

CAPE ELIZABETH SCHOOL DEPARTMENT  
Cape Elizabeth, Maine

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**Tuesday, April 28, 2020**  
**POLICY COMMITTEE MEETING**  
**ZOOM VIDEO CONFERENCE**  
**3:00 p.m.**

- **MEETING AGENDA**

- I. Prep for Second Reading:
  - A. ACAA - Harassment and Sexual Harassment of Students
  - B. IKF – Graduation Policy
  
- II. New Work
  - A. JS – Suicide Prevention, Intervention and Response

Adjourn Meeting

Time: \_\_\_\_\_

**CAPE ELIZABETH SCHOOL DEPARTMENT**  
Cape Elizabeth, Maine

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DRAFT 2/26/20

Code: ACAA

### HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students because of race, color, sex, sexual orientation, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

#### Harassment

Harassment includes but is not limited to verbal abuse based on race, color, sex, sexual orientation, **gender identify and expression**, religion, ancestry or national origin, or disability. Harassment that rises to the level of **sexual violence**, physical assault, battery, and/or abuse is also addressed in **Policy JLFA – Child Sexual Abuse Prevention and Response** and Policy JICIA – Weapons, Violence, and School Safety.

#### Sexual Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances; requests for sexual favors or pressure to engage in sexual activity; physical contact of a sexual nature, **including all forms of sexual violence**; and gestures, comments, or other physical, written, or verbal conduct that is gender-based that **and** interferes with a student's education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct. Harassment/sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment/sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

The Superintendent, **school administrator**, or Title IX Coordinator will investigate complaints of harassment in accordance with the Student **Discrimination and Harassment Complaint Procedure (ACAA-R)**. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

#### **Confidential Employees.**

**The Board recognizes that students who are victims of sexual assault or non-consensual sexual contact may not be ready or willing to make a formal complaint to either legal or school authorities, yet are still in need of support within the school setting. Further, the Board recognizes certain staff members such as licensed psychologists and licensed clinical social workers, where such staff members operate under a State license that includes an obligation of confidentiality, as confidential employees ("Confidential Employees"). Thus, Confidential Employees are not required to divulge or release information gathered during a counseling relation with a student-client, except as may be required by law, specifically as may**

DRAFT 2/26/20

Code: ACAA

**be required by and to the extent necessary to comply with State mandatory reporting obligations and Policies JLF or JLFA.**

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.)

Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))

5 MRSA §§ 4602; 4681 et seq.

20-A MRSA § 6553

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action

ACAA-R - Student Discrimination and Harassment Complaint Procedure

**CAPE ELIZABETH SCHOOL DEPARTMENT**

Cape Elizabeth, Maine

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ACAD - Hazing

JFCK - Student Use of Cellular Telephones and Other Electronic Devices

JICIA - Weapons, Violence, and School Safety

ADOPTED: September 14, 1999

REVISED: May 13, 2003

October 12, 2004

REVIEWED: August 2006

REVISED: February 12, 2008

August 28, 2012

June 11, 2019

ACAA-R  
DRAFT 1/28/20

## STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC - Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA - Harassment and Sexual Harassment of Students.

### Definitions

For purposes of this procedure:

- A. “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, **gender identity or expression**, religion, ancestry or national origin, or disability, as defined in Policies AC and ACAA; and
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, **gender identity or expression**, religion, ancestry or national origin, or disability, as defined in Policies AC and ACAA.
- C. “School administrator” means the school principal or assistant principal.
- D. “Confidential employee” means a licensed school counselor or social worker.

### How to Make a Complaint

- A. Any student who believes they **or another student** have been discriminated against or harassed, **even if they are unsure whether discrimination or harassment has occurred**, should report their concern promptly to any staff member. ~~Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with a building administrator.~~
- B. **Students, including alleged victims and bystanders, who report, in good faith, potential violations of Policies AC and ACAA, will be granted immunity from disciplinary measures for conduct violations (e.g., underage drinking and drug use).**
- C. ~~School Staff are expected to report possible incidents~~ **these alleged incidents** of discrimination or harassment **or any possible incidents they have observed on their own** to a ~~building~~ **school administrator, the Affirmative Action Officer, or the Title IX Coordinator.**
- 1. **Confidential employees are not required to divulge or release information gathered during a counseling relation with a client, except as necessary to comply with their mandatory reporting obligations under Policies JLF and/or JLFA; and/or to ensure that the school can meet its**

**CAPE ELIZABETH SCHOOL DEPARTMENT**  
Cape Elizabeth, Maine

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obligation to provide a safe environment for all students, in which case information should be shared with a school administrator, the Title IX Coordinator, and/or the Superintendent in such a way as to protect the alleged victim's desire for confidentiality.

2. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.

D. Students and others will not be retaliated against for making a complaint. Any retaliation by students or staff will result in disciplinary measures, up to and including expulsion or dismissal.

E. Students are encouraged to utilize the ~~school unit's~~ complaint procedure **described herein**. However, students are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04330 (telephone: 207-624-6290) or to the federal Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109 (telephone: 617-289-0111).

### **Complaint Handling and Investigation**

A. ~~A building~~ **The school** administrator, **Affirmative Action Officer, or Title IX Coordinator** shall promptly inform the Superintendent and the person(s) who is the subject of the complaint that a complaint has been received.

B. The ~~building~~ **school** administrator, **Affirmative Action Officer, or Title IX Coordinator** may pursue an informal resolution of the complaint with the agreement of all parties involved. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the school ~~unit~~ **department** in light of the particular circumstances and applicable policies and laws.

C. The complaint will be investigated by a ~~building~~ **school** administrator, **the Affirmative Action Officer, or the Title IX Coordinator** ~~unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf~~. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

a. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.

b. If the complaint is against an employee of the ~~school unit~~ **Cape Elizabeth School Department**, any applicable individual or collective bargaining contract provisions shall be followed.

**CAPE ELIZABETH SCHOOL DEPARTMENT**  
Cape Elizabeth, Maine

- c. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
- d. The ~~building~~ school administrator, **Affirmative Action Officer, or Title IX Coordinator** shall keep a written record of the investigation process.
- e. The ~~building~~ school administrator, **Affirmative Action Officer, or Title IX Coordinator** may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
- f. The ~~building~~ school administrator, **Affirmative Action Officer, or Title IX Coordinator** shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
- g. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.
- D. If the ~~building~~ school administrator, **Affirmative Action Officer, or Title IX Coordinator** determines that discrimination or harassment occurred, they shall, in consultation with the Superintendent:
- . Determine what remedial action is required, if any;
  - a. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
  - b. Inform the student who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the **student or** student's parents/guardians are dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 14 calendar days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07)  
Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7)  
Title IX of the Education Amendments of 1972 (34 CFR § 106.8(b)  
seq.)  
Title VI of the Civil Rights Act of 1964 (PL 88-352)  
20 USC § 1232g  
34 CFR Part 99

**CAPE ELIZABETH SCHOOL DEPARTMENT**

Cape Elizabeth, Maine

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5 MRSA §§ 4571; 4602; 4681 et seq.

20-A MRSA §§ 6001 et seq.

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAA - Harassment and Sexual Harassment of Students

ADOPTED: May 13, 2003

REVISED: October 12, 2004

August 28, 2012

ACAB-R

## **SCHOOL DEPARTMENT EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of **school department** employee complaints of discrimination and harassment as described in policies AC - Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB - Harassment and Sexual Harassment of School **Department** Employees.

### **Definitions**

For purposes of this procedure:

- A. "Complaint" is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, **gender identity or expression**, age, religion, ancestry or national origin, genetic information, or disability.
- B. "Discrimination or harassment" means discrimination or harassment on the basis of race, color, sex, sexual orientation, **gender identity or expression**, age, religion, ancestry or national origin, genetic information or disability.
- C. **"Employee" means any person employed by the Cape Elizabeth School Department.**

### **How to Make a Complaint**

- A. Any employee who believes they have been discriminated against or harassed is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop; however, this **action** shall not prevent the employee from making an immediate formal complaint.
- B. Any employee who believes they have been discriminated against or harassed should report their concern promptly to the Affirmative Action Officer. If the employee is uncomfortable reporting concerns to the Affirmative Action Officer, they may report the concern to ~~a building administrator~~ **their supervisor**.

Employees who are unsure whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the Affirmative Action Officer **or their supervisor**. Employees will not be retaliated against for reporting suspected discrimination or harassment.

Any employee who believes they have been discriminated against or harassed is encouraged to utilize the ~~school unit's~~ complaint procedure **described herein**. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, August, ME 04330 (telephone: 207-624-6290)

**CAPE ELIZABETH SCHOOL DEPARTMENT**  
Cape Elizabeth, Maine

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or to the federal Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109 (telephone: 617-289-0111).

