

Auburn School Committee
Regular Meeting Agenda
December 5, 2018 7:00 PM

6:00 PM - WORKSHOP - Fall Universal Screening and MEA Data

I. Call to Order /Pledge of Allegiance

- A. Introductions
- B. Communication

II. Consent Agenda

- A. Approval of Agenda
- B. Approval of Minutes for November 7, 2018

_____ Moved to approve the Consent Agenda.

_____ Seconded

_____ Motion passed/defeated _____ to _____ approve the Consent Agenda.

III. Public Participation

The School Committee asks the Public to remember our System-Wide Code of Conduct and the six core values of Respect, Honesty, Courage, Compassion, Fairness, and Responsibility while directly addressing the group. Our policy JIC states that we expect people to ‘Treat others as you would like to be treated, Use language that is appropriate and kind, and be truthful and forthright in speech and actions.’ Per our policy, BEDH - Public Participation at School Committee Meetings: Citizens may comment on any general topics related to the school system during this portion of the agenda. Comments related to specific agenda items may be held until the appropriate time. Please be succinct and speak once for less than three minutes. Other limitations may be necessary. The School Committee may respond to your concerns at a later date by answering through the administration or by placing the item on a future agenda. It is requested that comments related to specific personnel be channeled privately to the appropriate administrator.

IV. Student Information

V. Superintendent Report

- A. Information
 - 1. New High School Programming and Positions

The Superintendent will present information to the School Committee on programs and positions that will need to be approved in order for space to be allocated in the new high school Design Concept phase.

- 2. Classroom Space Needs

The Superintendent will present information regarding space needs in the district and the impact of additional classroom positions on space needs at Park Avenue School.

- 3. Vision 2030

The Superintendent will present Vision 2030 for discussion prior to the formal adoption on December 19, 2018.

- B. Business
 - 1. MSMA Group Insurance Trust Amendments

Mr. Adam Hanson, Business Manager, will present information regarding amendments to M.S.M.A. Group Insurance Declaration of Trust. He will request approval of the following resolves:

Vote to Authorize Amendments to M.S.M.A. Group Insurance Declaration of Trust

Be it hereby voted as follows:

RESOLVED: That Auburn School Department (the “District”), as a participant in the Maine School Management Association Group Insurance Trust Fund (the “Fund”), hereby consents to certain amendments to the Fund’s Declaration of Trust described in the attached document entitled Amendment of Declaration of Trust for Maine School Management Association Group Insurance Trust Fund (the “Declaration of Trust Amendment”);

RESOLVED: That the District be, and it hereby is, authorized to execute and deliver the Declaration of Trust Amendment, and any and all other documents and instruments as may be required from time to time to consummate the transactions contemplated by the Declaration of Trust Amendment, and that the execution, acknowledgment and delivery of the Declaration of Trust Amendment in the name of and on behalf of the District is hereby approved in all respects; and

RESOLVED: That Katherine Grondin, Superintendent, be, and hereby is, authorized to execute and deliver the Declaration of Trust Amendment and such other documents, certificates, agreements and instruments as may be reasonably required, and to perform such further and additional actions as may be necessary or convenient in order to effectuate the foregoing resolutions.

_____ Moved to approve the Vote entitled, "Vote to Authorize Amendments to M.S.M.A. Group Insurance Declaration of Trust" be adopted in form presented to this meeting and that a copy of said Vote be filed with the minutes of this meeting.

_____ Seconded

_____ Motion passed/defeated _____ to _____ approve the Vote entitled, "Vote to Authorize Amendments to M.S.M.A. Group Insurance Declaration of Trust" be adopted in form presented to this meeting and that a copy of said Vote be filed with the minutes of this meeting.

2. MSMA Dental Insurance Trust Amendments

Mr. Adam Hanson, Business Manager, will present information regarding amendments to M.S.M.A. Dental Insurance Declaration of Trust and Indemnity Agreement. He will request approval of the following resolves:

Vote to Authorize Amendments to M.S.M.A. Dental Insurance Declaration of Trust and Indemnity Agreement

Be it hereby voted as follows:

RESOLVED: That Auburn School Department (the "District"), as a participant in the Maine School Management Association Dental Insurance Trust Fund (the "Fund"), hereby consents to certain amendments to the Fund's Declaration of Trust described in the attached document entitled Amendment of Declaration of Trust for Maine School Management Association Dental Insurance Trust Fund (the "Declaration of Trust Amendment");

RESOLVED: That the District, as a participant in the Fund hereby consents to certain proposed amendments to the Indemnity Agreement dated as of July 1, 1993 (the "Indemnity Agreement") under the Trust described in the attached document entitled First Amendment to Indemnity Agreement;

RESOLVED: That the District be, and it hereby is, authorized to execute and deliver the Declaration of Trust Amendment and the First Amendment to Indemnity Agreement, and any and all other documents and instruments as may be required from time to time to consummate the transactions contemplated by the Declaration of Trust Amendment and/or the First Amendment to Indemnity Agreement (collectively, the "Trust Documents"), and that the execution, acknowledgment and delivery of such Trust Documents in the name of and on behalf of the District is hereby approved in all respects; and

RESOLVED: That Katherine Grondin, Superintendent, be, and hereby is, authorized to execute and deliver the Trust Documents and such other documents, certificates, agreements and instruments as may be reasonably required, and to perform such further and additional actions as may be necessary or convenient in order to effectuate the foregoing resolutions.

_____ Moved to approve the Vote entitled, “Vote to Authorize Amendments to M.S.M.A. Dental Insurance Declaration of Trust and Indemnity Agreement” be adopted in form presented to this meeting and that a copy of said Vote be filed with the minutes of this meeting.

_____ Seconded

_____ Motion passed/defeated _____ to _____ approve the Vote entitled, “Vote to Authorize Amendments to M.S.M.A. Dental Insurance Declaration of Trust and Indemnity Agreement” be adopted in form presented to this meeting and that a copy of said Vote be filed with the minutes of this meeting.

