TERM SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

It will be the responsibility of the principal or the principal's designee to assign a substitute to fill any vacancy caused by the temporary absence of a regular staff member.

In the filling of these temporary vacancies, an effort shall be made to secure substitutes who have full certification, and at the least, training or expertise at the level or in the subject specialization of the teacher who is absent. Only fully certified substitutes shall be assigned to classes whose regular teachers are on long-term leaves of absence.

Particular care should be taken to choose the best possible candidate with the most appropriate credentials to cover any extended absence of a regular staff member.

Principals shall attempt to maintain as much continuity as possible by engaging one, and only one, substitute for the full period of absence of one teacher, and by calling back a substitute to serve in a classroom in which they have already performed successfully during the same term.

Administrative guidelines will be submitted annually to the school board with regard to rates of pay per day and specific rates for short-term and long-term assignments.

## Adopted:

- October 9, 1984

## Revised:

- April 14, 1992
  - June 1998
  - December 14, 2004
  - September 10, 2013
-

# GCGC - TEACHER JOB SHARE

## Philosophy:

The School Board recognizes that flexibility in employment practices can be mutually beneficial to the staff and the student body. Each job-share proposal will be reviewed with the maintenance of high quality of instruction and services to students as the primary factor.

## Policy:

The policy of the Cape Elizabeth School Board is to consider any job-share proposal on a case-by-case basis and to approve it only when the applicant(s) has demonstrated to the satisfaction of the School Board that the best interests of the Cape Elizabeth School Department will be served. Any proposal granted will be on a one-year basis only, and may be extended beyond that time at the discretion of the School Board.

## Guidelines:

- I. Job-sharing opportunities apply to full-time positions within the Cape Elizabeth School Department. A full-time teaching position will remain full time when job shared. Each employee will receive their prorated share of their negotiated step salary and benefits. Job-share participants will not have their seniority affected.
- II. Teachers in a job-share position will fulfill all required professional responsibilities in accordance with the provisions of the teacher contract and as determined by building administration.
- III. Applications for job sharing must be received by the Superintendent by March 1 of the school year prior to the year for which application is being made. At the discretion of the Superintendent, applications of an emergency nature may be considered after the March 1 deadline. Applications will include purpose and reasons for the request. The Cape Elizabeth School Board will review and approve or disapprove applications presented to them.

## Adopted:

- May 12, 1992

## Revised:

- June 1998
  - June 10, 2003
  - December 14, 2004
  - September 10, 2013
-

# GCI - PROFESSIONAL STAFF DEVELOPMENT OPPORTUNITIES

The Board recognizes the importance of developing, maintaining, and extending the skills of staff members and encourages employees to engage in programs and activities that will lead to their professional growth and increased competence.

The Superintendent is authorized to initiate programs and activities which are designed to serve the following purposes:

- I. To provide a structure through which staff members can stay abreast of new developments in their areas of specialty;
- II. To familiarize staff members with new research and innovative teaching methods;
- III. To assist staff members in the process of change and school improvement; and
- IV. To facilitate the development, implementation and evaluation of new programs.

Within budgetary limitations, visitations and attendance at conferences may be approved by the Superintendent in accordance with Board policy.

## Legal Reference:

- Ch. 125 (ME Dept. of Ed. Rule)

## Adopted:

- April 14, 1992

## Recoded:

- June 1998

## Reviewed & Approved:

- December 14, 2004

## Revised:

- November 13, 2012
-

# GCMA - INSTRUCTIONAL STAFF PLANNING TIME

## INSTRUCTIONAL STAFF PLANNING TIME

The School Board will make available, during the school day, individual and common planning time for teachers, consistent with the educational needs of students and within budgetary limitations.

Within each school, the principal is responsible for scheduling of classes and planning time. To the extent possible, the principal will consult with the teachers in scheduling planning time. Teachers will be relieved from other responsibilities during planning time and, when possible, such time shall be provided in an uninterrupted block.

Adopted: December 15, 2020

# GCOA - SUPERVISION AND EVALUATION OF PROFESSIONAL STAFF

A well-planned and systematic program of supervision and evaluation of performance tied to educational outcomes is vital to the ongoing improvement of the instructional program. It is the Board's responsibility to ensure that sufficient administrative time and energy are expended to supervise (observe and assist) and evaluate (measure and assess) teachers. The evaluation program shall address all aspects of teaching performance and recognize that the fulfillment of student needs is of primary importance.