### **Complaint Handling and Investigation**

- A. The Affirmative Action Officer **or employee's supervisor** shall promptly inform the Superintendent and the person(s) who is the subject of the complaint that a complaint has been received.
- B. The Affirmative Action Officer **or employee's supervisor** may pursue an informal resolution of the complaint with the agreement of all parties involved. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the school ~~unit~~ **department** in light of the particular circumstances and applicable policies and laws.
- C. The complaint will be investigated by **the Affirmative Action Officer or employee's supervisor** ~~unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf~~. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
- a. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
- b. If the complaint is against an employee of the school ~~unit~~ **Cape Elizabeth School Department**, any ~~rights conferred under an applicable collective bargaining agreement shall be applied~~ **applicable individual or collective bargaining contract provisions shall be followed**.
- c. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
- d. The Affirmative Action Officer **or employee's supervisor** shall keep a written record of the investigation process.
- e. The Affirmative Action Officer **or employee's supervisor** may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while the investigation is pending.
- f. The Affirmative Action Officer **or employee's supervisor** shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary



ACAB

## **HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES**

Harassment of school employees because of race, color, sex, sexual orientation, gender identity or expression, religion, ancestry or national origin, age, or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

As defined in Maine law and for the purpose of this policy, “sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. “Gender identity” means gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.

### **Harassment**

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

### **Sexual Harassment**

Unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee’s work environment or employee benefits;
- B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or
- C. Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

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

All complaints of harassment will be investigated in accordance with the School Employee Discrimination and Harassment Complaint Procedure.

### **Notice and Training**

Annually, each employee shall receive a copy of this policy and the School Employee Discrimination and Harassment Complaint Procedure. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate means to ensure that each employee receives a copy. All newly hired employees shall be provided training about sexual harassment in accordance with Maine law.

**CAPE ELIZABETH SCHOOL DEPARTMENT**  
Cape Elizabeth, Maine

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The Superintendent is responsible for ensuring that the school unit complies with all legal requirements for posting, notification and training of employees regarding harassment and sexual harassment.

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)  
Americans with Disabilities Act (42 USC § 12101 et seq.)  
Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC § 794 et seq.)  
Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)  
Age Discrimination in Employment Act (29 USC § 623)  
Genetic Information Nondiscrimination Act (42 USC 2000ff et seq.)  
Maine Human Rights Act (5 MRSA §4681 et seq.)  
20-A MRSA § 6553  
26 MRSA §§ 806-807

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

Adopted: October 12, 2005  
Revised: August 28, 2012

### SUICIDE PREVENTION, INTERVENTION AND RESPONSE

The Board recognizes that suicide prevention requires a comprehensive approach.

**[School unit name]** will provide suicide prevention awareness training for all employees within the school system or through an outside agency. School employees shall complete suicide awareness training within six months of beginning employment and refresher training at least once every year thereafter.

**[School unit name]** will enable a sufficient number of school staff to complete “gatekeeper” training in suicide prevention and intervention in order to meet the minimum gatekeeper to student ratio prescribed by Maine law.

The Superintendent/designee will develop protocols to address suicide prevention, intervention, and counseling services after an incident of student suicide. Such protocols will be aligned with guidelines that have been reviewed and approved by the Maine Department of Education, i.e., guidelines based on the best practices established by the National Alliance on Mental Illness Maine or a similar organization authorized by the Maine Department of Health and Human Services through its suicide prevention program.

The school unit’s health education programming will include grade level-appropriate instruction to increase suicide awareness. The Board encourages programming that will support mental/behavioral health, teach stress management and coping strategies, and encourage students to seek help from caring adults. Suicide prevention efforts will be aligned with the health education standards of Maine’s system of Learning Results.

Legal References: 20-A MRSA § 4502(5-B); Resolves, Ch. 38 (2019)  
Me. Dept. of Educ. Rule Ch. 38

Adopted: \_\_\_\_\_

**PLEASE NOTE** MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board’s policy development on specific topics. Rarely does one board’s policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are

**CAPE ELIZABETH SCHOOL DEPARTMENT**  
Cape Elizabeth, Maine

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MSAD 9 POLICY MANUAL

File: GCMA

Instructional Staff Planning Time

The Board of Directors recognizes the importance of providing instructional staff with time during the work day to

plan and prepare for student instruction. As part of this recognition, the Board of Directors will endeavor to provide

instructional staff at all levels opportunities for planning time. The amount and frequency of planning time will be

governed by availability of staff and district budget.

The Administration will employ a variety of measures in an attempt to provide these planning times, such as

development of teacher schedules, duty monitors at grades K-6 (if funding is available), and development of

protected time schedules for the allied arts instruction. The Administration will also examine and strive to find ways

to periodically provide joint planning time for teachers by grade level and content area.