3. Policies - First Reading

The Assistant Superintendent will present the following policies for a first reading:

- IKFC - Graduation Requirements
- JKAA - Use of Physical Restraint and Seclusion

_____ Moved to approve the first reading of the above listed policies as presented.

_____ Seconded

_____ Motion passed/defeated _____ to _____ approve the first reading of the above listed policies as presented.

4. Procedures

The Assistant Superintendent will present the following procedures for endorsement:

- JKAA-R - Procedures on Physical Restraint and Seclusion
- JKAA-E - Incident Report Form for Physical Restraint and Seclusion

5. Proposed School Calendar

The Superintendent will present proposed School Calendar for the 2018-19 School Year.

_____ Moved to approve the 2018-19 School Calendar as presented.

_____ Seconded

_____ Motion passed/defeated _____ to _____ approve the 2018-19 School Calendar as presented.

VI. Information / Committee Reports

STANDING COMMITTEES	
Finance Subcommittee-B. Hayes, F. Fontaine	Policy Subcommittee-T. Kendall, B. Mennealy

SUBCOMMITTEES	
City Council Update-A. Fournier	Wellness Subcommittee-F. Fontaine, J. Scrivner
Communications Subcommittee-TBD	Audit Subcommittee-B. Hayes, F. Fontaine
Curriculum Subcommittee-P. Gautier	Transportation Appeals-D. Poisson, J. Scrivner
Community Learning Center-P. Gautier	SHARECenter-P. Gautier
New ELHS Building Committee-T. Kendall	Negotiations - T. Kendall, B. Hayes

VII. Upcoming Meeting

- Regular School Committee Meeting-December 19, 7:00 PM Auburn Hall 6:00 Workshop for Special Education Programming

VIII. Future Agenda Items and Request for Information

IX. Executive Session

If the School Committee makes a motion to enter executive session, the precise nature of business to be considered will be indicated in the motion. The items, which may be discussed, by law, may include one or more of the following:

1. To discuss personnel.
2. To discuss or consider the suspension or expulsion of a student.
3. To discuss or consider the condition, acquisition, or the use of real or personal property only if premature disclosure would prejudice the competitive or bargaining of the body or agency.
4. To discuss labor contracts, proposals and/or meetings related to negotiations.
5. To consult with the School Committee's attorney concerning legal rights, pending litigation, and settlement offers, when premature public knowledge would give the School Committee substantial disadvantage.
6. To discuss records made, maintained, or received by the School Committee or department, of access is prohibited by statute.

X. Adjournment

_____ Moved to adjourn at _____ P.M.

_____ Seconded

_____ Motion passed/defeated _____ to _____ adjourn at _____ P.M.

AUBURN SCHOOL DEPARTMENT
AUBURN, MAINE

6:00 PM - WORKSHOP - Performance Evaluation/Professional Growth (PEPG)

REPORT OF REGULAR SESSION MEETING OF THE AUBURN SCHOOL COMMITTEE

Auburn Hall

November 7, 2018

Members Present: Ms. Alfreda Fournier Mr. Thomas Kendall
Ms. Patricia Gautier Mr. Robert Mennealy
Ms. Bonnie Hayes Mr. Daniel Poisson
Ms. Jenna Scrivner

Others Present: Katherine Grondin, Superintendent, Michelle McClellan, Assistant Superintendent, Adam Hanson, Business Manager and Kiera Fournier and Olivia Roth, Student Representatives.

I. Call To Order/Pledge Of Allegiance

A. Introductions

Mr. Kendall called the meeting to order at 7:08 PM. He led the pledge of allegiance and members introduced themselves noting the ward they represent.

B. Communications

Ms. Hayes reported on the MSMA Fall Conference. She noted that she and Mr. Kendall had an informative session on school boards and each attended various other sessions. Ms. Hayes stated that she was a delegate for Auburn and voted on legislative issues with delegates from other districts and voted according to desires of the majority of School Committee members at the previous meeting. She stated that all discussions go back to legislature and she commended the other members for providing her with good information to vote on these issues.

Mr. Kendall reported that the sessions provided much information to inform members regarding their work on the School Committee.

Ms. Grondin stated that there were many discussions about public participation during this conference and it was very insightful. She reported that attorneys looked at this topic through the lens of the law and more discussions might be helpful when reviewing our policy regarding public participation. Ms. Grondin reported that during the conference Mr. Kendall connected with the Lewiston School Committee chair and a joint meeting is planned for January 7, 2019 at the Green Ladle to discuss LRTC, STEM, and search for a Lewiston Superintendent. She asked members to let her or Mr. Kendall know if there was something they wanted on the agenda.

Ms. Fournier expressed that she had heard from a constituent about high rates of traffic speed in the Fairview School area. She reported that she had notified the police and there was police presence at the close of school. She stated that the police are working on the issue.

Ms. Grondin reported that crossing guides notify Mr. Hanson when they have issues and thanked Ms. Fournier for notifying the police.

Ms. Scrivner stated that the voting at Fairview also caused a great deal of problems. She reported that there was a need for police presence.

Ms. Grondin stated that she also spoke with the police department about police presence at schools during voting. She noted that this time there was a larger than normal voter turnout.

Ms. Hayes suggested that voting should take place on a workshop day instead of a student day at schools.

Ms. Gauthier stated that the work on the new building going up next to the school is also going to impact walkers and traffic. She stated that she would also encourage more police presence.

II. Consent Agenda

A. Approval of Agenda

B. Approval of Minutes for October 17, 2018

It was moved by Ms. Hayes, seconded by Ms. Gauthier and voted unanimously to approve the Consent Agenda for tonight's meeting.

III. Public Participation

IV. Student Information

The students reported that they had e-mailed the elementary schools and received news from Fairview about the brown bag lunches with various guest speakers, Walton winter games plans, Sherwood Heights and their visit from a well known author and various other activities throughout the school, AMS reported that winter sports are starting soon and parent meetings are being held, they are holding a clothing drive. Students also reported on activities at ELHS including the upcoming cultural thanksgiving, Kiddie Night with NHS as host, Eddies 10,000 strong program where each student is encouraged to bring items for the fundraiser.

V. Superintendent Report

A. Business

1. Expansion of Programs at Lewiston Regional Technical Center

The Superintendent and Mr. Rob Callahan, from the Lewiston Regional Technical Center, presented information regarding an application to the Maine Department of Education for expanding the programs at Lewiston Regional Technical Center. Ms. Grondin reported that this has been worked on for over a year. Mr. Annear provided a handout about student opportunities.