The Superintendent shall be responsible for the development, implementation and periodic review of a comprehensive program of supervision and evaluation, which shall be adopted by the Board. The program shall provide minimum standards for the number and frequency of formal performance reviews, with the understanding that probationary teachers require closer support and more frequent performance reviews.

Probationary teachers shall be evaluated at least once in each year of their probationary employment.

- I. Criteria used for evaluation shall be in written form and made permanently available to the teacher;
- II. Evaluations shall be made by an immediate supervisor/administrator, or by other person(s) designated by the Superintendent;
- III. Results of the evaluations shall be put in writing and shall be discussed with the teacher;
- IV. The teacher being evaluated shall have the right to attach a memorandum to the written evaluation; and
- V. Results of all evaluations shall be kept in confidential personnel files maintained at the Superintendent's office.

In keeping with the Board's goal of employing the best qualified staff to provide quality education for all students, all teachers are expected to participate fully in the evaluation process, self-appraisal and continuous improvement of professional skills.

While supervision and evaluation policies and procedures are not negotiable in collective bargaining, the Superintendent is to seek appropriate involvement of staff in the development and periodic review of the supervision and evaluation program.

## Legal Reference:

- 20-A MRSA §§ 1055, 13201; 13802
- Ch.508
- Ch. 125 §§ 4.02(E) (3), 8.08 (Me. Dept. of Ed. Rule)

ALSO SEE: Cape Elizabeth Teacher Evaluation Plan Copies in superintendent's office, administrative offices at each school [or on the district website.](#)

## ADOPTED:

- September 10, 1985



## REVISED:

- October 11, 1994

## Recoded:

- June 1998

## Reviewed & Approved:

- December 14, 2004

## REVISED:

- September 10, 2013
-

# GCOC - EVALUATION OF ADMINISTRATIVE STAFF

The Superintendent shall implement and supervise an evaluation system for all administrative personnel. A report shall be made to the board annually on the performance of all administrators, with recommendations regarding their employment and/or salary status.

Formal evaluations shall be made at least once a year, but more often during the first two years in an administrative capacity. They shall be conducted according to the following guidelines:

- I. Evaluative criteria for each position shall be in written form and made permanently available to the administrator;
- II. Evaluations shall be made by the Superintendent or immediate supervisor;
- III. Results of the evaluations shall be put in writing and shall be discussed with the administrator;
- IV. The administrator being evaluated will have the right to attach a memorandum to the written evaluation;  
and
- V. Results of all evaluations shall be kept in confidential personnel files maintained at the Superintendent's office.

## Legal Reference:

- 20-A MRSA Ch. 508

## ADOPTED:

- December 10, 1991

## Recoded:

- June 1998

## Reviewed & Approved:

- December 14, 2004

## REVISED:

- September 10, 2013
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# GCQC - RESIGNATION OF SCHOOL UNIT EMPLOYEES

The Cape Elizabeth School Board authorizes the Superintendent to accept all employee resignations. Such acceptance shall be effective when first communicated to the employee orally or in writing. Acceptance shall be confirmed in writing to the employee. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.

## Adopted:

- October 9, 1984

## Recoded:

- June 1998

## Revised:

- December 14, 2004
  - September 10, 2013
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# GCQE - ENROLLMENT OF NON-RESIDENT EMPLOYEES' CHILDREN

A goal of the Cape Elizabeth School Department (CESD) is to attract and retain quality staff. Therefore, persons who are actively employed on a full time basis by the CESD may have their children enrolled, without paying tuition, provided the administrative conditions established for all non-resident students have been met and affirmed by the Superintendent, that space is available, and that the educational needs of the student can be met with existing district programs.

Staff requests for tuition waivers must be made annually by March 1 of the prior academic year. In all cases, the Superintendent has the ability to review special circumstances and to make a decision based on the best interest of the CESD.

## Legal Reference:

- TITLE 20A MRSA §§ 2701; 5202; 5801

## Cross Reference:

- [JFAB- Admission of Non-Resident Students](#)

## Adopted:

- October 9, 1984

## Deleted:

- April 14, 1994

## Adopted:

- November 14, 2000
  - January 14, 2014
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# GCSA - EMPLOYEE COMPUTER AND INTERNET USE

## EMPLOYEE COMPUTER AND INTERNET USE

As used herein, the term "Computer(s)" refers to any desktop, laptop, or other mobile computing device, including cellular phone, owned or issued by the Cape Elizabeth School Department (CESD) to any employee for school and/or home use. The term "Privately-Owned Computer(s)" refers to any privately-owned desktop, laptop, or other mobile computing device, including cellular phones. The term "Computer Services" refers to the School Department's network or Internet connections used to access school or Internet-based information.