This policy should not be interpreted to guarantee any one group or school with a set amount of planning time on

any given day or week. Every attempt will be made to provide an equitable amount of planning time across grade

levels and within buildings, whenever practical and possible.

Adopted: September 23, 1997

Reviewed: January 22, 2002

Revised: April 11, 2006

Policy: GCMA

PLANNING TIME/INSTRUCTIONAL STAFF

The MSAD #58 Board of Directors recognizes the importance of adequate planning/preparation time to the provision of high-quality student instruction.

The Board of Directors and Administration of MSAD #58 will provide as much planning time to teachers as possible within the constraints of budget, staffing and student needs.

Approved: September 10, 1998

OLD TOWN SCHOOL DEPARTMENT

Code: GCMA

INSTRUCTIONAL STAFF PLANNING TIME

As professionals, teachers are expected to devote to their assignments the time necessary to meet their responsibilities. 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: August 17, 1993

Revised:

**SHARING MEDICAL INFORMATION BETWEEN SCHOOL AND HOME**  
**PHYSICAL EXAMINATION REQUIREMENT AND SHARING**  
**INFORMATION BETWEEN SCHOOL AND HOME**

**(Change title to make it easier to find physical exam information/policy)**

By law and to protect the health and safety of students, it is important that certain medical information about students be shared between home and school. The purpose of this policy is to prescribe the process and circumstances for information sharing.

**I. DEFINITIONS**

For purposes of this policy, a "Physical Examination" is a health assessment conducted by a "Qualified Health Care Provider" (M.D., D.O., Nurse Practitioner, or Physician's Assistant) following professionally accepted standards of practice. The purpose of the physical examination is to assess health, identify health conditions amenable to early intervention, and to provide treatment to correct or ameliorate health problems found.

**II. SCHOOL PROVIDED EXAMINATIONS**

Cape Elizabeth nursing staff conducts medical screening required by Maine law.

**III. STUDENT HEALTH HISTORY IN POWERSCHOOL**

A Health History Form completed by parents in PowerSchool is required for all students each year by the beginning of school. In order to allow time for review of the Health History by the school nurse, students participating in a fall sport must have their health history data submitted no later than two weeks before the start of ~~preseason~~ the season. Students will not be permitted to begin their sports season until the Health History has been reviewed by the school nurse.

**IV. CHANGES IN CONDITION AND INJURIES**

Students who have major injuries or a significant change in health status, as determined by the school nurse ~~or Athletic Trainer~~, will require clearance, in writing, from a Qualified Health Care Provider prior to resuming participation in physical education or athletic competition. For the purpose of this provision "major injuries" or a "significant change in health status" includes but is not limited to any medical condition requiring surgery, any concussions (see Policy JJIAA), or any new diagnosis of asthma, allergies, or diabetes.

**V. REQUIRED PHYSICAL EXAMINATION FOR ALL STUDENTS ~~IN GRADES~~  
~~7, 9 AND 11~~ IN PARTICIPATING ~~IN~~ MIDDLE SCHOOL AND HIGH SCHOOL  
SPORTS**

- A. Requirement:** In order to be eligible to participate in a school sports program, all students ~~entering grades 7, 9 and 11~~ are required to have record of a physical examination. ~~conducted within the same calendar year before the student's start of that grade.~~ A Student Physical Examination Record form must be submitted to the school nurse documenting ~~that physical examination~~ **the date the physical exam was done and specifying full clearance to participate in the athletic activity or indicate any necessary restrictions. Physicals are valid for 2 years from the date of the exam and must not expire in the middle of an athletic season. If the physical exam has expired, a medical note stating medical clearance and the date of the next scheduled physical is acceptable and will be valid until the date of the scheduled physical.**

**CAPE ELIZABETH SCHOOL DEPARTMENT**

Cape Elizabeth, Maine

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- B. This Physical Examination Record is in addition to the Health History Form required of all students
- C. Submission Deadline: In order to allow time for review of the Physical Examination Record, the Record must be submitted no later than two weeks before the start of ~~preseason~~ **the season**. Students will not be permitted to begin their sports season until the Physical Examination Record has been reviewed by the school nurse.

**VI. SHARING OF INFORMATION WITH SCHOOL STAFF**

The results of the Health History and Physical examination will be entered on each student's school health record. The school nurse may share information from the record with school personnel who have a legitimate interest related to the student's education, health, or safety, including but not limited to teachers, coaches, activity advisors, trainers, and bus drivers.

CAPE ELIZABETH SCHOOL  
DEPARTMENT

## STUDENT USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES

The Board recognizes that many students possess cell phones and other electronic devices. These devices may not be used in any manner that disrupts the instructional process or violates Board policies or school rules.