Mr. Callahan stated that he is often asked why students don't have more access to programs. He reported that there are never enough seats to respond to the requests from students or enough space to provide those programs. He stated that as the opportunity to construct a new school, there were discussions about adding some CTE programming space to this new building. He noted that this would open 400 new seats that could provide programs that are not currently available, provide programs for more 9th and 10th graders, and meet some community needs for skilled labor. He noted that this is a thoughtful response to those needs. He noted that the students ran focus groups within the schools and there was great conversation and interest was high. He reported that the feedback was used to develop the handout provided tonight. Mr. Callahan noted that the list was developed taking into consideration the needs of community, students, and local colleges. He explained that he needs to build a case for adding to the CTE program, get approval from both school committees, and present to the Department of Education. He noted that the homework has been done, the applications developed, and next steps developed for the process. He noted that he would be reporting back to this School Committee a couple more times to provide updates throughout the process, but is very excited about this potential opportunity. He stated that tonight he was here to ask for approval to apply to the Maine Department of Education to expand the programs at LRTC in conjunction with the new Edward Little High School.

Mr. Callahan responded to questions from committee members regarding programming specifics, details regarding student achievements, and the process for developing and evaluating the programs. He stated that the LRTC program has a very good track record with their students. He noted that most of the students can earn 9 college credits in the program during their high school year, go on to college, and have a variety of careers that add value to our community.

Mr. Callahan reported that the funding for the programs comes up front. He noted that one of the things missing from the funding formula is equipment; however, businesses have donated equipment to LRTC in the past. He encouraged members to visit the program.

Mr. Kendall reported that the reason this is before us now, is because the partnership between the high school and CTE is unique. He noted that the Department of Education has a process in place whereby the application needs to be approved before the architects design the new facility. He

noted that there is adequate space with proper design and the funding for the programs does not come from the public high school funds.

Ms. Grondin noted that Lewiston does allocate some funding in their general fund budget for upkeep of the program. She noted that there will be revenue involved as well as expenses.

Ms. Fournier stated that this is so needed by students and community.

It was moved by Ms. Fournier, seconded by Ms. Gautier and voted unanimously to approve applying to the Maine Department of Education for expanding the programs at Lewiston Regional Technical Center in conjunction with the new Edward Little High School.

2. Lease Agreement - Community Garden

The Superintendent presented information regarding entering into a lease agreement with the City of Auburn to house a Community Garden at the property adjacent to Washburn Elementary School, 115 Whitney Street. She noted that the City would handle the liability and the lease would be for a period of five years. She explained that this would open next fall, but approval is needed now to get it ready. She provided information regarding fencing, supervision, and application process for garden use.

It was moved by Ms. Scrivner, seconded by Ms. Hayes and voted unanimously to authorize the Superintendent and Business Manager to enter into a lease agreement with the City of Auburn on behalf of the Auburn School Department for the purpose of hosting a Community Garden at 115 Whitney Street.

VI. Information / Committee Reports

STANDING COMMITTEES	
Finance Subcommittee-B. Hayes, F. Fontaine	Policy Subcommittee-T. Kendall, B. Mennealy

SUBCOMMITTEES	
City Council Update-A. Fournier	Wellness Subcommittee-F. Fontaine, J. Scrivner
Communications Subcommittee-TBD	Audit Subcommittee-B. Hayes, F. Fontaine
Curriculum Subcommittee-P. Gautier	Transportation Appeals-D. Poisson, J. Scrivner
Community Learning Center-P. Gautier	SHARECenter-P. Gautier
New ELHS Building Committee-T. Kendall	Negotiations - T. Kendall, B. Hayes

Ms. Fournier reported about recent City Council activities noting that the Strategic Planning application deadline was November 6th and on November 19th committee members will be approved by the City Council. She noted that there are many other volunteer opportunities listed on the City website. She reported on the Lewiston Auburn rail project is moving forward and a report has been developed. She explained that there is interest for this rail service. She shared that Schooner Memory Care facility has been granted a TIF and noted that this would be a huge facility that would bring a great benefit to the community. She also reported that the City is looking toward sustainable farming and refining the ordinance related to this in an effort to encourage more farmers.

Ms. Grondin reported that Leveraging Learning will kick off tomorrow at the Hilton Garden Inn.

Mr. Kendall reported that the New ELHS Building Committee Subcommittees met recently and will bring items to the Community Forum on Thursday, November 15th at the ELHS Gym at 6:00 PM.

Ms. Grondin reported that there is a plan to do a Facebook Live of the event.

Mr. Kendall reported that the Policy Subcommittee will have some policies to bring to the School Committee in December.

Mr. Hanson reported that the transportation policy will be reviewed soon.

Mr. Kendall stated that teacher negotiations will begin soon.

VII. Upcoming Meeting

- Regular School Committee Meeting -December 5, 7:00 PM Auburn Hall Workshop at 6:00 PM
- Regular School Committee Meeting-December 19, 7:00 PM Auburn Hall Workshop at 6:00 PM

VIII. Future Agenda Items and Request for Information

- Special Ed Programs - December

IX. Executive Session

X. Adjournment

It was moved by Ms. Scrivner seconded by Ms. Fournier and voted unanimously to adjourn from regular session at 8:09 PM.

Attest, a true record,



Katherine Grondin, Secretary
Superintendent of Schools

KG/rmw

Auburn School Department – Vision 2030 Final Draft

Empowering life-long learners to succeed in an ever-changing world!

Our students:

- Communicate, collaborate, think critically and flexibly.
- Apply their knowledge to real-life situations.
- Demonstrate the core values of compassion, courage, fairness, honesty, respect and responsibility.
- Recognize learning as an ongoing process.
- Appreciate diversity.

Our educational program:

- Serves the whole child.
- Focuses on student interest, goals and career exploration.
- Is student-centered within a standards-based approach.
- Provides independent, collaborative and community-based learning.
- Is flexible and personalized to maximize every student's growth.

Our staff members:

- Are model learners and collaborative educational leaders.
- Create safe environments for learning.
- Have high expectations, motivating students to be their best.
- Value reflection and creative thinking.
- Encourage active learning and innovation.

