



Policy Manual

Version 10
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Policy Manual

Maine and federal laws and regulation require local school units to adopt certain written policies. In addition, there are policies which, though not specifically mandated, are essential for demonstrating compliance with laws and regulations affecting the governance or administration of schools.

The Child Development Services Policy Manual has been compiled to provide a current source of reference to employees of Child Development Services. This manual is intended to assist leadership in the delivery of policies, services, programs and practices in a fair, equitable, and consistent manner.

The policies and procedures in this manual are the minimum requirements that Child Development Services and its employees must meet.

All Child Development Services employees must comply with the policies in this manual.

CDS Contracted Providers must comply with the policies in Sections A, I, J and K, and policy GBEB.

Additional information and interpretation of the policies contained in this manual may be obtained from the Human Resources Director, Finance Director or Deputy Director.

The following definitions apply to all policies within this manual:

- Child – the term child in policies includes families.
- Parent – the term parent in policies means biological, adoptive or foster parents; guardian or other individual acting in place of the biological or adoptive parent; or a surrogate parent.
- Director – unless otherwise specified, the term Director includes CDS Regional Site Directors and the CDS State Director.
- Beginning of the workday – the employee's arrival time at their work location, does not include travel time from home to work location.
- End of the workday – the employee's departure time from their work location, does not include travel time to home from work location.
- Work location – the worksite to which the employee is assigned whether on a regular or temporary basis. CDS employee work locations include their Regional Site (official duty station) or a service location (temporary duty station).

Child Development Services

Policy Index

Maine and federal laws and regulation require local school units to adopt certain written policies. In addition, there are policies which, though not specifically mandated, are essential for demonstrating compliance with laws and regulations affecting the governance or administration of schools.

Required policies are indicated with an *.

Approved policies in **bold** with approval date.

Section A: Foundations and Basic Commitments

Section A contains policies, regulations, and exhibits on Child Development Services' legal role in providing public education and the basic principles underlying governance. These policies provide a setting for all of Child Development Services other policies and regulations.

*	AC	Nondiscrimination / Equal Opportunity and Affirmative Action	2/4/14 approved
*	ACAA	Harassment and Sexual Harassment of Children	5/2/14 approved
*	ACAA-R	Student Discrimination and Harassment Complaint Procedure	5/2/14 approved
*	ACAB	Harassment and Sexual Harassment of Employees	5/2/14 approved
*	ACAB-R	Employee Discrimination and Harassment Complaint Procedure	5/2/14 approved
*	ACAD	Hazing	9/25/13 approved
*	ACB	Confidentiality	8/5/16 approved
*	AD	Mission Statement	
*	ADA	Child Development Services Goals and Objectives	
*	ADC	Tobacco Use and Possession	9/25/13 approved

Section B: Child Development Services Board Governance and Operations

Section B contains policies, regulation, and exhibits on Child Development Services Board; how it is organized, how it is appointed; how it conducts meetings, and how the board operates. This section includes bylaws and policies establishing Child Development Services Board's internal operating procedures.

This section is not applicable to Child Development Services

Section C: General Administration

Section C contains policies, regulation, and exhibits on Child Development Services management, administrative organization, and regional site administration.

	CA	Public Communications	
	CFA	Inclement Weather	12/2/13 approved
	CHCAA	Employee Handbook	
	CFB	Maintenance of Temperatures in CDS Employee Occupied Facilities	
	CHD	Administration in Policy Absence	9/25/13 approved

Section D: Fiscal Management

Section D contains policies, regulation, and exhibits on Child Development Services finances and the management of funds.

	DA	Fiscal Management Goals	4/11/14 approved
	DAA	Financial Management Authority	
	DAB	Asset and Cash Management	
	DAC	Procurement	
	DB	Annual Budget	5/2/14 approved
	DCD	Financial Records Retention (see policy EHB)	
	DD	Contract Management	
	DFC	Family Cost Participation Fee	
	DI	Fiscal Accounting, Reviewing and Reporting	4/11/14 approved
	DIA	Internal Controls	
	DID	Inventories	4/11/14 approved
	DIDA	Fixed Assets	
	DIE	Audits	4/11/14 approved
	DJ	Request for Proposals / Purchasing Requirements	
	DJA	Purchasing Authority	4/11/14 approved
	DJB	Travel, Lodging and Meal Reimbursement	2/7/17 approved
	DJC	Petty Cash Accounts	4/11/14 approved
	DM	Cash in Child Development Services Regional Site Offices	4/11/14 approved
*	DN	School Property Disposition	4/11/14 approved

Section E: Support Services

Section E contains policies, regulation, and exhibits on non-educational services and programs, particularly those on safety, building and grounds management, and office services.

*	EBCA	Emergency Management Plan	1/22/15 approved
*	EBCC	Bomb Threats	9/25/13 approved
*	ECB	Pest Management	
	EHB	Records Management	12/2/13 approved
	EHB-apdx	Maine Educational Records Schedule	12/2/13 approved

Section F: Facilities Planning and Development

Section F contains policies, regulation, and exhibits on temporary facilities and school closings.

This section is not applicable to Child Development Services

Section G: Personnel

Section G contains policies, regulation, and exhibits on all Child Development Services employees. Current working agreements for all employee groups are recognized as Child Development Services Policy per Policy GB.

	GAA	Dress Code and Personal Appearance	2/7/17 approved
	GBEA	Employee Conflict of Interest and Nepotism	3/2/15 approved
	GBEAA	CDS Employees Providing Services to Family Members	10/11/2016 approved
	GBEB	Contracted Provider Conflict of Interest and Nepotism	3/2/15 approved
*	GBEC	Drug-Free Workplace	4/11/14 approved
	GBED	Domestic Violence and the Workplace	
	GBEF	Cellular Telephones	12/2/13 approved
	GBEF-R	Cellular Telephones Procedures	12/2/13 approved
	GBGAA	Bloodborne Pathogens Exposure Control Policy	10/11/2016 approved
	GBJ	Personnel Records (and retention)	
	GBJAA	Confidentiality in the Hiring Process	
	GBN	Family and Medical Leave	5/8/14 approved
	GBN-R	Family and Medical Leave Act Administrative Procedure	5/8/14 approved
	GBNA	Leave of Absence (non-FMLA)	
*	GCE	Recruitment and Hiring of Employee (Employment Verification & References)	
*	GCE-R1	Employee Recruitment Procedures	
*	GCE-R2	Employee Hiring Procedures	
*	GCEA	Rehired Employees	
	GCG	Child Development Services Employees as Contracted Providers	6/12/14 approved
	GCH	Selecting Providers	
*	GCI	Professional Development Opportunities and Reimbursement	12/18/12 approved
*	GCI-R	Professional Development Opportunities and Reimbursement Procedure	12/18/12 approved
*	GCI-F	Professional Development Reimbursement Request Form	12/18/12 approved
	G CJ	Professional Employee Probation and Contract	
	GCK	Professional Employee Assignments and Transfers	
*	GCOA	Supervision and Evaluation of Employees	9/25/13 approved
*	GCOA-F1	Annual Evaluation Form	
*	GCOA-F2	Observation Form	
	GCSA	Employee Computer and Internet Use	3/2/15 approved
	GCSB	Employee Use of Social Media	12/2/13 approved
	GCSC	Text Messaging with Parents	2/7/17 approved
	G DFA	Authorization to Hire	
	GFA	Employee Working and Non-Working Hours	
	GFAB	Work from Home Policy	2/7/17 approved
	GFAB-R	Work from Home Procedure	2/7/17 approved
	GFB	Workers Compensation Policy	
	GFB-R	Workers Compensation Procedure	
	GFBA	Workers Compensation Return to Work Program	
	GHA	Children in the Workplace	2/7/17 approved
	GHB	Pets in the Workplace	2/7/17 approved

Section I: Instruction

Section I contains policies, regulation, and exhibits on the instructional program: basic curricular subjects, special programs, instructional resources, and academic achievement.

	IB	Child Development Services Forms	5/2/14 approved
	IHB	Special Education Policy and Purpose	2/4/14 approved
*	IHBA	Individual Education Plans (IEPs) and Individualized Family Service Plans (IFSPs)	9/25/13 approved
*	IHBAA	Referral / Pre-referral of Children with Disabilities	1/22/15 approved
*	IHBAA-R	Referral / Pre-referral Administrative Procedures	1/22/15 approved
	IHBAB	Free Appropriate Public Education	2/4/14 approved
*	IHBAC	Child Find	6/12/14 approved
	IHBACB	Child Find Referral Source Follow-up	6/12/14 approved
	IHBAG	Programming in the Natural Environment or Least Restrictive Environment	2/4/14 approved
	IHBAI	Independent Educational Evaluation Policy	6/12/14 approved
	IHBAJ	Provision of Supportive Services to Students with Disabilities	2/4/14 approved
	IHBAM	Third Party Funding for Services to Students with Disabilities	6/12/14 approved
*	IJJ	Instructional and Library Materials Selection	
	IJJ-F	Challenge of Instructional Materials Form	
	IJNDC	Child Development Services Website or Web Pages	2/4/14 approved
*	ILA	Student Assessment / Local Assessment System	

Section J: Children and Families

Section J contains policies, regulation, and exhibits on children and families: admissions, attendance, rights and responsibilities, conduct, discipline, health and welfare, and school related activities.

*	JEA	Compulsory Student Attendance	
*	JFABD	Admission of Homeless Students	
*	JIC	Family Code of Conduct	
	JICIA	Weapons, Violence and School Safety	2/7/17 approved
*	JICK	Bullying and Cyberbullying	2/4/14 approved
*	JK	Student Discipline	
	JKAA	Use of Physical Restraint and Seclusion	6/12/14 approved
	JKAA-R	Use of Physical Restraint and Seclusion Procedure	6/12/14 approved
*	JKF	Disciplinary Removal of Students with Disabilities	
*	JKF-R	Disciplinary Removal of Students with Disabilities Administrative Procedure	
*	JKG	Physical Restraint	
*	JKGA	Time Out Rooms and Therapeutic Restraint	
*	JKGA-R	Time Out Rooms and Therapeutic Restraint Administrative Procedure	
*	JL	Student Wellness	
*	JLCB	Immunization of Students	
*	JLCC	Communicable / Infectious Diseases	11/14/16 approved
	JLCCA	HIV and Other Bloodborne Pathogens	11/14/16 approved
*	JLCD	Administration of Medication to Students	11/14/16 approved
	JLCDA	Seizure Response and the Administration of Diazepam to Children	10/31/2016 approved

	JLF	Child Abuse Reporting	2/4/14 approved
	JLF-R	Child Abuse Reporting Procedure	2/4/14 approved
	JLF-F	Child Abuse Reporting Form	2/4/14 approved
*	JRA	Student Education Record	
*	JRA-R	Student Education Record Administrative Procedure	
*	JRA-E	Notification of Rights Under FERPA	

Section K: School / Community / Home Relations

Section K contains policies, regulation, and exhibits on parent and community involvement in Child Development Services. Except for policies concerning education agencies, statements on public sector relations with CDS are located in this section.

*	KDB	Public's Right to Know / Freedom of Access	11/6/14 approved
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Section L: Education Agency Relations

Section L contains policies, regulation, and exhibits on Child Development Services relationship with other education agencies including other school systems, regional or service districts, private schools, colleges and universities, education research organizations and state and national education agencies.

*	LDA	Student Teaching and Internships	
	LF	State Education Agency Relations	

Nondiscrimination / Equal Opportunity and Affirmative Action

Child Development Services (CDS) shall continue to pursue a policy of nondiscrimination in all employment actions, practices, procedures and conditions of employment.

1. Employment decisions will be based on the principles of equal employment opportunity. Recruitment, testing, selection, and promotion will be administered without regard to race or color, sex, sexual orientation, physical or mental disability, genetic information, religion, age, ancestry or nation origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status unless a bona fide occupational qualification exists.
2. Further, personal actions and conditions of employment, such as compensation, benefits, layoffs, job assignments, employee development opportunities and discipline shall be administered without regard to race or color, sex, sexual orientation, physical or mental disability, genetic information, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status.
3. Reasonable accommodations will be made for any qualified individual, applicant or employee, in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act.
4. Managers and supervisors are responsible for awareness of and response to potential discriminatory situations. Employees are required to cooperate fully with the investigation and/or resolution of any discrimination complaint.
5. Managers and supervisors are required to actively prevent and correct retaliation or harassment toward any employee who has been involved in the filing, investigation, or resolution of a discrimination claim.
6. Child Development Services will address and attempt to resolve employee complaints regarding discrimination and harassment as expeditiously as possible. Supervisors and managers are required to contact the CDS EEO Officer if they receive a complaint of this nature.
7. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

Child Development Services has a designated EEO Officer who is responsible for the implementation, monitoring, and record keeping of the CDS EEO/AA Program as well as providing technical assistance to applicants and employees.

The CDS EO Coordinator in the Human Resources Department is also available as a resource to any CDS employee or supervisor, who may be reached at 624-6660.

Approved: 2/4/2014

Harassment and Sexual Harassment of Children

Harassment of children because of race, color, sex, sexual orientation, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Child Development Services (CDS) 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, religion, ancestry or national origin, or disability.

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, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a child's education. Child Development Services employees, children, volunteers and visitors to CDS, and other persons with whom children may interact in order to pursue services are required to refrain from such conduct.

Harassment / sexual harassment of children by CDS employees are considered grounds for disciplinary action, up to and including discharge. Harassment / sexual harassment of children by other children is considered grounds for disciplinary action, up to and including termination of services. The CDS State Director or Regional Site Director will determine appropriate sanctions for harassment of children by persons other than CDS employees and children.

The CDS State Director or designee will investigate complaints of harassment in accordance with the Child Discrimination and Harassment Complaint Procedure. CDS employees and children shall be informed of this policy/procedure through handbooks and/or other means selected by the Child Development Services Leadership Team.

Approved: 5/2/2014

Required Procedure:

Child Discrimination and Harassment Complaint Procedure (ACAA-R)

Cross Reference:

Nondiscrimination/Equal Opportunity and Affirmative Action (AC)

Hazing (ACAD)

Family Code of Conduct (JIC)

Child Abuse Reporting (JLF)

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

Child Discrimination and Harassment Complaint Procedure

This procedure has been adopted by Child Development Services (CDS) 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 Children.

Definitions

For purposes of this procedure:

- A. A “Complaint” is defined as an allegation that a child has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, or disability; and
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, or disability.

How to Make a Complaint

- A. Any child who believes he/she has been discriminated against or harassed should report his/her concern promptly to the CDS Regional Site Director. Children who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the CDS Regional Site Director.
- B. CDS employees are expected to report possible incidents of discrimination or harassment of children. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of children.
- C. Children and others will not be retaliated against for making a complaint. Any retaliation of children or CDS employees will result in disciplinary measures, up to and including dismissal.
- D. Children are encouraged to utilize CDS’ complaint procedure. However, children are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the U.S. Department of Education, Office for Civil Rights/ED, 5 Post Office Square, Suite 900, Boston, MA 02109-3921 (telephone: 617-223-9622; TDD: 877-521-2172; fax: 617-289-0150).

Complaint Handling and Investigation

- A. CDS Regional Site Director shall promptly inform the CDS State Director and the person(s) who is the subject of the complaint that a complaint has been received.
- B. CDS Regional Site Director may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the CDS State Director, who shall consider whether the informal resolution is in the best

interest of the regional site in light of the particular circumstances and applicable policies and laws.

- C. The complaint will be investigated by CDS State Director, unless the CDS State Director chooses to designate 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 CDS State Director should be submitted to Commissioner of the Maine Department of Education.
 - 1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
 - 2. If the complaint is against an employee of CDS, any applicable collective bargaining contract provisions or CDS policies shall be followed.
 - 3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
 - 4. CDS State Director and Regional Site Director shall keep a written record of the investigation process.
 - 5. CDS State Director may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
 - 6. CDS State Director shall consult with the CDS Regional Site Director concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 - 7. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.

- D. If the CDS State Director determines that discrimination or harassment occurred, he/she shall:
 - 1. Determine what remedial action is required, if any;
 - 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
 - 3. Inform the child 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 child's parents/legal guardians are dissatisfied with the resolution, an appeal may be made in writing to the Commissioner of the Maine Department of Education within 14 calendar days after receiving notice of the resolution. The Commissioner of the Maine Department of Education shall review the investigation report and may conduct further investigation if deemed appropriate. The Commissioner of the Maine Department of Education's decision shall be final.

Approved: 5/2/2014

Cross Reference:

Nondiscrimination/Equal Opportunity and Affirmative Action (AC)
Harassment and Sexual Harassment of Children (ACAA)
Child Abuse Reporting (JLF)

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 (20 USC § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (PL 88-352)
20 USC § 1232g;
34 CFR Part 99
5 MRSA §§ 4571; 4602; 4681 et seq.
20-A MRSA §§ 6001 et seq.

Harassment and Sexual Harassment of CDS Employees

Harassment of Child Development Services (CDS) employees because of race, color, sex, sexual orientation, religion, ancestry or national origin, age, or disability is prohibited. Such conduct is a violation of Child Development Services policy and may constitute illegal discrimination under state and federal laws.

Harassment

Harassment includes but is not limited to verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, 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 Employee Discrimination and Harassment Complaint Procedure.

Notice and Training

Annually, each employee shall receive a copy of this policy and the 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.

The CDS State Director is responsible for ensuring that the CDS Intermediate Educational Unit complies with all legal requirements for posting, notification and training of employees regarding harassment and sexual harassment.

Approved: 5/2/2014

Required Procedure:

Employee Discrimination and Harassment Complaint Procedure (ACAB-R)

Cross Reference:

Nondiscrimination/Equal Opportunity and Affirmative Action (AC)

Hazing (ACAD)

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)

5 MRSA §§ 4602; 4681 et seq.

20-A MRSA § 6553

26 MRSA §§ 806-807

Employee Discrimination and Harassment Complaint Procedure

This procedure has been adopted by Child Development Services (CDS) in order to provide a method of prompt and equitable resolution of employee complaints of discrimination or discriminatory harassment as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB – Harassment and Sexual Harassment of CDS 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, age, religion, ancestry, national origin or disability; and
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability.

How to Make a Complaint

- A. Any employee who believes he/she has been harassed or discriminated against 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. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been discriminated against or harassed should report their concern promptly to the CDS Regional Site Director. If the employee is uncomfortable reporting concerns to the CDS Regional Site Director, he/she may report the concern to the CDS State Director or designee.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the CDS Human Resources Director. Employees will not be retaliated against for reporting suspected discrimination or harassment.

- C. Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the CDS complaint procedure. 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, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the U.S. Department of Education, Office for Civil Rights/ED, 5 Post Office Square, Suite 900, Boston, MA 02109-3921 (telephone: 617-223-9622; TDD: 877-521-2172; fax: 617-289-0150).

Complaint Handling and Investigation

- A. CDS Regional Site Director will promptly inform the CDS State Director and the person who is the subject of the complaint that a complaint has been received.
- B. CDS Regional Site Director may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the CDS State Director, who shall consider whether the informal resolution is in the best interest of CDS in light of applicable policies and law.
- C. The complaint will be investigated by CDS State Director, unless the CDS State Director chooses to designate 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 CDS State Director should be submitted to the Commissioner of the Maine Department of Education.
 - 1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
 - 2. If the complaint is against an employee of CDS, any applicable individual or collective bargaining contract provisions shall be followed.
 - 3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
 - 4. CDS State Director and Regional Site Director shall keep a written record of the investigation process.
 - 5. CDS State Director may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
 - 6. CDS State Director shall consult with the CDS Regional Site Director concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 - 7. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.
- D. If the CDS State Director determines that discrimination or harassment occurred, he/she shall:
 - 1. Determine what remedial action is required, if any;
 - 2. Determine what disciplinary action should be taken against the person(s) who engaged in harassment, if any; and

3. Inform the employee 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 employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Commissioner of the Maine Department of Education within 14 calendar days after receiving notice of the resolution. The Commissioner of the Maine Department of Education shall review the investigation report and may conduct further investigation if deemed appropriate. The Commissioner of the Maine Department of Education's decision shall be final.

Approved: 5/2/2014

Cross Reference:

Nondiscrimination/Equal Opportunity and Affirmative Action (AC)
Harassment and Sexual Harassment of Employees (ACAB)
Hazing (ACAD)

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 Educational Amendments of 1972 (34 CFR § 106.8(b))
Age Discrimination in Employment Act (34 CFR § 110.25)
Maine Human Rights Act (5 MRSA § 4571 et seq., 4681 et seq.)

Hazing

Maine law defines injurious hazing as “any action or situation, including harassing behavior that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school.” For the purpose of this policy, “school personnel” means CDS employees and “public school” means CDS facilities.

Injurious hazing activities of any type, either on or off Child Development Services (CDS) property, by any child or employee are inconsistent with the educational process and shall be prohibited at all times.

“Harassing behavior” includes acts of intimidation and any other conduct that recklessly or intentionally endangers the mental or physical health of a child or employee.

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

No employee of Child Development Services shall encourage, permit, condone, or tolerate injurious hazing activities. No child shall plan, encourage, or engage in injurious hazing activities.

Employees who violate this policy may be subject to disciplinary action up to and including dismissal.

Persons not associated with Child Development Services who fail to abide by this policy may be subject to ejection from school property and/or other measures as may be available under the law.

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

The CDS State Director and CDS Regional Site Directors shall be responsible for administering this policy. In the event that an individual or organization disagrees with an action, or lack of action, on the part of the CDS State Director and CDS Regional Site Directors as he/she carries out the provisions of this policy, that individual or organization may appeal to the Commissioner of the Maine Department of Education.

This right to appeal does not apply to matters submitted to grievance procedures under applicable collective bargaining agreements.

A copy of this policy shall be included in all regional sites, parent and employee handbooks or otherwise distributed to all Child Development Services employees.

Approved: 9/25/2013

Cross Reference:

Weapons, Violence and School Safety (JICIA)

Family Code of Conduct (JIC)

Confidentiality

In the course of doing Child Development Services (CDS) business, the information that an employee has access to may be protected by confidentiality laws or security factors. Employee access to confidential information is limited to those records for which the employee has a legitimate educational interest and may never be used for personal gain or benefit. Further, employees should never discuss confidential information with other people except those who are entitled to this information by virtue of their office or position.

Confidential information includes all personal identifiable information regardless of the media used to store or transmit the information (paper, recordable media, electronic media, etc.).

The disclosure, distribution, electronic transmission or copying of CDS confidential information is prohibited. Any employee who discloses confidential CDS information will be subject to disciplinary action (up to and including discharge), even if he or she does not personally benefit from the disclosure of such information.

Child Development Services volunteers and interns are required to comply with this Confidentiality Policy.

CDS employees, volunteers and interns are required to sign a Confidentiality Statement at the time of employment or placement.

Approved: 12/2/2013

Revised: 8/5/2016

Related Policies:

Public Right to Know / Freedom of Access (KDB)

Employee Computer and Internet Use (GCSA)

Required Forms:

Employee Confidentiality Statement (ACB-F(E))

Volunteer Confidentiality Statement (ACB-F(V))

Intern Confidentiality Statement (ACB-F(I))

Child Development Services Employee Confidentiality Statement

All Child Development Services (CDS) employees are required to sign the following Confidentiality Statement at the time of employment:

As an employee of CDS and in the course of doing CDS business, the information that I have access to is protected by confidentiality laws or security factors. This information includes, but not limited to, children currently or formerly enrolled in Child Development Services. I agree that my access to confidential information will never, at any time either during or subsequent to my employment, be:

- used for personal gain or benefit; and
- discussed with other people except those who are entitled to this information by virtue of their office or position.

I further agree that upon termination of my employment with CDS, I shall promptly return any and all documents containing the above information, knowledge or data.

I understand that my continued employment with CDS is contingent upon my compliance with this agreement.

I have read and understand the Child Development Services Confidentiality Policy (Policy ACB) and have had any part which I do not understand explained to me.

Employee's Printed Name

Employee's Signature

Date

Child Development Services Volunteer Confidentiality Statement

All Child Development Services (CDS) volunteers are required to sign the following Confidentiality Statement at the time of placement:

As a volunteer of CDS and in the course of doing CDS business, the information that I have access to may be protected by confidentiality laws or security factors. This information includes, but not limited to, children currently or formerly enrolled in Child Development Services. I agree that my access to confidential information will never, at any time either during or subsequent to my placement, be:

- used for personal gain or benefit; and
- discussed with other people except those who are entitled to this information by virtue of their office or position.

I further agree that upon termination of my placement with CDS, I shall promptly return any and all documents containing the above information, knowledge or data.

I understand that my continued placement with CDS is contingent upon my compliance with this agreement.

I have read and understand the Child Development Services Confidentiality Policy (Policy ACB) and have had any part I do not understand explained to me.

Volunteer's Printed Name

Volunteer's Signature

Date

Child Development Services Intern Confidentiality Statement

All Child Development Services (CDS) interns are required to sign the following Confidentiality Statement at the time of placement:

As an intern of CDS and in the course of doing CDS business, the information that I have access to may be protected by confidentiality laws or security factors. This information includes, but not limited to, children currently or formerly enrolled in Child Development Services. I agree that my access to confidential information will never, at any time either during or subsequent to my placement, be:

- used for personal gain or benefit; and
- discussed with other people except those who are entitled to this information by virtue of their office or position.

I further agree that upon termination of my placement with CDS, I shall promptly return any and all documents containing the above information, knowledge or data.

I understand that my continued placement with CDS is contingent upon my compliance with this agreement.

I have read and understand the Child Development Services Confidentiality Policy (Policy ACB) and have had any part I do not understand explained to me.

Intern's Printed Name

Intern's Signature

Date

Tobacco Use and Possession

In order to promote the health, welfare and safety of children, employees and visitors, and to promote the cleanliness of Child Development Services (CDS) facilities, smoking and all other use of tobacco products is prohibited in CDS facilities and on CDS grounds at all times by all persons.

Employees and all other persons are strictly prohibited, under law and CDS policy, from selling, distributing or in any way dispensing tobacco products to children.

Approved: 9/25/2013

Required Procedure:

Tobacco Use and Possession Administrative Procedure (ACA-R)

Legal Reference:

22 MRSA §§ 1578(B), 1580(A)(3)

Me. PL 470 (An Act to Reduce Tobacco Use By Minors)

20 USC 6081-6084 (Pro-Children Act of 1994)

Tobacco Use and Possession Administrative Procedure

The purpose of the following administrative procedure is to effectuate the mandates imposed by the various federal and state laws in addition to the “Tobacco Use and Possession” policy.

I. PROHIBITED CONDUCT

A. Children / Families

The use, possession, sale, dispensing or distribution of tobacco products by **all** children / families is prohibited in CDS buildings and facilities, on CDS grounds, and at all other times and locations where services are provided.

B. Employees and All Other Persons

The use of tobacco products by employees and all other persons is prohibited in CDS buildings, facilities, on CDS grounds, and at all other times and locations where services are provided.

II. ENFORCEMENT

In order to enforce the tobacco products policy, the following guidelines shall be utilized by the Regional Site Director in which prohibited conduct occurs. The Regional Site Director shall report any violations of this policy/procedure, as promptly as practicable, to the CDS State Director.

All persons violating this policy shall be immediately directed to cease violative behavior. In addition, all persons suspected of selling, distributing or in any way dispensing tobacco products to children shall be referred to a law enforcement agency.

Any employee violating this policy shall be subject to appropriate disciplinary measures.

III. NOTICES

Child Development Service’s policy and corresponding disciplinary actions for infractions of this policy shall be printed in employee and family handbooks.

Approved: 9/25/2013

Related Policy:

Tobacco Use and Possession (ADC)

Legal References:

20 USC § 6081-6084 (Pro-Children Act of 1994)

22 MRSA § 1578-B

Me. PL 470 (An Act to Reduce Tobacco Use By Minors)

Inclement Weather and Site Closings

Child Development Services (CDS) employees shall receive Administrative Time Off (employer paid time off) for any lost time due to Regional Site closings caused by inclement weather. Regional Sites will close due to inclement weather when a majority of the programs or schools the Regional Site or Satellite Office serves have announced that they will be closed due to inclement weather. CDS Regional Site Directors shall be responsible for announcing the closure of the Regional Site or Satellite Office. Disputes over the calculation of the term “majority” shall be resolved by the CDS State Director.

CDS State IEU employees shall receive Administrative Time Off for any lost time due to Maine State Offices in Augusta closing caused by inclement weather, or at the discretion of the CDS State Director.

Program or school affiliated employees will follow the closing procedures in place at the program or school in which they work. Employees who follow an Academic Year schedule are expected to make up missed appointments following the academic calendar specific to their place of employment.

Program or school affiliated employees who do not follow an Academic Year schedule will follow the program or school affiliated employee closure rules and shall be expected to report to their Regional Site for work or may use Personal Time Off (PTO) for lost time.

Office employees may use Administrative Time Off for time lost when a Regional Site closure is caused by extraordinary circumstances and such closure is approved by the CDS State Director or designee.

If an employee elects not to drive to work because of inclement weather and the Regional Site or State IEU remains open, the employee’s scheduled time missed may be paid with available PTO. This same policy applies to employees who travel directly from home to client sites, daycare facilities, schools, etc. as part of their normal job responsibilities.

Approved: 12/2/2013

Administration In Policy Absence

In cases when action must be taken within Child Development Services (CDS) and no policy or procedure is applicable, the CDS State Director shall have the power to act. It shall be the duty of the CDS State Director to inform the Leadership Team promptly of such action and the need for policy.

Approved: 9/25/2013

Fiscal Management Goals

Child Development Services (CDS) recognizes that money and money management comprise the foundational support of the program. To make that support as effective as possible CDS intends:

- A. To encourage advance planning through the best possible budget procedures;
- B. To explore all practical and legal sources of program funding;
- C. To guide the expenditure of funds so as to achieve the greatest educational returns;
- D. To require maximum efficiency in accounting and reporting procedures; and
- E. To maintain a level of per child or family expenditure needed to provide high quality education.

As trustee of state and federal funds allocated for use in early childhood special education, CDS has the responsibility to protect the funds and use them wisely.

Approved: 4/11/2014

Annual Budget

Child Development Services (CDS) recognizes that financial resources and the proper management of same are fundamental to the support of programs and operations. With this in mind CDS will develop an annual/bi-annual operating budget as directed by applicable laws.

The annual budget will be for a 12 month period covering the fiscal year July 1st through June 30th. The bi-annual budget will be for a 24 month period covering two fiscal years and aligns with State of Maine budgeting policy.

The CDS Finance Director shall be designated as the budget officer; he/she may delegate portions of such responsibility as needed.

The general areas of responsibility of the budget officer are budget preparation and budget administration.

Regional site level budgets are subject to CDS State IEU Leadership Team review with formal approval by the CDS State Director. The CDS systemwide budget will be formally approved by the Maine Department of Education Commissioner.

Approved: 4/11/2014

Updated: 5/2/2014

Fiscal Accounting, Reviewing and Reporting

The Child Development Services (CDS) State Director shall be ultimately responsible for properly accounting for all funds of the CDS system.

The accounting used shall be in accordance with requirements of General Accepted Accounting Principles (GAAP), Governmental Accounting Standards Board (GASB), and the Maine Department of Education, providing for the appropriate separation of accounts, general and special/designated funds.

It shall be the duty of the CDS Finance Director to direct and supervise the preparation of monthly and annual reports; to advise CDS Regional Site Directors periodically of expenditures related to budget appropriations; and to prepare financial reports required by the Maine Department of Education. The CDS Finance Director shall maintain all financial records.

Approved: 4/11/2014

Inventories

The purpose of an inventory system is:

1. to provide control, accountability and conservation over inventories, and
2. to gather and maintain information needed to prepare financial statements.

Inventory of Child Development Services (CDS) owned property and equipment shall be taken on an annual basis in June.

CDS owned property and equipment is defined as any item purchased by CDS which includes, but not limited to, computer/laptop/tablet, printers, therapy equipment, and furniture.

Consumable office and school supplies are not included in this inventory.

Responsibility for the inventory shall be with the CDS State Director and delegated to the CDS Finance Director, as appropriate. CDS Regional Site Directors shall be accountable for the maintenance of proper inventories in their sites. CDS Regional Sites shall provide the CDS Finance Director with a copy of their inventory.

Approved: 4/11/2014

Audits

The Child Development Services' (CDS) fiscal records shall be audited annually by qualified certified public accountants who conduct audits in compliance with Government Auditing Standards. The CDS Finance Director shall be responsible for working with auditors in their conduct of annual or other audits as required.

The fiscal year of an audit shall be from July 1st to June 30th, except that audits of federal programs shall conform to federal requirements.

Approved: 4/11/2014

Regional Site Purchasing Authority

Child Development Services (CDS) Regional Site Directors are authorized to commit funds for and sign regional administrative contracts. The threshold of regional authorization is \$5,000.00 for planned/budgeted administrative expenditures.

Administrative expenditures means services or items not directly connected to serving children. These expenditures are listed in the administrative section of the budget.

Non-administrative expenditures not included in a child's IFSP or IEP, cannot be authorized at the regional site level.

All expenditures of CDS funds of \$5,000.01 or more must be approved in advance by the CDS State Director or designee.

Failure to follow this policy may result in disciplinary action, up to and including termination of the individual making the purchases or fiscal commitment

Approved: 4/11/2014

Travel, Lodging and Meal Reimbursement Policy

Child Development Services (CDS) will provide reimbursement of employee expenses for:

- Travel with their privately owned personal vehicle for CDS business.
- Meals and lodging while an employee is away from their normal working and living residence while on official CDS business.

This policy has adopted the rules set forth in Chapter 10 of the State of Maine State Administrative and Accounting Manual issued by the Office of the State Controller and will be updated accordingly.

Definitions:

- A. Official Residence means an employee's home.
- B. Official Duty Station means the worksite to which the employee is normally assigned. An Official Duty Station can be a CDS Regional Site, Satellite Office or the State Office. Home is never designated as an Official Duty Station.
- C. Temporary Duty Station means a location where the employee is assigned to work on a temporary basis. Temporary Duty Stations include, but not limited to, an appointment at a child's home or school or an off-site meeting location.

Assignment of Official Duty Station

Each CDS employee will be assigned an Official Duty Station by their Director.

Site Responsibilities

Direct service mileage is entered as part of the service log in the CINC data system.

For mileage reimbursement not related to a direct service or reimbursed through the CINC data system: The employee's immediate supervisor shall approve their mileage reimbursement form. CDS Regional Site Directors shall give final approval to mileage reimbursement form before submitting to the State IEU. The CDS State Director shall give final approval to mileage reimbursement forms for State IEU employees before submitting for processing.

The CDS Regional Sites, including the State IEU, are to:

1. Ensure that any travel costs incurred are:
 - a. directly work related,
 - b. obtained at the most economical price,
 - c. obtained at the most efficient method, and
 - d. both critical and necessary for CDS business.
2. Exercise prudent judgment in approving travel-related costs.

Ensure the Health and Safety of CDS Employees while Traveling

The health and safety of CDS employees is a top priority in the conduct of travel related activities. CDS Regional Site employees, with approval from their Regional Site Director or designee, may establish and

alter travel plans and itineraries with consideration of hazardous inclement weather and other situations that could threaten the health and safety of the CDS employee. To attain approval, the employee must promptly notify their Regional Site Director or designee of changes in travel plans, including but not limited to, the reason for any additional expense.

Mileage Reimbursement Rules

1. The employee's commute between his/her Official Residence and his/her Official Duty Station in either direction, without stopping at a Temporary Duty Station, is **never** reimbursable.
2. All mileage between Temporary Duty Stations are reimbursable miles.
3. Tolls, parking fees and ferry fares incurred during reimbursable miles are reimbursable with receipts.

