GREENSBURG COMM. SCHOOLS

Administrative Guideline Manual

300 policies

July 9, 2026

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SUPERINTENDENT'S/PRINCIPAL'S ABSENCE FROM THE CORPORATION

1100 - **SUPERINTENDENT'S/PRINCIPAL'S ABSENCE FROM THE CORPORATION**

Whenever the Superintendent is away from the Corporation and unavailable to make a needed decision and if not otherwise specified in policy or administrative guidelines, the Assistant Superintendent shall be responsible for determining whether or not a decision must be made prior to the Superintendent's return. If so, then s/he shall make the decision.

Should the Assistant Superintendent also be unavailable, then each administrator shall assume such responsibility in the order in which his/her name appears on the following list:

Phil Chapple
High School Principal
(812) 663-7176

David Strouse
Jr. High Principal
(812) 663-7523

Rock Linville
Elementary
(812) 663-8112

Whenever a principal is to be absent from his/her building and unavailable to make a decision, s/he is to select one (1) or more appropriate members of the school staff to act on his/her behalf and to provide the names of the selected staff member(s) to the Corporation office.

Revised 7/29/10

ag1110

ASSESSMENT OF CORPORATION GOALS

1110 - **ASSESSMENT OF CORPORATION GOALS**

The Corporation has invested a great deal of time and effort to develop and implement a set of Board goals.

ag1120

LINE AND STAFF RELATIONS

1120 - **LINE AND STAFF RELATIONS**

All staff members shall be responsible to the School Board through the Superintendent. Each shall refer matters requiring administrative action to the person in charge of the department, who shall refer such matters to the next higher authority, when necessary.

Each staff member is to keep the person s/he is immediately responsible to informed of his/her activities by whatever means the supervisor deems appropriate.

All staff members have the right to appeal any decision made by an administrative officer, through approved procedures as defined by contract, agreements, policies, administrative guidelines, or by State law.

ag1230.01

ADMINISTRATIVE MANUALS AND HANDBOOKS

1230.01 - **ADMINISTRATIVE MANUALS AND HANDBOOKS**

To ensure that all manuals, handbooks, and booklets are appropriate, each must be consistent with applicable School Board policies.

The information contained in the document should be clear and logically organized, accurate, and sufficient enough so that any intended user could adequately achieve the purpose for which the document was created, and reflect proper use and spelling of the English language.

ag1400

REVISING JOB DESCRIPTIONS FOR COMPLIANCE WITH ADA/504

1400 - **REVISING JOB DESCRIPTIONS FOR COMPLIANCE WITH ADA/504**

The Americans with Disabilities Act (ADA) requires that the Corporation's job descriptions be reviewed and, if necessary, revised to ensure that employment practices do not discriminate against any current staff member or job candidate who has a disability as defined in AG 3122.

The revised job description masters should be kept on file in the central office with copies provided to the staff member and his/her supervisor, in accordance with any applicable negotiated agreement. Job descriptions should be updated whenever there is an addition to or modification in a job.

ag1411

WHISTLEBLOWER PROTECTION

1411 - **WHISTLEBLOWER PROTECTION**

The School Board encourages all employees, acting in good faith, to report possible suspected or actual violations of State and Federal laws or Board policies and administrative guidelines. These guidelines shall be used to ensure that the Board's policy on whistleblowers protection (Policy 1411) is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliation for having reported violation or for refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

Reporting Violations by the Corporation

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guidelines, that the Board has authority to correct and the employee reasonably believes that such violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive, then the employee may report the possible violation to:

1. the Superintendent;

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

2. Assistant Superintendent; or

3. the appropriate law enforcement or governmental agency responsible for enforcing such violations, only after the employee first provides notice to one of the above-referenced Corporation employees or officials.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other Corporation official, a written report providing sufficient detail to identify and describe the possible violation.

C. All efforts must be taken to either correct the violation or refer such violation to the appropriate law enforcement or governmental agency within twenty-four (24) hours of either receiving oral notification or a written report of the possible violation.

1. The supervisor or other Corporation official shall notify the employee in writing of any effort of the Corporation to correct the alleged violation or hazard or the absence of the alleged violation or hazard.

2. Written notification shall be provided to the employee within twenty-four (24) hours of receiving notification or by close of business on the next regular school day, whichever is later.

D. If the Corporation does not correct the violation or make a reasonable effort to correct the violation (including, but not limited to referring such violation to the appropriate law enforcement or governmental agency) within twenty-four (24) hours after either receiving oral notification or a written report of the possible violation, whichever is earlier, the employee may file a written report providing sufficient detail to identify and describe the possible violation with:

1. the prosecuting authority of the county or municipal corporation where the violation occurred;

2. a peace officer;

3. the Inspector General (if the violation is within the Inspector General's jurisdiction); or

4. any other appropriate public official or agency having regulatory authority over the Corporation, and the activities in which the Corporation is engaged.

E. An employee may directly notify, either orally or in writing, any appropriate public official that has regulatory authority of the Corporation, and the activities in which the Corporation is engaged, of any possible violation of the following that is also a criminal offense:

1. Air Pollution Control;

2. Solid and Hazardous Wastes;

3. Safe Drinking Water; or

4. Water Pollution Control.

Reporting Violations by Other Employees

A. If an employee becomes aware in the course of his/her employment of a possible violation by a fellow employee of any State or Federal law or Board policy or administrative guideline, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, then the employee may report the possible violation to:

1. the Superintendent;

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

2. Assistant Superintendent.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other Corporation official, a written report providing sufficient detail to identify and describe the possible violation.

Reporting of Other Violations

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guideline, that does not involve a criminal offense or improper solicitation and is not likely to cause an imminent risk of harm to persons or hazard to public health or safety, the employee shall orally notify his/her immediate supervisor or other Corporation official (as set forth above). The employee shall subsequently file a written report within two (2) days.

B. The immediate supervisor or other Corporation official will acknowledge receipt of the written report within five (5) days. Such reports will be investigated within fifteen (15) days, and appropriate action will be taken, if warranted at the conclusion of the investigation.

Duty to Determine Accuracy of Possible Violations

A. An employee shall make a reasonable and good faith effort to determine the accuracy of any possible violations.

B. If an employee fails to make a reasonable and good faith effort, s/he may be subject to disciplinary action, including suspension or termination, for reporting information without a reasonable basis to do so.

C. An employee will also be subject to disciplinary action if s/he purposely, knowingly, or recklessly gives false information or makes a false report of a violation.

Prohibition Against Retaliation

A. No employee shall be disciplined or retaliated against for reporting a possible violation by the Corporation or a fellow employee or as a result of making any inquiry or taking any other action necessary to ensure the accuracy of any information related to possible violations, as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

B. For purposes of this policy and guideline, improper disciplinary or retaliatory action includes, but is not limited to:

1. terminating or suspending the employee;

2. withholding from the employee salary increases or employment benefits to which the employee is otherwise entitled;

3. transferring or reassigning the employee;

4. denying the employee a promotion that s/he would have otherwise received; or

5. reducing the employee in pay or position.

ag1521

PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING

1521 - **PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING**

Background Checks of Candidates for Employment

In accordance with School Board policy, the personal and employment history of each candidate who is seriously being considered for employment as a regular or substitute member of the staff will be thoroughly investigated.

The Superintendent's Secretary shall submit the candidate's name, address, social security number, and date of birth to the Indiana State Police and/or contracted service provider for a local, State, and National criminal history check, including an expanded criminal history check as defined by I.C. 20-26-2-1.5.

If the School Corporation's investigation and/or criminal history check reveals that a candidate has been involved in some unlawful behavior, such information should be examined in light of:

A. the nature of the unlawful behavior, e.g. was it a felony or a misdemeanor? Did it involve violence? Was it sex related? Was it child related? etc.;

B. did the behavior result in a conviction;

C. how recently the behavior occurred and the behavior of the candidate in the interim;

D. the relationship of the behavior to the duties the person would be assuming if hired;

E. the likelihood that the candidate would represent a potential threat of injury to or loss/damage to property;

F. the likelihood that the candidate would represent a potential threat of injury to or loss/damage to persons;

G. the extent that the staff position involves being an exemplar to students and the potential for the presentation of a negative exemplar;

H. the manner in which the information came to the Corporation's attention, i.e., offered by the candidate or reported through an investigation.

The final decision concerning the employment (or possible discharge if the information comes to light after employment) will be made by the Superintendent.

In addition to the criminal history check, the Superintendent/designee will conduct the following or contract with a private service provider to conduct the following:

A. an Indiana expanded child protection index check as defined by I.C. 20- 26-2-1.3

B. an expanded child protection index check in other states

C. a search of the national sex offender registry maintained by the United States Department of Justice

D. a search of the State child abuse registry

E. telephone inquiry with former employer(s)

F. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred

G. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1

H. an Indiana Bureau of Motor Vehicles driver history if the position involves driving

An "expanded child protection index check" means:

A. an inquiry with the Department of Child Services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under I.C. 31-33-26- 2;

B. an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and

C. for a certificated employee, an inquiry with the Department of Education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

Background Checks for Corporation Employees

The Board requires that an expanded criminal history check be conducted for each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment every five (5) years.

The Superintendent shall require the Superintendent's Secretary to maintain a record of all existing employees stating the school year in which the required expanded criminal history check was completed and when the next expanded criminal history check is due.

The Corporation shall pay the costs associated with conducting the expanded criminal history check for all employees, provided the exclusive representatives of the Corporation's employees do not object.

Also, the Board requires that an expanded child protection index check be obtained for each Corporation employee every five (5) years. The Corporation shall pay the costs associated with obtaining the expanded child protection index check for employees. The Superintendent shall require the Superintendent's Secretary to maintain a record of all existing employees stating the school year in which the required expanded child protection index check was completed and when the next expanded child protection index check is due.

Additionally, the Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Superintendent has reason to believe that an employee or a candidate for employment:

A. is the subject of a substantiated report of child abuse or neglect or

B. has been charged with or convicted of an offense requiring license revocation per I.C. 20-28-5-8(c), unless the conviction has been reversed, vacated, or set aside on appeal; or

C. has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal.

If an administrator reports to the Superintendent that the administrator:

A. has been arrested or had criminal charges filed against him/her;

B. has been convicted of a crime; or

C. is the subject of a substantiated report of child abuse or neglect,

the Superintendent shall require the Director of School Safety to obtain a review of each reported arrest or charge, conviction or substantiated report of abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the administrator who was arrested or charged, convicted or the subject of a substantiated report of child abuse or neglect.

Offenses That Prohibit Employment

In accordance with Board policy, the Superintendent will prohibit the hiring of or require the termination of the employment of any individual who is convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) or an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal.

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ag1521A

REPORTS OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT AND ARREST

1521A - **REPORTS OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT AND ARREST**

Employees shall report their arrest or the filing of criminal charges against them, or their conviction for a crime to the Superintendent within forty-eight (48) hours of the arrest or the filing of criminal charges or the conviction. If the employee is held in custody for more than twenty-four (24) hours, the report shall be made within forty-eight (48) hours after the employee is released from custody.

Employees also shall report a substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within forty-eight (48) hours of the issuance of the report. If the employee does not receive notice of the issuance of the report until a later date, the employee must report the substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within forty-eight (48) hours of receiving notice of the report.

The arrest or the filing of criminal charges, or conviction need not automatically result in the suspension or termination of the employee unless it involves one of the offenses which prohibit employment listed below. The Superintendent may evaluate the circumstances of the arrest or charge(s) based upon the factors listed below for the evaluation of criminal convictions, plus the presumption of innocence afforded every person charged with a crime prior to conviction.

As used here, "crime" means an action initiated by the State of Indiana, another state, or the United States with a penalty that includes the possibility of a term of imprisonment. The term includes all prosecutions denominated as a felony or misdemeanor. Infractions such as speeding and other minor traffic infractions are not covered unless the job description for an employee's position includes operating a vehicle as an essential function. Any doubt about reporting a charge or arrest should be resolved in favor of reporting the offense.

If available, the evaluation of the charge(s), arrest, or conviction will be expedited if the employee provides the Superintendent a copy of:

A. the criminal charge(s), i.e., the information or indictment;

B. any probable cause affidavit filed with the charge;

C. the cause number and court in which the matter is pending;

D. any police report or accident report prepared by law enforcement; and

E. the court's entry of a criminal conviction against the employee.

In evaluating information surrounding the arrest, filing of criminal charges, or conviction, the Superintendent will take into account:

A. the relevance of the circumstances of the arrest, charge(s), or conviction to the qualification standards and essential functions of the position held by the employee;

B. how recently the behavior occurred and the behavior of the employee since that time;

C. whether the employee admits or denies the facts of the allegation;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and other employees that would result from an error in assessing the facts of the arrest, charge(s), or conviction;

G. the extent to which the position involves being an exemplar and the potential for the presentation of a negative exemplar to students; and

H. how the information came to the attention of the School Corporation, i.e., was it reported by the employee or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the employee will be permitted to continue to work while the charges are resolved in the trial court, and will recommend that the employee continue to work, be placed on administrative leave or suspension, or be terminated or recommended for termination. With respect to employees who are teachers, the principal or Superintendent, as appropriate, shall make the initial recommendation for termination, as required by State law.

A substantiated report of child abuse or neglect of which the employee is the subject need not automatically result in the suspension or termination of the employee. The Superintendent may evaluate the circumstances of the incident underlying the report based on the following factors:

A. the relevance of the circumstances of the incident underlying the report to the qualification standards and essential functions of the position held by the employee;

B. how recently the behavior occurred and the behavior of the employee since that time;

C. whether the employee admits or denies the facts of the report;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and other employees that would result from an error in assessing the facts of the incident underlying the report;

G. the extent to which the position involves being an exemplar and the potential for the presentation of a negative exemplar to students; and

H. how the information came to the attention of the Corporation, i.e., was it reported by the employee or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the employee will be permitted to continue to work while the Superintendent completes the investigation and will recommend that the employee continue to work or be placed on administrative leave or suspension. A substantiated report of child abuse or neglect of which the employee is the subject may result in the termination of the employee's employment. With respect to employees who are teachers, the principal or the Superintendent, as appropriate, shall make the initial recommendation for termination, as required by State law.

Offenses Which Prohibit Employment

In accordance with Board policy, the Superintendent will prohibit the hiring of or require the termination of the employment of any individual who is convicted of any of these offenses unless the conviction has been reversed, vacated, or set aside on appeal:

A. The following felonies:

1. A sex crime under I.C. 35-42-4 (including criminal deviate conduct (I.C. 35-42-4-2) (before its repeal)).

2. Kidnapping (I.C. 35-42-3-2).

3. Criminal confinement (I.C. 35-42-3-3).

4. Incest (I.C. 35-46-1-3).

5. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).

6. Dealing in methamphetamine (I.C. 35-48-4-1.1).

7. Manufacturing methamphetamine (I.C. 35-48-4-1.2).

8. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).

9. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).

10. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).

11. Dealing in a counterfeit substance (I.C. 35-48-4-5).

12. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).

13. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).

14. Homicide (I.C. 35-42-1).

15. Voluntary manslaughter (I.C. 35-42-1-3).

16. Reckless homicide (I.C. 35-42-1-5).

17. Battery as any of the following:

    a. A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

    b. A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

    c. A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

18. Aggravated battery (I.C. 35-42-2-1.5).

19. Robbery (I.C. 35-42-5-1).

20. Carjacking (I.C. 35-42-5-2) (before its repeal).

21. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).

22. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).

23. Human trafficking (I.C. 35-42-3.5).

24. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).

25. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.

26. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.

B. Public indecency (I.C. 35-45-4-1) committed:

1. after June 30, 2003; or

2. before July 1, 2003, if the person committed the offense by, in a public place:

a. engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5);

b. appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or

c. fondling the person's genitals or the genitals of another person.

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PROCEDURE FOR EVALUATING THE EFFECTIVENESS OF ADMINISTRATORS

1530 - **PROCEDURE FOR EVALUATING THE EFFECTIVENESS OF ADMINISTRATORS**

Board Policy 3220 requires that the effectiveness of all certificated employees, including certificated administrators, be evaluated in writing each school year. In compliance with this mandate, AG 3220A as well as the following procedures will be used for administrative evaluations:

A. A written evaluation will be provided each administrator according to a schedule determined by the Superintendent.

B. The written evaluation shall measure each administrator's effectiveness in meeting the qualification standards and performing the essential functions of the assigned position. The results of these evaluations shall be considered by the Superintendent and the Board when deciding whether to renew, to non-renew or cancel an administrator's contract.

At least thirty (30) calendar days prior to February 1st of the school year in which the administrator's contract will expire, the Superintendent or a designee shall complete a written evaluation of an administrator's effectiveness and provide a copy of the evaluation to the administrator. If the Board will consider non-renewal of the administrator's contract during the calendar year, the notice shall inform the administrator that the Board is considering a decision not to renew the administrator's contract; and the reasons for the consideration of non-renewal.

If the administrator files a request with the Superintendent for a private conference with the Superintendent not later than five (5) days after receiving the preliminary notice containing the Board's reasons for considering non-renewal, the administrator is entitled to a private conference with the Superintendent on the proposed non-renewal.

Following a private conference with the Superintendent, if the administrator files a request with the Superintendent as an agent for the Board for a private conference with the Board within five (5) days after the initial private conference with the Superintendent, the administrator is entitled to a private conference with the Board before being given written notice of refusal to renew the administrator's contract past the end of the school year on June 30. The preliminary notice from the Superintendent

required under this section must include the governing body's reasons for considering non-renewal of the administrator's contract.

The evaluation of an administrator's performance may not be based wholly on the I State-mandated assessment program scores of the students in the school(s) or program(s) administered by the administrator. However, the State-mandated assessment program scores of the students enrolled in the school(s) or program(s) administered by the administrator may be considered as one (1) of the factors in the evaluation of the administrator's overall performance.

Notice of the Board's decision to consider non-renewal of the Superintendent's contract or the contract of a Director of Special Education shall be given in writing in person or by registered mail before January 1 of the calendar year in which the contract will expire. If the Superintendent or Director of Special Education requests a hearing before the Board at least ten (10) days before the termination, the Board shall provide the requested hearing at an official meeting of the Board.

If the Board or its agents fail to give timely written termination notice to the Superintendent or Director of Special Education, the contract of the Superintendent or Director of Special Education shall be extended for twelve (12) months following the expiration date of the contract.

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T.C. 7/12/22

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ag1615

TOBACCO-FREE ENVIRONMENT

1615 - **TOBACCO-FREE ENVIRONMENT**

Curriculum and Resources

The Superintendent is tasked with the responsibility to evaluate the Corporation's efforts to discourage the use of tobacco by students and staff and formulate recommendations annually to the Superintendent regarding improvements to the in-school and after-school programs.

The Superintendent shall be responsible for the annual evaluation of resources available to support the Corporation's curricula whereby students are educated about the health hazards inherent in the use of tobacco and tobacco products. Resources selected for this purpose shall be evidence-based and, as such, shall be endorsed by the U.S. Department of Health and Human Services, the United States Centers for Disease Control and Prevention (CDC), the National Institute of Health, the National Cancer Institute, the American Cancer Society, or similar organizations.

Communications Plan

The Superintendent is responsible for posting signs that display the international symbol for "No Smoking" as well as the phrase "No Smoking" at the entrances to all facilities owned or leased or contracted for by the Board and at other locations within those facilities that are deemed appropriate by the Superintendent, and on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas on those campuses or grounds.

Each principal or site administrator shall include a link to the Board's policies that prohibit smoking by students, staff, and visitors on the home page of the website for their school or ancillary facility, and shall include either a link to the policies or the policies verbatim in handbooks that are published for students, parents, and staff. Copies of the policies shall be provided by staff in the office of that facility upon request of visitors, vendors, or parents.

The Superintendent shall include a link to the Board's policies that prohibit smoking by students, staff, and visitors on the home page of the Corporation's website and shall include the link where these policies can be accessed in any publication that includes reference to the Board's prohibition of smoking by students, parents, staff, visitors, and vendors.

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ag1619

BOARD-SPONSORED WELLNESS PROGRAM

1619 - **BOARD-SPONSORED WELLNESS PROGRAM**

The School Board sponsors a voluntary Wellness Program that is designed to promote health and prevent disease. The Program is available to only employees who participate in the Corporation's health insurance program.

The Wellness Program is a Participatory Program that strives to improve the health of or prevent disease in, participating individuals.

As addressed below, because the Wellness Program includes measurement, testing, screening, and/or collection of health-related information, the Program will provide participants with results, follow-up information, or advice designed to improve the participants' health.

Employees' spouses and other covered dependents may participate in the Wellness Program.

The Wellness Program provides educational health-related information and/or programs, including:

A. nutrition classes;

B. weight loss program;

C. smoking/tobacco cessation programs;

D. diagnostic testing programs that are not tied to outcomes;

E. on-site exercise facilities/discounted gym memberships;

F. coaching to help employees meet health goals.

A component of the Wellness Program involves employees participating in a health risk assessment (HRA) that involves the employees answering disability-related questions (i.e., completing a medical questionnaire) and/or undergoing a medical examination, such as biometric screening for risk factors (e.g., high blood pressure or cholesterol, diabetes, etc.).

To participate in the HRA, an employee must provide prior knowledge, voluntary and written authorization, to permit the Program to collect the medical information. The authorization form will describe the confidentiality protections and restrictions on the disclosure of genetic information.

The Board also provides an opportunity for an employee's spouse to voluntarily choose to answer questions about his/her health (i.e., completes a medical questionnaire) and/or to undergo a medical examination (e.g., to detect high blood pressure or high cholesterol) as part of his/her participation in the Wellness Program. All information obtained will be kept confidential and will not be used to discriminate against the employee.

The HRA must be administered in connection with the spouse's receipt of health or genetic services offered by the Board, including such services offered as part of the Wellness Program.

The Board will not deny access to health insurance or any package of benefits to an employee, or the spouse or other covered dependent of the employee, or retaliate against an employee, due to a spouse's refusal to provide information about his/her current or past health status as part of the Wellness Program.

Before participating in the HRA, the employee's spouse must provide prior knowledge, voluntary and written authorization, to the Board to collect the medical information. The authorization form will describe the confidentiality protections and restrictions on the disclosure of genetic information.

As stated above, the Wellness Program is strictly voluntary. As such, employees are not required to participate, the Corporation will not deny coverage under any of its group health plans or particular benefits packages within a group health plan for nonparticipation, and the Corporation will not limit the extent of benefits (except as provided herein) for employees who do not participate. Additionally, the Corporation will not take any adverse employment action or retaliate against, interfere with, coerce, intimidate, or threaten an employee based upon his/her participation or nonparticipation in the Program or failure to achieve certain health outcomes.

The Program is designed so that it is not overly burdensome, does not involve unreasonably intrusive procedures, or does not require employees to incur significant costs for medical examinations.

All medical information gathered as part of the Wellness Program will be kept confidential in accordance with the Americans with Disabilities Act (ADA).

The Corporation will provide participating employees with a clear, understandable written notice that 1) describes the type of medical information that will be obtained and the specific purposes for which the medical information will be used, and 2) describes the restrictions on the disclosure of the employee's medical information, the Corporation representative or other parties with whom the information will be shared, and the methods that the Corporation will use to protect the medical information so that it is not improperly disclosed.

The Board receives information collected by the Wellness Program only in aggregate form that does not disclose, and is not reasonably likely to disclose, the identity of specific individuals.

While an employee's child(ren) may participate in the Wellness Program, the Board will not inquire about the child(ren)'s current or past health status.

Furthermore, no employee or spouse of an employee is required to agree to the sale, exchange, sharing, transfer, or other disclosure of medical information (except to the extent permitted by Federal law and regulations to carry out specific activities related to the Wellness Program), including information about the manifestation of disease or disorder of the employee's family members, or otherwise waiving the protections afforded by the Americans with Disabilities Act (ADA) and/or Genetic Information Nondiscrimination Act (GINA) as a condition for participating in the Wellness Program or earning an incentive for participating.

The Wellness Program does not discriminate on the basis of disability. As such, employees will not be denied access to the Wellness Programs on the basis of disability and will be provided reasonable accommodations (e.g., adjustments or modifications) that allow them to participate regardless of any disability.

The Board will not deny access to health insurance or any package of benefits to an employee, or the spouse or other covered dependent of the employee, or retaliate against an employee, due to a spouse's refusal to participate in the Wellness Program.

As stated above, the Wellness Program is strictly voluntary. As such, employees are not required to participate, the Corporation will not deny coverage under any of its group health plans or particular benefits packages within a group health plan for nonparticipation, and the Corporation will not limit the extent of benefits (except as provided herein) for employees who do not participate. Additionally, the Corporation will not take any adverse employment action or retaliate against, interfere with, coerce, intimidate, or threaten an employee based upon his/her participation or nonparticipation in the Program.

The Program is designed so that it is not overly burdensome, does not involve unreasonably intrusive procedures, or does not require employees to undergo medical examinations.

While an employee's child(ren) may participate in the Wellness Program, the Board will not inquire about the child(ren)'s current or past health status.

Furthermore, no employee or spouse of an employee is required to agree to the sale, exchange, sharing, transfer, or other disclosure of medical information, including information about the manifestation of disease or disorder of the employee's family members, or otherwise waiving the protections afforded by the Americans with Disabilities Act (ADA) and/or Genetic Information Nondiscrimination Act (GINA) as a condition for participating in the Wellness Program or earning an incentive for participating.

The Wellness Program does not discriminate on the basis of disability. As such, employees will not be denied access to the Wellness Programs on the basis of disability and will be provided reasonable accommodations (e.g., adjustments or modifications) that allow them to participate regardless of any disability.

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FEDERAL GROUP HEALTH CONTINUATION (COBRA)

1621 - **FEDERAL GROUP HEALTH CONTINUATION (COBRA)**

Qualifying Event

A. A covered employee shall be offered the opportunity to continue the School Corporation's group health coverage if the employee loses coverage under the Plan upon either of the following "qualifying events":

1. voluntary or involuntary termination of employment for reasons other than "gross misconduct"

   Gross misconduct may be intentional, wanton, willful, deliberate, reckless, or in deliberate indifference to the Corporation's interests. It is misconduct beyond mere minor breaches of employee standards, but conduct which would be considered gross in nature.

2. reduction in the number of hours of employment

B. The spouse of a covered employee may continue the Corporation's group health coverage if the spouse loses coverage under the Plan because of any of the following "qualifying events":

1. termination of the covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. divorce or legal separation with the covered employee

Also, if the employee reduces or eliminates group health coverage in anticipation of divorce or legal separation, then divorce or legal separation may be considered to be a qualifying event even though the spouse's coverage was reduced or eliminated prior to the divorce or legal separation.

4. death of the covered employee

C. Dependent children may continue the group health coverage if the dependent child loses coverage under the Plan because of any of the following "qualifying events":

1. termination of covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. loss of "dependent child" status under the Plan rules

Under the Patient Protection and Affordable Care Act, the Plan must offer coverage for an adult child until the child attains age twenty-six (26).

4. divorce or legal separation of the covered employee

5. death of the covered employee

Notification by Qualified Beneficiaries

Qualified beneficiaries are required to notify the Plan Administrator of the following qualifying events in order to be eligible for COBRA continuation coverage: (a) divorce or legal separation of the employee and spouse; and (b) loss of eligibility for coverage of a dependent child. The qualified beneficiary is required to notify the Plan Administrator in writing of these events within sixty (60) days of the later of: (a) the

date of the qualifying event; or (b) the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the Plan as a result of the qualifying event. Failure to comply with these rules will result in forfeiture of any COBRA continuation coverage.

COBRA Election

Qualified beneficiaries are required to elect COBRA continuation coverage within the sixty (60) day election period set forth in the Plan's COBRA election notice. Qualified beneficiaries have the right to elect to continue coverage that is identical to the coverage provided under the Plan. If a COBRA beneficiary does not elect COBRA continuation coverage within the sixty (60) day election period, then the COBRA beneficiary will forfeit his/her right to elect COBRA.

Other Options for Qualified Beneficiaries

In lieu of electing COBRA continuation coverage, qualified beneficiaries may wish to pursue coverage through the health insurance marketplace established by the Patient Protection and Affordable Care Act ("ACA"). In some cases, individuals may receive significant subsidies towards the cost of coverage under the health insurance marketplace. These subsidies may make ACA marketplace coverage significantly less expensive than COBRA continuation coverage. Qualified beneficiaries may also wish to explore whether coverage under another employer group health plan or Medicaid is possible.

Termination of COBRA Coverage

COBRA continuation coverage generally lasts for eighteen (18) months. For example, if coverage is lost because of termination of employment or reduction of hours, the employee generally may elect COBRA for a maximum of eighteen (18) months.

However, there are a few exceptions to this rule. If Plan coverage was lost as a result of death of an employee, divorce or legal separation, or loss of eligibility for coverage as a dependent child, COBRA coverage can continue for a maximum of thirty-six (36) months. If a qualified beneficiary is determined under Tile II or Title XVI of the Social Security Act to have been disabled before the sixtieth (60th) day of continuation coverage and the qualified beneficiary properly notifies the Plan Administrator of the disability determination, the eighteen (18) month period is expanded to twenty-nine (29) months. If a second qualifying event occurs while receiving COBRA coverage and the qualified beneficiary properly notifies the Plan Administrator, COBRA coverage may continue for a maximum of thirty-six (36) months.

COBRA coverage under a health flexible spending account can last only until the end of the year in which the qualifying event occurred.

Coverage for qualified beneficiaries may end prior to the end of the maximum coverage period if:

A. premiums are not paid on a timely basis;

B. Corporation ceases to maintain the group health plan;

C. coverage is obtained with another employee group health plan that does not contain any exclusion or limitation with respect to any pre-existing condition (note that the Patient Protection and Affordable Care Act eliminated pre-existing exclusion conditions in most groups health plans);

D. a qualified beneficiary becomes entitled to Medicare benefits;

E. during a disability extension period, the disabled qualified beneficiary is determined by the Social Security Administration to be no longer disabled.

A qualified beneficiary is required to notify the Corporation in writing if the qualified beneficiary becomes eligible for Medicare or becomes covered under another group health plan. In addition, if a disabled qualified beneficiary is determined by the Social Security Administration to no longer be disabled, the qualified beneficiary must notify the Corporation of the fact within thirty (30) days after the Social Security Administration’s determination.

