

## **BOMB AND/OR TOXIC OR HAZARDOUS SUBSTANCE OR MATERIAL THREATS**

The Ellsworth School Committee (ESC) recognizes that bomb/toxic or hazardous substance or material (B/THSM) threats are a significant concern to the Ellsworth School Department (ESD). Whether real and carried out or intended as a prank or for some other purpose, a B/THSM threat represents a potential danger to the safety and welfare of students and staff and to the integrity of ESD property. B/THSM threats disrupt the instructional program and learning environment, and also place significant demands on ESD financial resources and public safety services. These effects occur even when such threats prove to be false.

Any B/THSM threat will be regarded as an extremely serious matter and treated accordingly. The Ellsworth School Committee (ESC) directs the Superintendent to react promptly and appropriately to information concerning B/THSM 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 B/THSM has been, or will be, placed on ESD premises. Because of the potential for evacuation of the schools and other disruption of ESD operations, placement of a B/THSM or of a “look-alike” B/THSM on school premises will be considered a threat for the purpose of this policy.

### **B. Definitions**

1. A “bomb” (B) means an explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, “Molotov cocktail”, or other destructive device.
2. “Toxic or hazardous substance or material” (THSM) means any material or substance, including biomedical materials or organisms that, when placed as threatened, could be harmful to humans.
3. A “look-alike (B/THSM)” means any apparatus or object that conveys the appearance of a B/THSM or other destructive or hazardous device.
4. A “B/THSM threat” is the communication, by any means, whether verbal or non-verbal, that a B/THSM has been, or will be, placed on ESD premises, including possession or placement of a B/THSM or look-alike B/THSM on ESD premises.
5. “ESD premises” means any ESD property and any location where any ESD activities may take place.

### **C. Development of B/THSM Threat Procedures**

The Superintendent/designee shall be responsible for developing and implementing procedures specific to B/THSM threats as part of the ESD’s Crisis Response Plan. These procedures are intended to inform building administrators (BA) and staff of appropriate protocols to follow in the event that a B/THSM 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 B/THSM threat reporting;
5. Parent notification process;
6. Training for staff members;
7. Support services for students and staff.

The initial B/THSM threat procedure will be subject to approval by the ESC. The Superintendent/designee will be responsible for overseeing a review or evaluation of B/THSM threat procedures prior to the ESC’s required annual approval of the ESD’s Crisis Response Plan, or following implementation of the procedure in response to a specific threat.

#### D. Reporting of B/THSM Threats

A student who learns of a B/THSM threat or the existence of a B/THSM on ESD premises must immediately report such information to the BA, teacher, the School Resource Officer (SRO), or other ESD employee in a position of authority.

An employee of the ESD who learns of a B/THSM threat shall immediately inform the BA. The BA shall immediately take appropriate steps to protect the safety of students and staff in accordance with the ESD’s B/THSM threat procedure, as developed under Section C, and inform the Superintendent of the threat.

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

The Superintendent shall be responsible for reporting any B/THSM threat to the Department of Education within two (2) business days of the incident. Reports will include the name of the school, the date and time of the threat, the medium used to communicate the threat, and whether or not the perpetrators have been apprehended.

#### E. Student Disciplinary Consequences

Making a B/THSM threat is a crime under Maine law. Any ESD student suspected of making a B/THSM 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, an ESD who makes a B/THSM threat shall be subject to disciplinary action by the ESD.

The BA may suspend and/or recommend for expulsion any ESD student who makes a B/THSM threat. The making of a B/THSM 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 expulsion, if found necessary, for the peace and usefulness of the school.

After a hearing by the ESC, any ESD student who is found to have brought a B/THSM to school shall be expelled from school for at least one (1) year in accordance with 20-A M.R.S.A. § 1001(9-A) and Policy JICIA. The Superintendent may modify the requirement for expulsion based on individual circumstances.

Any ESD student who has been identified through the PET 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 Other Students in Making B/THSM Threats

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

#### G. Failure to Report a B/THSM Threat

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

#### H. Staff Disciplinary Consequences

Any ESD employee who makes or communicates a B/THSM 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 ESC policies.

Any ESD employee who fails to report information or knowledge of a B/THSM threat or the existence of a B/THSM on school premises will be subject to discipline up to and including termination of employment.

#### I. Civil Liability

The ESD 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 B/THSM threat will be rescheduled at the earliest practicable opportunity, as determined by the Superintendent in consultation with the ESC.

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 ESD schools must be closed as required by law.

**K. Notification through the Student Handbook**

All ESD student handbooks shall address the ESD's B/THSM threat policy and procedures and explain the educational consequences of B/THSM threats. In addition, all student handbooks shall notify students and parents that B/THSM threats violate ESC policy, and civil and criminal law.

Legal References: 18 U.S.C. §§ 921; 8921  
17-A M.R.S.A. § 210  
20-A M.R.S.A. §§ 263; 1001(9); 1001(9-A); 1001(17); 1001(18)

Cross References: EBCA – Crisis Response Plan  
JKD – Suspension of Students  
JKE – Expulsion of Students  
JKF – Suspension/Expulsion of Students with Disabilities  
JICIA – Weapons, Violence and School Safety  
Student Code of Conduct

Adopted: **October 8, 2002**  
**November 7, 2006** (formatting, grammar only)