Mileage Reimbursement Examples

A. First Appointment of the Day

1. Mileage directly from Official Residence to the Official Duty Station in the morning, this is commuting to work and mileage is not reimbursable.
2. The employee's first appointment of the day is at a location other than the Official Duty Station, approved mileage is the lesser of the following:
 - a. the distance between your Official Residence and the Temporary Duty Station; or
 - b. the distance between the Official Duty Station and the Temporary Duty Station.

B. Other Appointments During the Work Day

1. Mileage from the Official Duty Station to a Temporary Duty Station is reimbursable.
2. Mileage between one Temporary Duty Station and another is reimbursable.
3. Mileage from a Temporary Duty Station to the Official Duty Station is reimbursable.

C. End of the Day

1. Mileage from the Official Duty Station directly to the Official Residence, this is commuting and mileage is not reimbursable.
2. Mileage from a Temporary Duty Station before returning to the Official Residence, mileage to the Temporary Duty Station is reimbursable.
3. Mileage from the Temporary Duty Station to the Official Residence, approved mileage is the lesser of the following:
 - a. the distance between the Temporary Duty Station and Official Residence; or
 - b. the distance between the Temporary Duty Station and Official Duty Station.

CDS Accountability Plan

CDS has an "Accountability Plan" as defined by the Internal Revenue Service and is not taxable to the employees. Amounts paid under an accountability plan are not wages and are not subject to income tax withholding and payment of social security, Medicare, and Federal Unemployment (FUTA) Taxes.

In order to qualify as an accountability plan, the reimbursement or allowance arrangement must require that the employees meet all **three** of the following rules:

1. There must be a business connection to the expenditure. This means that the expense must be a deductible business expense incurred in connection with services performed as an employee. If

not reimbursed by the employer, the expense would be deductible by the employee on his/her 1040 income tax return.

2. There must be “adequate” accounting by the recipient within a reasonable period of time. This means that employees must verify the date, time, place, amount and the business purpose of the expenses. Receipts are required unless the reimbursement is made under a per diem plan.
3. Excess reimbursements or advances must be returned within a reasonable period of time. Reasonable depends upon facts and circumstances.

If the expenses covered by this arrangement are not substantiated or amounts in excess of expenses are not returned within a reasonable period of time, the amount is treated as paid under a non-accountability plan. This amount is then subject to income tax withholding and payment of social security, Medicare, and FUTA taxes for the first payroll period following the end of the reasonable period.

Employee Mileage Reimbursement Form

The Employee Mileage Reimbursement Form includes the employee residential city or town, position, miles between their Official Residence and Official Duty Station, and the employee’s Official Duty Station.

- Mileage reimbursement must be submitted within 90 days of the expense.
- Reimbursable miles are calculated according to the formula – lesser of the miles.
- Receipts for tolls and other fares must be included.
- Only original forms and receipts will be accepted for processing.

Lodging Expenses

Lodging expenses are reimbursed on the following terms:

- Reimbursement is allowed for lodging expenses when the temporary duty station is located more than fifty (50) miles (most direct route) of the employee’s Official Residence or Official Duty Station, as approved by CDS Regional Site Director.
- Under one of the following conditions, reimbursement for lodging expenses is allowed when the Temporary Duty Station is located within fifty (50) miles (most direct route) of the closer of either the traveler’s Official Residence or Official Duty Station:
 1. An overnight stay in a commercial lodging facility to avoid having a traveler drive back and forth for back-to-back late night/early morning official CDS business.
 2. When the health and safety of travelers is of concern as stated above.
 3. When an overnight stay is more economical to CDS.

Written supervisory approval for the first and third conditions and cost analysis documentation for the third condition is to be attached to the traveler’s Travel Expense Voucher. Approval and documentation requirements for use of the second condition.

- Reimbursement is based on the amount actually incurred, and is subject to a maximum dollar limit up to the allowable rates established by the U.S. General Services Administration Per Diem Rates. (<http://www.gsa.gov/portal/category/100120>) Employees must request the state rate when making reservations.
- Original, itemized receipts for all lodging expenses are required for reimbursement.

Meals and Incidental Expenses

Meals and incidentals for travelers on Child Development Services business are reimbursed based on the following terms:

- Meals and incidental expenses will not be reimbursed unless the entire length of the trip is at least 24 hours or the travel includes an overnight stay verified by a lodging receipt. Some exceptions to this requirement may apply.
- The amount the employee actually paid while on CDS business, subject to a limit for each full day on travel status up to the allowable rates established by the U.S. General Services Administration Per Diem Rates. (<http://www.gsa.gov/portal/category/100120>)
- Receipts are required for meal and incidental expenses claimed under the meal and lodging policy.

Non-reimbursable Travel-related Costs

The following types of travel-related costs shall not be reimbursed.

1. Alcoholic beverage expense
2. Certain travel expenses are considered as personal and not essential to the transition of official CDS business. Such non-reimbursable expenses include, but are not limited to:
 - a. Valet services
 - b. Entertainment expenses, radio or television rental and other items of a similar nature.
 - c. Taxi fare, motor vehicle rental, and other transportation costs to or from places of entertainment and other non-CDS business locations.
 - d. Costs of personal trip insurance (such as personal accident insurance, personal effects insurance, and extended liability insurance), and medical and hospital services.
 - e. Personal telephone calls other than the allowable as provided by the Collective Bargaining Agreement.
 - f. Any tips or gratuities associated with personal expenses such as those listed here.
 - g. Out of pocket charges for vehicle service calls caused by the negligence of the traveler. Examples include service charges for the delivery of fuel, retrieval of keys from locked vehicles, jump starting vehicles when the lights have been left on, etc.

Approved: 9/9/2011

Revised: 6/12/2014, 8/5/2016, 2/7/2017

Required Forms:

Employee Mileage Reimbursement Form

Employee Other Reimbursement Form

Petty Cash Accounts

Child Development Services (CDS) does not authorize or allow any petty cash accounts in CDS Regional Sites or the State IEU Office.

Failure to follow this policy may result in disciplinary action, up to and including termination of employment.

Approved: 4/11/2014

Money in Child Development Services Regional Site Offices or State IEU

No money shall be kept overnight in Child Development Services (CDS) Regional Site Offices or State IEU, except in a designated locked fire-proof cabinet.

In the event that money is stolen from desks, cabinets or elsewhere in the Regional Site or State IEU, CDS cannot be held liable for the loss. CDS funds left in designated depositories will be insured.

CDS Regional Site Offices:

The CDS Regional Site Director or designee is authorized to receive money. Anyone in receipt of money must turn the money over to the CDS Regional Site Director or designee, who must receive and count the money in the presence of the individual turning in the money, and provide a receipt to that individual. A copy of the receipt must be filed in the CDS Regional Site office.

CDS State IEU Office:

The CDS Finance Director or designee is authorized to receive money. Anyone in receipt of money must turn the money over to the CDS Finance Director or designee, who must receive and count the money in the presence of the individual turning in the money.

Approved: 4/11/2014

Child Development Services Property Disposition

The Child Development Services (CDS) Regional Site Director is authorized to determine, through procedures he/she develops, when personal CDS property (supplies, materials, equipment), as distinguished from real property, is obsolete or no longer of use to CDS and to declare it surplus.

The CDS State Director or designee is to be informed of any property declared surplus by the CDS Regional Site Director prior to its disposal. Procedures for disposal of all surplus personal property shall be in accordance with the following:

- A. Other CDS Regional Sites are to be informed in writing of property declared surplus and are to have first option to procure.
- B. Surplus property, including books, to be offered for sale shall be disposed of by sealed bid, public auction, or public sale. Public notice of any sale of surplus property shall be given at least one week in advance of an auction, sale or opening of sealed bids.
- C. Any surplus property that is offered for public sale and is not sold may be disposed of in a manner deemed advisable by the CDS State Director or CDS Regional Site Director, including donation to non-profit agencies.
- D. Any property determined to be worthless, or for any reason is considered to be inappropriate for sale, shall be disposed of in a manner the CDS Regional Site Director deems appropriate after so informing the CDS State Director or designee, with recycling as a priority where feasible.
- E. Any CDS identification that has been applied to the surplus property shall be removed or, if not possible to remove, be further identified to indicate the intended disposition and surplus nature (i.e., "SOLD BY", "SURPLUS").

All revenues which result from the sale of surplus property shall be credited as miscellaneous income except in any instance where law requires that it be credited to a specific account.

Approved: 4/11/2014

Comprehensive Emergency Management Plan

Child Development Services (CDS) hereby adopts the Child Development Services Comprehensive Emergency Management Plan. The CDS State Director and Regional Site Directors shall be responsible for developing, in consultation with employees and persons or agencies with expertise in planning for and responding to emergencies, a comprehensive emergency management plan that identifies and addresses all hazards and potential hazards that could reasonably be expected to affect Child Development Services and its facilities.

The Directors shall be responsible for ensuring that the plan is implemented in each site and evaluated on an annual basis and after each incident when the plan is used. It is understood that specific procedures may vary from site to site due to differences in CDS facilities.

Child Development Services will approve the plan annually.

The following information pertaining to the CDS Comprehensive Emergency Management Plan is considered public information:

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

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

Approved: 1/22/2015

Required Forms:

- CDS Site Specific Emergency Management Plan (EBCA-F1)
- CDS Employee Emergency Contact Form (EBCA-F2)
- CDS Safety Meeting Record (EBCA-F3)
- CDS Site Monthly Safety Check (EBCA-F4)

**Emergency Management Plan
(EBCA-F1 template)**

Child Development Services (Site Name)

I. POLICY

It is the policy of Child Development Services (CDS) to take every possible action to comply with all emergency regulations and protect employees in emergency situations.

II. EMERGENCY PLAN COORDINATOR

_____ (name of person or title) is responsible for making sure this emergency action plan is kept up to date, practices, and reviewed periodically.

The Emergency Plan Coordinator can be reached at _____ (location, phone number, email address).

III. REPORTING PROCEDURES

Emergencies that may occur within Child Development Services _____ (site name) are as follows:

- Fire
- Explosion
- Bomb Threat
- Violence
- Medical Emergency of an employee or client
- Poison
- Weather related emergency
- Chemical Spill or Leak

Type of Emergency	How to Report
Fire	911
Explosion	911
Police	911 or non-emergency ____ (list phone number)
Weather	List TV stations
Bomb Threat	911
Chemical Spill/Leak	911
Violence	911
Medical	911
Poison Control Center	1-800-222-1222

Reporting procedures are posted on all employee notice bulletin boards and in the emergency procedure manual.

IV. EVACUATION PROCEDURES

A. Emergency Escape Procedures and Routes

Emergency escape procedures and route assignments have been posted in each work area, and all employees have been trained by supervision in the correct procedures to follow. New employees are trained when assigned to a work area. A sample escape procedure and escape route sheet of the type posted in work areas is included with this plan.

CDS sites must maintain a master list of all employees (in alphabetical order). Employees are required sign-in and sign-out on the master list upon entering and exiting the facility. This list will verify employees in attendance at the time of an evacuation.

B. Procedure for Employees Who Remain to Operate Critical Operations Before They Evacuate

During some emergency situations, it will be necessary for some specifically assigned and properly trained employees to remain in work areas that are being evacuated long enough to perform critical operations. These assignments are necessary to ensure proper emergency control.

The following lists these employees and their duties:

Name (optional)	Title	Work Area	Special Assignment
	Site Director	Office	Building Evacuated and Communication with Emergency Agencies
	Office Operations Manager	Office	Head Count in Evacuation Areas (Verified by the Employee and Guest Sign-in/out sheets.)
	Clinical Team Leader	Office	Maintain order and support needs of evacuation area
	Part C Team Leader	Office	Building Evacuated
	Part B Team Leader	Office	Contact any additional personnel needed or family of injured

The preceding individuals have received special instructions and training by their immediate supervisors to ensure their safety in carrying out the designated assignments. A training record describing the instructions provided and the detailed procedures to be followed is maintained in the Emergency Plan Coordinator's Office.

C. Administrator-On-Duty

When present, the Director is the designated administrator-on-duty. When the Director is not present, a schedule of designees is posted on all employee notice bulletin boards and in the emergency procedure manual.

D. Employee Accountability Procedures after Evacuations

Each supervisor is responsible for accounting for all assigned employees, personally or through a designee, by having all such employees report to a predetermined designated rally point and conducting a head count. Each employee must be accounted for by name. The Office Operations Manager is required to report their head count (by name) to the Emergency Evacuation Coordinator. A summary of

the evacuation rally points, together with the identities of supervisors and assigned employees who must report to each, is included with this plan.

E. Alarm System

The alarms listed below will be used for the emergencies listed in the safety manual.

Emergency	Employee Alert
Non-fire related emergency	Phone Intercom System
Fire	Automatic Emergency Lighting and Alarm
Explosion or Chemical Spill/Leak	2 Horn Blasts

Alarm systems for notifying all employees in case of an emergency are:

Action to be taken	Alarm system
Workplace Announcement	Phone Intercom System
Automatic Emergency Lighting and Alarm Sounds	Emergency Lighting and Emergency Alarm
Horn Blasts	Blow 2 Horn Blasts

[OSHA Standard 29 CFR 1910.165, Employee Alarm Systems](#), provides guidance on emergency alarms.

F. Sheltering in Place

In the event of an emergency that requires employees and clients not to evacuate, but to move to an interior windowless room; everyone in the building will gather

(Describe procedures for sheltering-in-place emergencies at your site.)

The same procedures will be followed that are in place for an outside building evacuation.

G. Training

The following personnel have been trained to assist in the safe and orderly emergency evacuation of other employees.

Name (optional)	Title	Work Area	Special Assignment
	Site Director	Office	Building Evacuated and Communication with Emergency Agencies
	Office Operations Manager	Office	Head Count in Evacuation Areas (Verified by the Employee and Guest Sign-in/out sheets.)
	Clinical Team Leader	Office	Maintain order and support needs of evacuation area
	Part C Team Leader	Office	Building Evacuated
	Part B Team Leader	Office	Contact any additional personnel needed or family of injured

Training is provided for employees when:

1. The plan was initiated
2. Responsibilities change
3. New employees are hired or transferred
4. At least annually

V. FIRE EXTINGUISHERS

Use of fire extinguishers requires additional training. Members of CDS Leadership Teams shall receive training in the use of fire extinguishers. Employees receiving such training at CDS _____ are:

- _____
- _____
- _____

To reduce the risk of injury, CDS employees are not expected to use fire extinguishers prior to evacuating. If the fire emergency is small in nature, the fire extinguisher trained employee may choose to use a fire extinguisher.

VI. EMPLOYEE ACCOUNTABILITY PROCEDURES FOLLOWING AN EMERGENCY EVACUATION

Each supervisor is responsible for accounting for each assigned employee following an emergency evacuation. The following procedures apply:

1. Rally points have been established for all evacuation routes and procedures. These points are designated on each posted work area escape route.
2. All work area supervisors and employees must report to their designated rally points immediately following an evacuation.
3. Each employee and guest is responsible for reporting to the Office Operations Manager (OOM) or Office Operations Assistant (OOA) so that an accurate head count can be made. OOM or OOA will check off the names from the sign-in/out sheets of all those reporting and will report those not checked off as missing to the Emergency Evacuation Coordinator.
4. The Emergency Evacuation Coordinator will be located at one of the following locations:
 - A. Primary Location: _____
 - B. Secondary Location: _____
 - C. Inside Location: _____
5. The Emergency Evacuation Coordinator will determine the method to be utilized to locate missing personnel in each situation.

VII. RESCUE AND MEDICAL DUTIES

It may become necessary in an emergency to rescue personnel and perform some specified medical duties, including first-aid treatment. All employees assigned to perform such duties will have been properly trained and equipped to carry out their assigned responsibilities properly and safely.

Name	Location Assignment	Special Assignment	Training Provided
(local fire dept.)			
(local EMS)			
(local Police)			
(any CDS employee?)			

VII. COMMUNICATION

The CDS State Intermediate Educational Unit (IEU) directs CDS communications efforts, including the development and dissemination of all official agency announcements. The CDS State Director or the Department of Education Communications Director serves as the agency spokesperson.

VIII. EMPLOYEE TRAINING

All employees will be trained on the emergency plan procedures at least annually during staff development days. Each employee will also be required to sign off on the employee training and a copy of that form will be put into the employee's personnel file. Additional training will be provided as needed or when any updates or changes are made to this emergency plan. New employees will be trained upon beginning employment at CDS _____.

IX. HOME VISITOR PERSONAL SAFETY

Personal safety of employees is a priority for Child Development Services. Employees who conduct home visits shall:

- Maintain their Outlook calendar with home visit details which must include the client name and visit start and ending times;
- Share their Outlook calendar with, at minimum, their Regional Site Director and Office Operations Manager;
- Provide their Regional Site with their cell phone number; vehicle make, model and license plate number;
- If unsure about the safety of a neighborhood, consult with local law enforcement; and
- Check in with the Regional Site at the conclusion of the home visit. If the home visitor has not checked in within 15 minutes of the expected time the home visit was to conclude, the Regional Site Director or designee shall call the home visitor.

The CDS Regional Site shall designate a "code" word for the home visitor to use if he/she feels threatened during a home visit. The code word should be used, for example:

- during a joint home visit; or
- during the call from the site to the employee if the home visitor fails to check in with the Regional Site.

X. CONTACTS

For more information about this plan, contact the Emergency Plan Coordinator.

The following people should be contacted during off-hours emergencies (names and phone numbers):

1. (site director)
2. (site leadership team member)
3. (office operations manager)

**Child Development Services Employee Emergency Contact Form
(EBCA-F2)**

Date:

Personal Information	
First Name, Middle Name, Last Name	
DOB	
Gender	
Nickname	
Physical Address	
Mailing Address	
Home Phone	
Cell Phone	
Emergency Information – 1st Contact	
Emergency contact's name	
Relationship	
Address	
Phone number(s)	
Emergency Information – 2nd Contact	
Emergency contact's name	
Relationship	
Address	
Phone number(s)	
Medical Information	
Doctor's name	
Address	
Phone number	
Blood type	
Medical conditions	
Allergies	
Current medications	
Hospital Choice (if not closest)	

**Child Development Services Safety Meeting Record
(EBCA-F3a)**

Meeting Date: _____ Meeting Time: _____ a.m. / p.m.

Meeting Location: _____

Topic(s) Covered: _____

Attach any handouts or other materials used for this meeting to the back of this form.

Person(s) Conducting Meeting: _____

Employee Signatures

By signing this form I am certifying that I attended this meeting on the date, time, and location specified; that the meeting covered all of the topics described on this form; that I understood the material; and that I had the opportunity to ask questions to seek clarification of any and all items I did not understand.

	Employee's Printed Name	Employee's Signature
1		
2		
3		
4		
5		
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**Child Development Services Follow-up Safety Meeting Record
(EBCA-F3b)**

This form should be used to document training for any / all employees that were not present at the original safety meeting or for those employees that required additional training on the topic.

Meeting Date: _____ Meeting Time: _____ a.m. / p.m.

Meeting Location: _____

Topic(s) Covered: _____

Attach any handouts or other materials used for this meeting to the back of this form.

Person(s) Conducting Meeting: _____

Employee Signatures

By signing this form I am certifying that I received follow-up training on the date specified below; that the training included all of the topics described on this form; that I understood the material; and that I had the opportunity to ask questions to seek clarification of any and all items I did not understand.

	Employee's Printed Name	Employee's Signature
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**Child Development Services Monthly Safety Check
(EBCA-F4)**

Area:

Audit Date:

Auditor:

The Facility Manager and Safety Officer shall complete this audit. Note the location of any deficiency and complete a work order (e-mail). The work order shall be sent to _____(site director) at _____(site director’s email address)

Exterior	YES	Requires Action	NA
Are walkways clear of obstacles that could cause a tripping hazard?			
Are parking lots free of tripping hazards?			
Are walkways, parking lots, and stairs kept free of snow and ice?			
Is parking lot lighting adequate?			
Housekeeping	YES	Requires Action	NA
Are floors kept clean?			
Are ceiling tiles free of stains?			
Are all ceiling tiles in place and in good condition?			
Are carpets kept clean and free of any visible mold or musty smell?			
Are carpets free of holes, tears, and worn spots?			
Are all walkways free of obstructions?			
Are partitions walls maintained and cleaned?			
Are all fabric surfaces cleaned on a periodic schedule?			
Are air registers clean?			
Fire Safety	YES	Requires Action	NA
Are all EXITS free of obstructions?			
Are EXIT ways clear and unobstructed?			
Are all EXIT signs lighted?			
Does the emergency lighting operate?			
Are fire extinguishers inspected monthly?			
Is the Evacuation Plan up to date?			
Are the evacuation routes posted?			
Is all staff trained on the Evacuation Plan?			
Are all Fire Doors (stairway doors) kept closed?			
Are emergency numbers posted?			
Have the Evacuation Wardens properly trained?			
Has there been an evacuation drill in the past 6 months?			
Electrical Safety	YES	Requires Action	NA
Are all electrical outlet covers in place?			
Are all cords out of the way of walking surfaces?			
Are all cords and plugs in good condition?			
Is the use of extension cords prohibited?			
Do all electrical cords look safe (not frayed or cut)?			
Are portable heaters prohibited?			
Are all “breaker panels” marked?			
Are “power taps” used properly?			
Is all equipment properly grounded?			
Ground Fault Circuit interrupter (GFCI) within 6 feet of sinks?			
Breaker panels clear for at least 3 feet?			

**Child Development Services Monthly Safety Check
(EBCA-F4)**

Area:

Audit Date:

Auditor:

Chemical Hazards	YES	Requires Action	NA
Is the chemical Inventory up to date? -			
Have all staff received Hazardous Communication training?			
Are Material Safety Data Sheets available and current?			
Do outside companies supply MSDS's when working in or around the building with chemicals?			
General Office Conditions	YES	Requires Action	NA
Are first aid kits properly stocked?			
Is lighting adequate in all areas?			
Does the elevator have a current inspection date?			
Is the ventilation adequate?			
Food vending areas clean?			
Kitchen/Cafeteria clean?			
Are State and Federal Posters in place?			
Are all required written programs in place:			
• Hazard Communications			
• Lockout/Tagout			
Ergonomics	YES	Requires Action	NA
Have the work stations been ergonomically evaluated?			
Are desk and chairs adjusted properly for the employee?			
Have all Video Display operators been trained in the Maine VDT law?			
Are VDT exercises done?			

Monthly Safety Check - page 2 of 2

Bomb Threats

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

Any bomb threat will be regarded as an extremely serious matter and treated accordingly. The CDS State Director directs the Regional Site Directors to react promptly and appropriately to information concerning bomb threats and to initiate or recommend suitable disciplinary action.

A. Conduct Prohibited

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

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

B. Definitions

1. A “bomb” means an explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, “Molotov cocktail” or other destructive device.
2. A “look-alike bomb” means any apparatus or object that conveys the appearance of a bomb or other destructive device.
3. A “bomb threat” is the communication, by any means, whether verbal or non-verbal, that a bomb has been, or will be, placed on CDS premises, including possession or placement of a bomb or look-alike bomb on CDS premises.

4. “CDS premises” means any Child Development Services property and any location where any CDS activities may take place.

C. Development of Bomb Threat Procedures

The CDS State Director or designee shall be responsible for developing and implementing procedures specific to bomb threats as part of Child Development Service’s Emergency Management Plan. These procedures are intended to inform CDS Leadership, Regional Site Directors and CDS employees of appropriate protocols to follow in the event that a bomb threat is received and should include provisions to address:

1. Threat assessment (for the purpose of identifying a response that is in proportion to the threat, in light of what is necessary to ensure safety);
2. Building evacuation and re-entry (including selection of potential alternative sites for those who are evacuated);
3. Incident “command and control” (who is in charge, and when);
4. Communications contacts and mandatory bomb threat reporting;
5. Parent notification process;
6. Training for employees; and
7. Support services for children and employees.

The initial bomb threat procedure will be subject to approval by the CDS Leadership Team. The CDS State Director or designee will be responsible for overseeing a review or evaluation of bomb threat procedures prior to the required annual approval of the CDS Emergency Management Plan, or following implementation of the procedure in response to a specific threat.

D. Reporting of Bomb Threats

Any person who learns of a bomb threat or the existence of a bomb on CDS premises must immediately report such information to the CDS Regional Site Director or other employee in a position of authority.

Any CDS employee who learns of a bomb threat shall immediately inform the CDS Regional Site Director. The CDS Regional Site Director shall immediately take appropriate steps to protect the safety of children and employees in accordance with the site’s bomb threat procedure, as developed under Section C, and inform the CDS State Director of the threat.

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

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

E. Child and Family Disciplinary Consequences

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

CDS may suspend and/or terminate the services of any child or family receiving services from CDS who makes a bomb threat. The making of a bomb threat will be considered deliberately disobedient and deliberately disorderly within the meaning of 20-A M.R.S.A. § 1001(9) and will be grounds for suspend and/or terminate if found necessary for the peace and usefulness of the regional site.

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

F. Aiding Others in Making Bomb Threats

A child or family member receiving services from CDS, who knowingly encourages, causes, aids or assists another child or family member receiving services from CDS in making or communicating a bomb threat shall be subject to the disciplinary consequences described in Section E of this policy.

G. Failure to Report a Bomb Threat

A child or family member receiving services from CDS who fails to report information or knowledge of a bomb threat or the existence of a bomb or other destructive device in a CDS building or on CDS property may be subject to disciplinary consequences, which may include terminating services.

H. Employees Disciplinary Consequences

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

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

I. Civil Liability

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

J. Lost Instructional Time

Instructional time lost as a result of a bomb threat will be rescheduled at the earliest appropriate opportunity, as determined by the CDS State Director.

Time lost may be rescheduled on a weekend or vacation day, or after what would normally be the last day of the school year, except on days when schools must be closed as required by law.

K. Notification through Family Handbook

All family handbooks shall address the CDS's bomb threat policy and procedures and explain the educational consequences of bomb threats. In addition, family handbooks shall notify children and families that bomb threats violate CDS policy and civil and criminal law.

Approved: 9/25/2013

Cross References:

Emergency Management Plan (EBCA)
Suspension/Expulsion of Students with Disabilities (JKF)
Weapons, Violence and School Safety (JICIA)
Family Code of Conduct

Records Management

Child Development Services (CDS) is aware that records of various kinds are created and received as the Intermediate School Unit educates its children and manages the operations of its regional sites and central office.

For the purpose of this policy, “records” are all documentary materials made or received and maintained by CDS in accordance with law or rule or in the transaction of its business. Records may be created and received in multiple formats including but not limited to print, handwriting, audio and videotapes, and in various digital forms (on hard drives, servers, CDs/DVDs, disks, flash drives, etc.). Records specifically include email, instant messages, and other electronic communications that are created, sent, and received.

Attention to the proper retention and disposal of CDS records is essential not only for compliance with laws and regulations, but also to protect the legal interests of CDS, its employees and children, and to ensure that CDS is managed effectively.

CDS will comply with all applicable laws and rules pertaining to the routine retention, storage, and disposal of records and with its obligation to preserve records when litigation is reasonably anticipated or has commenced.

The CDS State Director shall be responsible for developing a records management program for the cataloging/classification, storage, and disposal of CDS’s records that are consistent with applicable laws and rules and which allow for retrieval of records when necessary. The CDS State Director will also be responsible, by methods he/she deems appropriate, for informing CDS employees of this policy, making them aware of the kinds of documents, data, and materials that must be saved and those which may be disposed of or deleted, and of any specific procedures employees need to follow. The CDS State Director may delegate records management responsibilities to other CDS personnel as he/she deems appropriate in order to facilitate the implementation of this policy.

Approved: 12/2/2013

Cross Reference:

- Maine Educational Records Schedule (EHB-appendix)
- Personnel Records (GBJ)
- Employee Computer and Internet Use (GCSA)
- Student Education Records (JRA)

Legal Reference:

- 5 M.R.S.A. § 91 et seq. (Archives and Records Management Law)
- Maine Secretary of State, Maine State Archives Rule Chapter 10

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
71#:							
Schedule #: 229 1#:Commissioners Correspondence							
Copies of Commissioners Correspondence	Paper	4/15/1977	4	No Retention	0 Archives	Current	
Schedule #: 1589 11#:School District History Files							
The Department of Education keeps these vital school records because they are historical and legal documents about each school district in Maine. These records are used on a regular basis to review school district information. Members of the department's senior staff, members of the school funding team, and administrative staff use these records to retrieve information for both school districts and their legal representation. Typical items found in these files are historical items about how the districts were formed, school board member information, records of particular votes by the district, etc. Keep in agency until the Dept. of Education goes out of business; then transfer to Archives.	Paper	1/9/2004	Permanent or Indefinite	0	No Retention	0 Archives	Current
Schedule #: 1638 12#:History of School Nutrition Program from 1940 to 1990							
School nutrition records that contains photos, news clippings, and a scrapbook of historical events occurring between 1940 to 1990. On occasion, the Department of Education food service directors or consultants may have a need to research the history of the nutrition program in Maine schools and follow its progress through time.	Paper	1/6/2006	No Retention	0	Years	5 Archives	Current
Schedule #: 973 18#:Federal Impact Aid Files							
Application for School Assistance in Federally Affected Areas and related correspondence. This is a Federal program to reimburse schools for the impact Federal dependent children have on a school budget. An example is when a base opens a certain percentage of the local school district would be Federal dependents and the local school district becomes eligible for reimbursement under FL 81-874.	Paper	11/1/2000	Years	1	Years	6 Destroy	Current
Schedule #: 908 2#:State Board of Education Minutes							
Detailed minutes of each official state board meeting from 1949 to present.	Paper	12/18/2000	Years	6	No Retention	0 Archives	Current
Schedule #: 908 3#:State Board of Education Exhibits							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
All exhibits used in each of the State Board of Education meetings. A State board exhibit is any material brought before the Board for their approval. The material may be informational only in support of a recommendation or may be the actual material the Board will take formal action on. These materials include items such as plans, drawings, required permits, funding proposals, etc.	Paper	12/18/2000	Years 2	No Retention 0	Archives	Current	
Schedule #: 1077 4#:Maine Educators Award							
These are records for annual recognition programs that honor and recognize outstanding Maine educators, including but not limited to, Maine Teacher of the Year and the National Milken Educator Award. All program materials are in these file, including the letter sent annually requesting nominations, rules/guidelines, nomination forms and supporting documentation, selection criteria, as well as notification of selection and payment information if applicable.	Paper	4/14/1994	Years 2	Years 5	Destroy	Current	
Schedule #: 1077 5#:Christa McAuliffe Fellowship Program							
This program is designed to reward excellence in teaching by providing funding for the continuation of their education, allowing the development of innovative programs or to engage in educational activities that will improve the knowledge and skills of teachers and the education of students. The CMFP is conducted annually by the U.S. Department of Education through the state Department of Education. Each year the Secretary of Education awards on teacher fellowship to an eligible teacher in Maine. Recipients are selected by a seven member statewide panel appointed by the Governor. Materials in the file include announcements, applications, and supporting material and statements of assurances, as well as selection notification materials.	Paper	4/14/1994	Years 7	No Retention 0	Destroy	Current	
Schedule #: 1077 6#:Meetings and Travel Arrangements							
This file contains supporting documentation used to justify travel requests. The file includes agendas, list of attendees, and supporting material used to justify travel approval. It is an in-house working file for control and reference.	Paper	4/14/1994	Years 2	No Retention 0	Destroy	Current	
Schedule #: 1077 7#:Governor's Correspondence							
Material used to assign and control requests from the Governor's office for preparation of correspondence for the Governor's signature; copies of the final correspondence are included in the file. This is a working temporary file used for tracking and control only, after one year it is to be destroyed.	Paper	4/14/1994	Years 1	No Retention 0	Destroy	Current	
Schedule #: 1077 8#:Blue Ribbon School Project							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
The purpose of the Secondary School Recognition program is to identify and give public recognition to outstanding public and private schools across the United States. A review panel selects five schools in Maine for on site visitation and review. From this review 3 nominees are selected and recognized. These schools then compete in the U.S. Department of Education for national recognition. File contains all supporting documentation, including announcement, applications, rules etc.	Paper	4/14/1994	Years	1	Years	10	Destroy Current

71C:Certification

Schedule #: 1368 1:Approval Forms for Criminal History Check

These are criminal history record check approval forms needed for the purpose of checking an individual's criminal history. We scan these forms to an electronic filing system.

Paper	2/21/2001	Years	0	Years	0	Destroy	Current
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These are criminal history record check approval forms needed for the purpose of checking individuals criminal history. We scan these forms to an electronic filing system.

Hard Disk	2/21/2001	Years	5	Years	0	Destroy	Current
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Schedule #: 1378 2:Sexual, Emotional and Physical Abuse, and Other Convictions

Because of allegations against teachers in Maine regarding sexual, emotional and physical abuse, these records must be maintained. This office conducts investigations into these allegations and because a matter could resurface at any time, the certification attorney must have access to these files. What is kept in a typical file could be a number of things such as: court documents, testimonies, information from schools, victims, etc.; resignations, revocations, and related correspondence.

Paper	2/21/2001	Years	5	Years	15	Destroy	Current
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71U:Education Unorganized Territory

Schedule #: 1370 1:EUT Enrollments

This is the Department of Education's only hard copy record of students residing in the unorganized territory who are tuitioned to receiving schools. These forms are used as a cross reference of student names on invoices received for tuition reimbursement; as an enrollment list of all unorganized territory students; used by the Department of Education in the unorganized territory office for total student enrollment in any given year.