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ag1623A

SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

1623A - **SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The School Board prohibits discrimination against any employee or applicant based on a disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

A. recruitment, advertising, and job application procedures;

B. hiring, upgrading, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

C. rates of pay or any other form of compensation or benefits;

D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

E. leaves of absence, sick leave, or any other leave;

F. fringe benefits available by virtue of employment, whether or not administered by the School Corporation;

G. selection and financial support for training, including: apprenticeships, administrative meetings, conferences and other related activities, and selection for leaves of absence to pursue training;

H. activities sponsored by the Board, including social and recreational programs; and

I. any other term, condition, or privilege of employment.

The Corporation will provide reasonable accommodation to a qualified applicant and employee who has an actual disability that is needed for the employee/applicant to perform the essential functions of the position, or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's programs and/or activities or create a direct threat. A direct threat is a significant risk of substantial harm to the health or safety of the employee/applicant or others that cannot be eliminated or reduced by reasonable accommodation. A reasonable accommodation is not required for an individual who is regarded as having a disability but does not have a disability.

An individual with a disability is anyone who:

A. **has** a physical or mental impairment that substantially limits one or more major life activities ("actual disability") when mitigating measures or reasonable accommodations are not in place;

B. **has a record of having** a physical or mental impairment that substantially limits one or more major life activities; or

C. **is regarded as having** a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the Board as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic,

musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological

2. musculoskeletal

3. special sense organs

4. respiratory, including speech organs

5. cardiovascular

6. reproductive

7. digestive

8. genitourinary

9. hemic and lymphatic

10. skin

11. immune

12. circulatory

13. endocrine

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a practical matter, they almost always will be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia substantially limit brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services" learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 specifically **excludes**):

A. individuals who currently are engaging in the illegal use of drugs, when the Board acts on the basis of current use or impairment on the job rather than past use;

B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others;

C. with respect to employment, an individual who currently has a contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job;

D. an individual on the basis of homosexuality or bisexuality; and

E. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders

2. compulsive gambling, kleptomania, or pyromania, or

3. psychoactive substance use disorders resulting from current use of illegal drugs

Individual with a disability includes an individual who:

A. has completed a supervised drug rehabilitation program successfully and is no longer engaging in the use of illegal or unprescribed prescription drugs or otherwise has been rehabilitated successfully and is no longer engaging in such use;

B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or

C. is erroneously regarded as engaging in the use of illegal drugs but is not engaging in such use.

Notice

Pursuant to Policy, the identity of the Corporation's Compliance Officers (COs) will be published on the Corporation's website and posted throughout the Corporation and included in all recruitment statements or general information publications.

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement:

The Board does not discriminate against individuals with disabilities in employment or the provision of services.

The requirement regarding recruitment materials may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The School Board of the Greensburg School Corporation does not discriminate on the basis of race, color, national origin or ancestry, sex, religion, age, disability, or genetic information in employment or the provision of services.

The Board also will include a notice of reasonable accommodation requirements on Corporation employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the Corporation's Section 504/ADA Coordinator(s) (hereinafter referred to as the Compliance Officer(s)).

Decision-Making Process for Determining/Identifying Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the Corporation will take into account two (2) factors:

A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and

B. the qualification standards and essential functions of the particular job.

If an applicant or employee is not able to perform marginal or non-essential functions of a position, those functions shall be reassigned, eliminated or modified and shall not serve as a barrier or impediment to employment, continued employment, or promotion. Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The COs and other supervisory employees will engage the individual with the disability in an interactive dialogue as to any possible suggestions the individual may have for changes or adjustments that will serve as an effective reasonable accommodation. The Corporation recognizes that employees with disabilities can be useful sources of information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the Corporation will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation. The interactive process may include any of the following steps, as appropriate:

A. Examination of the particular job involved and determination of its purpose and essential functions. The Corporation will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job. Preferably, a written job description already will be in place that lists the essential functions of the job.

B. Then the Corporation will consult with the individual with a disability to find out the individual's specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties to identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.

C. In consultation with the individual, the Corporation will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

D. If the parties still are not able to identify an appropriate accommodation, the Corporation will seek technical assistance.

E. If there are several effective accommodations, the Corporation will select the accommodation that best serves the needs of the individual and the Corporation. While the Corporation will give the individual with a disability's preference first consideration, the Corporation may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The Corporation may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The Corporation does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The Corporation will not implement an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitations. The Board will respect an individual with a disability's right not to accept an accommodation if the individual has not requested it and does not feel one is necessary.

However, if this results in the individual failing to perform essential functions of the individual's position, the individual may be considered unqualified to perform the essential functions of the position and either may be refused employment or discharged.

The Corporation may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship or a direct threat. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation.

Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the Corporation will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the Corporation will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a requested accommodation will be in writing and accompanied by an explanation of the decision. Reasonable accommodations may include:

A. Making facilities used by employees readily accessible to and usable by individuals with disabilities.

B. Job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the Board's program or activity include:

A. the overall size of the Board's program or activity with respect to number of employees, number and type of facilities, and size of budget;

B. the type of the Board's operation, including the composition and structure of the Board's workforce; and

C. the nature and cost of the accommodation needed.

Employment Criteria

The Corporation will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities,

on the basis of disability, unless the standard, test or other selection criteria, as used by the Corporation, is job-related for the position in question and consistent with business necessity.

The Corporation will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or communications skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test measures, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills except where those skills are the factors that the test measures.

Pre-employment Inquiries

Except as authorized by law, the Corporation will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The Corporation will, however, make pre-employment inquiry into an applicant's ability to perform the position's essential functions - this includes requesting the applicant to describe or demonstrate how s/he would perform the essential functions.

The Corporation may give a physical agility test at any point in the application or employment process if the test(s) measure ability to perform one or more essential functions of the position with reasonable accommodation. When the Board decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

A. allowing people with certain learning or dexterity disabilities to take extra time on a test;

B. assuring the test site is accessible to a person with a mobility impairment;

C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the performance of an essential function of the position; and

D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the Corporation conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the Corporation will:

A. subject all entering employees to such an examination regardless of disability, and

B. use the results of the examination only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the Corporation to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be filed separately from other personnel file information and accorded confidentiality as medical records, except that:

A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and necessary accommodations;

B. first aid and safety personnel may be informed when appropriate, if the condition might require emergency treatment; and

C. government officials investigating compliance with the ADA as amended, Section 504, the Genetic Information Nondiscrimination Act ("GINA"), or similar Indiana laws or local ordinances shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications likewise are prohibited as subjects of inquiry during job interviews. The Corporation's agents, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as they do not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether or not the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will perform the job-related functions. Any questions concerning the need for reasonable accommodation always should be linked with performance on a specific job function. The interviewer never should ask an open-ended question such as "Will you need a reasonable accommodation?"

Interviews are to focus their inquiry on **how** applicants will perform the essential functions rather than on eliciting information about the applicant's physical or mental condition.

According to the Federal Equal Employment Opportunity Commission ("EEOC"), the following are examples of questions that **cannot** be asked on a job application or during an interview:

A. Have you ever had or been treated for any of the following conditions or diseases?

B. Please list any conditions or diseases for which you have been treated in the past three (3) years.

C. Have you ever been hospitalized? If so, for what condition?

D. Have you ever been treated by a psychiatrist or psychologist? Is so, for what condition?

E. Have you ever been treated for any mental condition?

F. Is there any health-related reason you may not be able to perform the job for which you are applying?

G. Have you had a major illness in the last five (5) years?

H. How many days were you absent from work because of illness last year (unless consistent reliable attendance on scheduled work days is a qualification standard for the position)?

I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?

J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?

K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask an applicant's employment or personal reference questions about an applicant that they could not ask the applicant directly (i.e. previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that **can** be asked:

A. Can you meet the requirements of our attendance policy?

B. The essential functions of the position. Can you perform these essential functions of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? Such a question can be asked of applicants who have an observable impairment (e.g., confined to a wheelchair) that might prevent them from performing a job function. If the

disability would not interfere with a job function, however, the person could be asked to demonstrate job performance only if all other candidates must do so.

If an applicant indicates the applicant has performed a particular function with an accommodation, the interviewer may follow-up to inquire about it.

In circumstances in which a committee of other employees, parents, students, or community members participate in interviewing an applicant for employment, transfer, or promotion, the Corporation's senior administrator participating in the interview shall advise the member of the committee of the nature of impermissible and permitted questions that can be asked of an applicant.

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FMLA LEAVE

1630.01 - **FMLA LEAVE**

Definitions Applicable to FMLA Leave

The term "child" (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term "incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the "activities of daily living" (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or "instrumental activities of daily living" (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is "unable to perform the functions of his/her position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. **Military Caregiver Leave**

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single 12-month period," to care for a covered service member with a serious injury or illness. The "single 12-month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use his/her entire twenty-six (26) work weeks leave entitlement during the "single 12- month period" of leave, the remaining work weeks of leave are forfeited.

For purposes of Military Caregiver Leave, the covered service member may be a (1) current member of the Armed Forces (including a member of the National Guard or 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, or (2) 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) and was discharged or released under conditions other than dishonorable at any time during the period of five (5) years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the Armed Forces and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the determination of the five-year period for covered veteran status.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means 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 the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is (1) 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 service member unable to perform the duties of the service member’s office, grade, rank, or rating; (2) 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 fifty percent (50%) or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; (3) 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 (4) 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.

The term "son or daughter of a covered service member" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents "in- law.")

The term "next of kin" means the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each "single 12- month period."

Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a "single 12-month period," and then take another twenty-six (26) work weeks of leave in a different "single 12-month period" to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single 12-month period" for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and s/he has a serious health condition.

B. **Qualifying Exigency Leave**

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's **short-notice deployment** (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.

2. **Military events and related activities,** such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain **childcare and related activities** arising from a qualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).

4. Making or updating **financial and legal arrangements** to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member’s representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member’s covered active duty status.

5. Attending **counseling** provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military members stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

6. Taking up to **fifteen (15)** days of leave to spend time with a qualifying family member who is on short-term, temporary, **rest and recuperation** leave during the deployment.

7. Attending to certain **post-deployment activities,** including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.

8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. "Incapable of self- care" means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes (1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; (2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; (3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and (4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.

9. Any other event that the employee and the Board agree is a qualifying exigency.

The term "qualifying family member" for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

The term "covered active duty" or "call to covered active duty status" for purposes of Qualified Exigency Leave means duty for a member of the Regular Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency

operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

The term "son or daughter" means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term "parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include "parents in-law.")

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the Superintendent a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form (WH-380-F; "Certification of Health Care Provider for Family Member's Serious Health Condition").

Eligible employees who apply for FMLA leave for the employee's own serious health condition must submit DOL Form (WH-380-E; "Certification of Health Care Provider for Employee's Serious Health Condition").

The Superintendent shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the Corporation can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form (WH-385; "Certification for Serious Injury or Illness of Covered Service Member – for Military Family Leave" or WH-385-V, "Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave). The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the Corporation will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The Corporation will also accept, with respect to Military Caregiver Leave, documentation indicating the service member’s enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the Superintendent may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran’s discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to his/her health care provider a HIPAA-compliant release form.

If the Superintendent deems a medical certification to be incomplete or insufficient, the Superintendent shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The Superintendent (i.e., the Board's health care provider, human resource professional, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

Employees who take leave for the employee's own serious health condition, prior to returning to work, must submit to the Superintendent a "Fitness-for-Duty Certification". Again, the employee will need to have executed and provided to his/her Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for Qualifying Exigency Leave must submit DOL Form WH-384; "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;
- the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;
- where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;
- appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member’s Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Superintendent may verify the schedule and purpose of the meeting with the third party. Also, the Superintendent may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the Corporation provides the employee with the applicable DOL Form unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement.

Corporation Notices to Employee (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in the Employees Rights and Responsibilities Notice changes, the Superintendent will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The Superintendent is charged with responsively answering questions from employees concerning their rights and responsibilities.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the Superintendent will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced schedule leave basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the Corporation uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the Corporation's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

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FMLA RECORDKEEPING REQUIREMENTS

1630.01B - **FMLA RECORDKEEPING REQUIREMENTS**

The Superintendent is responsible for making, keeping, and preserving all relevant records pertaining to the School Board's obligations under the FMLA in accordance with the recordkeeping requirements of Section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with the final regulations applicable to the FMLA. Specifically, the Superintendent is charged with keeping/preserving the records identified below in accordance with the Corporation's Records Retention Schedule (see AG 8310A), and under no circumstances shall said records be kept for less than three (3) years. The records shall be available for inspection, copying, and transcription by representatives of the Department of Labor upon request.

The Superintendent shall maintain records that disclose the following:

A. Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

B. Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or a Board plan which is not also covered by FMLA.

C. If FMLA leave is taken by eligible employees in increments of less than one (1) full day, the hours of the leave.

D. Copies of employee notices of leave furnished to the Corporation under FMLA, if in writing, and copies of all written notices given to employees as required under the FMLA and its implementing regulations (see 29 C.F.R. Section 825.300(b) through (c)). Copies may be maintained in employee personnel files.

E. Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.

F. Premium payments of employee benefits.

G. Records of any dispute between the Corporation and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the Superintendent or employee of the reasons for the designation and for the disagreement.

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files. If the Genetic Information Nondiscrimination Act of 2008 (GINA) is applicable, records and documents created for purposes of FMLA leave containing family medical history or genetic information as defined by GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA (29 C.F.R. 1635.9), which allow for disclosure consistent with FMLA requirements. If the ADA, as amended, is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 C.F.R. 1630.14(c)(1)), except that:

A. supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;

B. first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

C. government officials investigating compliance with FMLA (or other pertinent laws) shall be provided relevant information upon request.

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ag1662

ANTI-HARASSMENT

1662 - **ANTI-HARASSMENT**

These administrative guidelines are established to assist in the proper implementation of Policy 1662.

Notice of the School Board's anti-harassment policy and the identity of the Compliance Officers (COs) shall be posted throughout the School Corporation and published in any Corporation statement regarding the availability of employment, in any staff handbooks, in general information publications of the Corporation as required by Federal and State law and this guideline and on the Corporation website.

Prohibited Behavior

A. Conduct constituting sexual harassment, consistent with Title VII of the Civil Rights Act of 1964, may take different forms, including, but not limited to the following:

1. **Verbal:**

   The making of offensive written or oral sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward a staff member by a fellow staff member, student, other member of the Corporation community, or Third Parties.

2. **Nonverbal:**

   Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the work environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to a staff member by a fellow staff member, student, other member of the Corporation community, or Third Parties.

3. **Physical Contact:**

   Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body of, or coerced sexual activity with a staff member by a fellow staff member, student, other member of the Corporation community, or Third Parties. With

respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by Corporation employees or other adult members of the Corporation community.

Pursuant to Policy 1662 - Anti-Harassment, sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this administrative guideline. Allegations of such conduct shall be addressed solely by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

B. Conduct constituting harassment on the basis of race, color, national origin, religion, disability, or genetic information may take different forms, including but not limited to the following:

1. **Verbal:**

The making of offensive written or oral innuendos, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, religious beliefs, disability, or genetic information.