Our community members:

- Actively share the responsibility for students to be career and/or college ready.
- Partner with staff to ensure student success.
- Demonstrate mutual respect.
- Support safe, flexible and appropriate facilities for learning.
- Provide learning opportunities for students outside the school walls.

All Auburn students are supported to graduate with high aspirations, hope for the future, a passion for learning and the capacities to accomplish their dreams.

MEMBER RESOLUTION TO AMEND DECLARATION OF TRUST

Motion: I move that the Vote entitled, “Vote to Authorize Amendments to M.S.M.A. Group Insurance Declaration of Trust” be adopted in form presented to this meeting and that a copy of said Vote be filed with the minutes of this meeting.

Vote to Authorize Amendments to M.S.M.A. Group Insurance Declaration of Trust

Be it hereby voted as follows:

RESOLVED: That Auburn School Department (the “District”), as a participant in the Maine School Management Association Group Insurance Trust Fund (the “Fund”), hereby consents to certain amendments to the Fund’s Declaration of Trust described in the attached document entitled Amendment of Declaration of Trust for Maine School Management Association Group Insurance Trust Fund (the “Declaration of Trust Amendment”);

RESOLVED: That the District be, and it hereby is, authorized to execute and deliver the Declaration of Trust Amendment, and any and all other documents and instruments as may be required from time to time to consummate the transactions contemplated by the Declaration of Trust Amendment, and that the execution, acknowledgment and delivery of the Declaration of Trust Amendment in the name of and on behalf of the District is hereby approved in all respects; and

RESOLVED: That Katherine Grondin, Superintendent, be, and hereby is, authorized to execute and deliver the Declaration of Trust Amendment and such other documents, certificates, agreements and instruments as may be reasonably required, and to perform such further and additional actions as may be necessary or convenient in order to effectuate the foregoing resolutions.

A true copy, attest:

Katherine Grondin, Secretary
Auburn School Department

CERTIFICATE OF SECRETARY OF
Auburn School Department

The undersigned, being the Secretary of Auburn School Department (the "District"), hereby certifies, in connection with the execution and delivery of a certain Amendment of Declaration of Trust for Maine School Management Association Group Insurance Trust Fund (the "Declaration of Trust Amendment") that the School Committee of the District, at a meeting duly called and held on December 5, 2018, duly adopted the following votes, such votes being stated in the form of resolutions, as follows:

RESOLVED: That Auburn School Department (the "District"), as a participant in the Maine School Management Association Group Insurance Trust Fund (the "Fund"), hereby consents to certain amendments to the Fund's Declaration of Trust described in the attached document entitled Amendment of Declaration of Trust for Maine School Management Association Group Insurance Trust Fund (the "Declaration of Trust Amendment");

RESOLVED: That the District be, and it hereby is, authorized to execute and deliver the Declaration of Trust Amendment, and any and all other documents and instruments as may be required from time to time to consummate the transactions contemplated by the Declaration of Trust Amendment, and that the execution, acknowledgment and delivery of the Declaration of Trust Amendment in the name of and on behalf of the District is hereby approved in all respects; and

RESOLVED: That Katherine Grondin, Superintendent, be, and hereby is, authorized to execute and deliver the Declaration of Trust Amendment and such other documents, certificates, agreements and instruments as may be reasonably required, and to perform such further and additional actions as may be necessary or convenient in order to effectuate the foregoing resolutions.

These votes, which were stated in the form of resolutions, were duly adopted by the School Committee of the District, have not been amended, modified or repealed since the date of their adoption, and remain in full force and effect on the date hereof. I am the duly elected, qualified and acting Secretary of the District. The signatures that appear on the Trust Documents are the genuine signatures of the Superintendent, duly authorized by the District to execute and attest such document.

Date

(SEAL)

Katherine Grondin
Secretary of Auburn School Department

AMENDMENT OF
DECLARATION OF TRUST FOR MAINE
SCHOOL MANAGEMENT ASSOCIATION DENTAL INSURANCE TRUST FUND

WHEREAS, by virtue of an Indemnity Agreement dated _____, the undersigned Member is a participant in and a party to the Declaration of Trust for the Maine School Management Association Dental Trust Fund dated July 1, 1993 (the "Trust"); and

WHEREAS, the Trustees of said Trust have given their unanimous consent to certain amendments to said Declaration of Trust as set forth hereunder; and

WHEREAS, the governing body of the undersigned participant has consented to said amendments and authorized the execution of this Consent to Amendment of Declaration of Trust;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained in said Trust and pursuant to the provisions of Article XI of said Trust, the undersigned participant and the Trustees hereby agree that said Trust is amended as follows:

1. Section 2.3 of the Trust is hereby amended by deleting the same in its entirety and substituting therefor the following:

"2.3 Member shall mean those entities which (1) are accepted as Members by the Trustees; (2) satisfy the requirements for eligibility contained in this Declaration of Trust and other operative documents relating to the program; and (3) are entities whose income is excluded from gross income under Section 115 of the Internal Revenue Code including, without limitation, (A) public school units and (B) the State of Maine or any political subdivision thereof within the meaning of said Section 115."

2. Section 5.7 of the Trust is hereby amended by deleting the same in its entirety and substituting therefor the following:

"5.7 Each Member agrees to pay into the Trust Assets pursuant to the Program not less than 25% in the initial year of operation (or such other amount as the Trustees may require from time to time) of the annual premium amount due hereunder not later than the initial day of the year of the Program for which coverage will be offered."

3. Section 6.2 of the Trust is hereby amended by deleting subsection (r) in its entirety and substituting therefor the following:

"(c) To make, execute and deliver as Trustees in respect of the Trust Assets any and all deeds, leases, mortgages, advances, contracts, waivers, releases, or other instruments (collectively, the "Documents") in writing necessary or proper in connection with the exercise and implementation of the foregoing powers, and to delegate in writing to the Fund Administrator the power to make, execute and deliver, on behalf of the Trustees and the Trust, any and all such Documents;"

4. Section 6.2 of the Trust is hereby further amended by adding the following as new subsection (v):

"(v) To delegate in writing powers or duties of the Trustees to or among any one or more of the Trustees or to the Fund Administrator;"

This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but such counterparts together shall constitute one and the same instrument.

Dated: _____, 2014

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year above written.