Paper	2/21/2001	Years	2	Years	6	Archives	Current
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Schedule #: 1388 2#:EUT (Education in Unorganized Territory) Financial Ledgers

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
These are the financial records of individuals being taxed for education, including hand written names and amounts paid - by county - in the Unorganized Territories of Maine.	Paper	1/16/2001	Years 0	Years 0	Archives	Current	
71F:Finance							
Schedule #: 1058 2#:School Audit Reports							
Results of annual school audits. These audits may be preformed by the Maine State Auditor, an auditing company or a private C.P.A. Schedule # 957, series 2 has been added to this series per Susan Griffin, Records Officer 12/16/02	Paper	1/21/2003	Years 2	Years 5	Destroy	Current	
Schedule #: 1058 3#:Annual Town Reports							
Town reports which hold official expenditures data and wording of town warrants authorizing expenditures.	Paper	12/8/1993	Years 2	Years 7	Destroy	Current	
Schedule #: 1357 4P:Audited School Construction Projects							
Finance backup data to audits of school construction projects conducted by the Department of Education. The Department is required to maintain these records for a period of 7 years in accordance with Title 20-A, Section 6051 which states: Financial records and accounts shall be kept for 7 years after the end of the fiscal year and shall be available to the auditors and any other upon request. Typical file documents include auditor's workpapers for project expenditures, investment earnings of project funds, costs for short-term borrowing, etc.	Paper	2/21/2001	Years 2	Years 5	Destroy	Current	
Schedule #: 1362 5:EF-U-415 Federal Programs Cash Management Report							
This report is used to monitor Federal program cash balances at the subrecipient level, it is mandated by U.S. Department of Education. Our office uses these reports to determine if the subrecipients are to continue to receive their federal funds according to the schedule they submitted with their grant application or if funds will be withheld until they spend down the surplus. Files contain EF-U-415 reports and supporting documentation.	Paper	2/21/2001	Years 3	Years 4	Destroy	Current	
Schedule #: 1878 6#:School Audit Supporting Documents and Working Papers							
These are audit files that contain letters and reviews that are exchanged between the CPA firm handling the audit and the Dept. of Education. They contain information to back up or support the audit.	Record Copy	8/22/2012	Years 2	Years 5	Destroy	Current	

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
71H:Higher Education							
Schedule #: 1206	1A:Schools No Longer Doing Business College/Postsecondary School Non-Academic Records						
Maine law requires closed colleges, universities, and postsecondary schools to provide the Department of Education with all student academic transcripts/records. These records are used by former students of the school(s) seeking admission to another school. As verification of education for employment etc. Only academic transcripts, financial information in not included in these files.	Paper	9/19/1996	Years 5	No Retention 0	Destroy	Current	
Schedule #: 1206	1B:Schools No Longer Doing Business College/Postsecondary School Academic Records						
Maine law requires closed colleges, universities, and postsecondary schools to provide the Department of Education with all student academic transcripts/records. These records are used by former students of the school(s) seeking admission to another school. As verification of education for employment etc. Only academic transcripts, financial information in not included in these files.	Roll Microfilm	6/11/2001	Years 5	Years 70	Destroy	Current	
Maine law requires closed colleges, universities, and postsecondary schools to provide the Department of Education with all student academic transcripts/records. These records are used by former students of the school(s) seeking admission to another school. As verification of education for employment etc. Only academic transcripts, financial information in not included in these files. Paper may be destroyed when microfilmed and verified.	Paper	6/11/2001	Years 5	Years 0	Destroy	Current	
Schedule #: 1369	2:Licensed Proprietary Schools						
Some schools have lapses in licensure which is required annually, on a calendar year basis. When re-licensure is sought by a previously licensed entity, we need the original materials to base a licensing decision upon. Documents included are: initial application, initial inspection certificates (health and safety), surety bonding, school policies regarding student records, refund policy, enrollment contracts and career placement. Records are used by the higher education specialist who has the responsibility for all for-profit proprietary schools.	Paper	2/21/2001	Years 2	Years 5	Destroy	Current	
71I:Inactive Programs and Accounts							
Schedule #: 224	1#:Expired Teacher Placement Service Records						

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
File Folders containing Registration of Teachers form and references. The enrollment fee entitles the registrant to the services of the Teacher Placement Service for a period of one year. The folders are kept in files in the Department of Education Building for two years following their expiration.	Paper	2/18/1977	Years 2	No Retention 0	Destroy	Current	
Schedule #: 232 11#:Special Education Student Records							
File consists of correspondence and actual students record cards for mentally retarded students and schools.	Paper	4/15/1977	Years 3	Years 5	Destroy	Current	
Schedule #: 248 12#:School Superintendents Certificate of Employment							
This document is official notification of employment and power to act for Superintendent of schools. It acts as a legal contract in the absence of a formal contract (copy attached).	Paper	12/16/1977	Years 2	Years 5	Destroy	Current	
Schedule #: 269 13#:Teacher Certification Records - Life Certificate							
File folders containing application for certification, college transcripts, and correspondence. A physical certificate does not exist as such. The department maintains a list that indicates eligibility for life certification on completion of a teachers college course or actual teaching prior to July 1, 1932. Records in these folders were used in the past to verify eligibility for life certification, and are no longer required.	Paper	2/16/1979	Years 0	Years 4	Destroy	Current	
Schedule #: 273 14#:Business, Trade and Technical School Licensing							
Bonding & Licensing of In-State and Out-Of-State Schools which solicit students in the State of Maine. Includes correspondence, Insurance Company Bonds, Applications, Renewals, School Brochures. Retain in agency 3 years after inactive.	Paper	4/20/1979	Years 3	No Retention 0	Destroy	Current	
Schedule #: 224 2#:Expired Teacher Certification Records							
Application for certification, college transcripts, and correspondence.	Paper	11/16/2000	Years 6	Years 4	Destroy	Current	
Schedule #: 412 26#:Maine Emphasis Publication							
This is a semi-annual publication of ideas and methods sharing for local schools and educators consumption. Note:One copy goes to Archives after 7 years destroy the rest	Paper	2/28/1986	Years 2	Years 5	Archives	Current	

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
<p>Schedule #: 412 27#:School Improvement Plans</p> <p>Actual School Improvement Plans as required by law and associated forms such as log-in, log-out control forms.</p>	Paper	2/28/1986	Years 5	Years 5	Destroy	Current	
<p>Schedule #: 468 28#:School Construction and Project Blueprints</p> <p>Blue prints and plans of all buildings of the school dating from construction of the school in 1957. Dimensions, layout, plumbing, electrical, heating, ventilation, and machine space details--also for all additions to original construction, and for future projects. Site plans and maps of the island areas of the school. Retain in agency for life of building.</p>	BP	5/14/1986	Contingent Upon Event - See Description	0	No Retention	0	Destroy Current
<p>Schedule #: 625 29#:School District Files</p> <p>These files are maintained to hold any correspondence incoming or outgoing to school districts. They are organized in the same manner as the Maine Educational Directory. (Towns, SAD's, Unions, etc.) These files also contain any other information about the district, such as newspaper articles, and Habitual Truant Report forms.</p>	Paper	10/9/1987	Years 10	No Retention	0	Destroy	Current
<p>Schedule #: 51 3#:Staff Information System</p> <p>File consist of Computer Printed Personnel Data, on one form per person, for all teachers and Professional Educators in Maine in Public and Private Schools up thru grade 12. Demographic Data, and Current Working Data i.e. Grade Taught, Number Students, Subjects etc.</p>	Paper	12/20/1974	Years 2	Years 2	Destroy	Current	
<p>Schedule #: 625 30#:Habitual Truant Report - Governor and Legislature</p> <p>Habitual Truant Reports from all of the school districts in Maine. These are kept in this file until all are in and tabulated through the computer then files in the individual school district file. (See School District Files series for sample.) Prior to January 15 of each year the Commissioner submits a report to the Governor and the Legislature on information gathered from these reports. Reports to the Governor and Legislature are maintained indefinitely.</p>	Paper	10/9/1987	Years 10	Years 5	Archives	Current	
<p>Schedule #: 625 31#:General Correspondence - Truancy, Dropout & Alternative Education</p>							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
The general correspondence file consists of an instate and an out-of-state correspondence file. These files contain correspondence for the current year. At year end, there will be a file made for the next year and these maintained. (Correspondence to and from school districts is maintained separately, in the School District Files.)	Paper	10/9/1987	Years 5	Years 5	Destroy	Current	
Schedule #: 705 33#:Student Essays - Assessment							
Training packs; scoring materials and related correspondence.	Paper	2/13/1989	Years 2	No Retention 0	Destroy	Current	
Schedule #: 743 34#:Program Development-Alcohol and Drug Education							
Curriculum descriptions, workshop agendas, employee functions, special Education Advisory Team meeting minutes, completed budget forms for activities, policies and procedutes, chemical health coordinator certification recommendations, goals and objectives, related correspondence.	Paper	7/10/1989	Years 2	No Retention 0	Destroy	Current	
Schedule #: 743 35#:Team Services School/Community Team Development							
Team Services trains School Community Teams to combat drug abuse. Correspondence, reports, minutes, overviews, news releases, evaluations. Keep 4 years after non-renewal.	Paper	7/10/1989	Years 4	No Retention 0	Destroy	Current	
Schedule #: 743 36#:Division or Alcohol and Drug Education Services Correspondence							
Incoming/Outgoing letters, memorandums. This is transitory correspondence such as requests for material, letters of introduction and routine interoffice communications.	Paper	7/10/1989	Years 1	No Retention 0	Destroy	Current	
Schedule #: 743 37#:Team Services Goals and Objectives							
Team services provides support to help community/school teams in their quest for drug free schools.	Paper	7/10/1989	Years 2	No Retention 0	Destroy	Current	
Schedule #: 743 38#:Drug Free Schools Fund Program							
This unit administers the Federal and State monies for the program. Applications, review forms, notification letters, financial reports, narrative progress report, and related correspondence. Keep in agency 2 years after program discontinuation.	Paper	7/10/1989	Years 2	No Retention 0	Destroy	Current	

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type	
<p>Schedule #: 743 39#:School/Community Alcohol and Drug Prevention Teams</p> <p>Since 1989, 98 school/community teams have been trained by the division, representing 68% of all Maine school districts. These records contain the work of these teams in 11 categories: general correspondence; team development; team maintenance; drinking; drugging, and driving; in-service workshops; community awareness; policy climate; student awareness; curriculum and advanced/specialized workshops. Keep in agency 10 years after discontinuation.</p>	Paper	9/27/1989	Years 10	Years 20	Destroy	Current		
<p>Schedule #: 58 4#:Active Teachers Folders</p> <p>1. Initial Application forms and recertification application forms. 2. Photocopies of college or other transcripts (Original are always available at the originating institution). 3. Photocopies of birth certificates (These were provided by applicants and originals are obtainable from originating registrars of birth) Birth Certificates are no longer required for certification. 4. Certification Record Cards: Departmentally generated - single sheet summary of previous certification decisions. These are no longer utilized. Destroy after microfilming.</p>	Paper	12/20/1974	Destroy After Conversion to Another Medium	0	No Retention	0	Destroy	Current
<p>Schedule #: 782 40#:Special Education Program Review</p> <p>These records are accumulated from 20% of the school systems in Maine in five year cycles. They are the result of an on site review of local school special education programs. Files include: Program procedures; forms dealing with consent; prior notice, evaluation results; teacher interview forms; facilities check list.</p>	Paper	9/27/1989	Years 10	Years 5	Destroy	Current		
<p>Schedule #: 906 41#:General Correspondence (Instruction)</p> <p>General correspondence to and from educational specialists in the Division of Instruction. It regards educational assistance, i.e. response to inquiries, momos, etc.</p>	Paper	3/11/1991	Years 3	No Retention	0	Destroy	Current	
<p>Schedule #: 987 42#:Driver Education Programs</p> <p>Annual approval to operate driver education programs and resulting grade for each student participating in these programs. Files include: Driver Education Program Final Report, and Driver Education Student List.</p>	Paper	6/19/1992	Years 15	Years 20	Destroy	Current		
<p>Schedule #: 987 43#:MSBA Projects (Maine School Building Authority) and School Construction Sub-Team Projects</p>								

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5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
All papers concerning the projects approved and funded by the Maine School Building Authority from its inception in 1950 to present. The Authority will cease to exist in 1993. Files consist of mostly correspondence and legal papers such as copies of deeds. The MSBA issues loans for school buildings.	Paper	11/1/2000	Years 2	Years 5	Destroy	Current	
Schedule #: 1029 45#:Maine Migrant Advisory Council							
Agenda, minutes, membership and related correspondence.	Paper	6/18/1993	Years 3	No Retention 0	Archives	Current	
Schedule #: 1029 47#:Project Files for Compensatory Education							
Financial reports and contracts to local educational projects which are funded by Compensatory Education: A. Chapter 1; B. Migrant Education. Files contain: Evaluations, monitoring reports, carry-over requests, program improvement, purchase orders, and related correspondence.	Paper	10/4/1999	Years 2	Years 6	Destroy	Current	
Schedule #: 1029 48#:Migrant Educational Records							
Migrant Educational Records summarize personal data, educational data, test data, credit data, and certificates of eligibility for migrant program. These are the Division's record of each individual student. Retention period begins upon student's withdrawal from the program.	Paper	6/28/1993	Years 7	No Retention 0	Destroy	Current	
Schedule #: 1193 52#:School Approval Reports and Correspondence							
These files contain relevant background information on each school as required by law. For review and compliance purposes by DOE staff and the public. Files include: Annual School Approval Report; 5 year School Improvement Plan; Certificate of School Approval; School Calendar and related correspondence.	Paper	3/22/1996	Years 5	Years 5	Destroy	Current	
Schedule #: 230 9#:Monthly School Lunch Finance							
Computer Print-outs Monthly School Lunch Finance	Computer Output Microfilm	6/20/1986	Years 3	Years 5	Destroy	Current	
71A:Leadership Team							
Schedule #: 1387 64#:HIV Prevention Education Program & Financial Records Grants							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Records are used by the program staff to provide information for Federal Reports and for future evaluations of the Maine Department of Education agreements with the Center for Disease Control and Youth Risk Behavior Studies as well as administrative materials. This program also includes disease control education, such as washing hands (elementary school) and abstinence, condom use, and other topics (upper grades).	Paper	8/2/2001	Years	1	Years	2	Destroy Current
Schedule #: 1349 69:School District Dissolutions							
These records must be maintained as stated in Title 20A, Section 1403. They are used periodically when researching information about particular towns and when they belong to and left a school district. These records contain this information along with school funding information and whatever events that took place in these school districts.	Paper	2/21/2001	Years	2	Years	2	Archives Current
71L:Learning Systems Team							
Schedule #: 1372 11#:Grants (Workforce & Adult Education)							
Records are used for fiscal management, compliance, monitoring of sub-grantees. Workforce education staff uses the records in compliance with federal regulation, original grant application, project progress reports, financial year end reports, award letter to subrecipients, and budget adjustment requests. This series included all grant documents for the Department of Education unless otherwise scheduled.(Every 5th years records will be Archived. Starting with 1996 then the year 2000 and every five years after that. Years in between may be destroy.)	Paper	2/21/2001	Variable - See Description	2	Years	3	Archives Current
Schedule #: 1029 44#:Reading is Fundamental Files							
A RIF grant from the Smithsonian Institution to purchase reading books for migrant students. File includes: Book invoices, distribution records, applications and related correspondence.	Paper	10/4/1999	Years	2	Years	6	Destroy Current
Schedule #: 1046 49#:Application for Home Instructions							
Application and supporting documentation for home instruction. If parents want to school their children at home, they must apply to the State for permission. Files consist of Application and related correspondence.	Paper	11/6/1995	Years	2	Years	18	Destroy Current
Schedule #: 1326 50:Learning Systems Team Grants							

Department Series Report

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Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Documents submitted with the grant application that contain evidence of work district has done and hopes to do. A typical file contains a notebook and papers and occasionally a video type of district activities. These grants are for a Federal program that has determined what a student should know when he graduates from high school. The use of computers and computer technology by Maine students is the thrust of these Grants. When submitting an application school systems must have planned stages of intergration and measured results. The grants come from the Department of Education, "Goals 2000" Office and "Title 3" Office.	Paper	11/5/1999	Years 2	Years 5	Archives	Current	
Schedule #: 1361 51:Accounts Payable Fiscal Records, Child Development Services							
The original source documents not maintained by any other state agency. Sole custody lies with Child Development Services. The documents include invoices paid by the CDS State Office. Child Development Services provides special therapy for children ages 0-6 for conditions that may hinder after the child begins school. Therapy for problems with gross motor skills, fine motor skills, emotional development, speech, etc. is coordinated through 16 centers throughout Maine.	Paper	2/21/2001	Years 3	Years 4	Destroy	Current	
Schedule #: 1361 52:Fiscal Records Rate Settings - Child Development Services							
These are source documents not maintained by any other state agency, which include all paperwork associated with Center Based Developmental Therapy rate setting for programs with children birth to school age (five). Child Development Services sets the rates for how much occupational and developmental therapists can charge for group therapy sessions.	Paper	2/21/2001	Years 3	Years 4	Destroy	Current	
Schedule #: 1361 53:Summary Fiscal Records (General Ledgers, Journals, etc.)							
These are source documents not maintained by any other state agency. They include general ledgers, trial balances, income statements, aged payable reports and check registers generated by the Child Development Services State Office.	Paper	4/5/2001	Years 3	Years 4	Destroy	Current	
Schedule #: 1364 56:Department of Education Rules							
Public Law. Used as historical reference by both agency and the public. Rules in respective areas regarding Department's relationship to relative statute.	Paper	2/21/2001	Years 2	Years 0	Destroy	Current	
Schedule #: 1365 57A:EFV-116 Reports (Data Form Report Sorts of Students Enrolled in a Vocational Program)							

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Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
The EFV-116 forms are used to collect data on the individual students enrolled in a vocational program. The data is used to complete the mandated requirements by the Federal Department of Education on Vocational Educational in the State of Maine. The reports are also used to track educational trends and graduation rates. Labor market information is gleaned and used to update curriculum. School personnel use the records to determine new program implementation. These reports provide the historical data on vocational enrollments, student information, and demographics since the vocational centers and regions opened in 1970. The records are used by the Department of Education, school personnel, the Dept. of Labor and the labor market.	Paper	12/11/2001	Years 3	No Retention 0	Archives	Current	

Schedule #: 1365 57B:EFV-116 Forms (Vocational Education Student Data Enrollment Form)

The EFV-116 forms are used to collect data on the individual students enrolled in a vocational program. The data is used to complete the mandated requirements by the Federal Department of Education on Vocational Educational in the State of Maine. The reports are also used to track educational trends and graduation rates. Labor market information is gleaned and used to update curriculum. School personnel use the records to determine new program implementation. The records are used by the Department of Education, school personnel, the Dept. of Labor and the labor market.	Paper	12/11/2001	Years 2	No Retention 1.5	Destroy	Current	
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Schedule #: 1365 57C:EFV-116 Database (Vocational Education Student Enrollment)

The EFV-116 forms are used to collect data on the individual students enrolled in a vocational program. The data is used to complete the mandated requirements by the Federal Department of Education on Vocational Educational in the State of Maine. The reports are also used to track educational trends and graduation rates. Labor market information is gleaned and used to update curriculum. School personnel use the records to determine new program implementation. The records are used by the Department of Education, school personnel, the Dept. of Labor and the labor market. This is the database. Retain in Agency until accessioned.	Hard Disk	12/11/2001	Variable - See Description	No Retention 0	Archives	Current	
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Schedule #: 1366 59:Vocational Educational History

Vocational Education is secondary and postsecondary education pertaining to Workforce readiness. The State currently has 27 secondary vocational centers and regions serving all the sending schools in area. There are 7 postsecondary Technical Colleges throughout Maine. This history is the only known record of the formation and annual evaluation of Vocational Education. The individual histories of each region and center will contain formation, changes, school and program approval. The history will contain State Plans, Annual Performance Reports, State Directories and individual center and region documentation.	Paper	1/9/2001	Years 3	Years 0	Archives	Current	
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Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
<p>Schedule #: 1379 61:Grants for Goals 2000</p> <p>Federal regulations 34 CRF, Part 80.42 (B)(4) are maintained for fiscal management, compliance, and monitoring of sub-grantees. The office of Goals 2000 is required to maintain original grant application, project progress reports, fiscal year-end reports, award letters to sub-grantees, and budget adjustment requests. Grant documents included in this series are maintained for the Goals 2000 federal program. Goals 2000 are Federal grants, competitive in nature, for schools to implement learning standards determined by the Maine Legislature.</p>	Paper	2/21/2001	Years 2	Years 3	Destroy	Current	
<p>Schedule #: 1380 62:Rulemaking for CDS (Child Development Services)</p> <p>The agency keeps a record of all agency, rulemaking for purposes of both: 1) recording the APA process which was followed in promulgating the rule; and (2) historical records of policy development against legislative changes that might have occurred.</p>	Paper	2/21/2001	Years 5	Variable - See Description 2	Destroy	Current	
<p>Schedule #: 1377 63:Monitoring of CDS (Child Development Services) Sites</p> <p>The agency keeps site monitoring records for 1) the comparison to next monitoring ability; and 2) federal review at time of my federal monitoring visit. 20 USC section 1412 sub-section 11 assigns responsibility to the State Educational Agency for general supervision of all educational programs for children with disabilities in the State. Maine Department of Education Reg. 180 reinforces that at Section 111 Iv, 3.A(I)(c) and (d) (including data collection), and IV 4. The files include monthly reports of compliance with statutory deadlines for senior children, and site monitoring self-assessments and assessment compliance with chapter 180.</p>	Paper	2/21/2001	Years 5	Variable - See Description 2	Destroy	Current	
<p>Schedule #: 1381 65#:Maine Educational Assessment Test</p> <p>In the school year 1985-1986 Maine began testing students in grades 4, 8, and 11 in various subject areas: science, reading, social studies, visual and performing arts; in 1994 a health education assessment test was added for grades 4 and 8. The testing forms change from year to year. Files include sample test from 1984.</p>	Paper	2/21/2001	Years 3	Years 0	Archives	Current	
<p>Schedule #: 1381 66:Maine Educational Assessment Writing Assessments</p> <p>These are writing assessment of students' work in grades 4, 8, & 11, throughout Maine. Included in the folders is a writing prompt, scoring guide and sample of student work.</p>	Paper	1/7/2001	Years 3	Years 0	Archives	Current	
<p>Schedule #: 1381 67:Maine Educational Assessment Technical Appendices</p>							

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Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
These are technical analysis of the Maine Educational Assessments of grades 4, 8, & 11. The technical appendices provides a statistical analysis of the raw data including demographics, handicap and gender.	Paper	1/9/2001	Years 3	Variable - See Description	0 Archives	Current	
Schedule #: 1382 68#:Payroll Records of Child Development Services							
Final payroll registers and copies of W-2's. and Federal Form 941 quarterly report and State Quarterly report of employees who do not work for the state, but for Child Development Services	Paper	2/21/2001	Years 2	Years 58	Destroy	Current	
Schedule #: 1386 69:Child Count (Child Development Services)							
The Child Count is reported to the U.S. Department of Education, Office of Special Education each year. Until 2 years ago it was the basis upon which our federal grant award was determined. On a State level we have the actual children's names, birth dates and related services for all children birth through age 5 that have been tested and meet the criteria to receive help from Child Development Services.	Paper	2/21/2001	Years 5	Years 2	Destroy	Current	
Schedule #: 1375 70:Recognition Awards - State Board of Education							
The Maine State Board of Education will honor several school districts who have proven that they are worthy through an application process. These awards are presented to a winner at a formal Board meeting. Award programs include: Making the Grade Award (given to 6-7 winners each school year); James C. MacCampbell Award for Exemplary Libraries (given to a library each year). Materials include: correspondence, applications, booklets about program, and other supporting materials.	Paper	2/21/2001	Variable - See Description	3	Variable - See Description	2	Destroy Current
Schedule #: 1402 71:Rape Crisis Intervention - Preventive Health & Health Services Block Grant							
The agency keeps these grants for program history and resource materials and also to fulfill Federal requirements for the Center for Disease Control - Department of Health and Human Services (DHHS). Records are used by program staff to provide information ofr Federal reports and for future evaluations. Maine Department of Education agreements are with the Center for Disease Control. Typical file documents include: subrecipient application, scoring sheet, annual year end progress report for a three year grant period, and final report.	Paper	12/11/2001	Years 1	Years 2	Destroy	Current	
Schedule #: 1406 72:Maternal & Child Health Services Block Grant to States							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
This grant enables the State of Maine to maintain and strengthen their leadership in planning, promoting, coordinating and evaluating health care for pregnant women, mothers, infants, and children and children with special health care needs in providing health services for mothers and children who do not have access to adequate health care. Typical file documents include subrecipient application, scoring sheet, annual year end progress report for a three-year grant period, and final report. Records are used for program history and resource material, and to fulfill Federal requirements involved submission of Federal reports for future evaluations by the Center for Disease Control.	Paper	12/11/2001	Years 1	Years 2	Destroy	Current	

Schedule #: 1413 73:EF-S-01 Reports-Request for Approval of Placement of Exceptional Students

The EF-S-01 report, Request for Approval of Placement of Exceptional Students, is a profile of where the student was placed; special purpose private school or hospital with an educational component. The reports are used by the State Office of Special Services for student tracking for out-of-district placements. When a student moves to a different school district that district is required to complete the report and submit it to the DOE. Information found in the EF-S-01 report includes the name of the sending school, the student's name, birth date, and legal address. Whether the student is a State Ward or State Agency Client, the district is responsible for maintaining a record of the student's primary disability, where the student will be attending, and submitting that information to the State. These records are also used for placement information in due process hearings.	Paper	12/11/2001	Years 2	Years 8	Destroy	Current	
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Schedule #: 1412 74:Students Aged-Out Records

These records are the permanent student record for State Wards and State Agency Clients. The DOE, as custodian, applies the same retention period for these student records as it does for student records maintained by local school systems required by Chapter 101, Section 12.10 which states: The School Administrative Unit (SAU) shall inform parents when SAU has determined that education records are no longer needed to provide educational services to the student or to demonstrate that the SAU has provided the student a free appropriate public education as provided by the rules. Such records must be destroyed at the request of the parents or may be turned over to parents upon request. However, a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed shall be maintained without time limitations. Education records pertaining to students with disabilities may be useful in the future to the student or their parents if application is made for Federal benefits.	Paper	12/11/2001	Years 2	Years 3	Destroy	Current	
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Schedule #: 1414 75:EF-S-07 Report-Request for Subsidy Allocation of Tuition and Board for Exceptional Children

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
The EWF-S-07 Report, Request for Subsidy Allocation of Tuition and Board for Exceptional Children, is a financial document directly related to out-of-district placement reported in EF-S-01 Report-Request for Approval of Placement of Exceptional Students. The EF-S-07 Report provides financial data for placement of students who are tuitioned to approved programs operated by another school administrative unit, public or private regional day treatment program, private academy, or approved special purpose private school districts (day or residential, whether in state or out of state). School districts are required to provide the name of the student, the school system to which the student is tuitioned, the expenditures during the period to July 1 to June 30, and submit that information to the DOE. The report is used by the Department for allowable expenditures. The report is used to determine subsidy for special education and is needed by the Commissioner of Education, the State Board of Education and the Legislature in December of each year.	Paper	12/11/2001	Years 2	Variable - 8 See Description	Destroy	Current	

Schedule #: 1415 76:EF-02 Report-Special Education Program Report

The EF-S-02 report, Special Education Program Report, is a financial document of salary and benefit costs of certified professionals, assistants and aides or person contracted to perform a special education service. The report is submitted by school administrative units to the Department of Education and provides financial information of annual claims for state subsidy of allowable special education expenses for each unit collected by law and calculated by Management Information Systems. This report is used for subsidy purposes in conjunction with the School Financial Report (EF-M-45) required by Title 20-A, Section 6151.	Paper	12/11/2001	Years 2	Years 5	Destroy	Current	
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71B:Magnet Schools

Schedule #: 1159 1#:Verification for School Meal Benefits

Federal regulations require checking 1.5% of applications for School Meal Benefits. School Business Services requests verification of income, i.e.. divorce papers, check stubs, social security benefit letters, veteran benefit letters, etc. Food stamps and AFDC verification etc.	Paper	7/21/1995	Years 1	Years 3	Destroy	Current	
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71M:Management Information Systems Team

Schedule #: 231 10A:School Financial Reports

Annual Report of all Financial Data reported by administrative unit used as a base for Educational Subsidy and report of status of Education in each unit collected by law. (45GA up to 1977 - ED-M-45 after 1977) Summary of Approved General Fund Budget of School Appropriations.	Paper	6/3/1999	Years 2	Years 17	Destroy	Current	
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Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Schedule #: 231 10B:School System Reports Annual Report of all Financial Data reported by administrative unit used as a base for Educational Subsidy and report of status of Education in each unit collected by law. (35 GA until 1977) (ED-M-35 after 1977)	Paper	6/3/1999	Years 2	Years 17	Destroy	Current	
Schedule #: 677 13#:Educational Statistics Log Books Statistics on Maine School Children by county hand entered into log books dating from 1912.	Paper	6/28/1988	Years 0	No Retention 0	Archives	Current	
Schedule #: 838 14#:Education AT & T Computer Backup All electronic data kept at the Department of Education. Retain in agency 3 months then update.	Magnetic Tape	9/21/1990	Retention of Less than 1 Year - See Description	0	No Retention 0	Destroy	Current
Schedule #: 909 15#:Resident Enrollment Reports EF-M-11/12, Public School Resident Enrollment Reports and EF-M-12/14, Private School Resident Enrollment Reports. Series 15 has been intergrated with series 16 on 03/10/93.	Paper	9/18/2000	Years 2	Years 6	Destroy	Current	
Schedule #: 909 16#:Fall School Statistical Report (EF-M-40) EF-M-40, school enrollment by grade and sex as of October 1. This admendment combines series 15 & 16.	Paper	9/18/2000	Years 2	Years 6	Destroy	Current	
Schedule #: 925 17#:Division Correspondence (Management Information) General division correspondence, such as letters, memos, tabulations, workshop materials. Includes division copies of Department of Education correspondence, replies to requests for information, and Department of Education correspondence.	Paper	6/21/1991	Years 1	No Retention 0	Destroy	Current	
Schedule #: 926 18#:Alternative Education Reports (EF-M-39)							

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Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Application for School Assistance in Federally Affected Areas and related correspondence. This is a Federal Program to reimburse schools for the impact of Federal dependent children on school budgets. An example is when a base opens a certain percentage of the local school district would be Federal dependents and the local school district becomes eligible for reimbursement under PL 81-874.	Paper	2/24/1992	Years 2	Years 5	Destroy	Current	
Schedule #: 926 20#:Alternative Enrollment Type Reports							
These reports are used to generate statistics, ie, trends in enrollment, number of students registered, aggregate attendance etc. Also used by private elementary schools. Reports contain information on tuition received from local school units as well as enrollment and financial data. This series now combines series 18, 19, and 20.	Paper	9/18/2000	Years 2	Years 6	Destroy	Current	
Schedule #: 1075 22#:Teacher Recognition Grant Appeals							
Request for hearing, decisions, and supporting material for each person who requested a formal hearing to challenge the decision that they were not full time teachers and were therefore not eligible for the \$1,500 grant to all teachers approved by legislation.	Paper	4/14/1994	Years 7	No Retention	0 Destroy	Current	
Schedule #: 1031 31#:Starserver and 3B2 Backup Tapes							
These 8mm magnetic tapes contain a copy of all files maintained on the Starserver and 3B2 computers at different points of time (daily, monthly, annual). It is intended that these tapes be used only for disaster recovery, in the event that data (including on site backups) cannot be used. The intent is to keep the data sorted in this series as current as possible through the use of a scheduled pickup and delivery cycle. Keep in Record Center until updated or disaster.	Magnetic Tape	12/8/1993	Years 0	Destroy When Updated	0 Destroy	Current	
Schedule #: 1031 31A:Starserver and 3B2 Backup Tapes (Day Series)							
These 8mm magnetic tapes contain a copy of all files maintained on the Starserver and 3B2 computers at different points of time (daily, monthly, annual). It is intended that these tapes be used only for disaster recovery, in the event that data (including on site backups) cannot be used. The intent is to keep the data sorted in this series as current as possible through the use of a scheduled pickup and delivery cycle. Keep in Record Center until updated or disaster.	Magnetic Tape	12/8/1993	Years 0	Destroy When Updated	0 Destroy	Current	
Schedule #: 1031 31B:Starserver and 3B2 Backup Tapes (Monthly Series)							

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Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
These 8mm magnetic tapes contain a copy of all files maintained on the Starserver and 3B2 computers at different points of time (daily, monthly, annual). It is intended that these tapes be used only for disaster recovery, in the event that data (including on site backups) cannot be used. The intent is to keep the data sorted in this series as current as possible through the use of a scheduled pickup and delivery cycle. Keep in Record Center until updated or disaster.	Magnetic Tape	12/8/1993	Years	0	Destroy When Updated	0	Destroy Current
Schedule #: 1031 31C:Starserver and 3B2 Backup Tapes (Annual Series)							
These 8mm magnetic tapes contain a copy of all files maintained on the Starserver and 3B2 computers at different points of time (daily, monthly, annual). It is intended that these tapes be used only for disaster recovery, in the event that data (including on site backups) cannot be used. The intent is to keep the data sorted in this series as current as possible through the use of a scheduled pickup and delivery cycle. Keep in Record Center until updated or disaster.	Magnetic Tape	12/8/1993	Years	0	Destroy When Updated	0	Destroy Current
Schedule #: 966 32#:Private School Services							
When municipalities expend monies for private school services, they may apply to the State for reimbursement. These files include: appropriations form; invoices; reimbursement forms and related correspondence.	Paper	2/24/1992	Years	4	Years	4	Destroy Current
Schedule #: 1354 33:Subsidy Printouts / Backup Data							
The school administrative units' subsidy printouts of backup data must be maintained for several purposes: 1. They are directly related to the School Financial Reports by providing additional revenue and expenditure information on school administrative units. 2. They provide historical data on school funding in Maine often utilized by the MIS Team to provide information to the Governor, Commissioner of Education, Legislative leadership, education associations and the general public. 3. They provide historical school funding data for individual school administrative units to often utilized by the MIS Team to provide information on individual school administrative units to the Governor, Commissioner of Education, Legislative leadership, school administrative units, education associations and general public. Note: The State Archivist wants to accession this series in a convenient electronic format. Until a decision about appropriate media is made, the paper cannot be destroyed.	Paper	2/21/2001	Years	2	Years	18	See Description Current

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
The school administrative units' subsidy printouts of backup data must be maintained for several purposes: 1. They are directly related to the School Financial Reports by providing additional revenue and expenditure information on school administrative units. 2. They provide historical data on school funding in Maine often utilized by the MIS Team to provide information to the Governor, Commissioner of Education, Legislative leadership, education associations and the general public. 3. They provide historical school funding data for individual school administrative units to often utilized by the MIS Team to provide information on individual school administrative units to the Governor, Commissioner of Education, Legislative leadership, school administrative units, education associations and general public.	Paper	12/11/2001	Years 2	Years 18	Archives	Current	

The school administrative units' subsidy printouts of backup data must be maintained for several purposes: 1. They are directly related to the School Financial Reports by providing additional revenue and expenditure information on school administrative units. 2. They provide historical data on school funding in Maine often utilized by the MIS Team to provide information to the Governor, Commissioner of Education, Legislative leadership, education associations and the general public. 3. They provide historical school funding data for individual school administrative units to often utilized by the MIS Team to provide information on individual school administrative units to the Governor, Commissioner of Education, Legislative leadership, school administrative units, education associations and general public. THIS IS THE DATABASE. RETAIN IN AGENCY UNTIL ACCESSIONED.	Hard Disk	12/11/2001	Variable - See Description	No Retention	0	Archives	Current
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71D:Office of the Commissioner

Schedule #: 1383 1:State Board of Education Committees

The Maine State Board of Education is frequently given an assignment from the Legislature to study an area of concern and bring information back to the Legislature, i.e. final report containing data and recommendations. The supporting material for the final report is used for informational purposes. Materials can be minutes, booklets, correspondence, data on members of the committee, supporting materials involving the conclusions for the final recommendations, a master report to be used for production of additional reports to be distributed, and pilot project test information. Several of these committees are long-term studies and can take as long as 5-10 years to complete and implement the recommendations.	Paper	2/21/2001	Years 2	Years 0	Archives	Current	
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Schedule #: 102 1#:Student Union Account

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Money deposited in local bank for students to pay for class pin, test fees, activity fees and health service fees. Checkbook maintained by school to handle the account. Ledger card for each student.	Paper	3/3/1978	Years 7	No Retention 0	Destroy	Current	
Schedule #: 438 10#:Student Financial Aid Records							
Student financial aid records consisting of Financial Aid Check Sheets, Statement of Educational Purpose/Registration Compliance, Non-Filer Statement pertaining to Income Tax Return, Financial Aid Award Notice, Copy of U.S. Individual Income Tax Return, Supporting Statements, Financial Aid Form Need Analysis Reports, related documents and correspondence.	Paper	2/28/1986	Years 6	No Retention 0	Destroy	Current	
Schedule #: 450 11#:Adult Education Registration Cards							
The registration cards are used to register for adult education courses. Retention counted from date of registration.	Paper	5/14/1986	Years 5	No Retention 0	Destroy	Current	
Schedule #: 474 12#:Student Files-NMVTI							
Application for admission; high school transcripts; grade reports; NMVTI transcript; VA paperwork if student is a veteran; acceptance letters; related correspondence.	Paper	5/2/1986	Years 75	No Retention 0	Destroy	Current	
Schedule #: 474 13#:Grade Attendance Rosters - NMVTI							
Files that contains grade attendance rosters turned in by instructors which contains all students in their class, attendance, and final grade (not only for campus courses but also for satellite branches).	Paper	5/2/1986	Years 75	No Retention 0	Destroy	Current	
Schedule #: 474 14#:Transcripts-NMVTI							
A record of students grades and courses completed.	Paper	5/2/1986	Years 75	No Retention 0	Destroy	Current	
Schedule #: 486 16#:Off-Site Field Delivery Courses, Fire Academies							
Off-site field delivery courses (includes set-up sheets, instruction, closeout correspondence pertaining to course, evaluation sheets and final statement.) Fire Attack Schools and Fire Academies (correspondence, travel vouchers, invoices, course description, etc.)	Paper	6/10/1986	Years 7	No Retention 0	Destroy	Current	