2. **Nonverbal:**

Placing offensive objects, pictures, or graphic commentaries in the school or work environment or making insulting or threatening gestures based upon a person's race, color, national origin, religious beliefs, disability, or genetic information.

3. **Physical:**

Any intimidating or disparaging action such as hitting, pushing, shoving, hissing at, or spitting on a staff member, student, other member of the Corporation community or Third Parties by a fellow staff member, student, other member of the Corporation community, or Third Parties, based upon the person's race, color, national origin, religious beliefs, disability, or genetic information.

Investigation and Complaint Procedures (See Form 1662 F1)

In determining whether alleged conduct constitutes a violation of Policy 1662, the following factors will be considered:

A. the nature of the behavior;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the race, color, national origin, sex, religion, age and/or disability of the Complainant, and in case of genetic information harassment, the genetic information of the employee Complainant;

F. the identity of the Respondent, including whether the Respondent was in a position of power over the Complainant;

G. the number of Respondent(s);

H. the age of the Respondent(s);

I. where the harassment occurred;

J. whether there have been other incidents in the school involving the same or other individuals;

K. whether the conduct adversely affected the person's work or educational performance or environment;

L. the context in which the alleged incidents occurred; and

M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution.

Whether a particular action or incident constitutes a violation of Policy 1662 requires a determination based on all the facts and surrounding circumstances.

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ag1662A

REPORTING THREATENING AND/OR INTIMIDATING BEHAVIORS

1662A - **REPORTING THREATENING AND/OR INTIMIDATING BEHAVIORS**

Threatening or intimidating behavior may take different forms, including but not limited to the following:

A. face-to-face encounters in which words are used that indicate to the staff member that the staff member's safety and well-being are in jeopardy

B. written communications that include comments toward the staff member or the staff member's family which are disparaging or imply or state explicitly that the staff member and/or the staff member's family may be subject to some form of physical or psychological abuse or violence

C. written or spoken comments to a staff member which could subject the staff member to blackmail or extortion

D. written or spoken communication that implies or explicitly states that some form of damage may be done to the staff member's property or that of the staff member's family

E. written or spoken communication that causes a dwelling, a building, another structure, or a vehicle to be evacuated

Definitions

Words used in this administrative guideline shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges or is alleged to have been subjected to harassing, threatening, and/or intimidating behavior, regardless of whether the person files a formal complaint or

is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who is alleged to have engaged in harassing, threatening, and/or intimidating behavior, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged harassment.

Corporation community means students, Corporation employees (i.e., administrators and professional and classified staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include but are not limited to guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day that the Corporation office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Any staff member who believes that the staff member is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, other member of the Corporation community, or Third Parties, promptly should take the following steps:

A. If the Respondent is the staff member's Principal or a member of the central office staff, as soon as possible after the incident, contact the Superintendent or the Corporation's Compliance Officer (See Policy 1662 - Anti-Harassment).

B. If the Respondent is not the staff member's Principal or a member of the central office staff, as soon as possible after the incident, the Complainant should contact the Complainant's Principal or the Corporation's Compliance Officer.

C. The Principal, Superintendent, or Compliance Officer who has received the report of alleged threat or intimidation shall make an oral report immediately to the local law enforcement agency.

The staff member reporting the incident to the Principal, Superintendent, or Compliance Officer should provide the name of the person(s) whom the staff member believes to be responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report is to be prepared promptly by the Principal, Superintendent, or Compliance Officer receiving the report, and the Principal or Compliance Officer shall forward it to the Office of the Superintendent.

Each report received by the Principal, Superintendent, or Compliance Officer shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the subject outside of the investigation.

The purpose of this provision is to:

A. protect the confidentiality of the staff member who files a complaint, except that a Respondent must be informed of the Complainant's identity;

B. encourage the reporting of any incidents of threats or intimidation;

C. protect the reputation of any party wrongfully charged with threatening or intimidating conduct.

Investigation of a complaint normally will include conferring with the parties involved and any named or apparent witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, then prompt, appropriate, remedial and/or disciplinary action will be taken to prevent the continuance of the threat or its recurrence.

The Corporation recognizes that determining whether a particular action or incident is a threat must be based on all of the facts in the matter. Given the nature of this type of intimidation, the Corporation recognizes that false accusations of a threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against fellow staff members, students, or others associated with the Corporation.

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ag2210A

CURRICULUM DEVELOPMENT

2210A - **CURRICULUM DEVELOPMENT**

The Corporation's curriculum development will be managed through the leadership of the Superintendent.

A. Responsibilities

1. Continually evaluate selected areas of the Corporation's curriculum.

2. Establish priority areas for revision.

3. Establish working committees in the selected areas.

4. Determine how best to implement a newly developed or revised course of study including faculty orientation.

5. Develop or advise on in-service programs and seminars needed to strengthen and enrich the Corporation's program.

B. Composition (if committee)

1. Superintendent of Schools - (ex officio)

2. One (1) principal (All principals are invited to participate.)

3. One (1) teacher from each school (or grade level)

4. One (1) representatives from Special Education Department

Guidelines for Program Development

In developing or redesigning a learning program, a working committee should use the following questions as planning guidelines to prepare each component designated by the Board in its curriculum policy:

Component #1 - Intended Program Outcomes (Applied Learning)

What are the expected results of this program? and/or

What will students be able to accomplish as a result of properly completing this program? and/or

What kinds of "products" or performances will a student be able to produce or what kinds of situations will a student be able to effectively deal with through integration and application of the knowledge, attitudes, and skills this program should develop?

Component #2 - Intended Learnings (Knowledge, Attitudes, Skills)

SKILLS

What are the skills needed to accomplish the program outcome?

Which are new skill areas and which are applications of skills learned earlier?

What are the standards (result, time, process, etc.) for performance of each skill needed by the student in order to accomplish the intended program outcome?

How will the skills be sequenced?

What will be the means for initial assessment of each skill?

Is the means both reliable and valid?

ATTITUDES

What particular actions must a student be willing to take consistently, if s/he is to accomplish what this program intends?

Which of these are applications of previously formed attitudes and which need to be developed in this program?

KNOWLEDGE

What concepts and cause/effect principles must a student be able to use in order to accomplish the intended program outcomes? Which of these should the student already have learned? Which will need to be learned or extended during this program? What level of understanding of each is needed for a student to accomplish the program outcomes?

Component #3 - Learning Activities

SKILLS

What will be the nature and frequency of practice? What opportunities will be provided for the student(s) to critique performance of each skill against the established standards?

ATTITUDES

What will be the means for initial assessment? What activities will be needed to reinforce the current attitudes?

What activities will be needed to develop the new attitudes?

What opportunities will be provided for the student(s) to assess progress in forming/applying these attitudes?

KNOWLEDGE

What will be the means for initial assessment?

Is this means both reliable and valid?

What activities are needed for the student to form or extend his/her understanding of the concepts and cause/effect principles?

What will be done to provide evidence that the student has developed the necessary level of understanding?

ROTATION

How will the activities be rotated within a unit between introduction, data-gathering, processing of information, synthesis, and application to ensure maximum opportunity for a student to develop the intended learnings?

What are the contingencies when a student fails to accomplish the intended learning(s)?

How will the components of the program be sequenced?

Is the particular sequence critical to the outcomes or are variations appropriate? If so, what are some of the feasible, appropriate variations in sequence?

Component #4 - Methods of Instruction

What particular instructional strategies are needed for students to develop each type of learning and then make appropriate applications?

Which of these strategies and techniques are the instructors currently able to employ at the needed proficiency level?

What kind of assistance will be provided either through the program or through staff development?

Will staff development sessions be provided or are instructors expected to make program applications of the strategies on their own?

Component #5 - Materials and Resources

What materials/resources will be used to provide students with the information needed to develop the knowledge, attitudes, and skills?

Will texts and other selected materials/resources be analyzed to ensure they contain the appropriate information for these particular learnings?

To what extent do the materials/resources allow the student to develop and apply his/her own learning as opposed to memorizing those of the author?

Do the materials/resources meet the selection criteria for texts and other learning resources established in the Corporation's AG 2510 and AG 2520?

Component #6 - Evaluation

See guidelines for Program Evaluation in AG 2605.

Component #7 - Financial Needs and Constraints

How clearly did the actual costs of development/revision match the budgeted costs?

Will the costs for implementation stay within those in current and estimated budgets?

Introduction of New and Revised Courses of Study and Course Guides

In planning for the introduction of a new or revised course of study, it is essential that teachers are properly oriented and prepared to make effective use of the course. In-service programs, provided by Corporation personnel or outside consultants, should include activities related to both the use of the course and the criteria and standards required for proper evaluation of both student outcomes and course utilization.

Supervision of Courses of Study

The primary responsibility for the supervision of instruction rests with the individual building principal in accordance with Board policies and administrative guidelines related to the Corporation's curriculum. The Superintendent shall be available at the request of the principal to assist in the proper utilization of courses of study. Principals and other supervisory personnel are to monitor how well each teacher is using the courses of study, help them overcome any difficulties they are encountering, and obtain their suggestions for improvement of the courses. All such suggestions are to be submitted to the building principal.

ag2210C

ASSESSING THE CORPORATION'S LEARNING PROGRAMS

2210C - **ASSESSING THE CORPORATION'S LEARNING PROGRAMS**

There is a continuing need to assess the courses of study and other programs that comprise the learning plan for the Corporation. Knowing the strengths and weaknesses of the total curriculum and of each learning program is the first step in producing a quality revision or update.

Scope and Sequence

It is essential that, periodically, an analysis be done of the learning objectives for each subject and skills area to ensure that:

A. the learning objectives (intended learnings) for each grade or level are building cumulatively toward student accomplishment of the learning outcomes at each grade or level and for the entire curriculum area;

B. there are no gaps in the learning objectives that would inhibit a student from accomplishing the learning outcomes;

C. there are no unnecessary duplications or redundancies in the learning objectives or the learning outcomes.

Learning Programs (Courses of Study)

Prior to a working committee undertaking the revision of a course of study or any other learning program offered by the Corporation, the committee should use Form 2210C F1 to conduct an analysis of each of the six (6) components that should comprise any effective program or course. These components are:

A. EXPECTED LEARNING OUTCOMES;

B. INTENDED LEARNINGS;

C. LEARNING ACTIVITIES;

D. METHODS OF INSTRUCTION;

E. MATERIALS AND RESOURCES;

F. ASSESSMENT.

If the assessment is conducted properly, it should yield valuable information about both the strengths and weaknesses of the program. This information can then serve as a guide to the revision process along with other guidelines provided in AG 2210 and AG 2605.

ag2210E

COMMITTEES WITH FACULTY MEMBERS

2210E - **COMMITTEES WITH FACULTY MEMBERS**

Whenever a working or advisory committee is established to assist the Corporation in the operation of the educational program, the selection of faculty members to serve on the committee shall be done in one of two ways:

A. All faculty member appointments are made by the bargaining unit.

B. All faculty member appointments are made by the appropriate administrator after consultation with the Superintendent.

If a working or advisory committee is composed of faculty members selected by an administrator and the subject of the committee is a mandatory subject for discussion, s/he shall be responsible for ensuring that the committee works concurrently with the Corporation's Discussion Committee or provides an appropriate opportunity for the Discussion Committee to have input into the work of the committee. This means that all information shared with the advisory or working committee is shared with the Discussion Committee, both committees meet the same number of times, and that the Discussion Committee has an equal opportunity to develop and present proposals for consideration by the administration and/or the School Board.

ag2220A

CORE 40 CURRICULUM

2220A - **CORE 40 CURRICULUM**

The following is the list of courses that constitute the Indiana Core 40 curriculum which leaders from education, government, business, and labor believe students should complete in order to be able to meet the challenges of the twenty-first century.

Although not required for graduation, these leaders recommend that all high school students attempt to complete this curriculum.

I. **ACADEMIC CORE**

26-28 credits distributed as shown

LANGUAGE ARTS 8 credits in literature, composition, and speech

MATHEMATICS 6 to 8 credits from this list:

Algebra I, Geometry,
Algebra II, Trigonometry, Calculus
Discrete Mathematics, Statistics and Probability

SCIENCE 6 credits in laboratory science, including:

2 in Biology
2 in Chemistry or Physics, or Integrated Chemistry-Physics
2 additional credits from Chemistry, Physics,
Earth/Space Science, Advanced Biology,

Advanced Chemistry, Advanced Environmental Science, or Advanced Physics

SOCIAL STUDIES 6 credits distributed as follows:

2 in U.S. History
1 in U.S. Government 1 in Economics
1 in World History or Geography
1 additional Social Studies credit

II. ***DIRECTED ELECTIVES***

8 credits from the preceding or following subject areas

FOREIGN LANGUAGE Chinese, French, German, Italian, Japanese, Latin, Russian, Spanish, etc.

FINE ARTS Art, Theater, Music

COMPUTERS Computer Applications, Computer Programming

TECH CAREER AREA At least 6 credits in a logical sequence from a technical career cluster

III. **HEALTH, PHYSICAL EDUCATION, SAFETY**

2 credits

Basic Physical Education 1 credit (two semesters)

Health & Safety 1 credit (one semester)

IV. **ELECTIVES**

2 to 4 more credits from any courses offered for high school credit

ag2221

MANDATORY CURRICULUM

2221 - **MANDATORY CURRICULUM**

The following administrative guidelines should be followed to prepare, implement, and supervise courses of instruction in the following areas as mandated by the Indiana Code and the regulations of the State Department of Education.

A. **Display of United States Flag; Pledge of Allegiance**

The Principal will make sure that the United States flag is displayed in each classroom in their building. The Principal will provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance and to participate in a moment of silence in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

1. the student chooses not to participate; or

2. the student's parent chooses not to have the student participate.

B. **Constitutions; Interdisciplinary Course**

The Principal will make sure that instruction is provided to students in grades 6 through 12 on the constitutions of:

1. Indiana; and

2. the United States.

Elementary School Principals will make sure that instruction on the Constitutions is included as a part of American history.

Failure of Principals and teachers to comply with the requirement to provide instruction on the Constitutions of the United States and Indiana constitutes misconduct in office under I.C. 20-28-5-7.

High School Principals will make certain that instruction on the Constitutions is included as part of civics or another course, consistent with any rules issued by the State Board of Education. High school principals will include in the curriculum a required course that is not less than one (1) year of school work in the following aspects of the Constitutions of Indiana and the United States:

1. historical;

2. political;

3. civic;

4. sociological;

5. economical; and

6. philosophical

and that uses the appropriate course outlines and necessary curricular materials for uniform instruction as prescribed by the State Board of Education.

High school students may not receive a diploma unless they successfully complete the interdisciplinary course described above.

C. **Protected Writings, Documents, and Records of American History or Heritage**

1. the Constitution of the United States;

2. the national motto;

3. the national anthem;

4. the Pledge of Allegiance;

5. the Constitution of the State of Indiana;

6. the Declaration of Independence;

7. the Mayflower Compact;

8. the Federalist Papers;

9. “Common Sense” by Thomas Paine;

10. the writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States;

11. United States Supreme Court decisions;

12. Executive orders of the presidents of the United States;

13. Frederick Douglas’ Speech at Rochester, New York, on July 5, 1852, entitled “What to a Slave is the Fourth of July?”;

14. Appeal by David Walker; and

15. Chief Seattle’s letter to the United States government in 1852 in response to the United States government’s inquiry regarding the purchase of tribal lands.