Participant's name

By: _____
Authorized Signatory for Participant

WITNESS

Dorothy A. Spaulding
WITNESS

Michelle O'Rourke
WITNESS

Patricia A. Hannon
WITNESS

Kim Best
WITNESS

Judith Houghton
WITNESS

Amley A. Spaulding
Fund Trustee

Scott D. Edging
Fund Trustee

Paul
Fund Trustee

Margaret Westworth
Fund Trustee

Cheryl Kury
Fund Trustee

MEMBER RESOLUTION TO AMEND DECLARATION OF TRUST AND INDEMNITY AGREEMENT

Motion: I move that the Vote entitled, “Vote to Authorize Amendments to M.S.M.A. Dental Insurance Declaration of Trust and Indemnity Agreement” be adopted in form presented to this meeting and that a copy of said Vote be filed with the minutes of this meeting.

Vote to Authorize Amendments to M.S.M.A. Dental Insurance Declaration of Trust and Indemnity Agreement

Be it hereby voted as follows:

RESOLVED: That Auburn School Department (the “District”), as a participant in the Maine School Management Association Dental Insurance Trust Fund (the “Fund”), hereby consents to certain amendments to the Fund’s Declaration of Trust described in the attached document entitled Amendment of Declaration of Trust for Maine School Management Association Dental Insurance Trust Fund (the “Declaration of Trust Amendment”);

RESOLVED: That the District, as a participant in the Fund hereby consents to certain proposed amendments to the Indemnity Agreement dated as of July 1, 1993 (the “Indemnity Agreement”) under the Trust described in the attached document entitled First Amendment to Indemnity Agreement;

RESOLVED: That the District be, and it hereby is, authorized to execute and deliver the Declaration of Trust Amendment and the First Amendment to Indemnity Agreement, and any and all other documents and instruments as may be required from time to time to consummate the transactions contemplated by the Declaration of Trust Amendment and/or the First Amendment to Indemnity Agreement (collectively, the “Trust Documents”), and that the execution, acknowledgment and delivery of such Trust Documents in the name of and on behalf of the District is hereby approved in all respects; and

RESOLVED: That Katherine Grondin, Superintendent, be, and hereby is, authorized to execute and deliver the Trust Documents and such other documents, certificates, agreements and instruments as may be reasonably required, and to perform such further and additional actions as may be necessary or convenient in order to effectuate the foregoing resolutions.

A true copy, attest:

Katherine Grondin
Secretary
Auburn School Department

FIRST AMENDMENT TO INDEMNITY AGREEMENT

Reference is made to the Indemnity Agreement dated as of July 1, 1993 (the "Agreement") by and among the undersigned fund Trustees (collectively, the "Trustees") under a Declaration of Trust for the Maine School Management Association Dental Insurance Trust dated July 1, 1993 (the "Trust"), and the undersigned Member.

WITNESSETH

WHEREAS, pursuant to the Agreement, the undersigned elected to participate as a Member of the Trust; and

WHEREAS, the parties desire to amend the Agreement to modify the definition of "Member" and "fiscal year end" (the "Amendment");

NOW, THEREFORE, the parties hereto hereby agree, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the terms of the Agreement, to amend the Agreement as follows.

1. Article I, Section 4 of the Agreement is hereby amended by deleting the same in its entirety and substituting therefor the following:

"Member(s) shall mean those entities which (1) are accepted as Members by the Trustees; (2) satisfy the requirements for eligibility contained in the Declaration of Trust and this Indemnity Agreement; and (3) are entities whose income is excluded from gross income under Section 115 of the Internal Revenue Code including, without limitation, (A) public school units and (B) the State of Maine or any political subdivision thereof within the meaning of said Section 115."

2. Article V, Section 5 of the Agreement is hereby amended by deleting the first sentence thereof in its entirety and substituting therefor the following:

"The Dental Trust shall operate on a fiscal year of twelve (12) calendar months beginning and ending on such dates in each year as is determined by the Trustees. Execution of this Agreement by the Member, when approved and accepted in writing by the Trustees or their designee, shall constitute a continuing contract for each succeeding Program period unless canceled by the Trustees or unless the Member shall have withdrawn from the Dental Trust in accordance with the requirements set forth in this Agreement, the Declaration of Trust or applicable administrative regulations and bylaws."

Except to the extent expressly modified hereby, the terms and provisions of the Agreement shall remain in full force and effect and are hereby ratified and confirmed in all respects. This Amendment may be executed in any number of counterparts, each of which when

so executed and delivered shall be deemed an original, but such counterparts together shall constitute one and the same instrument. The signatory for the undersigned participant hereby certifies that he/she has been duly authorized by the participant to execute and deliver the Amendment and that when executed and delivered is or will be a valid and binding obligation of the participant enforceable against the participant.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the _____ day of _____, 2014.

WITNESS

Donna H. Spaulding

Michelle O'Connell

Walter A. Mason

Kim Boat

Judith Houghton

Shirley A. Spaulding
Fund Trustee

Shirley A. Spaulding
Print Name

Scott Eldridge
Fund Trustee

Scott Eldridge
Print Name

[Signature]
Fund Trustee

DANIEL KASPRZYK
Print Name

[Signature]
Fund Trustee

Kelly M. Wentworth
Print Name

Craig King
Fund Trustee

CRAIG KING
Print Name

[Participant's Name]

By: _____

Its _____
Duly Authorized

Graduation Requirements

To be awarded a high school diploma from the Auburn School Department, students will be required to demonstrate achievement of all cross-curricular and content-area graduation requirements. These graduation requirements will ensure that each learner provides evidence that they have achieved expected learning standards and acquired the knowledge, skills and work habits that will prepare them for postsecondary experiences. Our schools will provide the interventions, support systems and personalized-learning experiences that each learner needs to meet the expected standards and graduate ready to be successful in pursuing postsecondary pathways.