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Schedule #: 486 17#:Student Records - Fire Training Student records consisting of competency record, written test results, progress charts, certification.	Paper	6/10/1986	Years 75	No Retention 0	Destroy	Current	
Schedule #: 486 18#:Correspondence - Maine Fire Training & Education General correspondence, purchase orders, directions to instructors, etc.; reports.	Paper	6/10/1986	Years 4	No Retention 0	Destroy	Current	
Schedule #: 102 2#:Correspondence Incoming and outgoing subject file regarding school inquires, Inter-departmental memos, graduation programs, Faculty Fund, newspaper clippings, personnel records, and other transitory material.	Paper	3/3/1978	Years 2	No Retention 0	Destroy	Current	
Schedule #: 102 3#:Rejected Application Case File Applications rejected on the basis of inadequate educational background. Files contain copies of high school transcript, P.A.C.E. scoring test, copy of birth certificate, picture of individual, results of interview, personal references and correspondence by or with individual.	Paper	3/3/1978	Years 3	No Retention 0	Destroy	Current	
Schedule #: 102 4#:Withdrawal and Dropout Case File Case File of individual containing same information as series 3 but also includes student final records and reason for leaving school.	Paper	3/3/1978	Years 5	No Retention 0	Destroy	Current	
Schedule #: 274 5#:Income - Student Accounts Receivable Ledger Card Ledger cards are maintained on each student applying for enrollment at EMVTI from receipt of the application fee to graduation, one or two years later depending upon the course. Tuition and fees are recorded and charges are posted from original entry forms as are necessary to the overall running of the school.	Paper	4/20/1979	Years 2	No Retention 0	Destroy	Current	
Schedule #: 407 6#:GED Completed Test Answer Sheets							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Students take a series of 5 confidential tests. Their records are kept in confidential file folders for one year. Students' scores are sent to Augusta for permanent recording, and a record is maintained at WCVTI for certification purposes. Test answer sheets need only be maintained for a period long enough to permit an audit for accuracy.	Paper	12/20/1985	Years 2	No Retention	0 Destroy	Current	
Schedule #: 419 7#:Maine Trades Center Records							
No longer valid, as VTI's no longer under RM jurisdiction.	Paper	2/28/1986	Years 2	No Retention	0 Destroy	Current	
Schedule #: 434 8#:Student Admissions Records							
Application forms, reference forms, high school transcripts.	Paper	2/28/1986	Years 3	No Retention	0 Destroy	Current	
Schedule #: 434 9#:Student Permanent Records							
Academic transcript, physician's statement, correspondence to and from students relating to school matters, test score records.	Roll Microfilm	2/28/1986	Years 100	No Retention	0 Destroy	Current	
Academic transcript, physician's statement, correspondence to and from students relating to school matters, test score records. After graduation or withdrawal of student, microfilm and destroy paper.	Paper	2/28/1986	Destroy After Conversion to Another Medium	No Retention	0 Destroy	Current	
71E:Special Services							
Schedule #: 1237 63#:Parent/School Complaints, Mediations, and Hearings							
If a parent or school complains of special education compliance this office sends out an investigator to gather facts and records. After completing investigations a decision is rendered. There is then a appeal process. Hearing officer turns in all records after their final decision and this office must keep for possible appeal. Files contains: Appointment letter by the commissioner, complaint letter, summary sheet, decision, and related correspondence.	Paper	1/16/2002	Years 3	Years	7 Destroy	Current	
Schedule #: 1385 64:IDEA (Individuals with Disabilities Act) Discretionary Grants							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
To improve the development of individual programs by providing school personnel and parents with knowledge of the State and Federal standards, regulations, learning results and their applications; and procedural safeguard requirements so selected school districts are in compliance.	Paper	2/21/2001	Years 2	Years 3	Destroy	Current	
71S:Support Services Team							
Schedule #: 287 19#:Financial Aid Forms							
Forms for obtaining financial assistance for education.	Paper	4/20/1979	Years 1	Years 3	Destroy	Current	
Schedule #: 316 20#:School Lunch Program - Claim for Reimbursement							
Claim for Reimbursement of school lunch, school breakfast, and school milk. Figures indicate income and expense for school districts as required by National School Lunch Act of 1946 and Child Nutrition Act of 1966. Annual contract between state agency and school food authority. Application between state agency and school food authority. The ledger card is compatible to a Friden Computypewriter, is difficult to store in large quantities because of the shape and added name label to each card, and is absolutely useless after all bills are paid by the student. We recommend and request that provisions be made to dispose of the cards after zeroing out and State Audit following student graduation. Note: Retain in agency for 2 years after account closed & audited	Paper	8/21/1981	Years 2	Years 4	Destroy	Current	
Schedule #: 316 21#:School Lunch Program - Manifests 1974-1975 school year							
Manifests for 1974-1975 school year only. Shows actual payments made to school districts from state agency. Information is now being maintained on magnetic computer tape. Destroy 10/83.	Paper	8/21/1981	Years 0	Years 2	Destroy	Current	
Schedule #: 316 23#:Summer Food Service Claims & Applications							
Claim for reimbursement for summer food service shows income and expenses on a monthly basis for operation and administration of this program. It is necessary to maintain these records because claims are figured manually rather than by computer and are our only record of payment. Annual contract between state agency and sponsor.	Paper	8/21/1981	Years 2	Years 4	Destroy	Current	
Schedule #: 316 25#:Audit Reports - School Nutrition Programs							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Cash receipts and disbursements information pertaining to school lunch, school breakfast, and school milk. Annual audits are performed by private audit companies or by State Dept. of Audit as required by federal regulations.	Paper	8/21/1981	Years 2	Years 4	Destroy	Current	
Schedule #: 473 26#:Blaine House Scholars Applicant Records							
Materials included for each Blaine House Scholarship applicant: promisory note for each loan received; applications; high school transcript; college academic reports; correspondence between program administrator and student and institution student is attending.	Paper	6/20/1986	Years 9	No Retention 0	Destroy	Current	
Schedule #: 691 27#:Higher Education General Information Survey (HEGIS)							
Postsecondary education statistics including: Enrollment, Degrees Awarded, Residence and Migration of Students, Institutional Characteristics, Salaries of Instructional Faculty, Financial Status of Postsecondary Institutions.	Paper	9/24/1988	Years 2	Years 5	Destroy	Current	
Schedule #: 745 28#:Student Files (School Operations)							
Health Records, P.E.T. Minutes, Preschool Screening Tests, SRA Test Scores (Science Research Associates, Inc.). SRA is an indication of how well student rank with other students on specific subject on a national level. Files stays with student and is transfered to High School upon graduation.	Paper	7/10/1989	Variable - See Description	0	No Retention	See Description	Current
Schedule #: 745 29#:General Correspondence (School Operations)							
Letters to other school officials, staff, subjects such as: Bus schedules, religious material, lists of student names, extra curricular activities, etc.	Paper	7/10/1989	Years 3	No Retention	0	Destroy	Current
Schedule #: 745 30#:School Lunch Reports (School Operations)							
Monthly School Lunch Claim Forms. Copies of forms submitted top Div. of School Nutrition, documenting cash receipts and disbursements of lunch program.	Paper	7/10/1989	Years 3	No Retention	0	Destroy	Current
Schedule #: 874 31#:Food Distribution Information							
Data from USDA authorizing acquisition of commodity foods. Shipping data on donated commodity foods. Distribution records of commodity foods.	Paper	12/11/1990	Years 3	Years 4	Destroy	Current	
Schedule #: 1334 33:Weekly Attendance and Time Distribution Reports							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
The Department of Education statutes Title 20-A, Section 6052 states that financial records and accounts shall be kept for 7 years after the end of the fiscal year and shall be available to the auditors and any other upon request. The Weekly attendance and Time Distribution Reports for this department serve two purposes: 1. They represent the original backup source document of where the time worked by personnel, and 2. They represent the original backup source document of where the time was worked for various federal programs. The designated codes represent federal programs used by DOE classifies these time distribution reports as financial records and accounts to support charges made to federal financial assistance programs.	Paper	3/27/2000	Years 2	Years 5	Destroy	Current	

Schedule #: 1334 33#:Weekly Attendance & Time Distribution Reports

The Department of Education statutes Title 20-A, Section 6051(5) states that financial records and accounts shall be kept for 7 years after the end of the fiscal year and shall be available to the auditors and any other upon request. The Weekly Attendance and Time Distribution Reports for this department serve two purposes: (1) they report the amount of time worked by personnel, and (2) they represent the original backup source document of where the time was worked for various federal programs. The designated codes represent federal programs used by DOE Finance staff to charge salaries and wages of personnel who work on multiple activities or cost objectives based on actual time reported. DOE classifies these time distribution reports as financial records and accounts to support charges made to federal financial assistance programs. DOE plans to maintain these records for a period of seven years, two in the agency and five in the Records Center.	Paper	3/27/2000	Years 2	Years 5	Destroy	Current	
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Schedule #: 1371 34:School Construction Sub-Team Construction Projects

All documents concerning school construction projects funded by the Department of Education. Files consist of correspondence, legal papers such as copies of deeds, certificates of funding authority by the State Board of Education, school construction budgets, State copy of moveable equipment list for audits, etc. The State Board of Education has determined that reference to those records should not be needed after seven years. Previously, the Maine School Building Authority was responsible for maintaining constructions records and their retention was set at 10 years. The Authority ceased to exist in 1993 and project maintenance was transferred to the School Construction Sub-Team. Retention condition: retention runs from date of formal acceptance of the building. Retain in agency until completion of the construction project.	Paper	1/30/2012	Variable - See Description	0	Years 7	Destroy	Current
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Schedule #: 1437 35P:Vendor Invoices - Dept. of Education

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Vendor Invoices	Paper	9/9/2002	Variable - See Description	2	Years	1	Destroy Current
<hr/>							
Schedule #: 1609	44#:School Construction Sub-Team-Revolving Renovation Projects						
These are paper media records of schools that have applied for funding through the Department of Education's School Construction Revolving Renovation Fund. The records are used by the Department of Education to determine which schools receive funding, and to track the progress of the construction project as well as how the funding provided is applied. A typical file would include an application with supporting documents, correspondence, rating forms, and eligibility certificates. Hold in agency 90 days after project is completed.	Paper	6/17/2004	Contingent Upon Event - See Description	0	Years	5	Destroy Current
<hr/>							
Schedule #: 1059	50#:MEA School and District Reports						
These reports contain the results of the MEA (Maine Educational Assessment) test scores for individual schools and districts. These tests are administered annually in all Maine public schools for grades 4, 8, and 11.	Paper	12/8/1993	Years	2	Years	6	Archives Current
<hr/>							
Schedule #: 1059	51#:MEA Individual Reports						
Supporting detail for MEA school and district reports containing individual student names and test scores.	Paper	12/8/1993	Years	2	No Retention	0	Destroy Current
<hr/>							
Schedule #: 1643	52#:Per Pupil Professional Development funds Applications and Reports						
These records contain the applications and annual reports for each school administration unit for per pupil professional development funds. These are funds the state makes available under Maine learning results legislation. The program manager for Title II-A Teacher Quality will need to refer to these records when approving funding for new applications. Because these applications and reports are used when determining the amount of funds to be awarded to school administrative units in Maine, a seven year retention period is required by Title 20-A, Section 6051 which states that financial records and accounts shall be kept for seven years after the end of the fiscal year and shall be available to the auditors and any other upon request.	Paper	3/21/2006	Years	2	Years	5	Destroy Current
<hr/>							
Schedule #: 230	9#:Monthly School Lunch Finance						
Computer Print-outs Monthly School Lunch Finance	Computer Printout	6/20/1986	Years	3	Years	5	Destroy Current

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
76#:Applied Technology & Adult Learning							
Schedule #: 273 14#:Business, Trade, and Technical School Licensing							
Contains correspondence, insurance company bonds, applications, etc.	Paper	4/20/1979 Years	3	No Retention	0 Destroy	Current	
Schedule #: 273 15#:Correspondence School Licensing							
Bonding of school and licensing of individual solicitors.	Paper	4/20/1979 Years	3	No Retention	0 Destroy	Current	
Schedule #: 273 16#:On-the-Job Training Programs for Veterans							
Applications, training agreements, program outlines, correspondence.	Paper	4/20/1979 Years	3	No Retention	0 Destroy	Current	
Schedule #: 273 17#:High School Diploma Program for Veterans							
Applications, curriculum outlines, and other correspondence.	Paper	4/20/1979 Years	3	No Retention	0 Destroy	Current	
Schedule #: 273 18#:Post Secondary Educational Programs for Veterans							
Applications, curriculum outlines, and other correspondence.	Paper	4/20/1979 Years	3	No Retention	0 Destroy	Current	
Schedule #: 560 19#:GED Card File-High School Completion Program							
Contains 3x5 cards with name of person awarded General Equivalency Diploma for High School. Also contains test scores, address, date of birth, certificate number. Used as a permanent record of equivalency.	Paper	10/24/1986 Years	100	No Retention	0 Destroy	Current	
Schedule #: 560 20#:Programs-High School Completion Program							
Contains descriptions of programs for High School completion statewide, results of program reviews if any, and correspondence and other related documents. Used to monitor and assess local programs.	Paper	10/24/1986 Years	2	No Retention	0 Destroy	Current	
Schedule #: 560 21#:Correspondence - High School Completion Program							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Contains correspondence to and from the general public concerning High School Completion Programs. Used as information and reference.	Paper	10/24/1986	Years 2	No Retention 0	Destroy	Current	
Schedule #: 560 22#:Record of Issuance - High School Completion Program							
Contains: Sheet (un-numbered) listing certificate number, name, address, certificate date, fee, test scores, and average. Used as official record of certificates (GED) issued.	Paper	10/24/1986	Years 100	No Retention 0	Destroy	Current	
Schedule #: 560 23#:Tests - High School Completion Program							
Contains answer sheets from 5 tests given to assess High School educational equivalence of participants. Scores are transferred to the GED card file and Record of Issuance.	Paper	10/24/1986	Years 1	No Retention 0	Destroy	Current	
Schedule #: 560 24#:Administrative File - High School Completion Program							
Contains contracts for tests, travel vouchers, attendance records, performance evaluations, and other related correspondence and documents.	Paper	10/24/1986	Years 2	No Retention 0	Destroy	Current	
Schedule #: 597 25#:External Credit Options Program - Adult Education							
Contains applications for site program; approvals; end-of-year reports and correspondence.	Paper	2/27/1987	Years 5	No Retention 0	Destroy	Current	
Schedule #: 597 26#:H.S. Diploma Program - Adult Education							
Correspondence with Adult Education program.	Paper	2/27/1987	Years 5	No Retention 0	Destroy	Current	
Schedule #: 597 27#:Project Adult Literacy - Adult Education							
3 year project funded by 111th Legislature, for Androscoggin, Somerset and Washington Counties. Contains proposal, award letter, end-of-year report, correspondence relating to project, also contains reports from program administrator. Retention counted from program completion.	Paper	2/27/1987	Years 2	No Retention 0	Destroy	Current	
Schedule #: 598 28#:Correspondence with Local Adult Ed Programs-Division Director							
Contains program reviews; notification of funding; program outlines; correspondence. Used to assess and monitor programs.	Paper	2/27/1987	Years 5	No Retention 0	Destroy	Current	

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
<p>Schedule #: 598 29#:Administrative File - Division Director</p> <p>Contains mission statements; employee memos; performance appraisals; requests for out-of-state travel; rule-making procedures; correspondence and related documents. Used to conduct the daily administrative functions of the Division. Destroy personnel records 2 years after termination; all other records as below.</p>	Paper	2/27/1987	Years 3	No Retention 0	Destroy	Current	
<p>Schedule #: 598 30#:Resource File - Division Director</p> <p>Contains Vocational Technical Institutue programs; Vocational Education Act; Legislation; Congressional correspondence; Adult Education Criteria; Apprenticeship Programs; correspondence; and other related documents. Used as Information and reference resource on programs.</p>	Paper	2/27/1987	Years 3	No Retention 0	Destroy	Current	
<p>Schedule #: 598 31#:Waivers - Division Director</p> <p>Contains waivers granted by the State to persons under age 18 to participate in Adult Education programs.</p>	Paper	2/27/1987	Years 4	No Retention 0	Destroy	Current	
<p>Schedule #: 598 32#:Staff Development - Division Director</p> <p>Contains workshops; conferences; out-of-state staff development; Bureau-Director meetings; Commissioner's Task Force; correspondence and other related documents. Used to improve aend enhance staff capabilities.</p>	Paper	2/27/1987	Years 2	No Retention 0	Destroy	Current	
<p>Schedule #: 598 33#:Management Reports - Division Director</p> <p>Contains computer printed reports based on reports submitted by all sites conducti8ng Adult Education Programs. The reports are varied and some are one time reports based on management request. Used to assist management in their monitoring and evaluation of Adult Education Programs. Retain until outdated.</p>	Computer Printout	2/27/1987	Destroy When Updated 0	No Retention 0	Destroy	Current	
<p>Schedule #: 598 34#:Year End Report - Division Director</p> <p>Contains Form #EF-X-132 and all previous and subsequent editions of this form which is a Request for Subsidy. The form contains the name of unit; signature of Supt. of Schools, and Director of Adult Education; total expenditures for Administration, Instructional Salaries, and other minor categories. Used to determine State subsidies to Adult education facilities.</p>	Paper	2/27/1987	Years 7	No Retention 0	Destroy	Current	
<p>Schedule #: 598 35#:Estimated Expenditures - Division Director</p>							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Contains Form #EF-X-172 and all prior and subsequent editions of this form. This form is a mid-year Certification of expenditures from local Adult Education sites, the information is compiled and presented to the Legislature annually by the Commissioner of Education per statute.	Paper	2/27/1987	Years 7	No Retention	0 Destroy	Current	
Schedule #: 598 36#:Estimate of Expenditures - Division Director							
Contains Form EF-X-133 mand all previous and subsequent editions of this form. Used as an application for Adult Educational Subsidies from the State. Contains estimates of expenditures for the coming year.	Paper	2/27/1987	Years 7	No Retention	0 Destroy	Current	
Schedule #: 910 37#:General Educational Development Test Cards							
General Educational Development permanent record cards. One card for each person who takes a GED contains scores.	Paper	3/11/1991	Years 50	Years 30	Destroy	Current	
Schedule #: 910 38#:Certified Nursing Assistant Competency Testing							
One score card for each person who takes the test and reports for the results of the tests.	Paper	3/11/1991	Years 5	Years 10	Destroy	Current	
76S:Applied Technology & Adult Learning - Support Systems Team							
Schedule #: 1030 32#:Leases (Department of Education)							
Local school administrative units must have Dept. of Education approval in order to lease space. The lease file contains copies of the Request for Approval of Leases form, the lease agreement (if new lease) and the Approval of Lease form. Keep in agency 2 years after lease expires.	Paper	6/28/1993	Years 2	No Retention	0 Destroy	Current	
Schedule #: 1618 39#:Maine Family Literacy Initiative (MEFLI) Federal Grant							
The Maine Family Literacy Initiative (MEFLI) is funded by the Barbara Bush Foundation for Family Literacy. The Maine Department of Education maintains the records to document the type of program funded, curriculum, and how the money was spent. The records are used by the Program Administrator at MDOE for training new program and financial accountability to the Barbara Bush Foundation. Typical file includes an application, 6 month and 12 month reports, and financial reports.	Paper	11/18/2004	Years 1	Years 2	Archives	Current	
Schedule #: 1620 40#:Even Start Federal Grants							

Department Series Report

5: Education

Description	Media	Approval Date	In Agency Retention	Rec Center Retention	Disposition	Status	Fiscal Year Type
Even start is a federally funded family literacy program under the No Child Left Behind Act. Records are retained to document the allowable 4 year grant cycle and typically include all financial reports, contracts, applications, correspondence, and outcome/data reports associated with the individual projects. The information is used by the Program Administrator at MDOE for accountability.	Paper	11/18/2004	Years 1	Years 2	Destroy	Current	
90#:Governor Baxter School for the Deaf							
Schedule #: 1316 1#:Historical Records (Governor Baxter School for the Deaf)							
Historical records of the Governor Baxter School for the Deaf including student intake information, written lesson plans; reports and visitors record.	Paper	6/24/1999	Years 0	Years 0	Archives	Current	

Dress Code and Personal Appearance

Employees are representatives of Child Development Services (CDS) to families we serve, daycare and school personnel, subcontractors and other community members. Therefore it is important for all employees to exercise good judgment and wear appropriate attire. Our attire must reflect the importance of our roles.

Regardless of where the employee is assigned to work for the day (including, but not limited to, the regional site, or meeting with a family, the general public or other community member), the employee's attire is expected to be neat, clean and conducive to workplace safety. Clothing must always be business casual appropriate.

Examples of appropriate business casual clothing include:

- Modest blouses, shirts and tops which do not expose cleavage
- Shirts with spaghetti straps must be worn with an over shirt
- Leggings, if worn with tops that are mid-thigh in length
- Skirts and shorts no shorter than mid-thigh, 1 inch above the knee is preferred
- Dark colored denim
- Closed toe shoes, in classroom

Inappropriate clothing at all times includes:

- Low rise jeans or slacks
- Ripped, torn or faded jeans
- Any clothing with logos or slogans displaying products that deal with alcohol, cults, drugs, cigarettes, are sexual in nature or glorify violence. Body Art of the same nature must be covered.
- Shirts which are any of the following, off-shoulder, backless, crop-top, one-strap, tube tops, tank tops with straps less than 2" in width, sleeveless shirts with low armpit openings
- Garments with see-through materials
- Medical scrubs
- Open toed shoes (in classroom)
- Bare or stocking feet

For safety purposes, employees who work in classrooms or with children must wear shoes that strap to their feet or lace up and must not wear dangling or exposed jewelry including, but not limited to, earrings and necklaces. ID badges must be on break away lanyards. Educational Technicians who work in community schools must follow the dress code policy at the applicable school.

CDS management reserves the right to determine appropriate attire. Employees not adhering to the dress code may be disciplined or sent home to change into appropriate clothing.

Approved: 12/6/2012

Revised: 2/7/2017

Employee Conflict Of Interest and Nepotism

All Child Development Services (CDS) employees shall endeavor to avoid the appearance of a conflict of interest by disclosure or by abstention.

Supervision and Evaluation

No person shall be employed in or assigned to a position that is within the supervision of a member of his/her immediate family, nor in a position in which he/she is supervised or evaluated, in whole or in part, by a member of his/her immediate family.

Notification

Whenever a member of the immediate family of any employee is hired, Child Development Services Human Resources Department shall notify the CDS State Leadership Team of the relationship.

The CDS State Leadership Team shall determine the appropriate action to address the matter.

Definitions

For the purpose of this policy, the following definitions shall apply:

- A. "Immediate family" means spouse, domestic partner, parent, child or sibling (including in-laws).

Approved: 9/25/2013

Revised: 3/2/2015

CDS Employees Providing Services to Family Members

Child Development Services (CDS) employees are not permitted to provide services to their family members. This policy defines who is considered a “family member,” and assists employees in identifying situations where a personal, non-professional relationship makes it inappropriate to provide services.

DEFINITIONS

The following definitions are important for understanding this policy:

- **Family member** means an employee’s child, step-child, grandchild, step-grandchild, niece, nephew, or another individual in relation to whom the employee has personal or emotional involvement that may render the employee unable to exercise objective professional judgment.
- **Services** means Early Intervention Services and/or Free Appropriate Public Education as defined in the Maine Unified Special Education Regulations.

SUMMARY

A personal, non-professional relationship can affect many aspects of a child’s education. Whenever a CDS employee provides services to someone with whom they have a personal relationship, there is a risk that the personal relationship will affect the employee’s ability to provide quality education.

Similarly, it can be very difficult for a CDS employee to maintain objectivity when providing services to a family member.

For these reasons, CDS employees shall refrain from providing services to family members.

The intent of this policy is that services are provided by another CDS Case Manager/Service Coordinator, service provider, teacher; or possibly, another CDS catchment area.

EDUCATIONAL RECORDS

CDS employees shall refrain from accessing the electronic and/or paper educational record of a family member or person with whom they have a personal, non-professional relationship.

Approved: 10/11/2016

Related Policies:

Confidentiality (Policy ACB)

Contracted Provider Conflict Of Interest and Nepotism

All Child Development Services (CDS) employees shall endeavor to avoid the appearance of a conflict of interest by disclosure or by abstention.

Supervision and Evaluation

No CDS employee may administer or oversee a contract with a contracted provider in which an immediate family member either: (a) has an ownership interest; or (b) will be providing or directly overseeing the contracted services provided under the contract.

Notification / Disclosure

Whenever a member of the immediate family of any Child Development Services (CDS) employee is a CDS Contracted Provider, the employee shall notify the Child Development Services Human Resources Department of the relationship, who shall notify the CDS State Leadership Team of the relationship.

The CDS State Leadership Team shall determine the appropriate action to address the matter.

Definitions

For the purpose of this policy, the following definition shall apply:

“Immediate family” means spouse, domestic partner, parent, child or sibling (including in-laws).

Approved: 3/2/2015

Drug-Free Workplace

Child Development Services (CDS) recognizes that alcoholism and drug dependency are treatable diseases. Left untreated, they may result in personal and family problems. At the same time, CDS is also concerned about the effects of alcohol and drug dependency upon an employee's job performance and ability to serve as a role model for children and families served by CDS.

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

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

"Child Development Services location" means in any CDS building or on any CDS premises; or during any period of time such employee is supervising children on behalf of CDS or otherwise engaged in CDS business.

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

Any illegal use, possession, furnishing, selling or provision of assistance in obtaining "bath salts," alcoholic beverages or scheduled drugs not covered by the preceding paragraph may, depending upon the circumstances, constitute sufficient grounds for discipline, up to and including dismissal. Referrals under foregoing paragraphs of this policy will not preclude disciplinary action under this paragraph, depending on the circumstances.

As provided in the Drug-Free Workplace Act of 1988, any employee is required to notify CDS of a criminal or civil conviction for a drug violation occurring in the workplace no

later than five calendar days after such conviction. In turn, the CDS State Director, within 10 calendar days of learning of such a conviction, is to give written notification to the U.S. Department of Education and to any other federal agency from which the unit receives grant funds.

Appropriate disciplinary sanctions shall be taken against any employee who violates the terms of CDS's drug and alcohol policy, up to and including dismissal.

Implementation

The CDS State Director shall be responsible for developing and administering appropriate procedures to implement this policy.

Communication

A copy of this policy is to be provided to all current employees and to new employees at the time of their employment and is to be posted in appropriate locations throughout CDS.

Approved: 9/25/2013

Revised: 4/11/2014

Legal Reference:

20 USC § 7101 et seq. (Safe and Drug-Free Schools and Communities Act)

21 USC § 812 (Controlled Substances Act)

21 CFR § 1300.11-1300.15

Fed. P.L. 101-226

17-A MRSA § 1101

Cellular Telephones

Child Development Services (CDS) recognizes that the use of cellular telephones and other communication devices may be appropriate to provide for the effective and efficient operation of CDS and to help ensure safety and security of CDS property, employees and others while on CDS property or engaged in CDS business.

Cellular telephone (cell phone) means a communication device used to make and receive telephone calls and text messages.

This policy applies to all CDS employees carrying electronic communications devices either CDS-owned or personally owned, and to both incoming and outgoing cellular calls and text messages.

CDS employees are encouraged to use any available cellular telephone/communication device in the event of an emergency that threatens the safety of employees, children or other individuals.

A CDS employee is prohibited from operating a vehicle while using a handheld cellular telephone while on CDS business except: (1) during an emergency situation, (2) when the vehicle is parked.

The CDS State Director is directed to develop administrative procedures for the implementation of this policy, including a uniform and controlled system for identifying employee cellular telephone needs, monitoring use and reimbursement. Provisions may also be included for employee use of privately owned cellular telephones/communication devices for authorized CDS business.

Use of cellular telephones in violation of CDS policies, administrative regulations, and/or state/federal laws will result in discipline up to and including dismissal and referral to law enforcement officials, as appropriate.

CDS-owned Cellular Telephones

CDS may elect to provide cellular telephones to certain employees in order to increase the efficiency of CDS operations. Issuance and use of CDS equipment shall be subject to procedures developed by the CDS State Director.

CDS-owned cellular telephones shall be used for authorized CDS business purposes. Personal use of such equipment is prohibited except in emergency situations. Any expenses incurred for such personal use shall be reimbursed to CDS.

Personally Owned Communication Devices

Employees may carry and use personally owned cellular telephones on CDS property subject to policies and procedures developed by the State Director.

Approved: 12/2/2013

Required Procedure:

Cellular Telephones Procedures (GBEF-R)

Cellular Telephones Procedures

These procedures implement Child Development Services (CDS) Policy GBEF.

Cellular telephone (cell phone) means a communication device used to make and receive telephone calls and text messages.

- A. Cellular telephones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.
- B. Employees may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action.
- C. Personal cell phones may be used for CDS business on a sporadic basis. Employees may be reimbursed for the calls to their personal cell phones. (See reimbursement below)
- D. CDS employees are prohibited from operating a vehicle while using a handheld cellular telephone while on CDS business except: (1) during an emergency situation, (2) when the vehicle is parked.
- E. Sending or reading text messages while driving is prohibited by law.

Reimbursement for Personal Cellular Phone Usage

CDS will reimburse for cellular phone usage at a rate of \$8.00 per month, provided:

- A. The employee has a cellular phone and provides CDS that cellular phone number, and
- B. Any employee who travels 2,000 or more miles in the preceding fiscal year. For the purposes of this provision, mileage will be based on the mileage submitted by the individual for reimbursement. Newly hired individuals may use the mileage of the individual who previously held their position.

Employees who are provided with CDS-owned cell phones shall not receive a cellular phone stipend or reimbursement.

Approved: 12/2/2013

Related Policy:

Cellular Telephones (GBEF)

Bloodborne Pathogens Exposure Control Policy

Child Development Services (CDS) acknowledges the risk of infection from bloodborne pathogens that employees may incur when they handle or participate in procedures that involve blood, other body fluids or other potentially infectious materials.

CDS State Director or designee shall implement the mandated Occupational Safety and Health Administration (OSHA) standard to eliminate or minimize occupational exposure to potentially infectious material for employees who have a reasonable anticipation of exposure to blood and other body fluids.

The CDS State Director or designee shall prepare an initial Occupational Exposure Control Plan with updates on at least an annual basis. The plan shall be made available to all employees. The following issues shall be addressed in the plan:

- A. Exposure determination;
- B. Preventive measures including training, universal precautions, Hepatitis B vaccination, engineering controls, work practice controls, and personal protective equipment;
- C. Post-exposure evaluation and follow-up; and
- D. Recordkeeping.

Approved: 5/2/2014

Revised: 9/23/2015, 10/11/2016

Required Procedure:

Bloodborne Pathogens Exposure Control Procedure (GBGAA-R)

Bloodborne Pathogens Exposure Control Procedures

In accordance with OSHA Bloodborne Pathogens Standards, 29 CFR 1910.1030, the following exposure control plan has been developed.

Definitions:

Bloodborne pathogens: Pathogenic organisms that are present in human blood and can cause disease in humans. Examples of these pathogens include:

- Human immunodeficiency virus (HIV)
- Hepatitis B virus (HBV)
- Hepatitis C virus
- Syphilis

Contaminated: The presence or reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

Decontamination: The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

Exposure incident: A specific eye, mouth, or other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious material (OPIM) that results from the performance of an employee's duties. Examples of non-intact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

Licensed health care professional: Personnel whose legally permitted scope of practice allows him or her to independently perform the activities required by this policy.

In-service training: Training which enhances an employee's knowledge and skills to perform his or her normal duties and responsibilities.

Occupational exposure: Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials (OPIM) that may result from the performance of an employee's assigned duties.

Other potentially infectious materials (OPIM): Includes all of the following: Human body fluids: semen, vaginal secretions, cerebrospinal fluid, feces, urine, respiratory secretions, saliva, nasal discharge, vomitus, synovial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, or any body fluid where it is difficult or impossible to differentiate between body fluids.

Parenteral contact: When mucous membranes or skin is pierced by needle sticks, human bites, cuts, or abrasions.

Personal protective equipment (PPE): Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (for example; uniforms, pants, shirts) not intended to function as protection against a hazard aren't considered to be PPE. Examples of personal protective equipment are latex or non-latex gloves, goggles, face shields, and aprons.

Secondary duty: Any job expectation outside the primary job duties assigned to that person.

Source person: A person, living or dead, whose blood or other potentially infectious materials (OPIM) may be a source of occupational exposure to the employee.

Universal precautions: An approach to infection control. According to universal precautions, all human blood and certain human body fluids are treated as if known to be infected with bloodborne pathogens.

**Transmission Concerns in the School Setting:
Potential Body Fluid Sources of Infectious Agents**

Body Fluid Source	Examples of Agents of Concern	Potential Transmission Routes
Blood: <ul style="list-style-type: none"> • Cuts / abrasions • Nosebleeds • Contaminated needle 	Hepatitis B & C viruses HIV virus Cytomegalovirus	Inoculation through cuts and abrasions Direct blood stream inoculation Mucous Membrane inoculation
*Feces	Salmonella bacteria Shigella bacteria Rotavirus Hepatitis A virus Noroviruses	Oral inoculation from contaminated hands.
*Urine	Cytomegalovirus	Oral or nasal inoculation from contaminated hands.
Respiratory Secretions: <ul style="list-style-type: none"> • saliva • nasal discharge 	Mononucleosis virus Common cold virus Influenza virus Meningococcal bacteria	Oral inoculation from contaminated hands. Direct droplet inoculation to mouth and nose.
*Vomitus	Gastrointestinal viruses (e.g., Norwalk Agent Rotavirus)	Oral inoculation from contaminated hands.
*Possible transmission of HIC and Hepatitis B and Hepatitis C is of little concern from these sources.		

A. Exposure Determination

Although the risk is minimal, there is potential exposure for any CDS employee because any employee may be called upon to attend to the injury of a child, employees or visitor. Employees are divided into two classes of exposure:

Class 1 Employees have reasonably anticipated exposure to bloodborne pathogens during the performance of their duties.

Class 2 Employees are not normally expected to become exposed to bloodborne pathogens as a normal part of their duties. They may, however, be asked to provide minimal assistance in a crisis situation in the areas they are in.

CLASS 1:

JOB CLASSIFICATION

Any position where the employee's duties include direct contact with children.
Teacher, Educational Technician, Therapist, Case Manager/Service Coordinator, Educational Consultant, Social Worker, School Psychological Services Provider, other direct service personnel.

CLASS 2:

JOB CLASSIFICATION

Any position where the employee's duties DO NOT include direct contact with children.
State IEU staff, Regional Site Director, Office Operations Manager, Office Operations Manager Assistant, Early Childhood Special Education Program Manager, Early Intervention Program Manager

Contracted providers – persons working for CDS under contract will be required to adhere to OSHA standards and requirements while working within the confines of their approved contract. Training of contracted providers for Class 1 exposure will be provided by the contracted provider's parent organization.

B. Compliance Methods

In-service training: In-service training for Class 1 employees will be conducted annually, or as needed, by the CDS Regional Site Director or designee. Online training is also available. Training for newly hired Class 1 employees will be provided within 10 days of commencement of duties. Information regarding bloodborne pathogens will be provided during in-service training. A copy of this information will be available in the CDS Regional Site Office and the CDS State IEU Office. Included in this information will be a copy of "Guidelines for Handling Body Fluids in the School Setting" and "Hand Washing Procedure/Universal Precautions".

Universal precautions: It is impossible to determine if a person is infected with a bloodborne pathogen. The only way to ensure the highest degree of safety for employees and children from transmission of bloodborne pathogens is to consistently practice universal precautions. All CDS employees are required to practice universal precautions. The CDS Regional Site Director will review universal precautions annually with all employees. Instruction will be provided to all new employees as per OSHA guidelines. Employees who do not adhere to universal precautions shall be notified and referred to the CDS Regional Site Director for review of universal precaution procedures. Employees who continue to neglect utilizing universal precautions will be subject to more severe steps to ensure the safety of all employees and children concerned.