A Principal or teacher may read or post any excerpt or part of a protected writing, document, or record in a school building or classroom or at a school event.

Content-based censorship of American history or heritage based on religious references in a protected writing, document or record is prohibited.

Principals will make sure that their building library, media center, or equivalent facility maintained for student use contains in its permanent collection at least one (1) copy of each of the protected writings, documents, and records listed in 1. through 9. above.

Students will be allowed to include a reference to a protected writing, document or record in a report or other work product. Students may not be punished in any way, including a reduction in grade, for using such a reference.

D. **System of Government; American History**

Principals will make sure that all students in grades 6 through 12 are provided within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:

1. the system of government in Indiana and in the United States;

2. methods of voting;

3. party structures;

4. election laws; and

5. the responsibilities of citizen participation in government and in elections.

The completion of a two (2) semester course in American history is a prerequisite to a student receiving a high school diploma.

E. **Moment of Silence**

Principals will make sure that each building participates in a daily observance of a moment of silence in each classroom or on school grounds.

Principals will direct the teacher responsible for a classroom to ensure that during the moment of silence all students remain seated or standing and silent and make no distracting display so that each student may, in the exercise of their individual choice, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede another student in the exercise of their individual choice.

F. **Morals Instruction**

Principals will direct the classroom teachers in their building who instruct in the regular courses of grades 1 through 12 to present their instruction with special emphasis on:

1. honesty;

2. morality;

3. courtesy;

4. obedience to law;

5. respect for the National flag, the Constitution of the State of Indiana, and the Constitution of the United States;

6. respect for parents and the home;

7. the dignity and necessity of honest labor; and

8. other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.

Such instruction will be done pursuant to outlines or materials for the instruction prepared by the State Secretary of Education and incorporated in the classroom instruction in the regular courses of grades 1 through 12.

G. **Bullying Prevention; Student Instruction**

Principals will make sure that not later than October 15 of each year age-appropriate, research-based instruction focusing on bullying prevention within the parameters of I.C. 5-2-10.1-12(d)(1) is provided to all students in grades 1 through 12 in their building.

Instruction on bullying prevention may utilize outlines or materials prepared by the State Department of Education, in consultation with school safety specialists and school counselors. Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

H. **Good Citizenship Instruction**

Principals will make sure that good citizenship instruction is provided to students in their building. "Good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

1. being honest and truthful;

2. respecting authority;

3. respecting the property of others;

4. always doing the student's personal best;

5. not stealing;

6. possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes;

7. taking personal responsibility for obligations to family and community;

8. taking personal responsibility for earning a livelihood;

9. treating others the way the student would want to be treated;

10. respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana;

11. respecting the student's parents and home;

12. respecting the student's self;

13. respecting the rights of others to have their own views and religious beliefs.

In providing this instruction, Principals may utilize models of conflict resolution that have been identified and made available by the State Department of Education. The instruction may consist of a teacher education program that applies the techniques to the students in the classroom.

I. **School Corporation Studies**

The School Corporation's curriculum includes the following studies:

1. Language arts, including:

    a. English

b. Grammar

c. composition

d. Speech

e. second languages

2. Mathematics

Corporation middle schools, which include any school that provides instruction to students in any combination of grades 6, 7 and 8, will automatically enroll in a middle school advanced math course a student who: a) scores "above proficient" on the ILEARN assessment for math in grade 5, 6, or 7; and b) earns a "C" or higher in the student's math course work. The Corporation will provide notice to the parent of a student who is automatically enrolled in a middle school advanced math course that: a) the student has been automatically enrolled; and b) the parent may provide notice to the school to opt the student out of the automatic enrollment. The student's parent may opt the student out of automatic enrollment in the middle school advanced math course by providing notice to the Corporation.

3. Social studies and citizenship, including the:

a. Constitutions

b. governmental systems

c. histories

of Indiana and the United States, including an enhanced study of the Holocaust in each high school United States history course

The high school will offer a one (1) semester course in Indiana studies and a one (1) semester course in ethnic studies at least once every school year.

As a part of the United States government course for which credit is awarded for each of the four (4) designations of the high school diploma, the naturalization examination provided by the United States Citizenship and Immigration Services will be administered to each student.

Each student will complete successfully one (1) semester of a civics education course in grade 6, 7, or 8.

4. Sciences

5. Fine arts, including music and art

6. Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body

7. Computer science in the curriculum for students in grades K through 12. Each high school must offer at least one (1) computer science course of at least one (1) semester.

8. Additional studies selected by the School Board, subject to revision by the State Board of Education.

Principals will make sure that such courses are provided as part of the curriculum in their buildings.

J. **Physical Activities**

All Elementary School Principals must provide daily physical activity for students in their building. The physical activity may include the use of recess. On a day when there is inclement weather or unplanned circumstances have shortened the school day, the Elementary School Principals will not provide physical activity for students.

The requirement to participate in daily physical activity does not apply to a student who:

1. is in half-day kindergarten; or

2. has a medical condition that precludes participation in the daily physical activity described above.

K. **Safety Education**

Principals in buildings that include grade 8 will make sure that a course in safety education which is at least one (1) full semester in length is taught in grade 8 and shall direct grade 8 teachers to utilize the guide for this course that has been prepared by the State Board of Education.

L. **Hygiene**

Principals in buildings that include grade 5 will make sure that the principles of hygiene and sanitary science are taught in grade 5. This instruction must explain the ways that dangerous communicable diseases are spread and the sanitary methods for disease prevention and restriction. Principals will direct the grade 5 teachers to provide this instruction utilizing leaflets prepared by the State Health Commissioner and the State Secretary of Education that describe the principles of hygiene, sanitary science, and disease prevention.

Persons who violate this requirement may face prosecution upon a report by the State Department of Health or the State Department of Health's agents to the prosecuting attorney.

Any student who objects in writing or any student less than eighteen (18) years of age whose parent or guardian objects in writing to health and hygiene courses because the courses conflict with the student's religious teachings is entitled to be excused from receiving medical instruction or instruction in hygiene or sanitary science without penalties concerning grades or graduation.

M. **Diseases**

Principals will make sure that students in their building receive illustrative teaching of:

1. the spread of disease by:

a. rats;

b. flies; and

c. mosquitoes;

and the effects of disease; and

2. disease prevention by proper food selection and consumption.

Principals may direct classroom teachers in their building to provide such instruction. It is a Class C infraction for a school official to fail to comply with this requirement.

N. **Alcoholic Beverages, Tobacco, Prescription Drugs, and Controlled Substances; Instruction in Kindergarten Through Grade 12**

Principals will make sure that instruction is provided to all students in kindergarten through grade 12 in their building concerning the effects that:

1. alcoholic beverages;

2. tobacco;

3. prescription drugs; and

4. controlled substances;

have on the human body and society at large. Teachers providing instruction may utilize instructional materials recommended by the State Board of Education or curriculum guides developed by the State Department of Education. A Corporation teacher who has been trained in drug education may provide instruction or assistance to other teachers providing instruction.

O. **HIV**

Each Principal will include in the curriculum instruction concerning the human immunodeficiency virus (HIV) and, to the extent possible, integrate this instruction with instruction on other serious communicable diseases.

Literature that is distributed to school children and young adults as part of this instruction must include information required by I.C. 20-34-3-17. Therefore, it must stress the moral aspects of abstinence from sexual activity and state that the best way to avoid HIV is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship. The Board must approve HIV literature before it is distributed.

P. **Instruction on Human Sexuality or Sexually Transmitted Infections**

Instruction on human sexuality will be provided only to students in grades 4 through 12. Principals will direct teachers who provide instruction on human sexuality or sexually transmitted infections to:

1. teach abstinence from sexual activity outside of marriage as the expected standard for all school-age children;

2. include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted infections, and other associated health problems;

3. include in the instruction that the best way to avoid sexually transmitted infections and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage;

4. include age-appropriate instruction concerning the importance of consent to sexual activity between two (2) individuals; and

5. include in the instruction an in-person presentation on growth and development during pregnancy that is medically accurate and age-appropriate and includes a high definition ultrasound and video at least three (3) minutes in duration showing the development of the brain, heart, sex organs and other vital organs in early fetal development and a high quality computer generated rendering or animation showing the process of fertilization and each stage of fetal development inside the uterus noting significant markers in cell growth and organ development for every week of pregnancy from fertilization to birth; however, if the course is 100% virtual, a presentation that meets these requirements may be provided instead.

A Corporation employee is not prohibited from responding to a question from a student regarding human sexuality.

Before a school may provide a student instruction on human sexuality, the school will provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent to instruction. A consent form provided to a parent of a student or a student must summarize accurately the contents and nature of the instruction on human sexuality that will be taught. Additionally, the consent form must state whether the human sexuality instruction will be provided to male and female students in a unified setting or in separate settings. The consent form also must indicate if the instruction on human sexuality is to be provided by a female or male instructor. The human sexuality consent form must indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The written consent form may be sent in an electronic format. If the consent form is provided in an electronic format, the form must have a link to the list of instructional materials, including teachers' manuals, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

1. consents to the instruction; or

2. declines instruction.

If a student does not participate in the instruction on human sexuality, the school will provide the student with alternative academic instruction during the same time frame that the instruction on human sexuality is provided.

If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request for consent provided by the school within twenty-one (21) calendar days after receiving the request, the school will provide the parent of the student or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the school, whether the parent of the student or the adult or emancipated student:

1. consents to the instruction; or

2. declines instruction.

The notice provided must include the following information:

1. an accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student;

2. whether the instruction on human sexuality will be taught to male and female students in a unified setting or in separate settings;

3. whether the instruction on human sexuality will be provided by a female or male instructor;

4. a statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality.

The notice may be sent in an electronic format. If the notice is sent in an electronic format, the written consent form must include a link to the list of instructional materials, including teachers' manuals, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality.

A notice provided to a parent of a student or a student under this subsection will accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The notice may be sent in an electronic format. If the school does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated student subsequently opts out of the instruction for the student.

The Board will notify parents and students of the above rights.

The Corporation must publish a list of any instructional materials, including teachers' manuals, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality on the Corporation's website.

See also Policy 2414 - Reproductive Health and Family Planning and Human Sexuality Instruction

Q. **Career Awareness and Career Development Education; Indiana Career Explorer Program and Standards; Use of Alternative Internet-Based System and Standards**

Principals of each building within the Corporation will include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values. Principals will either integrate within the curriculum instruction that is or conduct activities or special events periodically that are designed to foster overall career awareness and career development. Such instruction or activities and special events will:

1. educate students on the importance of their future career choices;

2. prepare students for the realities inherent in the work environment; and

3. instill in students work values that will enable them to succeed in their respective careers;

The school's curriculum will include interdisciplinary employability skills standards established by the Department of Education, in conjunction with the Department of Workforce Development, and approved by the State Board of Education. Principals may utilize career awareness and career development models developed by the State Department of Education that meet the following criteria:

1. For grades 1 through 5, career awareness models that introduce students to work values and basic employment concepts.

2. For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.

3. For grades 9 through 12, career exploration models that offer students insight into future employment options and career preparation models that provide job or further education counseling, including the following:

    a. Initial job counseling, including the use of job service officers to provide school-based assessment, information, and guidance on employment options and the rights of students as employees.

    b. Workplace orientation visits.

    c. On-the-job experience exercises.

Teachers may utilize teacher guides prepared by the State Department of Education and/or attend seminars or other teacher education activities conducted by the State Department of Education. For students in at least Grade 9, innovative career preparation demonstration projects that have been designed and implemented by the State Department of Education may be used.

Principals in each building providing instruction to students in grade 8 will include in the school's curriculum State developed career standards for all students in grade 8 that include instruction in and use of either:

    a. the Indiana career explorer program and standards; or

    b. an alternative Internet-based system and standards that provide students with career and college planning resources that have been approved by the State Board of Education.

Principals in each building will include in the school's curriculum State developed career standards for all students in any grade level that include instruction in and use of the program and standards or system and standards described above for students in grade 8.

R. **Breast Cancer and Testicular Cancer Instruction**

Each High School Principal will include in the school's health education curriculum instruction regarding breast cancer and testicular cancer as adopted by the State Board of Education, including the significance of early detection of these diseases through:

1. monthly self-examinations; and

2. regularly scheduled mammograms in the case of breast cancer.

Breast cancer and testicular cancer educational materials will be made available by the State Department of Education to assist teachers assigned to teach this material. Principals will direct teachers providing such instruction to follow the guidelines developed by the State Department of Education and rules adopted by the State Board of Education concerning the instruction required under this section.

S. **Human Organ and Blood Donor Program Instruction**

Each High School Principal will include in the school's health education curriculum instruction regarding the human organ donor program and blood donor program as adopted by the State Board of Education, including

1. the purpose of the human organ donor program and blood donor program;

2. the statewide and nationwide need for human organ and blood donations; and

3. the procedure for participation in the human organ donor program and blood donor program.

Human organ donor program and blood donor program educational materials will be made available by the State Department of Education to assist teachers assigned to teach the material described in this section.

T. **Meningitis Information**

Principals are directed to make sure that information concerning meningococcal disease and its vaccines is provided to students and parents or guardians of students at the beginning of each school year. The information provided must include information concerning the:

1. causes;

2. symptoms; and

3. spread

of meningococcal disease and the places where parents and guardians of students may obtain additional information and vaccinations for their children.

The Superintendent will work with the State Department of Education, in consultation with the State Department of Health or any other appropriate entity, to develop materials to be made available to schools to assist them in providing the information described in this section.

U. **Personal Financial Responsibility**

High School Principals will include in the school's curriculum a course on personal financial responsibility, utilizing the curriculum adopted by the State Board of Education for instruction, as a graduation requirement (I.C. 20-30-5-19) for students graduating in 2028 or after. This must address the following areas: 1) basic principles of: a) money management, such as: i) spending and saving; ii) types of bank accounts; iii) opening and managing a bank account; and iv) assessing the quality of a depository institution's services; b) debt management; c) receiving an inheritance and related implications; d) savings, retirement, and investment accounts; e) federal and state income tax returns; and f) local tax assessments;. 2) personal insurance policies; 3) loan applications; 4) interest rate computations; 5) credit and credit scores; 6) simple contracts. Additionally, if a student will graduate in 2026 or 2027 and the school has opted into the New Indiana Diploma, the student also must complete the curriculum for personal financial responsibility.

V. **Cardiopulmonary Resuscitation and Automated External Defibrillator Training**

Except as permitted by waiver, each High School Principal will include in the school's health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator

and must include either of the following:

1. an instructional program developed by the American Heart Association or the American Red Cross;

2. an instructional program that is nationally recognized and is based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

“Psychomotor skills" means skills using hands-on practice to support cognitive learning.

High School Principals may permit teachers to provide this instruction or arrange for the instruction to be provided by available community-based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.

Students are not required to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if the Corporation chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

High School Principals may waive the requirement that a student receive the instruction required above if the student has a disability or is physically unable to perform the psychomotor skills component of the instruction required above.