Communicating Graduation Requirements

To ensure that every learner and family has the information and resources they need to appropriately plan and sequence the learner's educational decisions, our schools, educators, and staff will communicate, prior to entering high school and throughout the learner's high school educational career, the graduation standards and diploma requirements that must be met to earn a high school diploma. The Superintendent, through the high school principal or other designee, shall be responsible for ensuring that accurate, up-to-date information concerning all graduation standards and diploma requirements are (1) readily available to all incoming learners and their families in the spring preceding the start of each school year, and (2) published on the district and/or high school websites. A detailed guide to graduation standards, academic expectations, and diploma requirements will be disseminated to all incoming ninth-grade learners at the time of course selection. This policy will also be referenced in each edition of the high school student handbook and on the district and/or high school websites. As soon as practical and feasible, the School Committee expects the Superintendent or designee to inform all learners and their families of any modifications made to the district's graduation requirements, which extends to all applicable changes in relevant state law, rules or regulations. The School Committee has approved the following schedule of minimum requirements for graduation, which encompasses minimum graduation requirements specified by the state and described in relevant laws, rules and regulations.

A. Diploma Requirements

Core Areas (18 credits)

Core areas include all state and local standards. A credit is defined as a set of learning experiences that meet district standards (for example, classroom work, course work or approved alternative). Core area committees will define credit by aligning learning experiences with district standards.

Core Credits

5 credits Communications (English/Modern & Classical Language)

*4 credits must be in English

3 credits Math

3 credits Science

*One credit must be in Physical Science; one credit must be in Life Science

3 credits Social Science

*Required courses in American History, Government and Civics

2 credits Health/Fitness

*One credit must be in Physical Education; 1/2 credit must be in Health

1 credit Fine Arts

.5 credit Personal Finance

.5 credit Career Planning

Additional Learning Experiences (6 credits)

Students will select a cluster of learning experiences (for example, vocational experiences, the arts, business and office technologies) totaling at least six credits.

Community Involvement

After securing pre-approval through a written proposal process, students will complete at least 24 hours of community service during high school.

Senior Exit Demonstration

- A. Senior Exit Demonstration includes;
 1. Individual Course Grid Sheet;
 2. Community Service Documentation; and
 3. A Written Reflection.
- B. Seniors will present their Senior Exit Demonstration.

District and State Assessments

Students are required to take all assessments mandated by and in accordance with district guidelines and State statutes.

Educational Experiences

Learners must engage in educational experiences in English Language Arts; Mathematics; and Science and Technology in each year of high school.

Multiple Pathways

The Auburn School Department values all learning and provides access to a wide range of learning experiences, including but not limited to:

- Academic courses offered by the school
- Dual enrollment or early college courses
- Career and technical education programming
- Online or blended learning options
- Alternative or at-risk programming
- Independent study
- Apprenticeships, internships, field work or exchange experiences
- Adult education

In addition, the Auburn School Department encourages its learners to explore learning options outside of the school building. To pursue independent, outside-of-school learning options, learners must have an approved plan, which describes the learning experience, including how it satisfies diploma requirements.

Student Status

- A. To be considered full-time, a student must be enrolled in a minimum of six (6) learning experiences.
- B. For learners who transfer to Edward Little High School from another school, state or home-schooling situation, including educational programs that are not aligned with Auburn School Department's cross-curricular and content-area graduation standards, the Principal or designee shall evaluate the learner's prior educational experiences and determine to what degree the learner has met the high school graduation requirements. Once enrolled in Edward Little High School, these learners shall satisfy graduation requirements as determined by the Principal or designee.
- C. A home-schooled learner must be enrolled as a full-time student at Edward Little High School for a minimum of one school year prior to graduation in order to receive an Edward Little High School diploma. For previously home-schooled learners wishing to receive a diploma from Edward Little High School, the Principal/designee shall evaluate the learner's prior educational experience toward meeting graduation requirements in accordance with Policy IHBGA.
- D. The Superintendent shall determine whether a student is eligible to receive a diploma.

Graduation Requirements for Learners Receiving Special Education Services

Learners who successfully meet the content standards of the Learning Results, as specified in the goals and objectives of their Individualized Education Programs (IEP), shall be awarded diplomas. The IEP

team can identify accommodations and pathways for a learner with a disability, but the team cannot lower the graduation requirements to receive a diploma

Early Awarding of Diplomas

A learner who has met the graduation requirements in fewer than four years of high school may be awarded a diploma. Learners who wish to exercise this option must file their intention with the Edward Little High School Principal by October 15th of the school year in which they plan to graduate.

Delayed Awarding of Diplomas

A learner who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education may receive a diploma provided Edward Little High School is the school last attended and the learner has notified the principal at the time of admission. A diploma may be awarded even though the learner does not meet all the Auburn School Department graduation requirements. Such decision shall be at the discretion of the Superintendent in accordance with the policies of the Auburn School Department School Committee.

Extended Study

Learners are eligible for extended years of study to complete the graduation requirements if they have not reached the age of 20 as of July 1st of the enrolling year. Extended study for learners with disabilities shall be specified in a learner's IEP.

Participation in Graduation Ceremony

Learners must complete all requirements of graduation in order to participate in commencement exercises.

Cross Reference:	IHBGA - Equivalent Instruction Through Home Schooling IHCD - Advanced College Placement IHCDA - Post-Secondary Enrollment Options IKFA - Early Graduation
Legal Reference:	20-A MRSA §§ 4502(8), 4722-A, 6209 Chapter 101, 125, 127, 131, 132 (Maine Department of Education Rules)
Adopted:	June 10, 1998
Revised:	February 27, 2002, February 1, 2006, July 14, 2010, December 19, 2018

Use of Physical Restraint And Seclusion

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

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

I. DEFINITIONS.

The following definitions apply to this policy and procedure:

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

Physical restraint does not include any of the following:

1. Escort: A temporary touching or holding for the purpose of inducing a student to walk to another location, including assisting the student to the student's feet in order to be escorted.
 2. Physical prompt: A teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
 3. Physical contact: When the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact.
 4. Momentarily deflecting the movement of a student when the student's movements would be destructive, harmful or dangerous to the student or others.
 5. The use of seat belts, safety belts or similar passenger restraints, when used as intended during the transportation of a child in a motor vehicle.
 6. The use of a medically prescribed harness, when used as intended; the use of protective equipment or devices that are part of a treatment plan prescribed by a licensed health care provider; or prescribed assistive devices when used as prescribed and supervised by qualified and trained individuals.
 7. A brief period of physical contact necessary to break up a fight.
 8. Restraints used by law enforcement officers or school resource officers employed by a police department in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33.
 9. MDOE Rule Chapter 33 does not restrict or limit the protections available to school officials under 20-A M.R.S.A. § 4009, but those protections do not relieve school officials from complying with this policy/procedure.
- B. **Seclusion:** The involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving.