Hepatitis B Vaccine (HBV): All employees will be offered the Hepatitis B vaccine at no cost to the employee. The HBV vaccine will be administered by a licensed health care professional. Employees have the right to refuse the HBV vaccine. Documentation of a Class 1 employee's

refusal to have the HBV vaccine will be maintained in the employee's record. A decision to refuse the vaccine may be rescinded at any time.

Regulated waste disposal: Contaminated sharps (needles, lancets, x-acto knives, etc.) will be placed in a puncture resistant, leak-proof container and the container will be labeled with a biohazard label. Plastic detergent bottles and milk containers are not acceptable. The location of the sharps container will be made known to the employees. Regulated waste will be placed in appropriate containers and kept in a secure location. The Office Operations Manager will be responsible for arranging for proper disposal of contaminated sharps containers.

C. Post-Exposure Evaluation and Follow-up

When an employee incurs an exposure incident, it will be reported to the CDS Regional Site Director (who will maintain all records of exposure incidents) and the CDS State Director and/or CDS Human Resources Director. Any employee who incurs an exposure incident will be offered post-exposure evaluation and follow-up in accordance with the OSHA standards. The follow-up will include:

1. Documentation of the incident.
2. Identification of the source.
3. Testing of the source with results given to the contaminated employee.
4. Post-exposure and prophylaxis: HBV vaccine can be administered within 24 hours of exposure; and
5. Counseling regarding potential illness will be accomplished by an outside health official.

Interaction with other health care professionals: Written evaluation from the employee's health care provider will be provided to Child Development Services.

D. Record Keeping

All records shall be maintained by the CDS Human Resources Department for a period of time as designated by OSHA.

Approved: 5/2/2014

Revised: 9/23/2015, 10/11/2016

Related Policy:

Bloodborne Pathogens Exposure Control Policy (GBGAA)

Family and Medical Leave

Child Development Services (CDS) shall comply with all applicable provisions of the federal Family and Medical Leave Act of 1993 (FMLA), the federal Military Family Leave Public Law, the Maine Family Medical Leave Law, the Maine Military Family Leave Law and any other CDS policies and collective bargaining agreements regarding family and medical leave.

The CDS State Director is responsible for implementing administrative procedures to comply with this policy.

Approved: 5/8/2014

Related Policies:

Family and Medical Leave Act Administrative Procedure (GBN-R)

Required Federal Forms, as applicable:

Certification of Health Care Provider Employee (WH-380-E Sample)

Certification of Health Care Provider Family (WH-380-F Sample)

Notice of Eligibility (WH-381)

Designation Form (WH-382)

Certification of Qualifying Exigency for Military Leave (WH-384)

Certification for Serious Injury or Illness of a Current Servicemember – for Military Family Leave (WH-385)

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (WH-385V-Veteran)

Legal Reference:

26 USC § 12601 et seq. 29 CFR Part 825

NDAA 2008 P.L. 110-181, Section 585 (a)

26 MRSA § 843 et seq.

26 MRSA § 814 et seq.

Family and Medical Leave Act (FMLA) Administrative Procedure

The following administrative procedure covers the main provisions of the state and federal Family and Medical Leave Acts (FMLA). The guidelines in no way attempt to modify the Acts, which should always be referred to when questions about implementation arise. Child Development Services (CDS) is responsible for analyzing each employee request for leave to determine whether he/she is eligible under the federal and/or state statute. When an employee is eligible for leave under both the federal and state statutes, the applicable law with regard to each benefit shall be the one which provides the greater benefit.

A. Definitions

In law and for the purpose of this policy and administrative procedure, the following definitions apply:

- “Spouse” means a husband or wife as defined or recognized under Maine law.
- “Sibling” means a sibling of an employee who is jointly responsible with the employee for each other’s common welfare as evidenced by a joint living arrangement and joint financial arrangements.
- “Domestic Partner” means the partner of an employee who:
 - a. Is a mentally competent adult as is the employee;
 - b. Has been legally domiciled with the employee for at least 12 months;
 - c. Is not legally married to or legally separated from another individual;
 - d. Is the sole partner of the employee and expects to remain so;
 - e. Is not a sibling of the employee; and
 - f. Is jointly responsible with the employee for each other’s common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.
- “Paid Leave” means time away from work by an employee for which the employee receives compensation. Paid leave does not include paid short-term or long-term disability, catastrophic leave, or similar types of benefits.
- “Next of kin of a covered servicemember” means the nearest blood relative other than the covered servicemember’s spouse, parent, or child, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin

- “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

B. Eligibility Requirements

Under federal law, to be eligible for FMLA, employees must:

- a. Have worked for CDS for at least 12 months;
- b. Have worked at least 1,250 hours for CDS during the 12 calendar months immediately preceding the request for leave; and
- c. Are employed at a work site that has 50 or more employees within a 75-mile radius.

The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee’s Uniformed Services Employment and Reemployment Rights Act (USERRA) -covered service obligation, or there was a written agreement that CDS intended to rehire the employee after the break in service.

C. Administration

A. Basic FMLA Leave

Generally, employees who meet the eligibility requirements are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. For pregnancy or birth of a son or daughter or a domestic partner’s son or daughter and to care for the newborn child;
2. To care for a child during the first 12 months following placement with the employee or the employee’s domestic partner for adoption or foster care;
3. To care for the employee’s spouse, domestic partner, son, daughter, sibling, parent, or domestic partner’s son or daughter with a serious health condition;
4. Because of the employee’s own serious health condition that renders the employee unable to perform the functions of his or her position;
5. Because of the donation of an organ by the employee for a human organ transplant.

Married couples and domestic partners. In cases where both spouses or domestic partners are employed by CDS, the two spouses or domestic partners together may take a combined total of 12 weeks leave during any 12-month period for reasons **1** and **2**, or to care for the same individual pursuant to reason **3**.

In cases involving domestic partners, a notarized Affidavit of Domestic Partnership must be on file with CDS.

B. Military Family Leave

There are three types of Military Family Leave available.

1. Qualifying exigency leave.

Employees meeting the eligibility requirements may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee's spouse, domestic partner, son, daughter, parent, or domestic partner's son or daughter (the military member or member) is a covered military member on active duty or call to active duty status (or has been notified of an impending call or order to active duty in support of a contingency operation).

Qualifying exigencies may include:

- Short-notice deployment (seven or less calendar days)
- Attending certain military events and related activities
- Childcare or school activities
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the military member (up to 15 calendar days of leave, dependent on orders)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the covered military member's covered active duty status, and to address issues arising from death of military member)
- Attending to parental care needs arising from covered active duty or call to duty (arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff)
- Other activities arising out of the military member's covered active duty or call to active duty and agreed upon by CDS and the employee.

2. Leave to care for a covered service member.

Eligible employees are entitled to 26 weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the employee is the spouse, domestic partner, son, daughter, sibling, parent, next of kin or domestic partner's son or daughter of the service member

A "covered service member" is:

- a. A member of the armed forces (including a member of the National Guard or reserves) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, who is assigned to a military medical treatment facility as an outpatient or is otherwise receiving outpatient care at a unit established for members of the armed forces, or is on the temporary disability retired list. or
- b. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the armed forces (including a member of the National Guard or reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

A “serious injury or illness” means:

- a. For a member of the armed forces (including a member of the National Guard or reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or that existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the armed forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or
- b. For a veteran who was a covered service member of the armed forces (including member of the National Guard or reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that manifested itself before or after the member became a veteran.

When a married couple works for CDS, the aggregate amount of leave that can be taken by the married couple to care for a covered service member is 26 weeks in a single 12-month period.

3. Fifteen-Day Family Military Leave

Eligible employees are entitled to 15 days unpaid leave if the employee is the spouse, domestic partner or parent of a service member who is deployed for military service for a period lasting longer than 180 days when the duty assignment is in a combat theater or in an area where armed conflict is taking place. For this type of leave, family members who are in the Regular Armed Forces are included.

Leaves under this section may be taken only during one or more of the following timeframes:

- a. The 15 days immediately prior to deployment;
- b. Deployment, if the military member is granted leave; or
- c. The 15 days immediately following the period of deployment.

The employee must give at least 14 days’ notice of this type of leave if it will consist of 5 or more consecutive work days; if less than 5 consecutive work days, the employee must give as much advance notice as is practicable.

The only certification required for this type of leave is certification from the proper military authority to verify an employee’s eligibility for the family military leave requested.

D. Amount of Leave

Generally, employees may take up to 12 weeks of leave in a single 12-month period for Basic FMLA reasons and for Qualifying Exigencies. CDS designates the 12-month period in which employees can take FMLA leave for qualifying reasons by measuring a 12-month period forward from the date employee first takes FMLA leave.

Eligible employees can take up to 26 weeks of FMLA during a single 12-month period to care for a covered service member. A single 12-month period of leave to care for a covered service member begins on the first day the employee takes leave to care for the service member and ends 12 months after that date. If employees do not take the full 26 weeks of leave during a single 12-month period, they forfeit the remaining amount of leave.

E. Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt CDS's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both CDS and employee agree to such intermittent leave.

F. Academic Year Schedules

Employees that are assigned an academic year schedule, and are paid over twenty-one pay periods, will not have the time over the summer break and other school vacation weeks/breaks counted towards their eligibility for 12 weeks of permitted leave under the FMLA. This applies to both hourly and salaried academic employees.

G. Intermittent and Reduced-Schedule Leave

Leave because of a serious health condition, or pursuant to family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if necessary. If leave is unpaid, CDS will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, CDS may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and that has equivalent pay and benefits.

H. Pay, Benefits and Protections During FMLA Leave

- 1. Leave is unpaid.** Family medical leave is unpaid leave.
- 2. Substitution of paid time off (PTO) for unpaid leave.** If an employee does not choose to substitute accrued paid leave, CDS requires the employee to substitute accrued paid leave for unpaid FMLA leave, as determined by the terms and conditions of CDS's normal leave policy.

The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Furthermore, in no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of an employee's salary. An employee's family medical leave runs concurrently with paid time off.

- 3. Medical and other benefits.** During FMLA leave, CDS must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Health coverage includes medical, dental and vision.

If paid leave is substituted for unpaid family medical leave, CDS will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium as follows:

Payment is due by the 15th of the month, unless other arrangements are made, for each month the employee is out on unpaid leave. There is no payroll deduction occurring for employee's cost of the premium.

An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with CDS for payment of group health plan benefits when simultaneously taking FMLA leave.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, CDS will send the employee a letter to this effect. If CDS does not receive the payment within 15 days after the date of that letter, the employee's coverage will cease.

Employees who either cancel insurance coverage or have health insurance discontinued for failure to make timely payment of their share of the premium cost while on unpaid FMLA must be restored to full coverage without need for proof of insurability or any other qualification requirement when they return from leave.

An employee's regular health benefits will end when the employee indicates that he/she will not be returning to work.

If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse CDS for the cost of the premiums paid by CDS for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

CDS will also maintain through the 12 weeks of approved leave under the FMLA all other benefits employee is participating in at the time of their leave, with the employee being responsible for their share of the monthly premiums.

- 4. COBRA.** Employees who take FMLA leave do not qualify for rights and protections under the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) unless they are covered (and their spouses or their dependents) by CDSs' group health plans on the day

before the first day of FMLA leave or do not return from FMLA leave and lose coverage under CDSs' health plans if COBRA coverage is not available.

I. Return to job at end of FMLA leave

Upon return from FMLA leave, eligible employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

J. Employee Responsibilities When Requesting FMLA Leave

Employee requests for FMLA leave should be made to the CDS Regional Site Director, who will notify the CDS Human Resources Department. Employees of the CDS State IEU will make their request of the CDS State Director, who will notify the CDS Human Resources Department. If the leave is not foreseeable, the Director will notify the CDS Human Resources Department.

If the need to use FMLA leave is foreseeable, the employee is encouraged to give CDS at least 30 days prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable.

Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her Regional Site Director and provide sufficient information regarding the employee's need for leave to support a request for FMLA leave.

When submitting a request for leave, the employee must provide sufficient information for CDS to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform CDS if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide a certification and periodic recertification supporting the need for leave.

K. Child Development Services (Employer) Responsibilities

When an employee requests leave, the CDS Human Resources Department will inform the employee within 5 business days whether he or she is eligible under the FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details regarding the information he or she will be required to provide, which may include a health care provider certification or military certification. If an employee submits a certification that is incomplete or insufficient, CDS will advise the employee in writing as to what additional information is needed and give the employee 7 calendar days to provide the information.

Failure to provide requested healthcare provider certification in a timely manner may result in denial of leave until it is provided. CDS, at its expense, may require an examination by a second healthcare provider designated by CDS, if it reasonably doubts the healthcare provider certification initially provided. If the second healthcare provider's opinion conflicts with the original health care provider certification, CDS, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

Following receipt of a complete and sufficient certification from the employee, CDS will inform the employee in writing within 5 business days whether the leave will be designated as FMLA and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

CDS may require subsequent health care provider recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

L. Fitness for Duty

Employees may also be required to provide a fitness-for-duty certification upon return to work when the leave has been taken due to serious health condition of the employee. An employee will not be returned to work without the proper documentation from the healthcare provider. Failure to submit a fitness for duty certification may result in the denial of restoration to employment following FMLA leave.

For employees on intermittent or reduced schedule leave, you may be required to submit a fitness-for-duty certification once every 30 days if reasonable safety concerns exist and per applicable state laws.

M. Reporting While on Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact their CDS Regional Site Director on a predetermined basis regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

N. No Work While on Leave

The taking of another job while on FMLA or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

O. Administrative Separation

Regardless of the type of leave, any employee who fails to return or is unable to return to work at the end of their designated leave period, may be administratively separated from his or her employment with CDS, unless otherwise provided by law.

P. Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law, which provides greater family or medical leave rights.

Approved: 5/8/2014

Related Policies:

Family and Medical Leave (GBN)

Required Federal Forms, as applicable:

Certification of Health Care Provider Employee (WH-380-E Sample)

Certification of Health Care Provider Family (WH-380-F Sample)

Notice of Eligibility (WH-381)

Designation Form (WH-382)

Certification of Qualifying Exigency for Military Leave (WH-384)

Certification for Serious Injury or Illness of a Current Servicemember – for Military Family Leave (WH-385)

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (WH-385V-Veteran)

Legal Reference:

26 USC § 12601 et seq. 29 CFR Part 825

NDAA 2008 P.L. 110-181, Section 585 (a)

26 MRSA § 843 et seq.

26 MRSA § 814 et seq.

Fact Sheet #28A: Employee Protections under the Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) entitles eligible employees who work for covered employers to take unpaid, job-protected leave for specified family and medical reasons. Eligible employees may take up to 12 workweeks of leave during any 12-month period for certain family and medical reasons and up to 26 workweeks of leave during a single 12-month period for military caregiver leave. See [Fact Sheet 28F: Qualifying Reasons for Leave under the FMLA](#) and [Fact Sheet 28M: The Military Leave Provisions under the FMLA](#). This fact sheet describes the protections the FMLA affords to employees while taking FMLA leave and upon returning to work from FMLA leave.

PROTECTIONS DURING FMLA LEAVE

Group Health Insurance Benefits

If an employee is provided **group health insurance**, the employee is entitled to the continuation of the group health insurance coverage during FMLA leave on the same terms as if he or she had continued to work. If family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. The employee must continue to make any normal contributions to the cost of the health insurance premiums.

If paid leave is substituted for FMLA leave, the employee's share of group health plan premiums must be paid by the method normally used during paid leave (usually payroll deduction). An employee on unpaid FMLA leave must make arrangements to pay the normal employee portion of the insurance premiums in order to maintain insurance coverage. If the employee's premium payment is more than 30 days late, the employee's coverage may be dropped unless the employer has a policy of allowing a longer grace period. The employer must provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the letter before coverage stops.

In some instances, an employer may choose to pay the employee's portion of the premium, for example, in order to ensure that it can provide the employee with equivalent benefits upon return from FMLA leave. In that case, the employer may require the employee to repay these amounts. In addition, the employer may require the employee to repay the employer's share of the premium payment if the employee fails to return to work following the FMLA leave unless the employee does not return because of circumstances that are beyond the employee's control, including a FMLA-qualifying medical condition.

Benefits Other than Health Insurance

An employee's rights to benefits other than group health insurance while on FMLA leave depend upon the employer's established policies. Any benefits that would be maintained while the employee is on other forms of leave, including paid leave if the employee substitutes accrued paid leave during FMLA leave, must be maintained while the employee is on FMLA leave.

Substitution of Paid Leave

FMLA entitles eligible employees to take unpaid leave. Under certain conditions, employees may “substitute,” or run at the same time as their FMLA leave, accrued **paid** leave (such as sick or vacation leave) to cover some or all of the period of FMLA leave. An employer may also require employees to substitute accrued paid leave for unpaid FMLA leave even when the employee has not elected to do so. In order to substitute accrued paid leave, the employee must follow the employer’s normal rules for the use of that type of leave, such as submitting a leave form or providing advance notice. If an employee does not meet the requirements to take paid leave under the employer’s normal leave policies, the employee may still take unpaid FMLA leave. Paid leave taken for reasons that do not qualify for FMLA leave does not count against the employee’s FMLA leave entitlement.

PROTECTIONS UPON RETURN FROM FMLA LEAVE (JOB RESTORATION)

When an employee returns from FMLA leave, he or she must be restored to the same job or to an "equivalent job". The employee is not guaranteed the actual job held prior to the leave. An equivalent job means a job that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions (including shift and location).

Equivalent pay includes the same or equivalent pay premiums, such as a shift differential, and the same opportunity for overtime as the job held prior to FMLA leave. An employee is entitled to any unconditional pay increases that occurred while he or she was on FMLA leave, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted only if employees taking the same type of leave for non-FMLA reasons receive the increases. Equivalent pay includes any unconditional bonuses or payments. If an employee does not meet a specific goal for achieving a bonus because of taking FMLA leave, however, the employer must only pay the bonus if employees taking the same type of leave for non-FMLA reasons receive it. For example, if an employee is substituting accrued paid sick leave for unpaid FMLA leave and other employees on paid sick leave are entitled to the bonus, then the employee taking FMLA-protected leave concurrently with sick leave must also receive the bonus.

All benefits an employee had accrued prior to a period of FMLA leave must be restored to the employee when he or she returns from leave. An employee returning from FMLA leave cannot be required to requalify for any benefits the employee enjoyed before the leave began.

LIMITATIONS TO FMLA PROTECTIONS

An employee on FMLA leave is not protected from actions that would have affected him or her if the employee was not on FMLA leave. For example, if a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours. If an employee is laid off during the period of FMLA leave, the employer must be able to show that the employee would not have been employed at the time of reinstatement.

An employer may also deny restoration to a “key” employee under certain circumstances. A key employee is a salaried, FMLA-eligible employee who is among the highest-paid 10 percent of all of the employer’s employees within 75 miles. To deny restoration to a key employee, an employer must have determined that substantial and grievous economic injury to its operations would result from the restoration, must have provided notice to the employee that he or she is a key employee and that restoration will be denied, and must provide the employee a reasonable opportunity to return to work.

ENFORCEMENT

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. *See [Fact Sheet 77B: Protections for Individuals under the FMLA](#)*. The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

For additional information, visit our Wage and Hour Division Website:

<http://www.wagehour.dol.gov> and/or call our toll-free helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
[Contact Us](#)

Fact Sheet #28: The Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. This fact sheet provides general information about which employers are covered by the FMLA, when employees are eligible and entitled to take FMLA leave, and what rules apply when employees take FMLA leave.

COVERED EMPLOYERS

The FMLA only applies to employers that meet certain criteria. A **covered employer** is a:

- Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer;
- Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or
- Public or private elementary or secondary school, regardless of the number of employees it employs.

ELIGIBLE EMPLOYEES

Only eligible employees are entitled to take FMLA leave. An **eligible employee** is one who:

- Works for a *covered employer*;
- Has worked for the employer for at least *12 months*;
- Has at least *1,250 hours* of service for the employer during the 12 month period immediately preceding the leave*; and
- Works at a location where the employer has at least *50 employees within 75 miles*.

* Special hours of service eligibility requirements apply to airline flight crew employees. See Fact Sheet 28J: Special Rules for Airline Flight Crew Employees under the Family and Medical Leave Act.

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count *unless* the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service. See "FMLA Special Rules for Returning Reservists".

LEAVE ENTITLEMENT

Eligible employees may take up to **12 workweeks** of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to **26 workweeks** of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. *See Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: The Military Family Leave Provisions under the FMLA.*

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer's approval.

Under certain conditions, employees may choose, or employers may require employees, to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave period. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

NOTICE

Employees must comply with their employer's usual and customary requirements for requesting leave and provide enough information for their employer to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. *See Fact Sheet 28E: Employee Notice Requirements under the FMLA .*

Covered employers must:

- (1) Post a notice explaining rights and responsibilities under the FMLA (and may be subject to a civil money penalty of up to \$110 for willful failure to post);
- (2) Include information about the FMLA in their employee handbooks or provide information to new employees upon hire;

- (3) When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA-qualifying reason, provide the employee with notice concerning his or her eligibility for FMLA leave and his or her rights and responsibilities under the FMLA; and
- (4) Notify employees whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employee's FMLA entitlement.

See Fact Sheet 28D: Employer Notice Requirements under the FMLA.

CERTIFICATION

When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition, the employer may require certification in support of the leave from a health care provider. An employer may also require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. See Fact Sheet 28G: Certification of a Serious Health Condition under the FMLA. For information on certification requirements for military family leave, See Fact Sheet 28M(c): Qualifying Exigency Leave under the FMLA; Fact Sheet 28M(a): Military Caregiver Leave for a Current Servicemember under the FMLA; and Fact Sheet 28M(b): Military Caregiver Leave for a Veteran under the FMLA.

JOB RESTORATION AND HEALTH BENEFITS

Upon return from FMLA leave, an employee must be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy. Employers are also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. See Fact Sheet 28A: Employee Protections under the Family and Medical Leave Act .

OTHER PROVISIONS

Special rules apply to employees of local education agencies. Generally, these rules apply to intermittent or reduced schedule FMLA leave or the taking of FMLA leave near the end of a school term.

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under the FLSA regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to an eligible employee's use of FMLA leave.

ENFORCEMENT

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any

proceeding, related to the FMLA. *See* [Fact Sheet 77B](#): Protections for Individuals under the FMLA . The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

For additional information, visit our Wage and Hour Division Website:

<http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

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U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
[Contact Us](#)

Certification of Health Care Provider for
Employee's Serious Health Condition
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



OMB Control Number: 1235-0003
Expires: 2/28/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: () _____ Fax: () _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

No Yes. If so, dates of admission:

Date(s) you treated the patient for condition:

Will the patient need to have treatment visits at least twice per year due to the condition? No Yes.

Was medication, other than over-the-counter medication, prescribed? No Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? No Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? No Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: No Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? No Yes.

If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? No Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?
 No Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? No Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?
 No Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Certification of Health Care Provider for
Family Member's Serious Health Condition
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



OMB Control Number: 1235-0003
Expires: 2/28/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____
First Middle Last

Name of family member for whom you will provide care: _____
First Middle Last

Relationship of family member to you: _____

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

Employee Signature _____ Date _____

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax:(_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
___ No ___ Yes. If so, dates of admission: _____

Date(s) you treated the patient for condition: _____

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Will the patient need to have treatment visits at least twice per year due to the condition? ___ No ___ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
___ No ___ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___ No ___ Yes. If so, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such as medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? No Yes.

Estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? No Yes.

Explain the care needed by the patient and why such care is medically necessary:

5. Will the patient require follow-up treatments, including any time for recovery? No Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary: _____

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? No Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary:

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ___ No ___ Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: ___ times per ___ week(s) ___ month(s)

Duration: ___ hours or ___ day(s) per episode

Does the patient need care during these flare-ups? ___ No ___ Yes.

Explain the care needed by the patient, and why such care is medically necessary: _____

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Signature of Health Care Provider

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

Notice of Eligibility and Rights & Responsibilities
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



OMB Control Number: 1235-0003
Expires: 2/28/2015

In general, to be eligible an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

[Part A – NOTICE OF ELIGIBILITY]

TO: _____
Employee

FROM: _____
Employer Representative

DATE: _____

On _____, you informed us that you needed leave beginning on _____ for:

- The birth of a child, or placement of a child with you for adoption or foster care;
- Your own serious health condition;
- Because you are needed to care for your _____ spouse; _____ child; _____ parent due to his/her serious health condition.
- Because of a qualifying exigency arising out of the fact that your _____ spouse; _____ son or daughter; _____ parent is on covered active duty or call to covered active duty status with the Armed Forces.
- Because you are the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)

Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):

- You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately _____ months towards this requirement.
- You have not met the FMLA's hours of service requirement.
- You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact _____ or view the FMLA poster located in _____.

[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by _____.** (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

- Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request is/ is not enclosed.
- Sufficient documentation to establish the required relationship between you and your family member.
- Other information needed (such as documentation for military family leave): _____

No additional information requested

If your leave does qualify as FMLA leave you will have the following responsibilities while on FMLA leave (only checked blanks apply):

Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

You will be required to use your available paid _____ sick, _____ vacation, and/or _____ other leave during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We have/_____have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following rights while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:
 - _____ the calendar year (January – December).
 - _____ a fixed leave year based on _____.
 - _____ the 12-month period measured forward from the date of your first FMLA leave usage.
 - _____ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have _____ sick, _____ vacation, and/or _____ other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

_____ For a copy of conditions applicable to sick/vacation/other leave usage please refer to _____ available at: _____.

_____ Applicable conditions for use of paid leave: _____

Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, please do not hesitate to contact:

_____ at _____.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Designation Notice
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



OMB Control Number: 1235-0003
Expires: 2/28/2015

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 825.305(c).

To: _____

Date: _____

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided. We received your most recent information on _____ and decided:

Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____

Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

We are requiring you to substitute or use paid leave during your FMLA leave.

You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position is is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

Additional information is needed to determine if your FMLA leave request can be approved:

The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than _____, unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.
(Provide at least seven calendar days)

(Specify information needed to make the certification complete and sufficient)

We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

Your FMLA Leave request is Not Approved.

The FMLA does not apply to your leave request.

You have exhausted your FMLA leave entitlement in the applicable 12-month period.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. §§ 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 – 30 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Certification of Qualifying Exigency
For Military Family Leave
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



OMB Control Number: 1235-0003
Expires: 2/ 28/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. Please complete Section I before giving this form to your employee. Your response is voluntary, and while you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.309.

Employer name: _____

Contact Information: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II fully and completely. The FMLA permits an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Your response is required to obtain a benefit. 29 CFR 825.310. While you are not required to provide this information, failure to do so may result in a denial of your request for FMLA leave. Your employer must give you at least 15 calendar days to return this form to your employer.

Your Name: _____
First Middle Last

Name of military member on covered active duty or call to covered active duty status:

First Middle Last

Relationship of military member to you: _____

Period of military member's covered active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a military member's covered active duty or call to covered active duty status. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or call to covered active duty status.

- A copy of the military member's covered active duty orders is attached.
- Other documentation from the military certifying that the military member is on covered active duty (or has been notified of an impending call to covered active duty) is attached.
- I have previously provided my employer with sufficient written documentation confirming the military member's covered active duty or call to covered active duty status.

PART A: QUALIFYING REASON FOR LEAVE

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military; a document confirming the military member's Rest and Recuperation leave; a document confirming an appointment with a third party, such as a counselor or school official, or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.

Yes No None Available

PART B: AMOUNT OF LEAVE NEEDED

1. Approximate date exigency commenced: _____

Probable duration of exigency: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency?

Yes No

If so, estimate the beginning and ending dates for the period of absence:

3. Will you need to be absent from work periodically to address this qualifying exigency? Yes No

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours _____ day(s) per event.

PART C:

If leave is requested to meet with a third party (such as to arrange for childcare or parental care, to attend counseling, to attend meetings with school, childcare or parental care providers, to make financial or legal arrangements, to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (_____) _____ Fax: (_____) _____

Email: _____

Describe nature of meeting: _____

PART D:

I certify that the information I provided above is true and correct.

Signature of Employee _____ Date _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYER.**

Certification for Serious Injury or
Illness of a Current
Servicemember - -for Military Family Leave
(Family and Medical Leave Act)

U.S. Department of Labor

Wage and Hour Division



OMB Control Number: 1235-0003
Expires: 2/28/2015

Notice to the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a current servicemember to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave

INSTRUCTIONS to the EMPLOYEE or CURRENT SERVICEMEMBER: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE ("DOD") HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed on Page 2 has requested leave under the FMLA to care for a family member who is a current member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a current servicemember's serious injury or illness includes written documentation confirming that the servicemember's injury or illness was incurred in the line of duty on active duty or if not, that the current servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that the current servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the servicemember's condition for which the employee is seeking leave.

SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave:

(This section must be completed first before any of the below sections can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and Address of Employer (this is the employer of the employee requesting leave to care for the current servicemember):

Name of Employee Requesting Leave to Care for the Current Servicemember:

First

Middle

Last

Name of the Current Servicemember (for whom employee is requesting leave to care):

First

Middle

Last

Relationship of Employee to the Current Servicemember:

Spouse Parent Son Daughter Next of Kin

Part B: SERVICEMEMBER INFORMATION

(1) Is the Servicemember a Current Member of the Regular Armed Forces, the National Guard or Reserves?
Yes No

If yes, please provide the servicemember's military branch, rank and unit currently assigned to:

Is the servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)?

Yes No

If yes, please provide the name of the medical treatment facility or unit:

(2) Is the Servicemember on the Temporary Disability Retired List (TDRL)?
Yes No

Part C: CARE TO BE PROVIDED TO THE SERVICEMEMBER

Describe the Care to Be Provided to the Current Servicemember and an Estimate of the Leave Needed to Provide the Care:

SECTION II: For Completion by a United States Department of Defense (“DOD”) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (“VA”) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125. If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator).

(Please ensure that Section I above has been completed before completing this section. Please be sure to sign the form on the last page.)

Part A: HEALTH CARE PROVIDER INFORMATION

Health Care Provider’s Name and Business Address:

Type of Practice/Medical Specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider, or (5) a health care provider as defined in 29 CFR 825.125:

Telephone: () _____ Fax: () _____ Email: _____

PART B: MEDICAL STATUS

(1) The current Servicemember’s medical condition is classified as (Check One of the Appropriate Boxes):

(VSI) Very Seriously Ill/Injured – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

(SI) Seriously Ill/Injured – Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

OTHER Ill/Injured – a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.

NONE OF THE ABOVE (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a “serious health condition” under § 825.113 of the FMLA. If such leave is requested, you may be required to complete DOL FORM WH-380-F or an employer-provided form seeking the same information.)

(2) Is the current Servicemember being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes No

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

(5) Is the servicemember undergoing medical treatment, recuperation, or therapy for this condition? Yes No

If yes, please describe medical treatment, recuperation or therapy:

PART C: SERVICEMEMBER'S NEED FOR CARE BY FAMILY MEMBER

(1) Will the servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for this period of time: _____

(2) Will the servicemember require periodic follow-up treatment appointments? Yes No

If yes, estimate the treatment schedule: _____

(3) Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointments? Yes No

(4) Is there a medical necessity for the servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)?
Yes No

If yes, please estimate the frequency and duration of the periodic care:

Signature of Health Care Provider: _____ **Date:** _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE PATIENT.**

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (Family and Medical Leave Act)

U.S. Department of Labor Wage and Hour Division



OMB Control Number: 1235-0003 Expires: 2/28/2015

Notice to the EMPLOYER

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For completion by the EMPLOYEE and/or the VETERAN for whom the employee is requesting leave

INSTRUCTIONS to the EMPLOYEE and/or VETERAN: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

(This section must be completed before Section II can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and address of employer (this is the employer of the employee requesting leave to care for a veteran):

Name of employee requesting leave to care for a veteran:

First Middle Last

Name of veteran (for whom employee is requesting leave):

First Middle Last

Relationship of employee to veteran:

Spouse [] Parent [] Son [] Daughter [] Next of Kin [] (please specify relationship):

Part B: VETERAN INFORMATION

(1) Date of the veteran's discharge:

(2) Was the veteran **dishonorably** discharged or released from the Armed Forces (including the National Guard or Reserves)? Yes No

(3) Please provide the veteran's military branch, rank and unit at the time of discharge:

(4) Is the veteran receiving medical treatment, recuperation, or therapy for an injury or illness?
Yes No

Part C: CARE TO BE PROVIDED TO THE VETERAN

Describe the care to be provided to the veteran and an estimate of the leave needed to provide the care:

SAMPLE

SECTION II: For completion by: (1) a United States Department of Defense (“DOD”) health care provider; (2) a United States Department of Veterans Affairs (“VA”) health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider; or (5) a health care provider as defined in 29 CFR 825.125.

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee named in Section I has requested leave under the military caregiver leave provision of the FMLA to care for a family member who is a veteran. For purposes of FMLA military caregiver leave, a serious injury or illness means an injury or illness incurred by the servicemember in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the servicemember’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the servicemember became a veteran, and is:

- (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating; or
- (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- (iii) a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans’ Affairs Program of Comprehensive Assistance for Family Caregivers.

A complete and sufficient certification to support a request for FMLA military caregiver leave due to a covered veteran’s serious injury or illness includes written documentation confirming that the veteran’s injury or illness was incurred in the line of duty on active duty or existed before the beginning of the veteran’s active duty and was aggravated by service in the line of duty on active duty, and that the veteran is undergoing treatment, recuperation, or therapy for such injury or illness by a health care provider listed above. Answer fully and completely all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA military caregiver leave coverage. Limit your responses to the veteran’s condition for which the employee is seeking leave.

(Please ensure that Section I has been completed before completing this section. Please be sure to sign the form on the last page and return this form to the employee requesting leave (See Section I, Part A above). **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**)

Part A: HEALTH CARE PROVIDER INFORMATION

Health care provider’s name and business address:

Telephone: () _____ Fax: () _____ Email: _____

Type of Practice/Medical Specialty: _____

Please indicate if you are:

- a DOD health care provider
- a VA health care provider
- a DOD TRICARE network authorized private health care provider
- a DOD non-network TRICARE authorized private health care provider
- other health care provider

PART B: MEDICAL STATUS

Note: If you are unable to make certain of the military-related determinations contained in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as, DOD Recovery Care Coordinator) or an authorized VA representative.

(1) The Veteran's medical condition is:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating.
- A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or higher, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave.
- A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment.
- An injury, including a psychological injury, on the basis of which the covered veteran is enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.
- None of the above.

(2) Is the veteran being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes No

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

(5) Is the veteran undergoing medical treatment, recuperation, or therapy for this condition? Yes No

If yes, please describe medical treatment, recuperation or therapy:

PART C: VETERAN'S NEED FOR CARE BY FAMILY MEMBER

"Need for care" encompasses both physical and psychological care. It includes situations where, for example, due to his or her serious injury or illness, the veteran is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport him or herself to the doctor. It also includes providing psychological comfort and reassurance which would be beneficial to the veteran who is receiving inpatient or home care.

(1) Will the veteran need care for a single continuous period of time, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for this period of time: _____

(2) Will the veteran require periodic follow-up treatment appointments? Yes No

If yes, estimate the treatment schedule: _____

- (3) Is there a medical necessity for the veteran to have periodic care for these follow-up treatment appointments?
Yes No
- (4) Is there a medical necessity for the veteran to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)? Yes No

If yes, please estimate the frequency and duration of the periodic care:

Signature of Health Care Provider: _____ Date: _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYEE REQUESTING LEAVE (As shown in Section I, Part "A" above).**

Child Development Services Employees as Contracted Provider

Employees of Child Development Services (CDS) are not permitted to provide the same service for, or accept any position with, a CDS contracted provider that would put them in a position of conflict with CDS.