The CESD provides computers and computer services to support the educational mission of the schools and to enhance the curriculum and learning opportunities for students and school staff. This policy and the accompanying rules apply to the use of the computers and computer services whether in use at school or off school premises. Staff are allowed to use privately owned computers at school, provided that they comply with this policy and the related rules and policies.

School district computers, network and Internet services are provided for purposes related to school programs and operations, and performance of employees' job responsibilities. Incidental personal use of school computers is permitted as long as such use: 1) does not interfere with an employee's job responsibilities and performance; 2) does not interfere with system operations or other system users; and 3) does not violate this policy and the accompanying rules, or any other Board policy/procedure or school rules. "Incidental personal use" is defined as use by an individual employee for occasional personal communications which do not interfere or conflict with their job responsibilities.

Compliance with the CESD's policies and rules concerning computers and computer services use are mandatory. An employee who violates these policies and rules may be subject to disciplinary action, up to and including termination. Such violations of the school district's computer may also result in referral to law enforcement and/or legal action.

CESD computers remain under the control, custody, and supervision of the school district at all times. The school district shall have the right to monitor, review, and have access to all computers and information concerning the use of computer services by staff, whether those computer services have been accessed on or off school grounds. Staff have no expectation of privacy in their use of school computers and/or computer services, whether they are used on or off school property.

The Superintendent or the Superintendent's designee is responsible for implementing this policy and the accompanying rules. Additional administrative procedures or school rules governing the day-to-day management and operations of the school district's computer services may be implemented by the Superintendent may delegate specific responsibilities to the Technology Coordinator, building principals and others, as the Superintendent deems appropriate.

Employees shall be informed of this policy and the accompanying rules through employee handbooks, the school website, computer start-up page and/or other means selected by the Superintendent.

### Cross Reference:

- GCSA-R - Employee Computer and Internet Use Rules
- GBEBB - Staff Conduct with Students
- IJNDB - Student Computer and Internet Use
- EGAD - Copyright Compliance

Adopted:

- January 10, 2006

Revised:

- February 8, 2011
  - January 14, 2014
  - May 9, 2023
-

# GCSA-R - EMPLOYEE COMPUTER AND INTERNET USE RULES

As used herein, the term "Computer(s)" refers to any desktop, laptop, or other mobile computing device, including cellular phone, owned or issued by the Cape Elizabeth School Department (CESD) to any employee for school and/or home use. The term "Privately-Owned Computer(s)" refers to any privately-owned desktop, laptop, or other mobile computing device, including cellular phones. The term "Computer Services" refers to the School Department's network or Internet connections used to access school or Internet-based information.

The policy and accompanying rules apply to the use of computers and computer services whether in use at school or off school premises. Staff are allowed to privately-owned computers at school, provided that they comply with the policy and related rules and policies.

Each employee is responsible for their actions and activities involving computers and computer services, and for their computer files, passwords, and accounts. These rules provide general guidance concerning the use of computers and computer services and examples of prohibited uses. The rules do not attempt to describe every possible prohibited activity by employees. Employees who have questions about whether a particular activity or use is prohibited are encouraged to contact a building administrator or the Technology Coordinator. These rules apply to all computer and/or school computer services regardless of how they are accessed.

## I. Access to School Computers and Acceptable Use

The level of employee access to school computers and computer services is based upon specific job requirements and needs. Unauthorized access to secure areas of the school's computers and computer services is strictly prohibited.

All Board policies, school rules, and expectations for professional conduct and communications apply when employees are using computers and computer services whether in use at school or off school premises.

## II. Prohibited Uses Examples of unacceptable uses which are expressly prohibited include, but are not limited to, the following:

I. Any use that is illegal or which violates policy [GCSA](#) and/or other Board policies/procedures or school rules, including harassing, discriminatory, or threatening communications and behavior; violations of copyright laws, etc. The school district assumes no responsibility for illegal activities of employees while using school computers.

II. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive, harmful to minors, or intended to appeal to prurient interests.

III. Any communications with students or minors for non-school-related purposes.

IV. Any use for private financial, commercial, advertising, or solicitation purposes.

V. Any use as a forum for communication with school users or outside parties to solicit, proselytize, advocate, or communicate the views of an individual or non-school sponsored organization; to solicit membership in or support of any non-school sponsored organization; or to raise funds for any non-school sponsored purpose, whether profit or not-for-profit. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from the building administrator or other appropriate administrator.