W. **Internet Safety**

Principals will include in the school's curriculum for grades 3 and above instruction concerning safe usage of the Internet by children. Teachers may utilize guidelines developed by the State Department of Education and rules adopted by the State Board of Education concerning the instruction required to teach the required material. The instruction must cover:

1. safe online communication;

2. privacy protection;

3. cyberbullying;

4. viewing inappropriate material;

5. file sharing;

6. the importance of open communication with responsible adults; and

7. any other matters that the State Department of Education or the State Board of Education finds will assist children in using the Internet safely.

X. **Dating Violence Instruction**

Principals in buildings that include grades 6 through 12 will implement dating violence education programs in grades 6 through 12 and enforce dating violence response policies, which may include the following topics:

1. warning signs of dating violence;

2. the basic principles of dating violence prevention; and

3. methods of parental education and outreach.

Y. **Child Abuse and Child Sexual Abuse Education**

Principals will make sure that not later than December 15 of each year age-appropriate research and evidence-based or research or evidence-based instruction on child abuse and child sexual abuse is provided to all students in grades kindergarten through 12 in their building. Instruction on child abuse and child sexual abuse may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of child abuse and child sexual abuse. Education programs on child abuse and child sexual abuse may include the following topics:

1. Warning signs of a child who is being abused or sexually abused.

2. The basic principles of child abuse and child sexual abuse prevention.

3. Methods of student, teacher, and parental education and outreach.

A school that chooses to use the model educational materials developed by the State will inform the parents of students in the grade levels in which the materials could be used, in writing and by posting on the school's Internet website, that a parent may:

1. examine and review the model educational materials before the materials are taught; and

2. decide if the parent's child will be instructed with the model educational materials.

If a parent decides that their child may be taught using the model educational materials, the parent shall notify the school of the parent's decision in writing or electronically.

Principals in all buildings will enforce child abuse and child sexual abuse response policies and reporting procedures, which may include the following topics:

1. actions that a child who is a victim of abuse or sexual abuse may take to obtain assistance

2. interventions

3. counseling options

4. educational support available for a child who is a victim of abuse or sexual abuse to enable the child to continue to be successful in school

5. reporting procedures

The Corporation will not offer, support, or promote any student program, class, or activity that provides student instruction that is contrary to a curriculum required to be provided to students under I.C. 20-30-5, set forth above.

Access to Materials

Principals will make available for inspection by the parent of the student or the student, if the student is an adult or an emancipated minor, instructional materials, including but not limited to:

A. teachers' manuals;

B. curricular materials;

C. films or other video materials;

D. tapes; and

E. other materials

used in connection with a personal analysis, an evaluation, or a survey or used in instruction on human sexuality.

Personal Analyses, Evaluations, or Surveys of Students

A student will not be required to participate in a personal analysis, an evaluation, or a survey that is not directly related to academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

A. political affiliations;

B. religious beliefs or practices;

C. mental or psychological conditions that may embarrass the student or the student's family;

D. sexual behavior or attitudes;

E. illegal, antisocial, self-incriminating, or demeaning behavior;

F. critical appraisals of other individuals with whom the student has a close family relationship;

G. legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or

H. income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program)

without the prior consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent, if the student is an unemancipated minor. The consent form will accurately reflect the contents and nature of the personal analysis, evaluation, or survey.

Personal Analyses, Evaluations or Surveys by Third Party Vendors

The following requirements do not apply to:

A. an academic test or academic assessment, scoring keys, or other tools directly related to measuring a student's academic performance in understanding a particular curricular subject matter, as prescribed by the Indiana Department of Education.

B. a career aptitude or career interest survey.

C. an assessment or screening instrument administered by a psychologist licensed under I.C. 25-33 or social worker, clinical social worker, marriage and family therapist, or mental health counselor licensed under I.C. 25-23.6 employed by a third party if the third party provider is referred by school personnel in a crisis situation in which the school personnel and the third party provider reasonably believe that the student is in immediate danger of self harm, harming another person, or experiencing harm resulting from abuse or neglect.

D. an assessment, screening instrument, or evaluation survey administered by a psychologist licensed under I.C. 25-33 or social worker, clinical social worker, marriage and family therapist, or mental health counselor licensed under I.C. 25-23.6 employed by a third party provider who has received a consent for services from a student, if the student is an adult or emancipated minor, or parent of a student, if the student is an unemancipated minor.

E. a survey or evaluation administered to a student of a school by a third party vendor that gauges or attempts to gauge student satisfaction with or participation in the school's programming, technology platform, or approved curriculum.

The following requirements also do not apply to a personal analysis, evaluation, or survey for which consent is required under I.C. 20-30-5-17(c), that is an analysis, evaluation or survey that is not directly related to academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

A. political affiliations;

B. religious beliefs or practices;

C. mental or psychological conditions that may embarrass the student or the student's family;

D. sexual behavior or attitudes;

E. illegal, antisocial, self-incriminating, or demeaning behavior;

F. critical appraisals of other individuals with whom the student has a class family relationship;

G. legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or

H. income (except as required by law to determine eligibility for participating in a program or for receiving financial assistance under a program).

If the Corporation or a school uses a third party vendor in providing a personal analysis, evaluation, or survey that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third party vendor and the Corporation or school may not record, collect, or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student.

Before the Corporation or school may administer a personal analysis, evaluation, or survey by a third party vendor that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the Corporation or school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent for administration.

A consent form provided to a parent of a student or a student under this subsection will accurately summarize the contents and nature of the personal analysis, evaluation, or survey that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the personal analysis, evaluation, or survey. The written consent form may be sent in an electronic format. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated minor student:

A. consents to the personal analysis, evaluation, or survey; or

B. declines the personal analysis, evaluation, or survey.

If a student does not participate in the personal analysis, evaluation, or survey, the Corporation or school shall provide the student with alternative academic instruction during the same time frame that the personal analysis, evaluation, or survey is administered.

If the parent of the student or the student, if the student is an adult or an emancipated minor, does not return the completed consent form within twenty-one (21) calendar days after receiving the request, the Corporation will provide the parent of the student or the student, if the student is an adult or an emancipated minor, a second written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the Corporation, whether the parent of the student or the adult or emancipated minor student:

A. consents to the personal analysis, evaluation, or survey; or

B. declines the personal analysis, evaluation, or survey.

A notice provided to a parent of a student or a student under this subsection will accurately summarize the contents and nature of the personal analysis, evaluation, or survey that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the personal analysis, evaluation, or survey. The notice may be sent in an electronic format. If the Corporation does not receive a response within ten (10) days after the second notice is sent, the student will receive the personal analysis, evaluation, or survey unless the parent or the adult or emancipated minor student subsequently opts out of the personal analysis, evaluation, or survey for the student.

The Corporation will send with each of the above notices an explanation of the reasons that the Corporation is administering the personal analysis, evaluation, or survey.

The Board will notify parents and students of the above rights.

The Corporation will post a copy of the personal analysis, evaluation, or survey on the Corporation or school website.

See also Policy 2416 - Student Privacy and Parental Access to Information.

A parent of the student or the student, if the student is an adult or an emancipated minor, may submit a complaint for a violation of policies and procedures related to personal analyses, evaluations, or surveys under the grievance procedures described in Policy 5710 - Student Complaints or Policy 9130 - Public Complaints and Concerns.

Nothing in this subsection prohibits the Corporation or a school from administering State or Federally-required assessments.

If the Corporation contracts with a third party vendor to provide a personal analysis, survey, or evaluation described above, the contract will include a provision stating that if the third party vendor does not comply with the requirements described above, the third party vendor has committed a breach of contract.

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ag2230

COURSE GUIDES

2230 - **COURSE GUIDES**

Any guides developed as an outcome of a new or revised course of study should incorporate the following features:

A. **The General Purpose and Outcome of the Course**

These should be broadly stated and should include the purposes, philosophy, and expected learning outcomes of the course.

B. **The Learning Goals of the Course**

These are the particular behaviors the students should demonstrate when the purpose of each unit or section of the course is being achieved at the desired level of performance.

C. **Content/Concept**

The content should be organized in ways that will provide for applied learning of the concepts involved in the learning outcomes.

D. **Methodology**

The guide should include learning activities that ensure the students can achieve the outcomes of the course. Suggested teaching strategies should relate directly to helping students participate properly in learning and applying the important concepts contained in the content. It also should indicate the resources necessary for the learning activities to function as intended.

E. **Student Evaluation**

Procedures for student evaluation should be included in the guide. Procedures may include pencil and paper tests if such tests will confirm that students are achieving the desired learning.

F. **Resources**

A listing of the people, materials, equipment, etc. that will be available to help students/teachers accomplish the course objectives.

Each guide shall be consistent with the course of study of which it is a part.

ag2231A

LESSON PLANS

2231A - **LESSON PLANS**

Every teacher is responsible for planning on a weekly and daily basis. Lesson plans are to be developed within the context of the applicable courses of study and learning units and should be designed for individual student programs being cognizant of student strengths and weaknesses. (See AG 2231)

A. Each lesson plan should contain, in addition to whatever else a teacher may wish to include, the following elements:

1. purpose of the lesson

2. needed resources

3. how students will be organized throughout the lesson

4. how the lesson will begin

5. how lesson will conclude

B. Lesson plans for individualized programs should reflect a general overview and purpose of the instructional program based on the Course of Study. Individual student records may serve as an integral part of the lesson plan.

C. A copy of the weekly plans are to be submitted to the principal each Friday for the following week for review by appropriate administrative and supervisory personnel.

D. Lesson plans as well as adequate directions are to be provided for substitutes so they can continue the ongoing program as closely as possible.

ag2240

CONTROVERSIAL ISSUES IN THE CLASSROOM

2240 - **CONTROVERSIAL ISSUES IN THE CLASSROOM**

The following guidelines are designed to assist teachers in the instruction of controversial issues, defined in Policy 2240, in the classroom:

A. When a controversial issue is not part of a course of study, its use in the classroom must be approved by the principal.

B. Before introducing a controversial issue, teachers should consider:

1. the chronological and emotional maturity of the students;

2. the appropriateness and timeliness of the issue as it relates to the course and the students;

3. the extent to which they can successfully handle the issue from a personal standpoint.

C. When discussing a controversial issue, the teacher may express his/her own personal position as long as s/he makes it clear that it is only his/her opinion. The teacher must not, however, bring about a single conclusion to which all students must subscribe.

ag2240B

ALTERNATIVE LEARNING ACTIVITIES FOR OPT-OUT STUDENTS

2240B - **ALTERNATIVE LEARNING ACTIVITIES FOR OPT-OUT STUDENTS**

Situations may arise in which parents have requested that their child not participate in a particular instructional activity. School Board policy authorizes that such requests are to be honored if the reason relates to a conflict between the subject matter and religious beliefs or values held by the parents. Requests may not be honored, however, if the reason relates not to subject matter but to pedagogy or other concerns. In such cases, the parent should be referred to the Superintendent.

When a student is to be excused from an activity, the teacher should:

A. prepare an alternative activity in the general subject area which the student can work at on his/her own to reinforce and/or extend acquired learning of content and/or skill or develop new knowledge or skill;

B. arrange for a work location for the student that is properly supervised and provides access to help, if and when needed;

C. try to ensure that there are no repercussions for the student either academically or socially as a result of not participating in the regularly-scheduled activity;

D. keep a record of the alternative activity for communication with the parents, if such information is requested.

ag2250

INNOVATIVE PROJECTS

2250 - **INNOVATIVE PROJECTS**

Any professional staff member or school improvement team may submit a proposal for an innovative program.

When a proposal is presented, it should be forwarded to the principal.

Each proposal should contain a clear, adequate statement on each of the following:

A. **Need** - including importance relative to Corporation/school goals.

B. **Expected Result** - including a description of how students, staff, or the Corporation will be different as a result of the project.

C. **Time Requirements** - including any suggestions on how requirements can be met.

D. **Personnel Requirements** - including types, qualifications, costs, and possible availability.

E. **Facilities/Equipment Requirements** - including type, costs, and possible availability.

F. **Strategies/Methodologies** - including evidence of effectiveness in other settings.

G. **Evaluation** - including what criteria and standards will be used to judge the success or worthiness of the project.

After all of the above has been completed and the written approval or denial forwarded to the Superintendent, s/he shall review the proposal with relevant parties. If appropriate, a presentation to the Board may be arranged.

If approval is forthcoming and the project is implemented, a written evaluation by the professional staff involved will be prepared at a stage mutually agreed upon.

ag2260C

MAJOR DIFFERENCES BETWEEN THE IDEA AND SECTION 504

2260C - **MAJOR DIFFERENCES BETWEEN THE IDEA AND SECTION 504**

	The IDEA	Section 504
Who is protected?	Lists 13 categories of qualifying conditions. Autism Deaf-Blindness Deafness Hearing Impairment Mental Retardation Multiple Disabilities Orthopedic Impairment Other Health Impairment Serious Emotional Disturbance Specific Learning Disability Speech/Language Impairment Traumatic Brain Injury Visual Impairment	Much broader. A student is eligible so long as s/he meets the definition of qualified handicapped person; i.e., has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as handicapped by others.
Duty to provide a free appropriate education	Both require the provision of a free appropriate education to students covered under them including individually designed instruction.	
	Requires the District to provide IEPs. "Appropriate education" means a program designed to provide "educational benefit."	"Appropriate" means an education comparable to the education provided to nonhandicapped students.

	The IDEA	Section 504
Special Education vs. Regular Education	A student is only eligible to receive IDEA services if the multi-disciplinary team determines that the student has one of the 13 handicapping conditions and needs special education.	A student is eligible so long as s/he meets the definition of qualified handicapped person; i.e., has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as handicapped by others. The student is not required to need special education in order to be protected.
Funding	If a student is eligible under the IDEA, the Corporation receives additional funding.	Additional funds are not provided.
Accessibility	Not specifically mentioned although if modifications must be made to provide a free appropriate education to a student, the IDEA requires it.	Detailed regulations regarding building and program accessibility.
Procedural Safeguards	Both require notice to the parent or guardian with respect to identification, evaluation, and placement.	
	Requires written notice.	Does not require written notice, but a Corporation would be wise to do so.
	Notice provisions are much more comprehensive. What the notice at a minimum must provide, is specifically spelled out.	

	Written notice is required prior to any change in placement.	Notice is required only before a "significant change in placement."
	The IDEA	Section 504
	Provisions for independent evaluations.	Not required.
Due Process Hearings	Both require Corporations to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student with disabilities. (See grievance procedure requirement.) The rules are virtually identical.	
Exhaustion	The parent or guardian must pursue the administrative hearing before seeking redress in the courts.	No exhaustion requirement.
Enforcement	Not enforced by OCR. Compliance is monitored by the Indiana Department of Public Instruction.	Enforced by the Federal Office for Civil Rights.
	Both statutes provide for due process hearings.	
	The U.S. Department of Education will resolve complaints.	

Employment	No provision.	Employment of persons with disabilities is regulated

ag2260D

NOTICE OF NONDISCRIMINATION

2260D - **NOTICE OF NONDISCRIMINATION**

The public notice contained on Form 2260 F8 - Notice of Nondiscrimination and Internal Complaint Procedures (Including Title VI and Title VII is to be disseminated at least annually to students, parents, employees, and the general public.

This notice is to be placed in all of the following documents prepared by the Corporation:

- Parent/Student Handbooks
- Staff Handbooks
- Course Catalogs
- Application Forms for Enrollment and Employment
- Recruitment Materials for Students and for Staff

To inform the general public, the notice should be sent to the local newspaper(s).