Approved: 6/12/2014

Professional Development Opportunities and Reimbursement

Child Development Services (CDS) recognizes the importance of developing, maintaining, and extending the skills of staff members and encourages employees to engage in programs and activities that will lead to their professional growth and increased competence.

The CDS State Director and each Regional Site Director is authorized to initiate programs and activities that promote professional development:

- A. Provide a structure through which staff members can stay abreast of new developments in their areas of specialty;
- B. Familiarize staff members with new research and innovative teaching methods;
- C. Assist staff members in the process of change and school improvement; and
- D. Facilitate the development, implementation and evaluation of new programs.

Persons requesting reimbursement must follow the procedure outlined in the Professional Development Reimbursement Procedure (GCI-R).

New CDS employees are eligible for this benefit on the first day of the month following their date of hire. Temporary, substitute and on-call employees are not eligible for reimbursement.

Approved: 12/18/2012

Required Procedure:

Professional Development Reimbursement Procedure (GCI-R)

Required Forms:

Professional Development Reimbursement Request Form (GCI-F)

Professional Development Reimbursement Procedure

These procedures implement Child Development Services (CDS) Policy GCI and are designed to establish an efficient method of reimbursing CDS employees for eligible professional development fees.

- A. All professional development must be directly related to the employee's job description and work duties to qualify for reimbursement. Regional Site Directors are responsible for determining if professional development is applicable to the employee's job.
- B. Regional Site Director's approval is subject to the availability of funds.
- C. Regional Site Directors may request the employee share information or strategies learned with other staff members.
- D. The Professional Development Reimbursement Form (GCI-F) must be completed for both Support Staff and Professional Staff to request reimbursement for successful completion of professional development opportunities.
- E. The following documentation must be provided with the completed Professional Development Reimbursement Request Form:
 - Regional Site Director pre-approval, either on the Professional Development Reimbursement Request Form or by separate documentation, such as email
 - Payment receipt
 - Proof of successful completion of professional development
- F. Professional Development Reimbursement Forms that are submitted to Human Resources / Payroll for reimbursement must be complete and have appropriate documentation or they will be returned to the employee for completion.

Approved: 12/18/2012

Related Policy:

Professional Development Opportunities and Reimbursement (GCI)

Required Forms:

Professional Development Reimbursement Request Form (GCI-F)

Professional Development Reimbursement Request Form

Employee Name: _____ Date: _____

Job Title: _____ Job Classification (circle one): Professional Support

Site: Aroostook Downeast First Step Midcoast Opportunities
PEDS Reach State IEU Two Rivers York

Course/Seminar/Webinar Title: _____

Cost: _____ Date(s) of Professional Development: _____

Benefits of Professional Development: _____

My signature below signifies that I have successfully completed the above listed professional development. I have attached proof of successful completion and documentation of Regional Site Director pre-approval. I am requesting reimbursement in the amount of \$_____. A receipt is included with this request as verification of payment.

Employee Signature Print Name Date

CDS Regional Site Director’s approval for the requested reimbursement to the employee.

Regional Site Director Signature Date

- Attach proof of:
- Pre-approval
 - Payment receipt
 - Successful completion of professional development

Email or Fax Reimbursement Requests to CDS Human Resources at: CDSHR@maine.gov or 624-6623 (HR / payroll fax)

Supervision and Evaluation of Employees

A well-planned and systematic program of supervision and evaluation of performance is vital to the ongoing improvement of CDS programs. The evaluation shall address all aspects of performance and recognize that the fulfillment of children's needs is of primary importance.

The CDS State Director or designee shall be responsible for the development, implementation and periodic review of a comprehensive program of supervision and evaluation. The program shall provide minimum standards for the number and frequency of formal performance reviews, with the understanding that probationary employees require closer support and more frequent performance reviews. Probationary employees shall in any event be evaluated at least once in each year of their probationary employment.

- A. Criteria used for evaluation shall be in written form and made permanently available to employees;
- B. Evaluations shall be made by an immediate supervisor, or by another person designated by the CDS State Director;
- C. Evaluations shall be made periodically, but in no event less than every two (2) years;
- D. Results of the evaluations shall be put in writing and shall be discussed with the employee;
- E. The employee being evaluated shall have the right to attach a memorandum to the written evaluation; and
- F. Results of all evaluations shall be kept in confidential personnel files maintained at the CDS State IEU office.

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

Approved: 9/25/2013

Employee Computer and Internet Use

The purpose of this policy is to set out the minimum rules to be followed while using any or all of the Child Development Services owned or leased information and technology equipment and resources under the control of CDS and/or the State of Maine.

Child Development Services (CDS) recognizes that use of the Internet has many benefits for CDS and its employees. The Internet and email can make communication more efficient and effective. Therefore, employees are encouraged to use the Internet appropriately. Unacceptable use of the Internet can place CDS and others at risk.

CDS-owned or leased Information and Technology (IT) equipment and resources are made available to employees to conduct CDS-related business and performance of job duties.

CDS-owned or leased information and technology and related communication equipment and resources may include, but is not limited to: computers, computer workstations, laptops, computer tablets, printers, copiers, mobile devices, voice mail, computer networks, telephones, fax machines, modems, fax modems, peripherals, media, email, local and wide area networks, Internet, and Intranet. Peripherals include any auxiliary device that connects to and works with the computer in some way.

The State of Maine "Freedom of Access Law" (1 MRSA, § 401-410) clearly provides that any and all written, printed or graphic matter or any mechanical or electronic data compilation (files, notes, records, copies, etc.), regardless of the media used to store or transmit them (paper, film, microfiche, recordable media, electronic media, etc.) in public offices received or prepared for use in connection with the transaction of public governmental business is public property. As such, the public may have access to those materials for examination. The law places some very narrow restrictions on the public access, such as education records, personnel files, employment applications, employee testing and rating criteria, workers' compensation files, certain investigation files, etc., but most materials are subject to public viewing. Employees are advised that there should be no expectation of privacy when using any CDS-owned or leased IT or related communications equipment or resources.

Access to CDS-owned or leased IT Equipment and Resources

The level of access that employees have to CDS-owned or leased IT equipment and resources is based upon specific employee job requirements and needs.

Acceptable Use

Employee access to CDS-owned or leased IT equipment and resources is provided for administrative, educational, communication and research purposes. Professional behavior and communication apply to use of CDS-owned or leased IT equipment and resources.

Prohibited Use

The employee is responsible for his/her actions and activities involving CDS-owned or leased IT equipment and resources and for his/her computer files, passwords and accounts.

Unofficial and/or unauthorized use of CDS-owned or leased equipment places unanticipated and possibly excessive demands on CDS IT resources. Accessing unofficial and/or unauthorized sources unnecessarily exposes CDS to security risks such as the spread of computer viruses, adware and malware.

It is prohibited to use CDS-owned or leased IT equipment and resources to create, record, store, transmit, distribute, image, modify, print, download, or display inappropriate or unprofessional materials that demean, denigrate, or harass individuals or groups of individuals, on the basis of race, ethnic heritage, religious beliefs, disability, sexual orientation or gender, and/or materials that are sexually explicit or pornographic in nature, whether or not the material was intended to demean, denigrate or harass any employee or group of employees. This prohibition applies to the use of CDS-owned or leased equipment regardless of whether the employee is on-duty or off-duty. Intentional and substantial violations of this policy are unacceptable and will not be tolerated. As of the effective date of this policy, intentional and substantial violations of this policy shall constitute just cause for termination.

CDS employees shall not use CDS-owned or leased, or State of Maine-controlled IT equipment or other resources to create, record, store, copy, transmit, distribute, image, modify, print, download, or display materials that are sexually explicit or pornographic in nature. This prohibition applies to the use of CDS-owned or leased, or State of Maine-controlled equipment regardless of whether the employee is on-duty or off-duty. Intentional violations of this work rule – regardless of whether they are of an incidental nature – are unacceptable and will not be tolerated. As of the effective date of this policy, any intentional violation of this policy SHALL constitute just cause for termination.

Copyrighted materials belonging to entities other than CDS may not be transmitted by employees on a CDS network. All employees obtaining access to other companies' or individual's materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only. Do not copy information on the Internet which may be of interest to others to the CDS network. Instead, give the URL (uniform resource locator or "address") to the person to look at it on his/her own.

Personal Use of CDS-owned or leased IT Equipment

Any personal use of CDS-owned or leased IT equipment and resources must be incidental in nature. Examples of incidental use may include, but are not limited to, brief email, accessing an appropriate subject on the Internet, phone calls of an urgent nature, and using computer capabilities for incidental correspondences. The use of CDS-owned or leased resources represents a cost to CDS and, as such, printing and copying for personal use is restricted to incidental use only. Any personal, incidental use of CDS-owned or leased IT equipment and resources shall not interfere with CDS business activities, must not involve solicitation in any form, must not be associated with any outside business or employment activity, and must not potentially embarrass or offend CDS or its employees.

Downloading Software

CDS employees should take extreme caution when downloading work related software or files from the Internet. Failure to detect viruses could result in corruption or damage to files and/or unauthorized entry into CDS networks. It is mandatory that CDS employees comply with copyright and trademark laws, and pre-approval of downloads requiring licensing fees when downloading materials from the Internet.

CDS's Right to Monitor Employee Use

All CDS-owned or leased IT equipment, including computer systems and CDS-related work records; belong to CDS and not the employee. CDS reserves the right to monitor usage patterns for its email and Internet communications.

All the computer systems and software, as well as the email and Internet connection, are owned by OIT, all CDS policies are in effect at all times.

Passwords

Employees are responsible for taking the appropriate steps to select and secure their passwords. Passwords must not be inserted into email messages or other forms of electronic communications.

Compensation for Losses, Costs and/or Damages

Employees shall be responsible for any losses, costs or damages incurred by Child Development Services related to violations of policy GCSA.

Confidential Information

Employees are expected to follow the CDS Confidentiality Policy in communications concerning children and families to ensure that personally identifiable information remains confidential.

Employee Responsibilities to Children and Families

Employees who utilize CDS computers for instructional purposes with children and families have a duty of care to supervise such use.

Policy Violations

Any employee who violates this policy may be denied access to the Internet and, if appropriate, be subject to disciplinary action up to and including termination. Illegal uses of the CDS-owned or leased IT equipment and resources will also result in referral to law enforcement authorities.

Approved: 12/2/2013

Revised: 3/2/2015

Related Policy

Employee Use of Social Media (GCSB)
Confidentiality (ACB)

Employee Use of Social Media

Child Development Services (CDS) understands that social media is a way to share your life and opinions with family, friends and co-workers. The use of social media also presents certain risks and carries with it certain responsibilities.

This policy applies to all CDS employees.

CDS does not authorize any social media identity or site in the name of Child Development Services including any Regional CDS Site.

Definitions

Social media includes: blogs, wikis, microblogging sites, such as Twitter™; social networking sites, such as Facebook™ and LinkedIn™; video sharing sites, such as YouTube™; and bookmarking sites such as Del.icio.us™.

Social Media Identity – A social media identity is a user identity or account that has been registered on a third party social media site.

Social Media or Networking – The terms social media and social networking are used interchangeably. Social media is a set of technologies and channels targeted at forming and enabling a potentially massive community of participants to productively collaborate.

Social Media Sites – Social media sites refer to websites that facilitate user participation, networking and collaboration through the submission of user generated content.

Social Media Use by Employees

- A. Personal use at work: This includes personal use of social media while at work by an employee (e.g. logging onto Facebook and providing personal updates to a Facebook page or Twitter account during work hours using their own or CDS information technology resources).
 - a. Any such use shall be consistent with the Employee Computer and Internet Use Policy (GCSA).

- B. Personal use outside of work: This includes use of social media by an employee in his or her personal capacity outside of work.
 - a. Employees are prohibited from posting CDS information on his or her personal media site.
 - b. Employees are prohibited from communicating with CDS families on social media.
 - c. Employees' personal use should not be attributable to CDS or employee's job function.

CDS harassment and discrimination policies, confidentiality policies, ethics rules, code of conduct, and workplace violence policies are applicable to all social media usage.

In addition to this policy, social media content must be in compliance with all Child Development Services policies. This includes policies on harassment and discrimination, confidentiality, ethics, and workplace violence, along with any applicable codes of conduct.

Approved: 12/2/2013

Related Policy

Employee Computer and Internet Use Policy (GCSA)

Text Messaging with Parents / Families

Telephone (voice) communication shall be the preferred mode of communication with families. Text message communication from and to CDS employees regarding CDS business is prohibited, except under the following circumstances:

1. A message asking the parent to call the CDS employee.
2. Confirming or cancelling an appointment.
3. Reporting school attendance or absence.

Written parental consent must be obtained annually and prior to any exchange of any text message. Personal identifiable information and details from a child's evaluation, plan or services are prohibited by text.

CDS employees who use text messaging to contact a family or provider understand that all data stored on that device may be subject to Freedom of Access requests or subpoena, whether the data is CDS business related or personal.

Text messages must be deleted from the CDS employee's phone once the purpose of the exchange is complete. CDS will not retrieve text messages from a cell phone service provider absent a specific court order that CDS obtain them.

Text messages must be documented in the child's electronic communication log.

Text messaging while driving is prohibited by law.

CDS employees are expected to follow the CDS Confidentiality Policy in communications concerning children and families to ensure that personally identifiable information remains confidential.

Approved: 2/7/2017

Related Forms:

- Parental Consent for Text Messaging (GCSC-F)
- Authorization to Request and/or Share Information and Records

Related Policies:

- Confidentiality (ACB)
- Cellular Telephones (GBEF)
- Public's Right to Know / Freedom of Access (KDB)

Parental Consent for Text Messaging

Telephone (voice) communication shall be the preferred mode of communication between Child Development Services (CDS), families and providers. Text message communication from and to CDS employees regarding CDS business is prohibited, except under the following circumstances:

1. A message asking the parent to call the CDS employee.
2. Confirming or cancelling an appointment.
3. Reporting school attendance or absence.

CDS cannot ensure that text messages are confidential; and that text messages are not intercepted or hacked.

CDS will not retrieve text messages from a cell phone service provider absent a specific court order requiring CDS obtain them.

Text messages will be documented in my child's electronic communication log.

Written parental consent must be obtained prior to any exchange of any text message. Personal identifiable information and details from a child's evaluation, plan or services are prohibited by text.

Child's Name: _____ ID: _____

Parent's Name: _____

Parent's Name: _____

I consent / do not consent to text message communications between myself and those to whom I have given written authorization to share information (Authorization to Request and/or Share Information and Records).

A message asking me to call the CDS employee: consent do not consent

Confirming / cancelling an appointment: consent do not consent

Reporting school attendance / absence: consent do not consent

I understand text messaging is not secure and there is a risk that personal identifiable information regarding my child or myself may be compromised.

I understand that all data stored on a CDS employee's phone may be subject to Freedom of Access requests or subpoena. This may include text message correspondences with me.

This consent may be revoked at any time. Revocation does not negate any requested and/or shared information obtained after the consent was given and before the consent was revoked.

Parent's Signature

Date

Work from Home Policy

Child Development Services (CDS) requires employees to report to their Official Duty Station daily. An Official Duty Station can be a CDS Regional Site, Satellite Office or State Office; home is never designated as an Official Duty Station.

Under specific circumstances, such as completing a project with uninterrupted time, a CDS employee may be allowed to work from home. In order to work from home, employees must receive prior approval in writing from their CDS Director. The written request must include the specific project or purpose, and defined period of time.

Employees who normally work in the field, traveling extensively as a normal part of their job duties, and typically spending most of their time with clients, are not required to report to their Official Duty Station on such days. If the employee is not scheduled to visit clients, he/she is expected to report to their Official Duty Station. Employees who may spend a majority of their day traveling to visit clients include service coordinators/case managers, service providers and itinerant staff.

To qualify to work from home an employee must be in good standing. Employees with disciplinary issues are not eligible to work from home. Once disciplinary issues are resolved, through a corrective action plan, the employee is considered in good standing.

An approved work from home request is subject to review and may be discontinued at any time.

Approved: 3/17/2015

Revised: 2/7/2017

Related Procedure:

Work from Home Procedure (GFAB-R)

Related Policy:

Inclement Weather and Site Closings (CFA)

Work from Home Procedure

These procedures support the implementation of Child Development Services (CDS) Work from home Policy (GFAB).

Procedures to follow to request approval to work from home:

1. A CDS employee must request writing (email) to their CDS Director to work from home. The request must include the specific project or purpose, and the defined period of time.
2. The CDS Director will make the approval decision based on the information provided in the request. The CDS Director will provide the employee a decision in writing (email).
3. Documentation of the approved/unapproved work from home requests will be maintained in a file at each regional site.
4. Written notice of termination of the agreement is at the discretion of the CDS Director.

Approved: 3/17/2015

Revised:

Related Policy:

Work from Home Policy (GFAB)

Related Policy:

Inclement Weather and Site Closings (CFA)

Children in the Workplace

Child Development Services (CDS) values an atmosphere that fosters a healthy balance between workplace obligations and family issues. When possible, CDS Regional Sites should honor an employee's request for flexibility to meet unexpected family needs that may require the employee's attention during normal working hours. When workloads allow, CDS encourages Regional Site Directors to cooperate with employees who wish to meet family responsibilities by using breaks or lunch hours, flexible work schedules, adjusted hours or vacation leave.

CDS understands that brief and infrequent visits by children of its employees occur for a variety of reasons. However, the frequent, regular or extended presence of children during work hours is not allowed for the following reasons: the potential for breach in confidentiality, interruption of work, health and safety issues, and liability to the organization. Therefore, CDS employees should follow the principles below regarding the presence of children in the workplace:

- At all times, children remain the sole responsibility of the parent. Parents must accompany their children at all times. The employee must not ask any other employee to supervise the child.
- The presence of the child cannot disrupt the work environment or negatively affect the productivity of the employee who brought the child or other employees.
- The employee's supervisor may ask the employee to take the child from the workplace at any time if the supervisor determines that health or safety risks are too great, or that the child's presence is disruptive.
- Bringing children to the workplace on a recurrent basis during their school breaks or before/after school is not appropriate.
- A child who has an illness that prevents acceptance by a regular day care provider or from attending school, particularly a child with an infectious disease, should not be brought to the workplace under any circumstances.

Approved: 2/7/2017

Pets in the Workplace

It is Child Development Services' (CDS) policy to provide a safe and healthy work environment for all employees and visitors. In accordance with this, animals are prohibited from all CDS facilities with the exception of authorized service animals and working animals as defined below.

"Facility" means any Child Development Services facility, including the associated parking lots, grounds and common areas.

"Service Animals" refers to animals (primarily dogs) used to guide or provide assistance to persons with disabilities in the activities of independent living. The Americans with Disabilities Act (ADA) defines service animals as any animal individually trained to do work or perform tasks for the benefit of an individual with a disability. If an animal meets this broad definition, it is considered a service animal.

"Working Animals" refers to those animals engaged in authorized service to CDS (e.g., guard dogs, pest control animals, police dogs).

In addition to providing a professional and conducive work environment, this policy responds to concerns for the health and safety of employees and animals. Further, it limits potential distractions and disturbances in the workplace. This policy applies to all employees, contractors and visitors of CDS.

This policy provides for the health and safety of employees and company facilities by restricting animals in the workplace as follows:

- Unauthorized animals are not permitted in any area within the workplace, including the parking lots and grounds.
- Employees and visitors are reminded that bringing a pet to work and leaving them in a car is neither appropriate, nor safe and is prohibited in some jurisdictions. Any animal left in a vehicle or otherwise unattended will be reported to the appropriate local authorities. If the vehicle can be identified as belonging to a specific employee, attempts will be made to reach that person prior to contacting authorities.
- In order to accommodate individuals with disabilities, service animals are expressly permitted in all areas in the workplace.
- Employees who are in need of a service animal must obtain authorization prior to bringing the animal to the worksite.
- Instructional program animals (such as Fidelco Guide Dogs) will be permitted on a limited case-by-case basis, and only if approved in advance by the Regional Site Director.
- In all cases, only clean, trained, well-behaved, non-aggressive animals are allowed, and they are to be leashed and kept under control at all times.
- It is the animal owner's responsibility to ensure that animals relieve themselves outside and owners should not call upon co-workers or facilities staff.
- Working animals are permitted under the direction of the Regional Site Director.
- Individuals are reminded not to touch, feed or pet a service or working animal when the animal is working as it distracts the animal from the task at hand.

Approved: 2/7/2017

Child Development Services Forms

The Child Development Services (CDS) State IEU shall provide Regional Sites with the forms necessary for the administration of early intervention and special education.

CDS will use the Maine Department of Education (MDOE) Special Services required forms as appropriate.

Requests for forms not currently provided or suggestions for modifications to existing forms should be made to the CDS Quality Assurance Coordinator. CDS Regional sites are not permitted to modify either the CDS or MDOE forms.

Approved: 5/2/2014

Special Education Policy and Purposes

Child Development Services (CDS) shall comply with and implement the federal Individuals with Disabilities Education Act (P.L. 94-142, codified at 20 U.S.D.: 1401 et seq.) and Title 20-A, Chapters 301 and 302, of the Maine Revised Statutes, as supplemented by Chapter 101 of the Maine Department of Education Regulations. CDS shall provide a free appropriate public education to all children with disabilities for whom the CDS system has legal responsibility who:

- A. Have reached age 3 years on or before October 15 of the current school year or until they are eligible to attend public school;
- B. Have any exceptionality as defined by the Maine Unified Special Education Regulations that adversely affects their educational performance; and
- C. Require the provision of regular and/or special education services and, if needed, supportive services in order that the child may benefit from an educational program.

A free appropriate public education shall be provided in the least restrictive educational environment as determined by the child's team and set forth in his or her Individualized Education Program (IEP), all in accordance with the Maine Unified Special Education Regulations.

Approved: 2/4/2014

Legal Reference:

Title 20-A, MRSA, Sec. 7201

Maine Unified Special Education Regulations Chap. 101

Individualized Family Service Plans and Individualized Educational Programs

It shall be the policy of Child Development Services (CDS) to maintain a complete Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) for each child who has been identified with a disability and in need of early intervention or special education services under state and federal special education laws, and who is in attendance at a Child Development Services Regional Site. CDS shall develop these plans in a manner consistent with the procedural requirements of state and federal special education laws.

Individualized Family Service Plans (IFSP)

Part C: Children aged birth to under 3 years old

Individualized Family Service Plans shall be developed to provide the eligible child and family with early intervention supports and services in their natural environment. CDS shall ensure that the IFSP is implemented as soon as possible after parental consent is received.

All IFSP's must be reviewed at least every 6 months, as required by state and federal special education laws.

Individualized Educational Programs (IEP)

Part B: Children 3 years old to under 6 years old (until the first day of public school's program year)

As the local educational agency for Part B section 619, CDS has adopted the use of an IEP for children ages 3 to under six years old.

Individualized Educational Programs shall be reasonably calculated to provide the eligible child with educational benefits in the least restrictive educational environment. CDS shall ensure that the child's IEP is implemented no later than 30 days after the IEP Team's initial identification of the child as a child with a disability in need of special education and supportive services. All eligible children with disabilities shall have a current IEP in effect at the start of each school year.

If the CDS Regional Site is unable to hire or contract with the professional staff necessary to implement a child's IEP, it will reconvene an IEP Team to identify alternative service options. This IEP meeting shall occur no later than 30 days after the start of the school year or the date of the IEP Team's development of the IEP. The IEP Team shall determine any amendments to the IEP necessary to reflect the inability to commence services as originally anticipated by the IEP Team.

All IEP's must be reviewed at least annually, as required by state and federal special education laws.

Approved: 9/25/2013

Legal Reference:

- 20 USC §§ 1414(d)
- 34 CFR § 300.320-.328 (2006)
- Maine DOE Rule Ch. 101 § IX (3) (May 2013)

Referral / Pre-referral of Children with Disabilities

It shall be the policy of Child Development Services (CDS) to refer all children, aged 3- to 5-years old, suspected of having a disability that requires special education to the IEP Team for an evaluation in all suspected areas of disability. Referrals of children to the IEP team may be made by families at any time, as well as by CDS professional employees and other persons knowledgeable about the child's educational needs. Any such referral should be made in accordance with CDS procedures.

Regardless of the source of the referral, a referral will be considered received by the CDS Regional Site on the date that the written Referral to the IEP Team form is received by the CDS Regional Site Director or designee. It shall be signed and dated by the CDS Regional Site Director or designee, thereby indicating the date of the receipt of that referral.

The CDS State Director, in consultation with the CDS Regional Site Directors, may develop procedures for referral and the use of pre-referral interventions within CDS, and may from time to time amend those procedures as necessary.

Adopted: 1/22/2015

Required Procedure:

Referral / Pre-referral Administrative Procedure (IHBAA-R)

Required Form:

CB_Referral to the IEP Team

Referral / Pre-referral Administrative Procedure

Child Development Services (CDS) shall refer to the Individualized Educational Team (IEP) all children aged 3- to 5-years old suspected of having a disability that requires special education and related services. Referrals to the IEP Team may be made by a child's family, by a CDS professional employee, or by others with knowledge of the child. Referrals should be made and processed consistent with these procedures.

Professional Employee means Teachers of Children with Disabilities, Educational Consultants, Case Managers, Speech Language Pathologists, Occupational Therapists, Physical Therapists, Licensed Social Workers, Licensed Clinical Social Worker; and School Psychological Service Providers.

A. Referrals by Family

A family may refer his or her child to the IEP Team at any time. That referral shall be made in writing directly to the Regional Site Director or designee. Should the family seek to make a referral through another CDS professional employee, that professional employee member shall directly assist the family in making the referral in writing to the Regional Site Director or designee. Should a family attempt to make a referral orally, a professional employee shall assist the family in reducing that referral to writing by using the Referral to the IEP Team Form and submitting it to the Regional Site Director or designee.

A family referral shall be processed consistent with these procedures and governing timelines even if the child is receiving interventions pursuant to the Child Development Services' pre-referral procedures. Those pre-referral procedures shall continue during the referral process.

B. Referrals by CDS Employees

Any professional employee of CDS may refer a child to the IEP Team regardless of the results of initial Child Find activities. The IEP Team may move directly forward with the referral process in those circumstances where the IEP Team and family agree to do so. Even in that situation, pre-referral interventions will continue during the referral process.

The CDS professional employee shall prepare a referral in writing, using the Referral to the IEP Team Form and shall submit that referral directly to the Regional Site Director or designee.

C. Referrals by Others

Individuals or agency representatives (including representatives of the Department of Health and Human Services) with knowledge of the child may refer that child to the IEP Team regardless of the results of initial Child Find activities. The IEP

Team may move directly forward with the referral process in those circumstances where the IEP Team and family agree to do so. Even in that situation, pre-referral interventions will continue during the referral process.

Should such a person attempt to make a referral orally, a CDS professional employee shall assist that person in reducing that referral to writing by using the Referral to the IEP Team Form and submitting it to the Regional Site Director or designee.

D. Receipt of Referral

Regardless of the source of the referral, a referral is considered received by IEP Team on the date that the written referral is received by the Regional Site Director or designee. It shall be signed and dated by the Regional Site Director or designee, thereby indicating the date of the receipt of that referral.

E. Timeline for Processing Referral

Once the referral has been received by the Regional Site Director or designee, the IEP Team shall review existing evaluation data and determine the need for additional evaluations. The IEP Team may conduct its review without a meeting. If additional evaluations are needed, the IEP Team Coordinator must send a Parental Consent for Evaluation to the family within 15 school days of receipt of the referral. Also upon receipt of the referral (from any source), the IEP Team Coordinator shall send the family its Written Notice documenting that referral.

Once the IEP Team receives the signed Parental Consent for Evaluation back from the family, CDS shall have 60 calendar days to complete the evaluation and to hold an IEP Team meeting to determine whether the child qualifies for special education services. Within 3 calendar days of receipt of the Parental Consent for Evaluation, the IEP Team Meeting shall be scheduled. If the child is identified as a child with a disability in need of special education, the Team should develop an IEP for that child either at that same meeting or within 30 calendar days of determining that the child is eligible.

The IEP shall be implemented as soon as possible following the IEP Team meeting when the child is found eligible, but no later than 30 calendar days after that meeting.

F. Transfer Children

Children who have already been identified as in need of special education services and who transfer into one CDS Regional Site from another CDS Regional Site shall, upon transfer and in consultation with the family, be provided with FAPE (including services comparable to those described in the child's IEP from the previous CDS Regional Site) until the local CDS IEP Team either adopts the child's IEP from the previous CDS Regional Site or develops and implements a new IEP.

Children who have already been identified as in need of special services and who transfer into CDS from a school unit *from outside of Maine* shall, on enrollment and in consultation with the family, be provided with FAPE in accordance with MUSER, Chapter 101, 2013, (including services comparable to those described in the child's IEP from the previous school unit) until the CDS IEP Team conducts an evaluation to determine whether the child is eligible for special education and, if so, develops and implements a new IEP.

If the transfer child's current IEP from his or her prior school unit is not available or is believed to be inappropriate by either the family or the IEP Team, the IEP Team should develop a new IEP through appropriate procedures within a short time after the child enrolls at the site.

If a child transfers into the CDS Regional Site after the referral timeline (as noted in section E. above) has begun in the previous school unit, including another Regional CDS Site, but before an eligibility determination (as noted in section E. above) has been made, the timeline referenced above for completing that process shall not apply if the IEP Team is making sufficient progress to ensure a prompt completion of the evaluation, and the family and IEP Team agree to a specific time when the evaluation will be completed and the eligibility decision made. This agreement between the IEP Team and family to a specific time when the evaluation will be completed will be documented in a Written Notice.

Adopted: 1/22/2015

Relating Policy:

Referral / Pre-referral of Children with Disabilities (IHBAA)

Required Form:

Referral to the IEP Team

Parental Consent for Evaluation

Written Notice

Free Appropriate Public Education

Child Development Services (CDS) shall provide a free appropriate public education to all children with disabilities between the ages of 3 and 5 years old for whom CDS has legal responsibility.

Definition:

Free appropriate public education means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the Maine Department of Education and the requirements of the Maine Unified Special Education Regulation Chapter 101; include an appropriate preschool, elementary school or secondary school education in the state; and are provided in conformity with the Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) that meets the requirements of 300.320 through 300.324[20 USC 1401(9) and 34 CFR 300.17]

The procedure implemented by CDS to ensure that each disabled child receives a free appropriate public education shall be consistent with those set forth in the Maine Unified Special Education Regulations, and shall include the establishment of an IFSP or IEP Team and appropriate evaluation procedures.

Approved: 2/4/2014

Legal Reference:

Maine Unified Special Education Regulations

Child Find Policy

Part C, children age birth – 2 years old:

Part C child find is the identification, location and evaluation of children birth through 2 years old. Child Development Services (CDS) through a network of regional sites is responsible for overseeing the completion of all Part C child find activities. The CDS Regional Sites are responsible for ensuring that child find is available to all infants and toddlers in the State, including Indian infants and toddlers with disabilities and their families residing on reservations geographically located in the State, including coordination, as necessary, with tribes, tribal organizations, and consortia to identify infants and toddlers with disabilities in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State.

The CDS Regional Sites are responsible for providing notice of child find activities and for providing annual written notification to all primary referral sources of their obligation to refer all identified children, birth – 2 years old, for evaluation and assessment to the regional site as soon as possible, but in no case more than seven days after a child has been identified. [34 CFR 303.303(a)(2)(c)] Primary referral sources include:

1. Hospitals, including prenatal and postnatal facilities;
2. Physicians;
3. Parents;
4. Day care programs;
5. Local educational agencies;
6. Public health facilities;
7. Other social service agencies;
8. Other health care providers;
9. Public agencies and staff in the child welfare system including child protective and foster care;
10. Homeless family shelters; and
11. Domestic violence shelters and agencies.

Records of Referral and Post-Referral Procedures (Part C, birth - 2 year olds):

For any child who is referred, documentation in that child's cumulative record file shall specify:

1. The date, the CDS Regional Site, and the person who coordinated the referral and post-referral procedures;
2. A description or example of the post-referral activities, procedures, forms, or instruments used; and

3. The results of the referral and post-referral procedures including any recommendations and/or referrals to the IFSP Team.

When the results of an individual's post-referral procedures do not indicate a possible need for early intervention, a notation shall be entered in the child's cumulative record file documenting the post-referral procedures, the date, and the CDS Regional Site where the post-referral procedures were conducted.

Part B, children age 3 – 5 years old:

Child Development Services ensures that all children residing in Maine between the ages of 3 and 5 years old, including children with disabilities who are homeless children, are wards of the State or state agency clients, children with disabilities attending private schools and receiving home instruction, highly mobile children (including migrant or homeless) and who are in need of special education and related services, even though they are advancing from grade to grade, are identified, located and evaluated at public expense.

CDS employees, parents, agency representative, or other individuals with knowledge of the child may refer children to the IEP team if they believe that the child, because of a disability, may be in need of special education and support services in order to benefit from regular education.

If evidence of child find activities and a statement of the results can be found in a child's cumulative record, or CDS has reason to believe the child has previously been identified as a child with a disability by another School Administrative Unit (SAU), in state or out of state, child find is not necessary.

Child find responsibility shall be accomplished through a process which, while not a definitive or final judgment of a child's capabilities or disabilities, is a possible indicator of special education needs.

Final identification of children with disabilities and programming for such children occurs only after an appropriate evaluation and a determination by the Individualized Educational Program (IEP) Team.

Elements of Part B Child Find Activities:

The child find process in each CDS Regional Site shall include obtaining data on each child, through multiple measures, direct assessment, and parent information, regarding the child's academic and functional performance, gross and fine motor skills, receptive and expressive language skills, vision, hearing and cognitive skills.

Referral after Child Find:

If the child find process indicates that a child may require special education and related services in order to benefit from regular education, the child shall be

referred to the IEP Team to determine the child's eligibility for special education services.

Records of Child Find Activities (Part B, 3-5 year olds):

For any child who is referred to the IEP Team as the result of child find activities, documentation in that child's cumulative record file shall specify:

1. The date, CDS Regional Site, and the person who coordinated the child find activities;
2. A description or example of the child find activities, procedures, forms, or instruments used; and
3. The results of the child find activities including any recommendations and/or referrals to the IEP Team.

When the results of a child's child find activities do not indicate a possible need for special education services, a notation shall be entered in the child's cumulative record file to the effect that the child was reviewed for special education child find activities purposes, the date, and the CDS Regional Site where the child find activities were conducted.

Approved: 6/12/2014

Child Find Referral Source Follow-up

Child Development Services (CDS) receives Child Find intake referrals from many referral sources including, but not limited to, physicians, hospitals, public agencies, social service agencies, and schools. Many referral sources request follow-up information on the children they refer to CDS.

CDS employees are permitted to disclose the following information when requested by a referral source:

- Confirmation of referral receipt and date.

An Authorization to Request and/or Share Information and Records, signed by the parents and specifying the referral source is required to disclose any additional information.

Approved: 6/12/2014

Programming In the Natural or Least Restrictive Environment Policy

Child Development Services (CDS) shall provide services for all children with disabilities in the natural environment or least restrictive environment (LRE) that can appropriately address the child's needs.

Natural Environment (Part C, Birth to 2)

To the maximum extent appropriate, early intervention services are provided in natural environments, including the home and community settings in which children without disabilities participate and are provided in conformity with an Individualized Family Service Plan (IFSP). [20 USC 1432(a)(4)(G,H)]

Least Restrictive Environment (Part B, 3-5)

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled, and special classes, separate schooling, or other removal of students with disabilities from the regular educational environment shall occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [20 USC 1412(a)(5) and 34 CFR 300.114]

Determinations regarding services in the natural environment or least restrictive environment shall be made by the child's IFSP or Individualized Education Program (IEP) Team and shall draw upon a multidisciplinary assessment of the child's needs. CDS shall make available as appropriate the full continuum of educational placements when making placement determinations.