**[School unit name]** shall not be responsible for the loss, theft or damage to cell phones or other electronic devices that students bring with them to school or school activities or use on school transportation.

The following provisions apply to student use of cell phones and other electronic devices:

- A. Students are prohibited from using privately-owned electronic devices including but not limited to cell phones, “smart phones,” I-Pods, MP3 players, handheld computers/PDAs, and electronic games at school or during school activities except when the teacher or building principal authorizes use for a specific educational, health or safety purpose.
- B. The use of cameras, including camera phones, is strictly prohibited in locker rooms, bathrooms, and other places where privacy is generally expected. In all other school locations, permission must be granted before photographing another person.
- C. School administrators may designate appropriate times and places during which I-Pods and other listening devices may be used (e.g., during lunch periods, study halls, or on school buses traveling to school activities).
- D. The use of a cell phone or other electronic device in any manner that violates Board policy or school rules is prohibited. This includes but is not limited to harassment, cheating and violations of the student code of conduct. If a Board policy or school rule is violated, the teacher or school administrator may confiscate the device for the remainder of the school day. Student cell phones and other electronic devices may be subject to search if there is reasonable suspicion of a violation.
- E. Students who violate Board policy or school rules will be subject to disciplinary consequences which may include:
  1. Confiscation of the device until the end of the school day;

2. A conference with the student’s parent/guardian;
3. Exclusion of the device from school for an extended period of time;

**CAPE ELIZABETH SCHOOL DEPARTMENT**  
Cape Elizabeth, Maine

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4. Penalties up to suspension or expulsion from school, depending upon the nature and circumstances of the violation and the student's prior disciplinary record; and
5. Referral to law enforcement.

The Superintendent/designee may develop additional rules to implement this policy. The policy and rules will be communicated to students and parents through the student handbook and/or the student code of conduct.

Cross Reference:     JIC–Student Code of Conduct  
                          JIH–Questioning and Searches of Students

Adopted:           \_\_\_\_\_

\*MSMA SAMPLE POLICY\*

NEPN/NSBA Code: GBCC

### EMPLOYEE USE OF CELL PHONES

The purpose of this policy is to address employee use of cell phones and other electronic communication devices (except laptops), whether school unit-owned or personally owned, including those that send or receive text messages, allow retrieval or sending of email or provide Internet access.

The Board recognizes that the use of cell phones and other electronic communication devices may be appropriate to the efficient operations of the school unit and helping to ensure the safety of students and staff and the security of school unit property.

School unit employees may not use cell phones or electronic communication devices, whether school unit owned or personally owned, for non-school related business while they are engaged in instruction or supervision of students or of a school sponsored activity, or in any other manner that interferes with attending to and/or carrying out their job responsibilities. Employees are free to use their personal cell phones and other electronic communication devices during off-duty, lunch or break times.

Use of cell phones and electronic communication devices, whether school unit owned or personally owned, in a manner that violates Board policies, administrative procedures and/or state or federal laws will result in discipline and referral to law enforcement officials, as appropriate. School administrators may confiscate and search a device when there is reasonable suspicion that an employee has violated this policy and that the device contains evidence of the violation.

In the interest of safety, school unit employees are prohibited from using hand-held cell phones and electronic communications devices while driving **[School unit name]** owned motor vehicles, whether transporting students, other staff or driving alone. School unit employees are also prohibited from using hand-held cell phones and electronic communications devices while transporting students in private vehicles.

**[School unit name]** may provide cell phones or other electronic communication devices to some employees to assist them in carrying out their employment-related duties on or off school property. The Superintendent/designee shall have the discretion as to which employees will be provided school unit owned cell phones and other electronic communication devices, based upon need and availability.

School unit owned cell phones and other electronic communications devices are to be used for school-related business purposes and are not intended for personal use except in emergencies involving employee health or safety. Employees have no expectation of privacy in their use of school unit owned cell phones/electronic communications devices or the information stored on them.

**CAPE ELIZABETH SCHOOL DEPARTMENT**

Cape Elizabeth, Maine

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Employees operating a school bus or other school unit vehicle transporting students are prohibited from operating the vehicle while using a cell phone or other electronic communications device, whether personally owned or issued by the school unit, except during an emergency situation or to call for assistance in the event of a mechanical breakdown or other mechanical problem, and then only when the vehicle is stopped or parked.

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MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

**CAPE ELIZABETH SCHOOL DEPARTMENT**

Cape Elizabeth, Maine

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