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ag2260F

OFFICE OF ENGLISH LEARNING AND MIGRANT EDUCATION GUIDELINES TO SATISFY LEGAL REQUIREMENTS

2260F - **OFFICE OF ENGLISH LEARNING AND MIGRANT EDUCATION GUIDELINES TO SATISFY LEGAL REQUIREMENTS**

Procedures

A. The School Corporation shall administer a Home Language Survey to all first time enrollees (i.e. kindergarten or students transferring from out of state) to identify the first (native) language(s) of all students enrolled in the Corporation. For students transferring from an Indiana school, the staff will contact the previous school to obtain the original Home Language Survey. The Home Language Survey shall ask the following questions:

1. What is the native language of the student?

2. What language(s) is spoken most often by the student?

3. What language(s) is spoken by the student in the home?

Documentation of a student's native language shall be recorded in the permanent record.

If a language other than English is indicated for any of the questions in the Home Language Survey, the student is considered to be a language minority student. If a language other than English is indicated for any of the three questions, the English language proficiency assessment shall be administered to determine whether or not the student qualifies for English language developmental support.

B. The Corporation must assess all students whose first (native) language is other than English to determine whether a student is Fluent English Proficient (FEP, see level 5 or 6 below) or Limited-English Proficient (LEP, see levels 1-4 below). This assessment must be given annually within thirty (30) days of the beginning of the school year or within two (2) weeks of enrollment if the student enrolls later in the school year. The English language proficiency placement test is administered only once to a student and is not repeated every year. However, each student that has been identified as LEP shall participate each year in the annual English language proficiency assessment to assess progress. In compliance with the Indiana Department of Education (IDOE) English Learner Guidebook, the Corporation shall utilize the WIDA English Language Proficiency Assessment (WIDA). Assessment shall, to the extent possible, include listening, speaking, reading, and writing abilities, as well as academic achievement. Language proficiency levels are described below:

Level 6 - Reaching

1. Specialized or technical language reflective of the content area at grade level.

2. A variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specified grade level.

3. Oral or written communication in English comparable to proficient English peers.

Level 5 - Bridging

1. Specialized or technical language of the content areas.

2. A variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays, or reports.

3. Oral or written language approaching comparability to that of English proficient peers when presented with grade level material.

Level 4 - Expanding

1. Specific and some technical language of the content areas.

2. A variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs.

3. Oral or written language with minimal phonological, syntactic, or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic, or interactive support.

Level 3 - Developing

1. General and some specific language of the content areas.

2. Expanded sentences in oral interaction or written paragraphs.

3. Oral or written language with phonological, syntactic, or semantic errors that may impede the communication, but retain much of its meaning, when presented with oral or written, narrative, or expository descriptions with sensory, graphic, or interactive support.

Level 2 - Emerging

1. General language related to content areas.

2. Phrases or short sentences.

3. Oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one to multiple step commands, directions, questions, or a series of statements with sensory, graphic, or interactive support.

Level 1 - Entering

1. Pictorial or graphic representation of the language of the content areas.

2. Words, phrases, or chunks of language when presented with one step commands, directions, WH_, choice, or yes/no questions, or statements with sensory, graphic or interactive support.

3. Oral language with phonological, syntactic, or semantic errors that often impede meaning when presented with basic oral commands, direct questions, or simple statement with sensory, graphic, or interactive support.

C. EL students who enroll in an Indiana school corporation must be placed with their age/grade appropriate peers. As per I.C. 30-20-9-8, "students shall be placed, to the extent practicable, in classes with students of approximately the same age and level of educational attainment, as determined after considering the attainment through the use of all necessary languages." The lack of English language proficiency in any domain of listening, speaking, reading and writing is not to be considered in the grade placement of EL students.

D. The Corporation shall provide language minority students with the appropriate level of English language development to allow for meaningful participation of language minority students in the Corporation's educational program. Such instruction shall take place during the regular school day.

One (1) or more of the following English development programs may be used:

1. Sheltered English/Content Based English: The goal is proficiency in English while focusing on learning content knowledge and skills in an all-English setting. Instruction is provided in English only and is adapted to a student's proficiency in English. Instruction is supported by visual aids and support (as available) in the student's native language.

2. Structured Immersion: The goal is fluency in English and typically serves only ELs in the classroom. All instruction is in English but has been adjusted to the student's proficiency level so that subject matter is comprehensible.

3. Pull-out English Language Development (ELD): The goal is to develop fluency in English. Students leave the mainstream classroom part of the day to receive ELD instruction.

4. Push-in English Language Development (ELD): The goal is to develop fluency in English. Students are served in the mainstream classroom, receiving instruction in English and native language support if needed.

5. Transitional Bilingual Education: The goal is to develop English proficiency skills as soon as possible, without delaying learning of academic core content. Instruction begins in the student's native language but rapidly moves to English. Students are typically transitioned into mainstream classrooms with their English-speaking peers as soon as possible.

E. The Corporation shall have specific criteria established to safeguard appropriate placement and subsequent delivery of services to exceptional language minority students. English Learners may be identified for special education placement if they meet the following criteria:

1. Consistent, objective monitoring indicates that the English Learner is significantly struggling, and as collaboratively identified by EL program staff, classroom teacher(s) and other staff.

2. The student's academic struggles are not related to second language acquisition.

3. An interpreter must be furnished if the child's dominant language is other than English. It is preferable that the psychologist is proficient in the native language of the child, but if that is not possible, an interpreter may be used who is from the culture and language of the child. It **cannot** be a family member and must represent a non-biased party.

(See IDOE English Learners Guidebook for complete referral procedures and RTI processes for English language learners.)

F. The Corporation shall provide pupil personnel services, including educational and career services and student assistance services to language minority students in a manner that will support such students so they are not excluded from effective participation in the educational programs, services, and activities offered by the Corporation. Depending on language minority students' needs in order to benefit from the Corporation's programs, services, and activities, such pupil personnel services may include educational and career services and counseling in any or all of the following areas:

1. social, emotional adjustment to United States culture

2. drop-out prevention

3. technical vocational training

4. college preparatory coursework

5. substance abuse

6. teenage pregnancy and prevention

G. The Corporation shall adequately notify the parents of language minority group students of school programs, services and activities which are called to the attention of other students or their parents. Such notices, where necessary, should be provided in an appropriate language other than English.

English Learner's Guidebook 2015-2016, page 12; Title VI of the Civil Rights Act of 1964; Equal Educational Opportunities Act of 1974 (EEOA); May 25, 1970 Department of HEW Memorandum.

H. The Corporation shall employ or train sufficient qualified personnel to provide instructional services appropriate to the needs of limited-English proficient students. Students must receive instruction from properly certified, licensed teachers. Instructional aides **must** work under the

direct supervision of a certified teacher and should **not** have the sole responsibility of teaching units of study. (511 IAC 1-8-7.5.)

I. Corporations shall develop explicit criteria for deciding when LEP students no longer require ESL services. (See the IDOE English Learners Guidebook for further guidance.)

J. Corporations shall ensure that LEP students in self-contained ESL/bilingual classes are given as much opportunity as possible to interact with English speaking peers at lunch, recess, in art, music, physical education, and other elective classes.

K. Corporations shall provide evidence that communication between the school and the home, whether about language minority student progress or school activities, is conducted, to the extent possible, in the native/preferred language of the home.

L. Corporations shall maintain records that indicate the following:

1. the native language of the student

2. the English language proficiency of the student

3. the assessment instrument used to determine English language proficiency

4. the type and frequency of instructional services offered

5. other intervention strategies employed

A recommended method of maintaining this information is the use of an Individual Learning Plan (ILP) for each language minority student. (Sample ILP forms are available from the IDOE English Learners Guidebook.)

Report and Review

I.C. 20-25-11-1 et seq., continuous improvement for all students, encompasses the demonstration of growth of language minority students. Corporations will be responsible for demonstrating the effectiveness of their services to language minority students in their individual School Improvement Plans. Annual reporting of language minority data will be submitted to the division of Language Minority and Migrant Programs.

Training

Corporations shall participate in training programs designed to help the development and implementation of these guidelines offered and facilitated by the Division of Language Minority and Migrant Programs including inservices and technical assistance. Other resources for staff development include courses available through the Regional Educational Service Centers, various university level courses, annual conferences held by Indiana Teachers of English to Speakers of Other Language (INTESOL), the Division of Language Minority and Migrant Programs, National Teachers of English to Speakers of Other Languages (TESOL), and National Association of Bilingual Education (NABE) conferences.

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ag2260.01A

SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY, PROCEDURES FOR THE IDENTIFICATION, EVALUATION AND PLACEMENT OF STUDENTS SUSPECTED OF HAVING A DISABILITY, AND THE RIGHT TO FAPE

2260.01A - **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY, PROCEDURES FOR THE IDENTIFICATION, EVALUATION AND PLACEMENT OF STUDENTS SUSPECTED OF HAVING A DISABILITY, AND THE RIGHT TO FAPE**

The Superintendent establishes these administrative guidelines for the identification, evaluation, and educational programming and placement of students with disabilities who qualify under Section 504/ADA. These guidelines, along with AG 2260.01B, further fulfill the School Board's directive to adopt a system of procedural safeguards that provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504") prohibit discrimination against qualified persons with a disability in any program or activity receiving Federal financial assistance. The Board prohibits discrimination against any qualified person with a disability in any of the School Corporation’s programs, activities, policies, and/or practices.

Building principals shall serve as Building Section 504/ADA Compliance Officers (Building Compliance Officers).

A person with a disability is anyone who:

A. **has** a physical or mental impairment that substantially limits one or more major life activities ("actual disability") when mitigating measures or reasonable accommodations are not in place;

B. **has a record of** having a physical or mental impairment that substantially limits one or more major life activities; or

C. **is regarded as having** a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the Board as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include but are not limited to functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including but not limited to functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological;

2. musculoskeletal;

3. special sense organs;

4. respiratory, including speech organs;

5. cardiovascular;

6. reproductive;

7. digestive;

8. genito-urinary;

9. hemic and lymphatic;

10. skin;

11. endocrine.

B. any mental or psychological disorder, such as cognitive disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

While the determination of whether an impairment substantially limits a major activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a practical matter, they almost always will be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; a cognitive disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function, autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia substantially limit brain function.

A physical or mental impairment that is episodic in nature or in remission is a disability for purposes of Section 504/ADA if the impairment substantially limits a major life activity when active (e.g., asthma, allergies, or cancer).

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

Individual with a disability does not include the following (i.e., Section 504 specifically **excludes**):

A. individuals who currently engaging in the use of illegal drugs, when the Board acts on the basis of current rather than past use;

B. an individual on the basis of homosexuality or bisexuality;

C. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;

2. compulsive gambling, kleptomania, or pyromania; or

3. psychoactive substance use disorders resulting from current use of illegal drugs.

Individual with a disability includes an individual who:

A. has completed a supervised drug rehabilitation program successfully and is no longer engaging in the use of illegal or unprescribed prescription drugs or otherwise has been rehabilitated successfully and is no longer engaging in such use;

B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or

C. is erroneously regarded as engaging in the use of illegal drugs, but is not engaging in such use.

Notwithstanding the preceding, for purposes of programs and activities providing educational services, the Board may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the use of illegal drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities.

The Board will not discriminate against otherwise qualified students with disabilities (i.e., students who otherwise meet eligibility criteria – e.g., age – for participation in the educational program and/or activities) in the provision of its educational programs and activities. The Board further will provide a free appropriate public education (FAPE) to qualified students with disabilities. Said education shall entail the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met. This includes providing academic and non-academic services to students with disabilities in the same setting as their peers without disabilities to the maximum extent appropriate. In addition to its provision of educational services, the Board will not discriminate against otherwise qualified students with disabilities in its provision of non-educational academic and extra-curricular services and activities such as counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the Corporation, referrals to agencies that provide assistance to persons with disabilities, and employment of students, and will provide students with disabilities an equal opportunity to participate in such services and activities. Qualified students with disabilities will be afforded accommodations/modifications/interventions to the Board's non-academic and extra-curricular services and activities, unless such accommodations/modifications/interventions would impose an undue financial burden or would alter the fundamental nature or purpose of the service or activity. A determination that a particular accommodation/modification/intervention would constitute an undue burden must be made by the Superintendent after considering all resources available for use in the funding and operation of the service or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. In the event the Superintendent determines that an undue burden would result, the Board will take any other action that would not result in such burden but would still allow, to the maximum extent possible, individuals with disabilities to receive the benefits of the Board's non-academic and extra-curricular services and activities on an equal basis as individuals without disabilities.

If a parent disagrees with a determination made by the Corporation’s professional staff concerning the identification, evaluation, or placement of a student with a disability, the parent may request a hearing before an impartial hearing officer that is not employed by the Corporation (see AG 2260.01B).

Alternatively, the parent may file an internal complaint. A parent does not need to first exhaust the internal complaint process in order to file a request for a due process hearing. In fact, a due process hearing may be requested at any time and the parent does not waive that right if the parent first opts to try to resolve h the dispute through the internal complaint process. (See Policy 2260.01)

Procedures Applicable to Section 504 Referrals/Evaluations /Plans (Students)

Annually, the Corporation will undertake to identify and locate every qualified person with a disability residing in the Corporation who is not receiving a public education and notify the person and their parents or guardians of the Corporation's duties and responsibilities under Section 504.

Referral

Referrals may be made by anyone (e.g., parents, teachers, or other knowledgeable professionals). Referrals shall be made on the Suspected Disability Referral Form (Form 2260.01A F4) and submitted to the Building Compliance Officer. Referrals may be made at any time. Parents may request a referral form by contacting the Building Compliance Officer or a Corporation Compliance Officer.

Generally, a staff member should refer a student for an evaluation under Section 504 if the staff member suspects that the student has a mental or physical impairment which substantially limits one or more major life activities.

Assessment/Evaluation

Upon receipt of a Suspected Disability Referral Form, the Building Compliance Officer will notify the appropriate 504 Case Manager who will collect all relevant information on the student (e.g., medical reports, grade cards/report cards, school history, discipline log, attendance records, etc.) to assist in documenting whether the student has a physical and/or mental impairment that substantially limits one or more major life activities. A medical statement is not a prerequisite for evaluation under Section 504. If the Corporation determines, based on the facts and circumstances of an individual case, that a medical assessment is necessary to appropriately evaluate the student, the Corporation will offer to obtain the assessment at no cost to the student or parents.

The 504 Case Manager should contact school staff who perform assessments and have them review existing pertinent information and determine whether additional assessments are needed. If an evaluation is needed, written parental consent shall be obtained within thirty (30) calendar days of the referral for an evaluation. A copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3) shall be sent to the parents upon the referral and before obtaining written parental consent for the evaluation.

The evaluation must be sufficient to accurately and completely assess the nature and extent of the suspected disability. The evaluation also must assess whether the student, because of a disability, needs special education or related services. Evaluations that are more limited than a full special education evaluation under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. 1400 et seq., and Article 7 of the Indiana Administrative Code ("Article 7"), 511 I.A.C. 7-32-1 et seq., may be adequate in some circumstances. The evaluation or review of assessment information should include consideration of any behaviors that interfere with the otherwise qualified student's regular participation in the educational program and/or activities.