Approved: 2/4/2014

Independent Educational Evaluations Policy

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child at public expense if the parent disagrees with an evaluation obtained by Child Development Services (CDS). An “independent educational evaluation” means an evaluation conducted by a qualified examiner, as defined in Maine Unified Special Education Regulations, who is not employed by CDS.

If a parent requests an independent educational evaluation at public expense, CDS must, without unnecessary delay, either:

- A. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
- B. Ensure that an independent educational evaluation is provided at public expense, unless CDS demonstrates in a hearing pursuant to 34 CFR §§ 300.507 through 300.513 that the evaluation obtained by the parent did not meet CDS criteria.

If CDS files a due process complaint notice to request a hearing and the final decision is that the CDS’s evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

If a parent requests an independent educational evaluation, CDS may ask for the parent’s reason why he or she objects to the CDS evaluation. However, CDS may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the CDS evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time CDS conducts an evaluation with which the parent disagrees.

If the parent obtains an independent educational evaluation at public expense or shares with CDS an evaluation obtained at private expense, the results of the evaluation:

- A. Must be considered by CDS, if it meets CDS criteria, in any decision made with respect to the provision of FAPE to the child; and
- B. May be presented by any party as evidence at a hearing on a due process complaint regarding that child.

If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

Child Development Services criteria:

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner must be the same as the criteria that CDS uses when it initiates an

evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

Except for any decision made with respect to the provision of FAPE to the child, CDS may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Approved: 6/12/2014

Provision of Related Services to Children with Disabilities

Child Development Services (CDS) recognizes that related services may be necessary to enable the child with disabilities to benefit from special education services. Related services shall be an integral part of the educational goals and shall be necessary in order for the child to benefit from public education. Related services will be provided only when required to assist an identified child with disabilities to benefit from special education.

- A. Related services are identified to include, but not be limited to: Speech Pathology, Audiology, Counseling services, Psychological services, Physical Therapy, Social Work services in schools, Occupational Therapy and Transportation.
- B. Services must directly affect the child's learning and the achievement of the Individualized Educational Program's goals.
- C. The services must be necessary not just beneficial.
- D. The child cannot benefit from special education without this service.

Approved: 2/4/2014

Third Party Funding For Services to Children with Disabilities

Nothing in the Maine Unified Special Education Regulations (MUSER) or the regulations implementing the Individuals with Disabilities Education Act (IDEA) is intended to relieve an insurer, MaineCare or other third party, from an otherwise valid obligation to provide or pay for services to a child with a disability. (*MUSER, 2013, pg. 195*)

The regulations implementing IDEA, afford parents of eligible children certain rights with respect to Child Development Services' (CDS) ability to access private insurance or public insurance benefits (MaineCare), to help pay for certain services that are provided by CDS. These rights are as follows:

1. Parents have the right to receive notice in an understandable language.

CDS must give parents an annual written notice of their rights, which must be written in language understandable to the general public; and also provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

2. A child's confidential information cannot be disclosed without parental consent.

Parental consent must be obtained under the Family Educational Rights and Privacy Act (FERPA) regulations before CDS discloses, for claiming purposes, a child's personally identifiable information to private or public insurance.

3. A child has a right to special education and related services at no cost to the parent.

This means that, with regard to services required to provide a Free Appropriate Public Education (FAPE) to an eligible child under IDEA, Child Development Services

- May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE;
- May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to this part, but may pay the cost that the parents otherwise would be required to pay;
- May not use a child's benefits under a public benefits or insurance program if that use would:
 - Decrease available lifetime coverage or any other insured benefit;
 - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;
 - Increase premiums or lead to the discontinuation of benefits or insurance;or

- Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

4. Parents may withdraw consent at any time.

Once parental consent is given for disclosure of confidential information about their child to private or public insurance, parents have a legal right under the FERPA regulations to withdraw that consent whenever they wish.

5. If a parent refuses consent, or withdraws consent, Child Development Services still has to provide required services at no cost to the parent.

If a parent refuses to provide consent for the disclosure of personally identifiable information to private or public insurance, or, if the parent gives consent but then later withdraws consent, that does not relieve CDS of its responsibility to ensure that all required services are provided at no cost to the parents.

A one-time written parental consent is provided at the time of the development of the IEP for the agreed upon service(s).

Approved: 6/12/2014

Child Development Services Website / Web Pages

The Child Development Services (CDS) State Intermediate Educational Unit and the Maine Department of Education maintains an official website to provide general information about CDS. This website is intended to support the educational mission of CDS and to provide valuable information to the larger community about CDS. The website does not create, nor is it intended to create, a public or limited public forum.

CDS Regional Sites may not publish independent websites/web pages.

Approved: 2/4/2014

Weapons, Violence and School Safety

Child Development Services (CDS) believes that children, families and employees are entitled to learn and work in an environment free of violence, threats and disruptive behavior. Children, families and employees are expected to conduct themselves with respect for others and in accordance with CDS policies, rules, reasonable unwritten behavior expectations, and applicable state and federal laws.

Employees are required to immediately report incidents of prohibited conduct by children and families to the CDS Regional Site Director/designee for investigation and appropriate action.

Prohibited Conduct

Children, families, employees, and all other persons are prohibited from engaging in the following conduct on CDS property, while in attendance at school or at any school-sponsored activity, or at any time or place that such conduct directly interferes with the operations, discipline or general welfare of the CDS Regional Office:

- A. Possession and/or use of articles commonly used or designed to inflict bodily harm and/or to threaten intimidate, coerce or harass another person. Examples of such articles include, but are not limited to, firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, crossbows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nunchucks;
- B. Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include, but are not limited to, bats, belts, picks, pencils, compasses, objects capable of ignition (e.g. matches, lighters), files, tools of any sort and replicas of weapons (including toys);
- C. Violent or threatening behavior, including but not limited to fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property (e.g., verbal or written death threats, threats of bodily harm, bomb threats);
- D. Verbal or written statements (including those made on or through a computer) which threaten, intimidate, or harass others, which tend to incite violence and/or disrupt CDS business or program;
- E. Willful and malicious damage to CDS or personal property;
- F. Stealing or attempting to steal CDS or personal property;
- G. Lewd, indecent or obscene acts or expressions of any kind;

- H. Violations of CDS drug/alcohol and tobacco policies;
- I. Violations of state or federal laws; and
- J. Any other conduct that may be harmful to persons or property.

Exceptions to Prohibitions On Possession And Discharge Of Firearms On CDS Property

As a general rule, law enforcement agencies consider their employees on duty at all times. The prohibition on the possession and discharge of a firearm on CDS property does not apply to law enforcement officials.

Approved: 2/7/2017

Legal Reference:

- 5 MRSA § 4681 et seq.
- 15 M.R.S.A. §§ 3301-A; 3308(7)(E); 3009
- 20 USCA § 8921 (Gun-Free Schools Act of 1994)
- 20-A MRSA §§ 1001(9); 1001(9-A); 1055(11); 6552
- 17-A MRSA §§ 2(9); 2(12-A)

Bullying and Cyberbullying

Introduction

All children have the right to attend public schools that are safe and secure learning environments. It is the intent of the Child Development Services (CDS) to provide all children with an equitable opportunity to learn. To that end, CDS has a significant interest in providing a safe, orderly, and respectful school environment that is conducive to teaching and learning.

Bullying is detrimental to the school environment and a child's learning, achievement and well-being. It interferes with the mission of the schools to educate their children and disrupts the operations of the schools. Bullying affects not only children who are targets but also those who participate and witness such behavior. These behaviors must be addressed to ensure child safety and an inclusive learning environment.

It is not CDS's intent to prohibit children from expressing their ideas, including ideas that may offend the sensibilities of others, or from engaging in civil debate. However, CDS does not condone and will take action in response to conduct that interferes with a child's opportunity to learn, the educational mission of CDS, and the operation of the schools.

Prohibited Behavior

The following behaviors are prohibited:

1. Bullying;
2. Cyberbullying;
3. Harassment and Sexual Harassment (as defined in CDS policy ACAA);
4. Retaliation against those reporting such defined behaviors; and
5. Knowing and false accusations of bullying behavior.

Any person who engages in any of these prohibited behaviors that constitutes bullying shall be subject to consequences.

Bullying and Cyberbullying Defined

- A. "Bullying" includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a child or children that:
1. Has, or a reasonable person would expect it to have, the effect of:
 - a. Physically harming a child or damaging a child's property; or
 - b. Placing a child in reasonable fear of physical harm or damage to the child's property;
 2. Interferes with the rights of a child by:
 - a. Creating an intimidating or hostile educational environment for the child; or

- b. Interfering with the child's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school; or
- 3. Is based on a child's actual or perceived race, color, national origin, ancestry, religion, physical or mental disability, gender, sexual orientation, or any other distinguishing characteristic, or is based on a child's association with a person with one or more of these actual or perceived characteristics, and that has the effect described in subparagraph (1) or (2) above. (These behaviors might also meet the criteria for harassment as defined in CDS policy ACA: Harassment and Sexual Harassment of Children.)

Examples of conduct that may constitute bullying include, but are not limited to:

- 1. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;
 - 2. Behavior that is intended to harm someone by damaging or manipulating his or her relationships with others, including but not limited to gossip, spreading rumors, and social exclusion;
 - 3. Non-verbal threats and/or intimidations such as use of aggressive, menacing, or disrespectful gestures;
 - 4. Threats of harm to a child, to his/her possessions, or to other individuals, whether transmitted verbally or in writing;
 - 5. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
 - 6. Blocking access to CDS property or facilities;
 - 7. Stealing or hiding books, backpacks, or other possessions;
 - 8. Stalking; and
 - 9. Physical contact or injury to another person or his/her property.
- B. "Cyberbullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

Examples of conduct that may constitute cyberbullying include, but are not limited to:

- 1. Posting slurs or rumors or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually oriented material about a child on a website or other online application;
- 2. Posting misleading or fake photographs or digital video footage of a child on websites or creating fake websites or social networking profiles in the guise of posing as the target;
- 3. Impersonating or representing another child through use of that other child's electronic device or account to send e-mail, text messages, instant messages (IM), or phone calls;

4. Sending e-mail, text messages, IM, or leaving voice mail messages that are mean or threatening, or so numerous as to bombard the target's e-mail account, IM account, or cell phone; and
 5. Using a camera phone or digital video camera to take and/or send embarrassing or "sexting" photographs of other children.
- C. "Retaliation" means an act or gesture against a child for asserting or alleging an act of bullying. "Retaliation" also includes reporting an act of bullying when it is not made in good faith.

Application of Policy

This policy applies to any child, CDS employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation, all of whom have the responsibility to comply with this policy.

This policy applies to bullying that:

1. Takes place at CDS or on CDS grounds, meaning: a CDS building; property on which a CDS building or facility is located; and property that is owned, leased or used by CDS for a CDS-sponsored activity, function, program, instruction or training.
"CDS grounds" also includes CDS-related transportation vehicles.
2. Takes place while children are being transported to or from CDS or its contracted providers;
3. Takes place at any CDS-sponsored event, activity, function, program, instruction or training; or
4. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the child at school as set forth in this policy's definition of bullying.

Reporting

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to the CDS Regional Site Director.

- A. CDS employees and contracted providers are required to report incidents of bullying to the CDS Regional Site Director or other CDS employee designated by the CDS State Director.
- B. Children who have been bullied or are aware of incidents of bullying are strongly encouraged to report this behavior to a CDS regional site employee or Regional Site Director.
- C. Parents and other adults who are aware of incidents of bullying are encouraged to report this behavior to a CDS regional site employee or Regional Site Director.
- D. Acts of reprisal or retaliation against any person who reports an incident of bullying are prohibited. Any child who is determined to have falsely accused another of bullying shall be subject to disciplinary consequences.

Responding

The CDS Regional Site Director or the CDS State Director's designee will:

- A. Promptly investigate and respond to allegations of bullying behavior;
- B. Keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report substantiated incidents to the CDS State Director;
- C. Apply disciplinary actions, which may include but are not limited to, imposing a series of graduated consequences that include alternative discipline. In determining the appropriate response to children who engage in bullying behavior, CDS Regional Site Directors should consider the type of behaviors, the frequency and/or pattern of behaviors, and other relevant circumstances.
Alternative discipline includes, but is not limited to:
 - 1. Meeting with the child and the child's parents;
 - 2. Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option;
 - 3. Counseling;
 - 4. Anger management;
 - 5. Health counseling or intervention;
 - 6. Mental health counseling; and
 - 7. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing.
- D. Remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services;
- E. Communicate to the parent of a child who has been bullied the measures being taken to ensure the safety of the child who has been bullied and to prevent further acts of bullying;
- F. Communicate with a local or state law enforcement agency if the CDS Regional Site Director or the CDS State Director's designee believes that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act may be appropriate; and
- G. Notify parents, guardians and children of the right to appeal a decision of a CDS Regional Site Director or a CDS State Director's designee related to taking or not taking disciplinary action in accordance with this policy. The appeals procedure must be consistent with other appeals procedures established by CDS and may include an appeal to the CDS State Director.

Assignment of Responsibility

- A. The CDS State IEU Office is responsible for:
 - 1. Annually providing written versions of this policy and related procedures to children, parents, volunteers, CDS Regional Site Directors and employees.
 - 2. Including in family handbooks a section that addresses in detail this policy and related procedures.
- B. The CDS State Director is responsible for:

1. Oversight, implementation, and enforcement of this policy.
2. Designating a Regional Site Director or other employee to administer the policies at the regional site level;
3. Developing a procedure for publicly identifying the CDS State Director's designee or designees for administering the policies at the regional site level;
4. Developing procedures to implement the requirements for reporting and responding to bullying under sections V and VI of this policy or delegating that responsibility to CDS Regional Site Directors or designees.
5. Ensuring that any contractor, visitor, or volunteer who engages in bullying is barred from CDS grounds until the CDS State Director is assured that the person will comply with the policies of Child Development Services;
6. Ensuring that any organization affiliated with CDS that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on CDS grounds or receive any other benefit of affiliation with CDS;
7. Providing professional development and training in the best practices in prevention of bullying and harassment and implementation of this policy; and
8. Filing the SAU policies to address bullying and cyberbullying with the Department of Education.

Approved: 2/4/2014

Use of Physical Restraint and Seclusion

Child Development Services (CDS) has adopted this policy and the accompanying procedures to implement the standards for use of physical restraint and seclusion with children, 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 child presents a risk of injury or harm to the child or others.

This policy applies to CDS programs and contracted agency programs.

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

Definitions

The following definitions apply to this policy and procedure:

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

Physical restraint does not include any of the following:

- A. Physical escort: A temporary touching or holding for the purpose of inducing a child to walk to another location, including assisting the child to the child's feet in order to be escorted.
- B. Physical prompt: A teaching technique that involves physical contact with the child and that enables the child to learn or model the physical movement necessary for the development of the desired competency.
- C. Physical contact: When the purpose of the intervention is to comfort a child and the child voluntarily accepts the contact.
- D. Momentarily deflecting the movement of a child when the child's movements would be destructive, harmful or dangerous to the child or others.
- E. 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.
- F. 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.
- G. A brief period of physical contact necessary to break up a fight.
- H. Restraints used by law enforcement officers in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33.
- I. 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.

Seclusion: The involuntary confinement of a child alone in a room or clearly defined area from which the child is physically prevented from leaving, with no other person in the room or area with the child.

Seclusion does not include:

- A. Timeout: An intervention where a child requests, or complies with an adult request for, a break.

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.

Annual Notice of Policy/Procedure

CDS shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the CDS State Director or designee.

Training Requirements

- A. All CDS employees and contracted providers shall receive an annual overview of this policy/procedure.
- B. CDS will ensure that there are a sufficient number of CDS Regional Site Directors or designees, special education and other employees who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified employees shall be updated annually and maintained in the CDS State IEU, in each CDS Regional Site and in the CDS Emergency Management Plan.

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 CDS State Director as soon as possible. The CDS State Director or designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days of receipt, if practicable.

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 at its sole discretion. The Department shall issue a written report with specific findings to the parent/legal guardian and Child Development Services within 60 calendar days of receiving the complaint.

Approved: 6/12/2014

Required Forms:

- Accident Report (JKAA-F1)
- Behavioral Report (JKAA-F2)

Cross Reference:

- Use of Physical Restraint and Seclusion Procedure (JKAA-R)
- Child Discipline (JK)
- Emergency Management Plan (EBCA)

Legal Reference:

- 20-A M.R.S.A. §§ 4502(5)(M); 4009 – Maine DOE Reg., Ch. 33

Use of Physical Restraint and Seclusion Procedure

These procedures are established for the purpose of meeting the obligations of Child Development Services (CDS) under state law/regulations and Policy JKAA governing the use of physical restraint and seclusion. These procedures shall be interpreted in a manner consistent with state law and regulations.

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 child has the means to cause physical harm or injury to him/herself or others and such injury or harm is likely to occur at any moment, such that a reasonable and prudent person would take steps instantly to protect the child and others against the risk of such injury or harm.
- C. **Dangerous behavior:** Behavior that presents a risk of injury or harm to a child or others.
- D. **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.

Physical Restraint

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

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 child presents a risk of injury or harm to the child or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
- 2. Physical restraint may be used to move a child only if the need for movement outweighs the risks involved in such movement.
- 3. Prescribed medications, harnesses, and other assistive or protective devices may be used as permitted by Rule Chapter 33.
- 4. Parents may be requested to provide assistance at any time.

B. Prohibited Forms and Uses of Physical Restraint

- 1. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for employee convenience; or to control challenging behavior.

2. Physical restraint used solely to prevent property destruction or disruption of the environment in the absence of a risk of injury or harm.
3. Physical restraint that restricts the free movement of a child's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech (restraint-related asphyxia).
4. Physical restraint 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.
 - a. Aversive procedures are defined as 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 child, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances or 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.
 - b. Mechanical restraints are defined as any item worn by or placed on the child to limit behavior or movement and which cannot be removed by the child. Prescribed assistive devices are not considered mechanical restraints when used as prescribed and their use is supervised by qualified and trained individuals in accordance with professional standards.
 - c. Chemical restraints are defined as the use of medication, including those administered as needed, given involuntarily to control child behavior. Prescribed medications are not considered chemical restraints when administered by a health care provider in accordance with a child's health care plan.

C. Monitoring Children 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 child 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, CDS policies and procedures on Child Discipline (Policy JK) and Emergency Management (Policy EBCA) should be followed.

D. Termination of Physical Restraint

1. The employees involved in the use of physical restraint must continually assess for signs that the child in physical restraint 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.
 - a. The time a child is in physical restraint must be monitored and recorded.
 - b. If physical restraint continues for more than ten (10) minutes, the CDS Regional Site Director or 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.
 - c. If attempts to release a child from physical restraint have been unsuccessful and the child continues to present behaviors that create a risk of injury or harm to him/herself or others, then employees may request additional assistance from other CDS employees, parents, medical providers, or other appropriate persons or organizations.

Seclusion

To the extent possible, seclusion will be implemented by employees certified in a training program approved by the Maine Department of Education. If untrained employees have intervened and initiated seclusion in an emergency, trained employees must be summoned to the scene as soon as possible.

A “timeout” where a child 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 child (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 child presents a risk of injury or harm to the child 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 material and objects which the child could use to self-inflict bodily injury.
3. Parents may be requested to provide assistance at any time.

B. Prohibited Uses of Seclusion

1. Seclusion used for punitive purposes; as a therapeutic or educational intervention; for employee convenience; or to control challenging behavior.
2. Seclusion used solely to prevent property destruction or disruption of the environment in the absence of risk of injury.

C. Monitoring Children in Seclusion

1. At least one adult must be physically present at all times to continuously monitor a child in seclusion. The adult, while not present in the room or defined area, must be situated so that the child is visible at all times.
2. The child 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, CDS policies and procedures on Child Discipline (Policy JK) and Emergency Management (Policy EBCA) should be followed.

D. Termination of Seclusion

1. The employees involved in the seclusion must continually assess for signs that the child 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 child is in seclusion must be monitored and recorded.
 - b. If seclusion continues for more than ten (10) minutes, the CDS Regional Site Director or designee shall determine whether continued seclusion is warranted, and shall continue to monitor the status of the seclusion every ten (10) minutes until the restraint is terminated.
 - c. If attempts to release a child from seclusion have been unsuccessful and the child continues to present behaviors that create a risk of injury or harm to him/herself or others, then employees may

request additional assistance from other CDS employees, parents, medical providers, or other appropriate persons or organizations.

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 child begins to create a risk of harm and the time the child 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:

1. An employee involved in the incident shall make an oral notification to the CDS Regional Site Director or designee as soon as possible, but no later than the end of the school day.
2. The CDS Regional Site Director or designee shall notify the parent/legal guardian about the physical restraint or seclusion (and any related first aid provided) as soon as practical, but within the school day in which the incident occurred. The CDS Regional Site Director or designee must utilize all available phone numbers or other available contact information to reach the parent/legal guardian. If the parent/legal guardian is unavailable, the CDS Regional Site Director or designee must leave a message (if the parent/legal guardian has a phone and message capability) to contact CDS as soon as possible. The parent/legal guardian must be informed that written documentation will be provided within seven (7) calendar days.
3. If serious bodily injury or death of a child occurs during the implementation of physical restraint or seclusion, CDS’s emergency notification procedures shall be followed and the CDS Regional Site Director or designee shall notify the Maine Department of Education within twenty-four (24) hours or the next business day.

B. Behavior Incident Reports

Each use of physical restraint or seclusion must be documented in a behavior incident report. The report must be completed and provided to the CDS Regional Site Director or designee as soon as practical, and in all cases within two (2) school days of the incident. The parent/legal guardian must be provided a copy of the incident report within seven (7) calendar days of the incident.

The incident report must include the following elements:

1. Child name;
2. Age, gender and CDS Program;
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 child’s behavior justifying the use of physical restraint or seclusion;
12. A detailed description of the physical restraint or seclusion used;
13. The employee(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
14. Description of the incident, including the resolution and process of returning the child to his/her program, if appropriate;
15. Whether the child has an IEP, behavior plan, IHP (individual health plan) or any other plan;
16. If a child and/or employees sustained bodily injury, the date and time of emergency response personnel notification and any treatment administered;
17. The date, time and method of parent/legal guardian notification;
18. The date and time of CDS Regional Site Director or designee notification;
19. Date and time of employee debriefing.

Copies of the incident reports shall be maintained in the child's file and in the CDS Regional Site office.

CDS Response Following the Use of Physical Restraint or Seclusion

- A. Following each incident of physical restraint or seclusion, the CDS Regional Site Director or 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 employees/persons involved to discuss:
 - a. whether the use of physical restraint or seclusion complied with state and CDS requirements; and
 - b. how to prevent or reduce the need for physical restraint and/or seclusion in the future.
 2. Meet with the child's parent/legal guardian who was physically restrained or secluded to discuss:
 - a. what triggered the child's escalation; and
 - b. what the child and employee can do to reduce the need for physical restraint and/or seclusion in the future.
- B. Following the meetings, employees must develop and implement a written plan for response and de-escalation for the child. If a plan already exists, employees must review it and make revisions, if appropriate. For the purposes of this procedure, "de-escalation" is the use of behavior management techniques intended to cause a situation involving problem behavior of a child to become more controlled, calm and less dangerous, thus reducing the risk of injury or harm.

Procedure for Children with Three Incidents in a School Year

CDS will 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.

A. Special Education Children

1. After the third incident of physical restraint and/or seclusion in one school year, the child's IEP 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 Children

1. A team consisting of the parent/legal guardian, CDS Regional Site Director or designee, a teacher for the child, the employees involved in the incident (if not the CDS Regional Site Director or designee or teacher already invited), and other appropriate employees shall meet within ten (10) school days 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 behavioral assessment) and/or develop a BIP (behavior intervention plan).

Cumulative Reporting Requirements

A. Reports within Child Development Services

1. Each CDS Regional Site Director must report the following data on an annual basis:
 - a. Aggregate number of uses of physical restraint;
 - b. Aggregate number of children placed in physical restraint;
 - c. Aggregate number of uses of seclusion;
 - d. Aggregate number of children placed in seclusion;

- e. Aggregate number of serious bodily injuries to children related to the use of physical restraints and seclusions, and;
 - f. Aggregate number of serious bodily injuries to employees related to physical restraint and seclusion.
2. The CDS State Director shall review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.
- B. Reports to Maine Department of Education
1. The CDS State Director shall submit an annual report to the Maine Department of Education on an annual basis that includes the information in reports submitted by the CDS Regional Site Directors as described in A.1 above.

Approved: 6/12/2014

Required Forms:

- Accident Report (JKAA-F1)
- Behavioral Incident Report (JKAA-F2)

Required Policy:

- Use of Physical Restraint and Seclusion (JKAA)

Legal Reference:

- Maine DOE Reg., Ch. 33



Accident Report

Child's Name: _____ Birthdate: _____

Date: _____ Time of Accident: _____ a.m. / p.m.

Parent/Guardian Notified: Y N Notified by: _____ Time Notified: _____

Location where incident occurred:

- Playground Classroom Bathroom Hall
 other (specify) _____

Cause of Injury (describe): _____

- fall to surface: estimated height of fall _____ ft type of surface: _____
 fall from running or tripping
 bitten by child hit/pushed by child
 injured by object eating/choking insect bite/sting
 other (specify) _____

Part of body injured:

- eye ear nose mouth tooth other part of face
 head neck trunk arm/wrist/hand leg/ankle/foot
 other (specify) _____

Type of injury:

- cut bruise scrape other (specify) _____

First aid given at the facility: (ex: comfort, pressure, elevation, cold pack, washing, bandage)

Signature of staff member: _____

Signature of Guardian/Parent: _____

Parent/Guardian, please sign and return for working file



Behavior Incident Report

Date: _____

Child's Name: _____ ID#: _____ Gender: M F

Classroom / Program: _____ Person reporting: _____

Child has (check all that apply):

- IEP Behavior Plan other plan (identify) _____
 IHP (Individual Health Plan) none of these plans

Behavior	Location	Others Involved
<input type="checkbox"/> Hitting <input type="checkbox"/> Kicking <input type="checkbox"/> Biting <input type="checkbox"/> Hair pulling <input type="checkbox"/> Spitting at person <input type="checkbox"/> Pinching / digging skin <input type="checkbox"/> Self injuring <input type="checkbox"/> Bolting (intent to escape / get away) <input type="checkbox"/> Throwing toys / things (at peer or adult) <input type="checkbox"/> Verbal threats <input type="checkbox"/> Screeching / yelling lasting >2mins <input type="checkbox"/> Disruptive behavior lasting >2mins <input type="checkbox"/> Protesting / refusing lasting > 2mins <input type="checkbox"/> Verbal aggression (ex: name calling while yelling / posturing) <input type="checkbox"/> Other: _____	<input type="checkbox"/> Playground <input type="checkbox"/> Structured classroom activity <input type="checkbox"/> Unstructured classroom activity <input type="checkbox"/> Individual work time <input type="checkbox"/> Hallway <input type="checkbox"/> Lunch <input type="checkbox"/> Bathroom <input type="checkbox"/> Other: _____	<input type="checkbox"/> Peer(s) <input type="checkbox"/> Teacher <input type="checkbox"/> Ed Tech <input type="checkbox"/> Therapist <input type="checkbox"/> Parent <input type="checkbox"/> Substitute <input type="checkbox"/> Other: _____

Beginning time of incident: _____ a.m. / p.m. Ending time of incident: _____ a.m. / p.m.

Total time spent (in minutes):

<1m 1-2m 3-5m 6-8m 9-10m 11-15m 16-20m >20m

Behavior Trigger	Response to Behavior
<input type="checkbox"/> Adult request / direction <input type="checkbox"/> Transition <input type="checkbox"/> Peer influenced / initiated <input type="checkbox"/> End of preferred activity <input type="checkbox"/> Unstructured play <input type="checkbox"/> Difficult task <input type="checkbox"/> Adult not in close proximity <input type="checkbox"/> Other: _____	Attention <input type="checkbox"/> Adult verbal attention / redirection <input type="checkbox"/> Adult physical attention / redirection <input type="checkbox"/> Peer verbal attention / reaction <input type="checkbox"/> Peer non-verbal attention Ignore <input type="checkbox"/> Adult ignored behavior <input type="checkbox"/> Peer ignored behavior <input type="checkbox"/> Environmental modification <input type="checkbox"/> Other: _____
Comments:	Comments:

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 Child or Staff

Did the child 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 emergency response personnel notification and treatment administered (if any)

Did child sustain serious bodily injury or death? Yes No

If yes, date and time of notification to the CDS State IEU _____

Notification and Debriefing

Date, time, and method of parent notification _____

Date and time of staff debriefing _____

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

If yes, date and time of required team meeting _____

Signatures

Person Completing Report

Date

Site Director

Date

Parent

Date

Communicable / Infectious Diseases

Child Development Services (CDS) employees shall be alert to signs of illness and communicable disease.

Children with a diagnosed communicable disease or with symptoms of a communicable disease will be temporarily excused from school. The parent/guardian or emergency contact will be notified and asked to take the child from school. While the child is waiting at school, he/she will be isolated from other children. For Early Intervention services provided in the child's home, appointments will be cancelled due to the illness of the child or other household member.

Children returning to school after a diagnosed communicable disease should be symptom free for 24 hours unless the primary healthcare provider provides written documentation approving school attendance before symptoms have abated. Early Intervention services provided in the child's home will resume after the child, or other household member, is symptom free for 24 hours unless the primary healthcare provider provides written documentation symptoms have abated.

Child Development Services employees will be provided with training regarding:

- Handling of bodily fluids; and
- Signs and symptoms of communicable diseases.

Approved: 9/25/2013

Revised: 11/14/2016

Required Procedure:

Communicable / Infectious Diseases Procedure (JLCC-R)

Attached Documents:

Maine Department of Education

- Guidelines to Control the Transmission of Communicable Diseases in School Setting
Maine Department of Health and Human Services Center for Disease Control and Prevention
- Notifiable Conditions List (Maine CDC, 9/8/2015)
- Notifiable Condition Reporting Form

Communicable / Infectious Diseases Procedure

The CDS Regional Site Director shall be notified of all communicable diseases affecting employees, children or other adults within their regional site's catchment area.

The CDS Regional Site Director or designee shall be responsible for notifying the CDS State Director, and the Maine Center for Disease Control and Prevention of all children having a notifiable disease or condition as required by law and Department of Education and Department of Health and Human Services rules.

Information regarding infectious disease reporting, including a list of reportable diseases can be found at the Maine Department of Health and Human Services, Center for Disease Control and Prevention, Division of Infectious Disease website. Reporting is done via telephone to 1-800-821-5821 or by fax to 1-800-293-7534.

Approved: 9/25/2013

Revised: 11/14/2016

Required Policy:

Communicable / Infectious Diseases (JLCC)

Attached Documents:

Maine Department of Education

- Guidelines to Control the Transmission of Communicable Diseases in School Setting
Maine Department of Health and Human Services Center for Disease Control and Prevention
- Notifiable Conditions List (Maine CDC, 9/8/2015)
- Notifiable Condition Reporting Form

Guidelines to Control the Transmission of Communicable Diseases in School Setting

<i>Disease</i>	<i>Incubation</i>	<i>Symptoms</i>	<i>Exclusion</i>	<i>Contact Exclusion</i>
Chickenpox	14-21 days, usually 14-16 days	Sudden onset of slight fever, rash that forms blisters then crusts	Until vesicles become dry, usually after 5 days in unimmunized children and 1-4 days with breakthrough varicella in immunized children.	None
Conjunctivitis	42-72 hours	Redness, swelling, pain, with white or yellow discharge	Until examined by a physician and approved for readmission, with treatment for purulent* conjunctivitis until after treatment has been initiated * pink or red conjunctiva with white or yellow eye discharge	In high risk populations, susceptible contacts may be excluded
CA-MRSA Community Associated Methicillin Resistant Staph Aureus	Variable	Usually skin lesions, red inflamed and draining, may look like "spider bites"	None as long as open/draining wounds are covered with a bandage. Contact sports are prohibited until lesions are dry	None
Fifth Disease (Parvovirus)	4-20 days	Low grade fever "slapped cheek" facial rash, lace-like rash on trunk and extremities	While fever is present	None
Gastroenteritis	Variable	Vomiting and/or diarrhea	While diarrhea or vomiting is present	None
Hand, Foot and Mouth Disease	Usually 3-5 days	Fever, sore throat, sore in the mouth, a rash with blisters	During acute stage, draining lesions on hand or lesions in the mouth if drooling	None
Hepatitis A	15-50 days	Sudden onset of fever, malaise, nausea, abdominal discomfort and jaundice	Until 7 days after onset of symptoms or 7 days after start of jaundice	None
Hepatitis B & C	2 weeks to 6 months	Often unrecognized, but can include: gradual onset of fever, nausea, abdominal discomfort, and jaundice	None	None
Influenza	1-3 days	Sudden onset of fever, chills, headache, muscle aches, sore throat, dry cough	None	Consider vaccination/antivirals for high risk individuals
Pinworm	2-6 weeks	Often unrecognized, but can include: perianal itching, disturbed sleep, irritability	24 hours after treatment and bathing	None
Ringworm	4-10 days	Flat circular red rash, the center of which may be dry and scaly or moist and crusted	None if area can be covered and effective treatment started	None
Scabies	2-6 weeks before onset of itching	Intensive itching especially in skin folds and webs of fingers	Until the day after treatment	None
Strep Throat, Scarlet Fever and Impetigo	1-3 days	Sore throat, fever and rash	Until after 24 hours of effective antibiotic treatment	None
Whooping Cough (Pertussis)	6-20 days, usually 9-10 days	Cold symptoms followed by paroxysmal cough	Until 5 days after start of effective antibiotic treatment	Symptomatic exclusion only

Division of Infectious Disease, Maine Center for Disease Control & Prevention 2006

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
Division of Infectious Disease



Maine Center for Disease
Control and Prevention
An Office of the
Department of Health and Human Services

Notifiable Disease Reporting Form

Notifiable Condition or Disease: _____
(Attach lab results if available)

Reporting Information

Person Reporting: _____ Title: _____

Agency/Institution: _____ Phone: _____ - _____

Patient Information

Name: _____ Phone: _____ - _____
(Last, First MI)

Address: _____ State: _____

Town: _____ Zip: _____

Date of Birth: ____ / ____ / ____ Gender: Male Female

Hispanic or Latino: Yes No Unknown

Race: White Black or African-American Asian Unknown
 Native Hawaiian/Pacific Islander American Indian/Alaskan Native
 Two or More Races Other – Specify _____

Clinical Information

Specimen Source: Blood Cervix Joint Fluid Nasopharyngeal Spinal Fluid
 Sputum Stool Urethra Urine Other – Specify _____

Specimen Collection Date: ____ / ____ / ____

Lab that Performed Test: _____ Lab Test Name/Type: _____

Is patient hospitalized: Yes → Where? _____ No

Provider Name: _____ Phone: _____ - _____

Practice Name: _____ Town: _____

Fax form to Division of Infectious Disease at (800) 293-7534 or (207) 287-8186

NOTIFIABLE DISEASES AND CONDITIONS LIST

24 Hours A Day, 7 Days A Week Disease Reporting:

Telephone: 1-800-821-5821 Fax: 1-800-293-7534☎ Conditions are reportable **immediately** by telephone on recognition or strong suspicion of diseaseAll others are reportable by telephone, fax, electronic lab report, or mail within **48 hours** of recognition or strong suspicion of disease➔☒ Directors of laboratories are to submit isolates or clinical specimens, as well as any isolates or clinical specimens as requested by Maine CDC, to the *Maine Health and Environmental Testing Laboratory* for confirmation, typing, and/or antibiotic sensitivity

- Acid-Fast Bacillus ➔ ☒
- Acquired Immunodeficiency Syndrome (AIDS)
- Anaplasmosis
- ☎ Anthrax ➔ ☒ (*Bacillus anthracis*)
- Babesiosis
- ☎ Botulism ➔ ☒ (*Clostridium botulinum*)
- ☎ Brucellosis ➔ ☒ (*Brucella* species)
- California Serogroup Viruses
- Campylobacteriosis
- Carbapenem-resistant Enterobacteriaceae (CRE) ¹
- Carbon Monoxide Poisoning ²
- Chancroid
- Chlamydia
- Chickenpox (Varicella)
- Chikungunya
- ☎ Coronavirus, Novel and SARS ➔ ☒
- Creutzfeldt-Jakob disease, <55 years of age
- Cryptosporidiosis
- Cyclosporiasis
- Dengue
- ☎ Diphtheria ➔ ☒ (*Corynebacterium diphtheriae*)
- E. coli, Shiga toxin-producing (STEC) ➔ ☒
- Eastern Equine Encephalitis
- Ehrlichiosis
- Giardiasis
- Gonorrhea
- Haemophilus influenzae, invasive ➔ ☒
- Hantavirus, pulmonary and non-pulmonary syndromes
- Hemolytic-uremic syndrome (post-diarrheal)
- ☎ Hepatitis A, B, C, D, E (acute)
- Hepatitis B, C, D (chronic)
- Human Immunodeficiency Virus (HIV) ³
- Influenza-associated pediatric death
- ☎ Influenza A, Novel ➔ ☒
- Influenza-associated hospitalizations, laboratory-confirmed
- Legionellosis
- Leptospirosis
- Listeriosis ➔ ☒ (*Listeria monocytogenes*)
- Lyme Disease
- Malaria
- ☎ Measles ➔ ☒ (Rubeola virus)
- ☎ Meningococcal Disease, invasive ➔ ☒ (*Neisseria meningitidis*)
- ☎ Mumps ➔ ☒
- ☎ Pertussis
- ☎ Plague ➔ ☒ (*Yersinia pestis*)
- ☎ Poliomyelitis ➔ ☒ (Polio virus)
- Powassan Virus
- Psittacosis
- ☎ Q Fever
- ☎ Rabies (human and animal) ➔ ☒ (Rabies virus)
- Rabies Post-Exposure Prophylaxis
- ☎ Ricin Poisoning ➔ ☒
- ☎ Rubella (including congenital) ➔ ☒ (Rubella virus)
- Salmonellosis ➔ ☒ (*Salmonella* species)
- ☎ Shellfish Poisoning
- Shigellosis ➔ ☒ (*Shigella* species)
- ☎ Smallpox ➔ ☒ (Variola virus)
- Spotted Fever Rickettsiosis
- St. Louis Encephalitis
- Staphylococcus aureus, Methicillin-Resistant (MRSA), invasive
- ☎ Staphylococcus aureus with resistance to Vancomycin (VRSA) ➔ ☒
- Streptococcus Group A, invasive
- Streptococcus pneumoniae, invasive
- Syphilis
- ☎ Tetanus ➔ ☒ (*Clostridium tetani*)
- Trichinosis
- ☎ Tuberculosis (active and presumptive) ➔ ☒ (*Mycobacterium tuberculosis*)
- ☎ Tularemia ➔ ☒ (*Francisella tularensis*)
- Vibrio species, including Cholera ➔ ☒ (*Vibrio* species)
- ☎ Viral Hemorrhagic Fever
- West Nile Virus
- Western Equine Encephalitis
- Yellow Fever
- ☎ **Any Case of Unusual Illness of Infectious Cause**
- ☎ **Any Cluster/Outbreak of Illness with Potential Public Health Significance**

Who must report: Health Care Providers, Medical Laboratories, Health Care Facilities, Administrators, Health Officers, Veterinarians**What to report: Disease reports must include as much of the following as is known:**

- Disease or condition diagnosed or suspected
- Patient's name, date of birth, address, phone number, occupation, race, and ethnicity
- Diagnostic laboratory findings and dates of test relevant to the notifiable condition
- Health care provider name, address and phone number
- Name and phone number of person making the report

Footnotes:

1. Carbapenem-resistant Enterobacteriaceae (CRE): See current definition as adopted by the United States Centers for Disease Control and Prevention
2. Carbon Monoxide, including clinical signs, symptoms or known exposure consistent with diagnosis of carbon monoxide poisoning and/or: a carboxyhemoglobin (COHb) level $\geq 5\%$
3. Human Immunodeficiency Virus (HIV), including:
 - Confirmed, positive antibody tests
 - Viral load tests, all results
 - CD4 lymphocyte counts, all results

Complete Rules for the Control of Notifiable Diseases and Conditions:<http://www.maine.gov/dhhs/mecdc/infectious-disease/epi/disease-reporting/index.shtml>

**Maine Center for Disease
Control and Prevention**

An Office of the
Department of Health and Human Services

HIV and Other Bloodborne Pathogens

This policy has been adopted to assure that the rights and safety of all involved parties are preserved. Child Development Services (CDS) shall strive to protect the safety and health of children and its employees, recognizing:

- the rights of children and employees with HIV or any other bloodborne pathogen (BBP);
- the importance of maintaining confidentiality regarding the medical condition of any individual;
- the importance of an educational environment free of significant risks to health; and
- the necessity for BBP education and training for CDS employees.