Seclusion does not include:

1. Timeout: An intervention where a student requests, or complies with an adult request for, a break and is not covered by this rule.

II. PROCEDURES FOR IMPLEMENTING PHYSICAL RESTRAINT AND SECLUSION.

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

III. ANNUAL NOTICE OF POLICY/PROCEDURE.

The Auburn School Department shall provide annual notice to parents/legal guardians of this policy/procedure, including MDOE Rule, Chapter 33 and the complaint process, by means determined by the Superintendent/designee

IV. TRAINING REQUIREMENTS.

- A. Annually, all school staff, including contracted providers, shall receive an annual overview and awareness information of this policy/procedure.
- B. The Auburn School Department will ensure that a sufficient number of administrators/designees, general and special education staff maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff shall be updated annually and maintained in the Superintendent's Office, in each school office and in the school unit's Emergency Management Plan.

V. PARENT/LEGAL GUARDIAN COMPLAINT PROCEDURE.

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

A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the results of the local complaint process and may initiate its own investigation of the complaint. The Department shall issue a written report with specific findings to the parent/legal guardian and the school unit within 60 calendar days of receiving the complaint. If a violation is found, the Department shall develop a corrective action plan by which the entity will achieve compliance.

Legal Reference: 20-A M.R.S.A. §§ 4502(5) (M); 4009
MDOE Rule, Chapter 33

Cross Reference: EBCA – Comprehensive Emergency Management Plan
JKAA-R – Procedures of Physical Restraint and Seclusion
JK – Student Discipline
KLG/KLG-R – Relations with Law Enforcement

Adopted: September 19, 2012

Revised: December 19, 2018

Procedures On Physical Restraint And Seclusion

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

I. DEFINITIONS

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

- A. **Emergency:** A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.
- B. **Risk of injury or harm:** A situation in which a student has the means to cause physical harm or injury to him/herself or others and such injury or harm is likely to occur, such that a reasonable and prudent person would take steps to protect the student and others against the risk of such injury or harm.
- C. **Dangerous behavior:** Behavior that presents an imminent risk of injury or harm to a student or others.
- D. **De-escalation:** The use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk for injury or harm.
- E. **Serious bodily injury:** Any bodily injury that involves: (1) A substantial risk of death; (2) Extreme physical pain; (3) Protracted and obvious disfigurement; or (4) Protracted loss or impairment of the function of a bodily member, organ or mental faculty.
- F. **Aversive procedures:** The use of a substance or stimulus intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to infliction of bodily pain (e.g. hitting, pinching, slapping), water spray; noxious fumes, extreme physical exercise, costumes or signs.
- G. **Mechanical restrains:** Any item worn by or placed on the student to limit behavior or movement and which cannot be removed by the student. Prescribed assistive devices are not considered mechanical restraints when used as prescribed. Their use must be supervised by qualified and trained individuals in accordance with professional standards.
- H. **Chemical restrains:** The use of medication, including those administered PRN (as needed), given involuntarily to control student behavior. Prescribed medications are not considered chemical restraints when administered by a health care provider in accordance with a student’s health care plan.
- I. **Behavior Intervention Plan (BIP):** A comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, and by strengthening replacement skills.
- J. **Functional Behavioral Assessment (FBA):** A school-based process that includes the parent/legal guardian and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child’s environment. The term includes direct assessments, indirect assessments and data analysis designed to assist the team to identify and define the problem behavior in concrete terms, identify the contextual factors (including affective and cognitive factors) that contribute to the behavior, and formulate a hypothesis regarding the general conditions under which a behavior usually occurs and the probable consequences that maintain the behavior. Formal documentation of

the assessment by appropriately qualified individuals becomes part of the child's educational record.

II. PHYSICAL RESTRAINT

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

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

A. Permitted Uses of Physical Restraint

1. Physical restraint may be used only as an emergency intervention when the behavior of a student presents risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
2. Physical restraint may be used to move a student only if the need for movement outweighs the risk involved in such movement.
3. Protective equipment or devices that are part of a treatment plan as prescribed by a licensed health care provider are not prohibited by this rule.
4. Prescribed medications, harnesses, and other assistive devices may be used as permitted by Rule Chapter 33.
5. Parents may be requested to provide assistance at any time during the incident.

B. Prohibited Forms and Uses of Physical Restraint

1. Physical restraint may not be used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Physical restraint may not be used solely to prevent property destruction or disruption of the environment in the absence of risk of injury or harm.
3. No physical restraint may be used that restricts the free movement of a student's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech (restraint-related positional asphyxia).
4. No physical restraint may be used that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-downs (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting.
5. Aversive procedures and mechanical and chemical restraints may not be used under any circumstances.

C. Monitoring Students in Physical Restraint

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

D. Termination of Physical Restraint

1. The staff involved in the use of physical restraint must continually assess for signs that the student is no longer presenting a risk of injury or harm to him/herself or others, and the physical restraint must be discontinued as soon as possible.
2. The time a student is in physical restraint must be monitored and recorded.

3. If physical restraint continues for more than ten (10) minutes, an administrator/designee shall determine whether continued physical restraint is warranted, and shall continue to monitor the status of the physical restraint every ten (10) minutes until the restraint is terminated.
4. Staff may request assistance from parents at any time during the incident.
5. If attempts to release a student from physical restraint have been unsuccessful and the student continues to present behaviors that create a risk of injury or harm to him/herself or others, then staff may request additional assistance from outside sources such as caregivers, case managers, crisis intervention teams, local emergency medical services, or other community resources.

III. SECLUSION

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

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

A. Permitted Uses and Location of Seclusion

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

B. Prohibited Uses of Seclusion

1. Seclusion may not be used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Seclusion may not be used to prevent property destruction or disruption of the environment in the absence of imminent risk of injury.

C. Monitoring Students in Seclusion

1. At least one adult must be physically present at all times to continuously monitor a student in seclusion. The adult, while not present in the room or defined area, must be situated so that the student is visible at all times.
2. The student must be continuously monitored until he/she no longer presents an imminent risk of injury or harm to him/herself or others.
3. If an injury occurs to the student or staff, the local policy for emergency response must be initiated.