VI. Any communication that represents an employee's personal views as those of the school district or that could be misinterpreted as such.

- VII. Sending mass emails to school users or outside parties for any purpose without the permission of the Technology Coordinator or district administrator, except that the school district may, at its sole discretion, provide a forum for exchanging information that could be beneficial to its employees (e.g., Buy/Sell/Exchange, Google group/email).
  - VIII. Any malicious use or disruption of the school district's computers, network and Internet services; any breaches of security features; any failure to report a security breach; or misuse of computer passwords or accounts (the employee's or those of other users).
  - IX. Any attempt to delete, erase, or otherwise conceal any information stored on a school computer and school computer services that violates these rules or other Board policies or school rules, or refusing to return computer equipment issued to the employee upon request.
  - X. Any attempt to access unauthorized web sites or any attempt to disable or circumvent the school district's filtering/blocking technology.
- III. Disclosure of Confidential Information Employees are expected to use appropriate judgement and caution in communications concerning students and staff to ensure that personal identifiable information remains confidential. Use of e-mail for sharing confidential information must comply with FERPA.
- IV. Employee Volunteer Responsibility to Supervise Student Computer Use Employees and volunteers who use school computers with students for instructional purposes have a duty to supervise such use and to enforce the school district's policies and rules concerning student computer use. When, in the course of their duties, employees or volunteers become aware of a student violation, they are expected to stop the activity and inform the building administrator consistent with the educational mission and curriculum and instructional goals.
- V. Compensation for Losses, Costs, and/or Damage  
An employee is responsible for compensating the school district for any losses, costs or damages incurred by the school district for violations of Board policies and school rules while the employee is using school district computers and school computer services, including the cost of investigating such violations. The school district assumes no responsibility for any unauthorized charges or costs incurred by an employee while using school district computers and school computer services. CESD will be responsible for accidental damage to employee computers that occur through normal use of their job functions.
- VI. Additional Rules for Use of Privately-Owned Computers by Employees
- I. Employees are permitted to use privately-owned computers in school provided that they comply with the policy and rules governing computer and Internet use, there is a suitable educational basis for the request, and the demands on the school district's network or staff are reasonable. In addition, if requested, the employee must provide to the Technology Coordinator such information as IP addresses and login passwords to enable enforcement of all policies and rules regarding use of computer services.
  - II. The technology staff has the authority to determine whether use of an employee's privately-owned computer would place an undue burden on or could interfere with the computer services.
  - III. The employee is responsible for proper care of their privately-owned computer including any costs of repair, replacement, or any modifications needed to use the computer at school.
  - IV. The school district is not responsible for damage, loss, or theft of any privately-owned computer.
  - V. Employees have no expectation of privacy in their use of computer services while using a privately-owned computer at school.
  - VI. Employees are required to comply with all Board policies/procedures and school rules while using school computer services on privately-owned computers at school or elsewhere.



VII. Violation of any Board policies, administrative procedures, or school rules involving an employee's use of computer services or a privately-owned computer may result in the revocation of the privilege of using the computer at school and/or disciplinary action.

VIII. The school district may seize any privately-owned computer used by an employee in school without authorization as required by these rules and the contents of the computer may be searched in accordance with applicable laws and policies. The computer will be returned to the owner when it is no longer needed for investigatory or evidentiary purposes.

CESD may utilize all information provided in FI above to review, monitor, and/or have access to an employee's private computer at any time, without prior notice, to determine if an employee is using the school computer services on an employee's privately-owned computer in compliance with all applicable policies and rules of the school.

I. Violations

A violation by the employee of the school's policies and rules or use of school computer services shall subject the employee to such disciplinary action as the Superintendent believes is appropriate including, but not limited to, loss of use of school computers and/or school computer services.

## Cross Reference:

- [GCSA - Employee Computer and Internet Use](#)
- [GBEBB - Staff Conduct with Students](#)
- [JRA - Student Education Records and Information](#)

## Adopted:

- January 10, 2006

## Revised:

- February 8, 2011
  - January 14, 2014
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# GDO - SUPPORT STAFF EVALUATION

The Board recognizes that thorough, regular appraisal of support staff performance is critical to the realization of district goals. The primary purpose of personnel evaluation is the growth of individual staff members, the strengthening of the school staff as a whole, and improvement of support services provided.

The Superintendent is responsible for developing administrative guidelines.

## Adopted:

- November 14, 1995

## Revised:

- January 11, 2005
  - September 10, 2013
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