Rights of Employees

Equal Employment

CDS does not discriminate on the basis of an employee's HIV or other BBP infection or association with another person with HIV or other BBP infection. No applicant shall be denied employment and no employee shall be prevented from continued employment on the basis of having or being perceived as having HIV or other BBP. An employee with HIV or other BBP infection is welcome to continue working as long as he or she is able to perform the essential functions of the position, with reasonable accommodations if necessary.

Rights of Students

School Attendance

- A. A child with HIV or other BBP infection has the same right to attend school and receive services as any other child and will be subject to the same rules and policies as any child without HIV/BBP. Except as deemed appropriate to accommodate children with disabilities, HIV/BBP infection shall not factor into decisions concerning class assignments, privileges, or participation in any school sponsored activity.
- B. CDS employees will follow established policies and procedures for children with chronic health problems or children with disabilities to determine on a case-by-case basis the educational placement of a child known to be infected with HIV/BBP. Respecting child's and family's privacy rights, CDS employees may consult with the child's parent or guardian, seek waiver from parent/guardian to consult with the child's physician, and reassess the placement if there is a change in the child's need for accommodations or services.

Rights for Children and Staff

Nondiscrimination

- A. CDS is committed to providing a learning environment and workplace free of discrimination. CDS employees will strive to maintain a respectful climate and not allow physical or verbal harassment against a child or employee based on their HIV/BBP status. For example, this includes conduct directed against a person living with HIV infection, a

person perceived as having HIV infection or a child or employee's family member's actual or perceived status as HIV positive.

- B. CDS shall not discriminate against an applicant, prospective or current child on the basis of a person's having a positive test result from an HIV/BBP related diagnostic test.

Confidentiality of HIV/BBP Related Information and Testing

- A. CDS will protect the child's and family's privacy rights consistent with state and federal law pursuant to the CDS Child Education Record policy and Personnel Records policy.
- B. CDS shall not require HIV/BBP related testing of any employee applicant, current employee or prospective or current child for any purpose.
- C. Children, parents/guardians, or applicants/employees are not required to disclose HIV/BBP status to any CDS employee.
- D. Service providers, including those dispensing medication, will maintain a child's confidentiality. Unless for the limited purpose of an exception of state law, federal law, the Child Education Record policy, or the Personnel Records policy that applies, CDS employees shall not disclose any HIV/BBP related information about a prospective or current employees or children to anyone except in accordance with the terms of a written consent. A written consent form provides a description of information to be disclosed, to whom it may be disclosed, its specified time limitation, and the specific purpose for the disclosure. CDS shall not discriminate against any individual who does not provide written consent.
- E. All health records, notes, and other documents that reference a person's HIV/BBP status will be kept confidential. Access to these confidential records is limited to those named in written permission from the person or parent/guardian.

Health Protections and Universal Precautions

Infection Control

- A. CDS shall comply with applicable Maine Occupational Safety and Health Administration rules in order to protect employees who are reasonably anticipated to be exposed to bloodborne pathogens as part of their regular job duties.
- B. The CDS Human Resources Director shall determine those employees (by job class and possibly by task or procedure) who are reasonably anticipated to have occupational exposure to blood or other potentially infectious materials as part of their duties. These employees will be protected in strict accordance with the provisions of the Bloodborne Pathogens Standards.
- C. The written Exposure Control Plan concerning bloodborne pathogens includes the use of universal precautions and will be maintained and followed per policy.

Approved: 11/14/2016

Communicable / Infectious Diseases

Child Development Services (CDS) employees shall be alert to signs of illness and communicable disease.

Children with a diagnosed communicable disease or with symptoms of a communicable disease will be temporarily excused from school. The parent/guardian or emergency contact will be notified and asked to take the child from school. While the child is waiting at school, he/she will be isolated from other children. For Early Intervention services provided in the child's home, appointments will be cancelled due to the illness of the child or other household member.

Children returning to school after a diagnosed communicable disease should be symptom free for 24 hours unless the primary healthcare provider provides written documentation approving school attendance before symptoms have abated. Early Intervention services provided in the child's home will resume after the child, or other household member, is symptom free for 24 hours unless the primary healthcare provider provides written documentation symptoms have abated.

Child Development Services employees will be provided with training regarding:

- Handling of bodily fluids;
- Signs and symptoms of communicable diseases.

Approved: 9/25/2013

Required Procedure:

Communicable / Infectious Diseases Procedure (JLCC-R)

Attached Documents:

Maine Department of Education

- Guidelines to Control the Transmission of Communicable Diseases in School Setting
Maine Department of Health and Human Services Center for Disease Control and Prevention
- Notifiable Conditions List
- Notifiable Condition Reporting Form

Communicable / Infectious Diseases Procedure

The CDS Regional Site Director shall be notified of all communicable diseases affecting employees, children or other adults within their regional site's catchment area.

The CDS Regional Site Director or designee shall be responsible for notifying the CDS State Director, and the Maine Center for Disease Control and Prevention of all children having a communicable disease as required by law and Department of Education and Department of Health and Human Services rules.

Information regarding infectious disease reporting, including a list of reportable diseases can be found at the Maine Department of Health and Human Services, Center for Disease Control and Prevention, Division of Infectious Disease website. Reporting is done via telephone to 1-800-821-5821 or by fax to 1-800-293-7534.

Approved: 9/25/2013

Required Policy:

Communicable / Infectious Diseases (JLCC)

Attached Documents:

Maine Department of Education

- Guidelines to Control the Transmission of Communicable Diseases in School Setting
Maine Department of Health and Human Services Center for Disease Control and Prevention
- Notifiable Conditions List
- Notifiable Condition Reporting Form

Guidelines to Control the Transmission of Communicable Diseases in School Setting

<i>Disease</i>	<i>Incubation</i>	<i>Symptoms</i>	<i>Exclusion</i>	<i>Contact Exclusion</i>
Chickenpox	14-21 days, usually 14-16 days	Sudden onset of slight fever, rash that forms blisters then crusts	Until vesicles become dry, usually after 5 days in unimmunized children and 1-4 days with breakthrough varicella in immunized children.	None
Conjunctivitis	42-72 hours	Redness, swelling, pain, with white or yellow discharge	Until examined by a physician and approved for readmission, with treatment for purulent* conjunctivitis until after treatment has been initiated * pink or red conjunctiva with white or yellow eye discharge	In high risk populations, susceptible contacts may be excluded
CA-MRSA Community Associated Methicillin Resistant Staph Aureus	Variable	Usually skin lesions, red inflamed and draining, may look like "spider bites"	None as long as open/draining wounds are covered with a bandage. Contact sports are prohibited until lesions are dry	None
Fifth Disease (Parvovirus)	4-20 days	Low grade fever "slapped cheek" facial rash, lace-like rash on trunk and extremities	While fever is present	None
Gastroenteritis	Variable	Vomiting and/or diarrhea	While diarrhea or vomiting is present	None
Hand, Foot and Mouth Disease	Usually 3-5 days	Fever, sore throat, sore in the mouth, a rash with blisters	During acute stage, draining lesions on hand or lesions in the mouth if drooling	None
Hepatitis A	15-50 days	Sudden onset of fever, malaise, nausea, abdominal discomfort and jaundice	Until 7 days after onset of symptoms or 7 days after start of jaundice	None
Hepatitis B & C	2 weeks to 6 months	Often unrecognized, but can include: gradual onset of fever, nausea, abdominal discomfort, and jaundice	None	None
Influenza	1-3 days	Sudden onset of fever, chills, headache, muscle aches, sore throat, dry cough	None	Consider vaccination/antivirals for high risk individuals
Pinworm	2-6 weeks	Often unrecognized, but can include: perianal itching, disturbed sleep, irritability	24 hours after treatment and bathing	None
Ringworm	4-10 days	Flat circular red rash, the center of which may be dry and scaly or moist and crusted	None if area can be covered and effective treatment started	None
Scabies	2-6 weeks before onset of itching	Intensive itching especially in skin folds and webs of fingers	Until the day after treatment	None
Strep Throat, Scarlet Fever and Impetigo	1-3 days	Sore throat, fever and rash	Until after 24 hours of effective antibiotic treatment	None
Whooping Cough (Pertussis)	6-20 days, usually 9-10 days	Cold symptoms followed by paroxysmal cough	Until 5 days after start of effective antibiotic treatment	Symptomatic exclusion only

Division of Infectious Disease, Maine Center for Disease Control & Prevention 2006



**Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
Division of Infectious Disease**

Notifiable Condition Reporting Form

Notifiable Condition or Disease: _____ (Attach lab results if available)

Reporting Information

Person Reporting: _____ Title: _____
Agency/Institution: _____ Phone: _____

Patient Information

Name: _____ Phone: _____
(First, MI, Last)
Address: _____ State: _____
Town: _____ Zip: _____
Date of Birth: ____ / ____ / ____ Gender: Male Female

Hispanic or Latino: Yes No Unknown

Race: White Black or African-American Asian
 Native Hawaiian/Pacific Islander American Indian/Alaskan Native
 Two or More Races Other – Specify _____

Clinical Information

Specimen Source: Blood Cervix Nasopharyngeal Spinal Fluid
 Sputum Stool Urethra Urine Other – Specify _____

Specimen Collection Date: ____ / ____ / ____

Lab Name: _____ Lab Test Name: _____

Is patient hospitalized: Yes → Where? _____ No

Provider Name: _____ Phone: _____

Practice Name: _____ Town: _____

Fax form to Division of Infectious Disease at (800) 293-7534



NOTIFIABLE CONDITIONS LIST
 Maine Department of Health and Human Services
 Center for Disease Control and Prevention

Conditions in **BOLD** must be reported *immediately*. All others must be reported in 48 hours.

Reportable Disease or Condition		Laboratory Specimen Submission
<p>Acquired Immunodeficiency Syndrome (AIDS) Anthrax Arboviral Infection Babesiosis Botulism Brucellosis Campylobacteriosis Carbon Monoxide Poisoning, including - Clinical signs, symptoms or known exposure consistent with diagnosis of carbon monoxide poisoning and/or: a carboxyhemoglobin (COHb) level $\geq 5\%$ Chancroid Chlamydia Chickenpox (Varicella) Creutzfeldt-Jakob disease, <55 years of age Cryptosporidiosis Dengue Diphtheria E. coli, Shiga toxin-producing (STEC) disease including E. coli: 0157:H7 Ehrlichiosis Giardiasis Gonorrhea Haemophilus influenzae disease, invasive, include all serotypes Hantavirus, pulmonary syndrome Hemolytic-uremic syndrome (post-diarrheal) Hepatitis A, B, C, D, E (acute) Hepatitis B (chronic, and/or perinatal) Hepatitis C (chronic) Hepatitis, acute (etiologic tests pending or etiology unknown) Human Immunodeficiency Virus (HIV), including: - Confirmed, positive antibody tests - Viral load tests, all results - CD4 lymphocyte counts, all results Influenza-associated pediatric death Influenza-like illness outbreaks Influenza A, Novel Legionellosis Leptospirosis Listeriosis Lyme Disease</p>	<p>Malaria Measles Meningitis (bacterial) Meningococcal Invasive Disease Mumps Paralytic Shellfish Poisoning Pertussis Plague Poliomyelitis Psittacosis Q Fever Rabies (human and animal) Rabies Post-Exposure Prophylaxis Ricin Poisoning Rocky Mountain Spotted Fever Rubella (including congenital) Salmonellosis Severe Acute Respiratory Syndrome (SARS) Shigellosis Smallpox Staphylococcus aureus, Methicillin-Resistant (MRSA) invasive, Staphylococcus aureus with resistance (VRSA) or intermediate resistance (VISA) to Vancomycin isolated from any site Staphylococcal enterotoxin B Streptococcal invasive disease, Group A Streptococcal invasive disease, Group B Streptococcus pneumoniae, invasive disease Syphilis Tetanus Toxoplasmosis Trichinosis Tuberculosis (active and presumptive cases) Tularemia Unusual or increased case incidence, critical illness, unexplained death(s) of any suspect infectious disease Vibrio species, including Cholera Viral Hemorrhagic Fever Venezuelan equine encephalitis Yellow Fever Yersiniosis</p>	<p>Directors of laboratories are to submit cultures or clinical specimens for the following to the <i>Maine Health and Environmental Testing Laboratory</i> for confirmation, typing and/or antibiotic sensitivity:</p> <p>Acid-Fast Bacillus Bacillus anthracis Bordetella pertussis Brucella species Clostridium tetani Clostridium botulinum Corynebacterium diphtheriae Coxiella burnetii <i>Escherichia coli</i>, Shiga toxin-producing <i>Haemophilus influenzae</i> <i>Human Immunodeficiency Virus</i> Influenza virus, Novel <i>Listeria monocytogenes</i> Mumps virus Mycobacterium tuberculosis Neisseria meningitidis Rabies virus Ricin Poisoning Rubella virus Rubeola virus <i>Salmonella</i> species SARS Coronavirus <i>Shigella</i> species <i>Toxoplasma gondii</i> Variola virus <i>Vibrio</i> species Yersinia pestis</p>

Who must report: Health Care Providers, Medical Laboratories, Health Care Facilities, Administrators, Health Officers, Veterinarians

When to report:

- Conditions in **BOLD** are reportable immediately by telephone on recognition or strong suspicion of disease
- All others are reportable by telephone, fax, or mail within 48 hours of recognition or strong suspicion of disease

What to report: Disease reports must include as much of the following as is known:

- Disease or condition diagnosed or suspected
- Patient's name, date of birth, address, phone number, occupation and race
- Diagnostic laboratory findings and dates of test relevant to the notifiable condition
- Health care provider name, address and phone number
- Name and phone number of person making the report

Complete Rules for the Control of Notifiable Conditions at:
<http://www.maine.gov/dhhs/boh/ddc/epi/disease-reporting/index.shtml>

**Disease Reporting
 24 Hours A Day
 7 Days A Week**

**Telephone
 1-800-821-5821**

**Fax
 1-800-293-7534**

Administration of Medication to Children

Although Child Development Services (CDS) discourages the administration of medication to children during the school day when other options exist, it recognizes that in some instances a child's chronic or short-term illness, injury, or disabling condition may require the administration of medication during the school day. CDS will not deny educational opportunities to children requiring the administration of medication in order to remain in attendance and participate in the educational program.

The intent of this policy is to promote the safe administration of medications to children by CDS employees and to provide for authorization of child emergency administration of medication from asthma inhalers and epinephrine pens. CDS encourages collaboration between parents/guardians and the CDS Regional Site in these efforts.

Child Development Services disclaims any and all responsibility for the diagnosis, prescription of treatment, and administration of medication for any child, and for any injury arising from administration of medication.

Definitions

- “Administration” means the provision of prescribed medication to a child according to the orders of a healthcare provider.
- “Healthcare provider” means a medical/health practitioner who has a current license in the State of Maine with a scope of practice that includes prescribing medication.
- “Indirect supervision” means the supervision of an unlicensed CDS employee when another healthcare provider is not physically available on site but immediately available by telephone.
- “Medication” means prescribed drugs and medical devices that are controlled by the U.S. Food and Drug Administration and are ordered by a healthcare provider. It includes over-the-counter medications prescribed by the child's healthcare provider.
- “Parent” means a natural or adoptive parent, a guardian, or a person acting as a parent of a child with legal responsibility for the child's welfare.
- “Medical Consultant” means a licensed healthcare provider (such as a physician) called in for professional advice.
- “Unlicensed CDS employees” are persons who do not have a professional license that allows them, within the scope of that license, to administer medication.

Administration of Medication by CDS Employees

A. Parental Request

In the event that no reasonable alternative exists, the parent/guardian may request in writing that medication be administered to the child during the school day. The written request must include an acknowledgement and agreement that an unlicensed employee may administer the medication as per the healthcare provider's instructions. In addition, the request shall indicate that information regarding the child's medication may be shared with appropriate CDS employees. Parents may provide the reason (diagnosis) requiring the administration of medication.

Medication requests shall be valid for the current school year only and must be renewed every twelve (12) months.

B. Healthcare Provider's Order

All parental requests must be accompanied by a written order from the child's healthcare provider substantiating the fact that the administration of a particular medication during the school day is necessary for the child's health and attendance in school. Such order must include:

1. The child's name;
2. The name of the medication;
3. The dose;
4. The route of administration (e.g., tablets, liquid, drops);
5. Time intervals for administration (e.g., every four hours, before meals);
6. Any special instructions; and
7. The name of the prescribing healthcare provider.

It is the responsibility of the CDS employee accepting any medication for administration to clarify any medication order that he/she believes to be ambiguous.

C. Renewal of Parent Permission Requests/Forms and Healthcare Provider Orders

Written parental permission requests/forms and healthcare provider orders must be renewed at least annually. Healthcare provider orders must be renewed whenever there are changes in the order.

D. Delivery and Storage of Medication

The child's parents shall deliver any medication to be administered by a CDS employee to CDS in its original container.

No more than a one-week supply of medication shall be kept at school, excluding inhalers and epinephrine pens. The parent is responsible for the replenishment of medication kept at school.

No medication shall be kept at CDS excluding inhalers and epinephrine pens overnight.

If the healthcare provider's order/prescription is for a medication regulated by the Federal Narcotics Act, no more than a one-week supply shall be kept at school.

The parent is responsible for notifying CDS of any changes in or discontinuation of a prescribed medication that is being administered to the child by CDS. The parent must remove any medication no longer required or that remains at the end of the school year.

The CDS Regional Site Director shall be responsible for developing and implementing procedures for the appropriate secured and locked storage of medications kept at the CDS Regional Site, and all medications shall be stored in accordance with this procedure.

E. Recordkeeping

The teacher and the child's parent shall account for all medication brought to school. The number of capsules, pills or tablets, and/or the volume of other medications brought to CDS shall be recorded.

The CDS employee administering medication shall document each instance the medication is administered including the date, time, and dosage given.

All medication administration will be witnessed by a second CDS employee and documented as such.

The CDS Regional Site Director or designee shall maintain a record including the parent's request, physician's order, details of the specific medications (including dosage and timing of medication), and documentation of each instance the medication is administered.

Records shall be retained according to the current State schedules pertaining to child health records.

F. Confidentiality

To the extent legally permissible, CDS employees may be provided with such information regarding medication and its administration as may be in the best interest of the child.

G. Administration of Medication

Medication may be administered during the school day by the teacher or program administrator.

All unlicensed CDS employees (CDS Regional Site Directors, case managers, teachers, education technicians, office operations managers, therapists, etc.) who administer medication must receive training before being authorized to do so.

Based upon the documentation of training and competency in the administration of medication, the CDS Medical Consultant will make recommendations to the CDS State Director or designee pertaining to authorization of unlicensed persons to administer medication. Training that shall be acceptable for the purpose of authorization of unlicensed employees is addressed under the section of this policy titled "Required Training of Unlicensed Employees to Administer Medication."

H. Administration of Medication During Field Trips

CDS will accommodate children requiring administration of medication during field trips as follows:

The teacher will contact the parent and medical consultant to determine whether an individual child's participation is contraindicated due to the unstable/fragile nature of his/her health condition, the distance from emergency care that may be required, and/or other extraordinary circumstances. The decision will be made in compliance with applicable laws, including the IDEA, §504 and the Americans with Disabilities Act (ADA).

The parent must provide the appropriate number of doses needed for the duration of the field trip.

When there are no contraindications to child participation, an appropriately trained CDS employee will be assigned to administer medication. The parent will be encouraged to accompany the child, if possible, to care for the child and administer medication.

All provisions of this policy shall apply to medications to be administered during field trips.

I. Required Training of Unlicensed CDS Employees to Administer Medication

Unlicensed CDS employees who administer medication to children in a school setting (at school, on school transportation to or from school, or on field trips) must be trained in the administration of medication before being authorized to carry out this responsibility. Such training must be provided by a registered professional nurse or physician and include the components specified in Department of Education Rules Chapter 40 and other applicable Department of Education standards, recommendations, programs, and/or methodologies.

The trainer shall document the training and competency of unlicensed CDS employees to administer medication. Based upon a review of the documentation of training and competency in the administration of medication, the CDS Medical Consultant will make recommendations to the CDS State Director or designee pertaining to authorization of such unlicensed employees pertaining to authorization to administer medication.

Following the initial training, a training review and information update must be held at least annually for those unlicensed CDS employees authorized to administer medication.

Approved: 11/14/2016

Required Form:

Medication Administration Log (JLCD-F1)

Medication Administration Log

Child's Name:		CDS Regional Site:		School Year:	
Medication:		Physician:		Teacher / Room:	
Dose:		Record date, time, and your initials in the box. Place initials and signature once on lines at bottom. Document treatment for low and high blood glucose results on the back or in student's health record.			
Time to Administer:					

	MON	TUE	WED	THR	FRI	MON	TUE	WED	THR	FRI	MON	TUE	WED	THR	FRI	MON	TUE	WED	THR	FRI	MON	TUE	WED	THR	FRI
July																									
Aug																									
Sep																									
Oct																									
Nov																									
Dec																									
Jan																									
Feb																									
Mar																									
Apr																									
May																									
Jun																									

A = Absent **R** = Refused **N** = No School

Initials	Signature	Initials	Signature	Initials	Signature

Seizure Response and the Administration of Diazepam to Children

A seizure is a sudden surge of electrical activity in the brain and usually affects how a person appears or acts for a short time. Seizures can take on many different forms, and seizures affect different people in different ways.

The purpose of this policy is to establish and implement procedures for Child Development Services (CDS) employees to respond to seizures and the administration of Diazepam to children served by CDS. Diazepam is commercially available under the brand name Diastat[®], and refers to the same medication.

Seizure Action Plan

A Seizure Action Plan (SAP) is required for children with seizure disorders. The family shall participate in the development of the SAP. The child's healthcare provider is required to sign the SAP. The SAP must identify:

- Seizure triggers or warning signs
- Child's response after a seizure
- Basic First Aid: Care and Comfort
- Seizure Emergency definition for the child
- Seizure Emergency Protocol, including when to call 911
- Treatment Protocol
- Special Considerations and Precautions

The child's Individualized Educational Program (IEP) shall include that the child has access to school nursing services.

Administration of Diazepam

Diazepam is a rescue treatment for seizures and has been approved by the Food and Drug Administration (FDA) for use by non-medical caregivers in the management of seizures for persons 2 years of age and older. Diazepam rectal gel is often used in children who are not able to take medication by mouth.

It is required that a medical professional, such as a school nurse, registered nurse or Emergency Medical Technician, administer Diazepam.

CDS Employee Education

CDS employees must be provided with education on seizure disorders and how to respond to a child with a seizure.

Approved: 10/31/2016

Related Form:

Seizure Action Plan (JLCDA-F1)

Seizure Action Plan

Effective Date _____

This student is being treated for a seizure disorder. The information below should assist you if a seizure occurs during school hours.

Student's Name	Date of Birth	
Parent/Guardian	Phone	Cell
Other Emergency Contact	Phone	Cell
Treating Physician	Phone	
Significant Medical History		

Seizure Information

Seizure Type	Length	Frequency	Description

Seizure triggers or warning signs: _____

Student's response after a seizure: _____

Basic First Aid: Care & Comfort

Please describe basic first aid procedures, including who at the school has received seizure training:

Does student need to leave the classroom after a seizure? Yes No

If YES, describe process for returning student to classroom: _____

Basic Seizure First Aid

- Stay calm & track time
 - Keep child safe
 - Do not restrain
 - Do not put anything in mouth
 - Stay with child until fully conscious
 - Record seizure in log
- For tonic-clonic seizure:**
- Protect head
 - Keep airway open/watch breathing
 - Turn child on side

Emergency Response

A "seizure emergency" for this student is defined as:

Seizure Emergency Protocol

(Check all that apply and clarify below)

- Contact school nurse at _____
- Call 911 for transport to _____
- Notify parent or emergency contact
- Administer emergency medications as indicated below
- Notify doctor
- Other _____

A seizure is generally considered an emergency when:

- Convulsive (tonic-clonic) seizure lasts longer than 5 minutes
- Student has repeated seizures without regaining consciousness
- Student is injured or has diabetes
- Student has a first-time seizure
- Student has breathing difficulties
- Student has a seizure in water

Treatment Protocol During School Hours (include daily and emergency medications)

Emerg. Med. ✓	Medication	Dosage & Time of Day Given	Common Side Effects & Special Instructions

Does student have a **Vagus Nerve Stimulator**? Yes No If YES, describe magnet use: _____

Special Considerations and Precautions (regarding school activities, sports, trips, etc.)

Describe any special considerations or precautions: _____

Physician Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

Child Abuse Reporting

Any employee of Child Development Services (CDS) who has reasonable cause to suspect that a child served by CDS has been or is likely to be a victim of child abuse or neglect must immediately notify the Regional Site Director or designee. The employee must also make a timely report directly to the Department of Health and Human Services (DHHS).

Definitions

- A. Child abuse and neglect as defined by Maine Statute (Title 22, Section 4002 (1)) means “a threat to a child’s health or welfare by physical or mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements by a person responsible for the child.”
- B. A “person responsible for the child” means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.

Interviews of Child and CDS Personnel

DHHS personnel shall be permitted to meet with and interview the child named in the report at CDS during business hours upon written certification from the DHHS that:

- A. the interviewer of the child is an authorized representative of the Department of Human Services;
- B. there are reasonable grounds to believe that prior notice to the child’s parent/guardian would increase the threat of serious harm to the child or another person; and
- C. the interview of the child at CDS during business hours is necessary to carry out the DHHS’s duties under Maine law.

Confidentiality of Information and Records

All records, reports and information concerning suspected cases of child abuse and neglect shall be kept confidential. The CDS Site Director or designee is permitted to release a child’s educational records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals under federal law.

Good Faith Immunity From Liability

Any person who in good faith reports or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceedings. Good faith does not include instances when a false report is made and the person knows the report is false.

Approved: 2/4/2014

Required Procedure:

Child Abuse Reporting Procedure (JLF-R)

Required Form:

Child Abuse Reporting Form (JLF-F)

Legal Reference:

22 MRSA § 4011-A 20 USC § 1232g, Family Educational Rights and Privacy Act

Child Abuse Reporting Procedure

The CDS employee making the report shall complete the Child Abuse Reporting Form. The following information is needed:

- A. The name and address of the child and the persons responsible for his/her care or custody;
- B. The child's date of birth and gender;
- C. A detailed description of the nature and extent of the suspected abuse or neglect, including description of injuries and any explanation given for them;
- D. Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- E. The source of the report, the person making the report, his/her occupation and where he/she can be contacted;
- F. The actions taken by the CDS employee(s), including any photographs taken or other materials collected; and
- G. Any other information that the person making the report believes may be helpful.

The CDS employee shall make an immediate verbal report to the CDS Regional Site Director. If it is determined that there is a duty to make a report to DHHS, the employee shall make the appropriate report(s), as provided below.

The law provides that a report must be made to DHHS when the person suspected is a "person responsible for the child." However, because the legal definition of "person responsible for the child" is vague, the CDS employee or Regional Site Director shall report all cases of suspected abuse or neglect to DHHS.

The CDS employee or Regional Site Director shall retain a record of all verbal and written reports made to DHHS or other outside agencies as well as all actions taken by Child Development Services.

Approved: 2/4/2014

Required Policy:
Child Abuse Reporting (JLF)

Required Form:
Child Abuse Reporting Form (JLF-F)



Child Abuse Reporting Form

Documentation of DHHS Report

Child:	Date of Birth:	Gender: M F
Child's Physical Address:		
Parent(s) / Guardian(s) Name(s):		
Date and Time of Incident:	Date of Report:	
Name of DHHS Intake Worker:		
Name of Staff Reporting:		
Reason for Report <i>Please be specific and detailed</i>		
Physical Abuse (<i>indicate any physical injuries / marks observed</i>): <input type="checkbox"/> Not applicable		
Sexual Abuse / Maltreatment: <input type="checkbox"/> Not applicable		
Physical Environment / Safety (<i>indicate specific, observable details</i>): <input type="checkbox"/> Not applicable		
Concern of Medical Neglect (<i>indicate medical needs, specific concerns, & impact on child</i>): <input type="checkbox"/> Not applicable		
Any Verbal Disclosure (<i>indicate child's specific, quoted statement</i>): <input type="checkbox"/> Not applicable		
Additional Information or Other Concerns		
Any other staff involved:		

Signature of staff making report

Date

Use additional pages as necessary.

This form is NOT part of the child's educational record.

Public's Right to Know/Freedom of Access

Child Development Services (CDS) recognizes the importance of a well-informed public to the operations of the school unit. CDS will comply with all applicable sections of Maine's Freedom of Access Act.

The CDS State Director, and to act in the absence of the CDS State Director, the Deputy Director serves as the Public Access Officer for Child Development Services.

Approved CDS policies, annual budget reports and handbooks shall be available for immediate inspection and/or copying in the CDS State office.

Requests for all other public records shall be made in writing, to the CDS State Director or designee, specifying the records desired for inspection/copying. The CDS State Director or designee may request clarification concerning which public record or records are being requested.

The CDS State Director or designee shall acknowledge receipt of a request for inspection and/or copying of public records within a reasonable period of time.

If the request is denied, the CDS State Director or designee shall inform the requestor in writing within five working days of the request and shall state the reason for denial. Otherwise, inspection and/or copying may be scheduled to occur within a reasonable period of time following the request at a time that will not delay or inconvenience the regular activities of CDS.

CDS is not required to create a record that does not exist.

Electronically Stored Public Records

In compliance with the Freedom of Access Act, CDS will provide access to an electronically stored public record as a printed document or in the medium in which the record is stored, at the requester's option, except that CDS is not required to provide access to an electronically stored public record as a computer file if CDS does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file. CDS is not required to provide access to a computer terminal.

Fees

Except as otherwise provided by law or court order, CDS may charge fees as follows:

- A. A fee of \$.25 per page to cover the cost of copying.
- B. A fee of \$10.00 per hour after the first hour of an employee's time per request to cover the actual cost of searching for, retrieving, and compiling the requested public record.
Compiling the public record includes reviewing and redacting confidential information.

- C. If conversion of a public record into a form which accommodates visual or aural comprehension or into a usable format is necessary, a fee to cover the actual cost of conversion.
- D. A charge for the actual mailing costs to mail a copy of the record.
- E. No fee shall be charged for inspection of public records, unless the record cannot be inspected without being compiled or converted, in which case paragraph B or C applies.

As required by law, CDS will provide the person making the request an estimate of the time necessary to complete the request and of the total cost and, if the estimated total cost exceeds \$30.00, will inform the requestor before proceeding. If the estimated total cost is greater than \$100.00 or if the requestor has previously failed to pay a fee assessed for access to CDS records, the requestor may be required to pay all or a portion of the estimated cost prior to the search, retrieval, compiling, translation, and copying of the public record.

The CDS State Director is directed to develop and implement such administrative procedures as may be necessary to carry out this policy.

Approved: 11/6/2014