D. Termination of Seclusion

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting a risk of injury or harm to him/herself or others, and the seclusion must be discontinued as soon as possible.
 - a. The time a student is in seclusion must be monitored and recorded.
 - b. If seclusion continues for more than ten (10) minutes, an administrator/designee shall determine whether continued seclusion is warranted, and shall continue to monitor the status of the seclusion every ten (10) minutes until the seclusion is terminated.
2. If attempts to release a student from seclusion have been unsuccessful and the student continues to present behaviors that create an imminent risk of injury or harm to him/herself or others, then staff may request additional assistance from outside sources such as caregivers, case managers, crisis intervention teams, local emergency medical services, or other community resources.

IV. NOTIFICATION AND REPORTS OF PHYSICAL RESTRAINT AND SECLUSION INCIDENTS

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

A. Notice Requirements

After each incident of physical restraint or seclusion a staff member involved shall:

1. Report to the administrator or designee by oral notification as soon as possible after each incident, but in no event later than the end of the school day of its occurrence; and
2. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, report the incident to the entity responsible for the student’s education within 24 hours or by the end of the next business day;
3. An administrator/designee shall notify the parent/legal guardian that physical restraint or seclusion (and any related first aid provided) has occurred as soon as practical, but within the school day in which the incident occurred. The administrator/designee must utilize all available phone number ~~or~~ and other available contact information to reach the parent/legal guardian. If the parent/legal guardian is unavailable, the administrator/designee must leave a phone message (if the parent/legal guardian has a phone and message capability) to contact the school as soon as possible. If the parent/legal guardian does not have access to a phone, the entity must use whatever contact information is available for emergencies. The parent/legal guardian must be informed that written documentation will be provided to them within seven (7) calendar days.
4. If the physical restraint or seclusion incident occurred outside the school day, the notifications of restraint or seclusion, and any related first aid must be made as soon as possible and in accordance with Auburn School Department usual procedures for emergency situations.
5. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, oral notification of the incident must follow the local health and safety procedures as outlined by Auburn School Department’s policies and procedures. The administrator/designee shall notify the Maine Department of Education within twenty-four (24) hours or the next business day.

B. Incident Reports

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator/designee as soon as

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practical after the incident, and in all cases within two (2) school days. A copy of the incident report must be provided within seven (7) calendar days of the incident to the parent/legal guardian and the entity responsible for the student's education if the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement.

At a minimum, the incident report must include the following elements:

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

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

V. SCHOOL UNIT RESPONSE FOLLOWING THE USE OF PHYSICAL RESTRAINT OR SECLUSION

- A. Following each incident of restraint or seclusion, an administrator/designee shall take these steps within two (2) school days (unless serious bodily injury requiring emergency medical treatment occurred, in which case these steps must take place as soon as possible, but no later than the next school day):
 1. Review the incident with all staff persons involved to discuss: (a) whether the use of physical restraint or seclusion complied with state and local policies and (b) how to prevent or reduce the need for physical restraint and/or seclusion in the future.
 2. Review the incident with the student who was restrained or secluded to discuss: (a) what triggered the student's escalation and (b) what the student and staff can do to reduce the need for restraint and/or seclusion in the future.
- B. Following the debriefing, staff must develop and implement a written plan for response and de-escalation for the student. If a plan already exists, staff must review it and make revisions, if appropriate.

VI. PROCEDURE FOR STUDENTS WITH THREE INCIDENTS IN A SCHOOL YEAR

The school unit shall make reasonable, documented efforts to encourage parent/legal guardian participation in the meetings required in this section, and to schedule meetings at times convenient for parents/legal guardians to attend. The school unit may not seek written permission from a parent/legal guardian to provide restraint and seclusion to a student.

A. Special Education/504 Students

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

B. All Other Students

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

VII. CUMULATIVE REPORTING REQUIREMENTS

A. Reports within the School Unit

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

B. Reports to Maine Department of Education

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

Legal Reference: MDOE Rule, Chapter 33

Cross Reference: JKAA – Use of Physical Restraint and Seclusion

Adopted: September 5, 2012

INCIDENT REPORT FORM - PHYSICAL RESTRAINT or SECLUSION OF A STUDENT UNDER MAINE DOE RULE CHAPTER 33

Name of School/Program : _____

Name of Person Completing the Report : _____

Date of Report: _____

Student Involved

Student name: _____ Age: _____ Gender: _____ Grade: _____

Student has (*check all that apply*): IEP ___ ; 504 plan ___ ; behavior plan ___ ; IHP ___ ;

other plan (identify) _____ ; none of these plans ___

Description of the Incident

Date of incident: _____

Beginning time of incident: _____

Ending time of incident: _____

Total time of incident: _____

Location of incident: _____

Description of the incident, including the resolution and process of return of student to program

(if appropriate) : _____

Description of prior events: _____

Less restrictive interventions tried prior to use of physical restraint/seclusion (if none used explain why):

Student behaviors that justified the use of physical restraint/seclusion: _____

Description of Restraint or Seclusion; Staff Involved

Detailed description of the physical restraint/seclusion used: _____

Staff person(s) involved, their role in the use of physical restraint/ seclusion, and their certification, if any,

in an approved training program: _____

Bodily Injury of Student or Staff

Did student or a staff member sustain bodily injury? Yes ___ No ___

If yes, name of person(s) sustaining injury: _____

Describe injury(ies) sustained: _____

Date and time of nurse or response personnel notification and treatment administered (if any) _____

None Needed _____

Did student sustain serious bodily injury or death? Yes ___ No ___

If yes, date and time of notification to the DOE _____

Notification; Debriefing;

Date, time, and method of parent notification: _____

Date and time of staff debriefing: _____

Date and time of student debriefing: _____

Has student been involved in 2 or more prior incidents during the current school year? Yes ___ No ___

Legal Reference: 20-A M.R.S.A. § 4502(5)(M) and accompanying regulations, 20-A M.R.S.A. § 4009

Endorsed: October 17, 2001

Revised: June 1, 2011 (Code Changed from JICD-E to JKAA-E), January 18, 2012 (Title Change); Dec. 5, 2018