If the Corporation does not suspect that a student has a mental or physical impairment that substantially limits one or more major life activities and therefore determines not to evaluate, it will notify the parents/guardian of that decision through the issuance of a prior written notice (Form 2260.01A F18) and provide them with a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

Before any action is taken with respect to the provision of special education or related services pursuant to a Section 504 Plan for a student with a disability, an evaluation shall be conducted or assessment information reviewed to determine if the student has a disability under Section 504.

Parents will be afforded the opportunity to meaningfully participate and provide input in the evaluation process. The assessment information may include but will not be limited to medical reports that document a physical/mental impairment, aptitude and achievement test scores, teacher observations and recommendations, and other data, including information on social or cultural background and adaptive behavior. The information obtained from all such sources shall be documented and carefully considered. Additionally, if an evaluation is conducted, the Building Compliance Officer, in conjunction with the designated 504 Case Manager, is responsible for verifying that:

A. tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

B. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient; and

C. tests are selected and administered so that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Reevaluations

Reevaluations are not required at specific intervals; however, assessments will be updated so that eligibility and accommodation planning is based on information that accurately defines the student's disability and reflects the student's current strengths and needs. At least every three (3) years, appropriate school staff should determine whether updated evaluations are needed. A reevaluation will be completed prior to a significant change in placement, including but not limited to expulsion from school. When a reevaluation is needed, parents will be sent prior written notice (Form 2260.01A F18) and a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3). Consistent with initial evaluations, parents will be afforded the opportunity to meaningfully participate and provide input in the reevaluation process.

Eligibility Determination

Within a reasonable period of time (generally no more than fifty (50) instructional days), the Building Compliance Officer will convene Section 504 Conference. The student's parents will be sent a letter inviting them to attend and participate in the Section 504 conference (Form 2260.01A F9). The letter to the parents should be sent at least seven (7) calendar days prior to the Section 504 conference. Parents also will be sent a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3). The Section 504 Team shall be composed of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and should at a minimum include the Building Compliance Officer, the designated 504 Case Manager, and the parents. The Section 504 Team also may include general education teacher(s), student, guidance counselor, school psychologist, the Corporation's Health Coordinator, school nurse, Director of Pupil Services/Special Education, other persons with knowledge of the student or the suspected disability, and any individual the parents may wish to bring to the conference. The purpose of the Section 504 conference is to discuss the information gathered, determine whether the student has a disability under Section 504 (i.e., review the impairment and determine whether it substantially limits one or more major life activities), and, if so, determine whether the student requires special education or related services, including accommodations/modifications/interventions, in order to receive a FAPE and to access the Board's programs and activities on an equal basis to his/her nondisabled peers.

The Building Compliance Officer will serve as the Chairperson of the Section 504 conference. The Chairperson has the following responsibilities:

A. at each Section 504 conference, to verbally explain and offer a written copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3)

B. gather information

C. organize the presentation of the data

D. coordinate the deliberation of Section 504 eligibility (see Form 2260.01A F11):

1. Does the student have a physical or mental impairment?

2. Does that impairment "substantially limit one or more major life activities"?

3. Does the team have the data to justify a disability determination?

4. Is the student a qualified individual with a disability within the meaning of Section 504?

At the Section 504 conference, the I Section 504 Team will determine the student's needs, the special education or related services, including any accommodations/modifications/interventions, to be provided to the student, and the placement for the student, which may include but are not limited to:

A. adjusting testing procedures;

B. individualizing classroom assignments, homework;

C. providing staff interventions;

D. utilizing assistive technology;

E. providing a buddy to take notes;

F. providing an interpreter (for students or adults);

G. modifying materials;

H. modifying the student's day;

I. facilitating or modifying parents/student/teacher/staff communication;

J. modifying school procedures (e.g., providing additional time for passing between classes, adjusting transportation, or approving early dismissal);

K. developing and implementing appropriate medical plans (e.g. emergency, asthma, seizure, or allergy plans) for eligible students whose physical or mental impairment impacts a major life activity other than learning.

The special education or related services, including any accommodations/modifications/interventions, will be individualized to meet the needs of the student.

In interpreting data and making placement decisions, the Corporation will draw upon information from a variety of sources, including aptitude and achievement tests, teacher observations and

recommendations, medical reports that document a physical/mental condition, social or cultural background, and adaptive behavior. The information obtained from all such sources shall be documented and carefully considered.

Possible Outcomes of the Section 504 Conference

A. Student is eligible for a Section 504 Plan (Form 2260.01A F13). The Section 504 Team documents this determination on the Section 504 Summary Evaluation Report (Form 2260.01A F10). Section 504 Plan is developed by the Section 504 Team. Parents will be given a copy of the Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

B. Student is ineligible for a Section 504 Plan. The Section 504 Team documents this determination on the Section 504 Summary Evaluation Report (Form 2260.01A F10). Parents will be given a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

1. The Section 504 Team determines if the student needs interventions pursuant to a response to intervention ("RtI") Plan. If RtI is determined to be appropriate, the Section 504 Team will develop strategies to provide necessary interventions. The interventions should be documented on RtI paperwork. A copy of the RtI plan should be filed in the student's cumulative record folder. A copy of the RtI plan is NOT required to be sent to the Corporation Compliance Officer.

2. Student will be served appropriately in the general education program without written interventions.

C. The Section 504 Team determines that it needs to collect more information before making an eligibility determination.

The Summary Evaluation Report (Form 2260.01A F10) shall reflect the determination on the issue of whether the student has been identified as having a disability under Section 504. This document should be reviewed periodically.

Section 504 Plan

If a student is identified as having a disability pursuant to Section 504, and the Section 504 Team determines the student requires special education or related services, including accommodations/modifications/interventions, in order to receive a FAPE and to access the Corporation's programs and activities on an equal basis to the student's peers without disabilites, the Section 504 Team will develop and complete the Section 504 Plan (Form 2260.01A F13). Aside from the description of the student's disability, the Section 504 Plan will specify how the student will be provided FAPE. That is, the Section 504 Plan will specify the special education or related services, including any accommodations/modifications/interventions, that are necessary for the student's needs to be met as adequately as the needs of peers without disabilities are met. The purpose of the Section 504 Plan is to provide the student with equal access to school activities, remove barriers to educational opportunity, and provide, to the extent possible, a level playing field. The Section 504 Plan should be signed by the members of the Section 504 Team, including the parents. A copy of the Section 504 Plan will be sent to the Corporation's Compliance Officer and the Building Compliance Officer **as soon as possible.** A copy of the Section 504 Plan also will be placed in the student's cumulative folder and given to school personnel who work with the student. If the parents are present, the Building Compliance Officer will request written permission from the parents to implement the Section 504 Plan. For initial plans, parent consent is required prior to implementation by the Corporation. If the parents do not attend the meeting to develop a Section 504 Plan, the Corporation will make reasonable efforts to obtain parental input prior to finalizing the plan and (a) submitting the Plan to parents for consent or (b) implementing a subsequent Section 504 Plan. After the parent consents to implementation of the initial Section 504 Plan, the Corporation may implement subsequent plans without written parental consent, but the parents must be provided with a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3) that explains their right to challenge the Corporation's actions. Regardless of whether it is an initial or subsequent plan, a copy of the Section 504 Plan must be sent to the student's parents.

With respect to Section 504 Plans, the designated 504 Case Manager is responsible for:

A. informing staff that the Section 504 Plan is a legal document;

B. writing and distributing the Section 504 Plan;

C. encouraging staff to request a Section 504 review if they are concerned about or unable to follow the Section 504 plan;

D. ensuring that reviews of Section 504 plans are held annually and that the results of the annual review are sent to the Corporation Compliance Officer.

Upon completion of the Section 504 Plan, the Building Compliance Officer should follow the Additional Procedures Applicable to Students with Section 504 Plans (see below).

Additional Procedures Applicable to Students with Section 504 Plans

A. Prior to the beginning of each school year:

1. The Building Compliance Officer or his/her designee is responsible for identifying the students in his/her building who have had Section 504 Plans in the past and designating a 504 Case Manager.

2. The designated 504 Case Manager or his/her designee is responsible for obtaining a copy of the previous school year's Section 504 Plans and distributing them to all appropriate staff members.

B. Within the first two (2) months of the school year or earlier:

1. The Building Compliance Officer must notify the student's parents that the Section 504 Team needs to meet to review the Section 504 Plan and to determine whether it is still necessary/appropriate for the new school year.

2. The Building Compliance Officer must schedule a Section 504 Team meeting to formulate a Section 504 Plan for the student for the new school year. The Section 504 Plan Review form (Form 2260.01A F17) must be completed at the meeting. The Section 504 Team, including the parents, is charged with deciding whether to continue the existing Plan, discontinue the current Section 504 Plan, or develop a new Section 504 Plan.

3. If there is an "active" Section 504 Plan, a copy of the Section 504 Plan must be forwarded to the Corporation Compliance Officer by October 15th of each school year and placed in the student's cumulative record.

4. Updated copies of the student's Section 504 Plan must be distributed to all of the students' teachers after review by the 504 Case Manager.

C. During the school year:

The Section 504 Plan can be reviewed by the Section 504 Team at any time if concerns develop as to the appropriateness of the special education or related services, including accommodations/modifications/interventions being used with the student. This review can be initiated by staff or parents.

D. Procedural Safeguards:

Any time the written results of a Section 504 Team meeting are provided to a student's parents, they also should be offered a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

Parents' Options if They Disagree with the Corporation's Identification, Evaluation and/or Placement of Their Child

The parents may challenge the actions of the Section 504 Team regarding identification, evaluation or placement of their child by filing a request for an impartial due process hearing. Alternatively, the parents may file an internal complaint. If the parents elect the former, the Board must provide a due process hearing before an impartial hearing officer ("IHO") that is not employed by the Corporation. See AG 2260.01B - Section 504/ADA Complaint and Due Process Procedures. A parent does not need to first exhaust the internal complaint process in order to file a request for a due process hearing. In fact, a due process hearing may be requested at any time and parents do not waive that right if they first opt to try to resolve their dispute through the internal complaint process. If a parent is not satisfied with the IHO's decision, the parent may appeal it to a Federal Court of competent jurisdiction.

The parents also may file a complaint with the U.S. Department of Education, Office for Civil Rights. The Office for Civil Rights, however, is not part of the Corporation's internal complaint process or the system of procedural safeguards, and, absent extraordinary circumstances, will not review the results of individual placement and other educational decisions so long as the Corporation complied with the procedural requirements of Section 504 (concerning location, identification and evaluation and due process procedures).

Facilities

With regard to accessibility of facilities, the Board will meet its obligations through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the Board will serve persons with disabilities in the most integrated setting appropriate.

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SECTION 504/ADA – COMPLAINT AND DUE PROCESS PROCEDURES

2260.01B - **SECTION 504/ADA – COMPLAINT AND DUE PROCESS PROCEDURES**

A person who believes to have been discriminated against on the basis of disability may utilize the complaint procedures provided in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents, students, and employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees, students and their parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer ("IHO") regarding the identification, evaluation or educational placement of persons with disabilities and their right to examine relevant education records.

Requests for impartial due process hearings must be put in writing, identify the specific circumstances or areas of dispute that have given rise to the request for a hearing, and offer possible solutions to the dispute. The request for impartial due process hearing must be filed with a School Corporation Compliance Officer ("CO") listed in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability within the time limits specified in Policy 2260.01. The CO is available to assist individuals in filing a request for impartial due process hearing.

Procedural Information and Rights – Students and Parents

In accordance with various Federal laws (including Section 504, the Americans with Disabilities Act of 1990, as amended ("ADA"), and FERPA), the following procedural safeguards will be provided with respect to decisions or actions regarding the identification, evaluation, educational program or placement, and content of a Section 504 Plan of a student who is or may be disabled under Section 504 but is not eligible for special education and related services as a student with a disability under the Individuals with Disabilities Education Act ("IDEA"):

A. students with disabilities have the right to take part in and receive benefits from public education programs without discrimination because of their disabilities;

B. parents have the right to be advised of their rights under Section 504;

C. parents have the right to receive written notice of any decision regarding the identification, evaluation, or educational placement of their child;

D. parents have the right to have their child receive a free appropriate public education ("FAPE");

This includes the right to be educated with students without disabilities to the maximum extent appropriate (i.e., the student's education will be provided in the general education classroom unless it is demonstrated that education in the general education environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive regular or special education and related aids/services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met.

E. parents have the right to have their child educated in facilities and receive services comparable to those provided to students without disabilities;

F. parents have the right to give consent for an initial educational evaluation under Section 504 and to have evaluation and educational placement decisions made based upon a variety of informational sources and by persons who know the student and are knowledgeable about the evaluation data and placement options;

G. parents have the right to have their child transported in a non-discriminatory manner;

If the Corporation refers a student for aids, benefits, or services outside the Corporation, the Corporation will ensure that adequate transportation is provided at no greater cost to the parents than if the aids, benefits, or services were provided within the Corporation.

H. parents have the right to place their child in a private school or alternative educational program;

However, if the Corporation makes a FAPE available to the student that conforms to the requirements of Section 504 and the parents nevertheless choose to place the student elsewhere, the Corporation is not required to pay for the student's education at the private school or alternative program, including costs associated with transportation.

I. parents have the right to have their child receive an equal opportunity to participate in nonacademic and extracurricular activities offered by the Corporation;

J. parents have the right to examine all relevant education records, including but not limited to those documents related to decisions regarding their child's identification, evaluation, educational program and placement;

K. parents have the right to obtain, at their own expense, an independent educational evaluation of their child;

L. parents have the right to obtain copies of education records at a reasonable cost unless the fee would effectively deny the parents access to the records;

M. parents have the right to a response from the Corporation to reasonable requests for explanations and interpretations of their child's education records;

N. parents have the right to receive all information in the parents' native language and mode of communication;

O. parents have the right to periodic reevaluations and a reevaluation before any significant change in placement, including expulsion from school;

P. parents have the right to request amendment of their child's education record(s) if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of their child;

If the Corporation refuses to amend the record(s), the parents have the right to request a hearing and/or to attach to the record(s) a statement of why they disagree with the information contained in the records.

Q. parents have the right to request mediation or an impartial due process hearing related to decisions or actions concerning their child's identification, evaluation, educational program or placement;

R. parents have the right to file an internal complaint;

S. parents have the right to be represented at any point in the process by an attorney;

T. parents have the right to recover reasonable attorney fees as authorized by law (i.e., if the parents are successful on their due process claim);

U. parents have the right to be notified of their Section 504 rights, including but not limited to:

1. when the Corporation does not suspect a disability and declines to conduct an evaluation;

2. when evaluations are conducted;

3. when consent for an evaluation is provided or withheld;

4. when eligibility is determined, including when the team finds the student ineligible;

5. when a Section 504 Plan is developed, including when the team decides to implement a revised plan without parental consent;

6. when the results of a Section 504 Team meeting are provided;

7. before there is a significant change in the Section 504 Plan, including but not limited to a change in placement; and

8. when an internal complaint or a request for a due process hearing is filed.

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and Corporation employees are required, and all other members of the Corporation community and Third Parties are encouraged, to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other Corporation official so that the School Board may address the conduct. Any teacher, administrator, supervisor, or other Corporation employee or official who receives such a complaint shall file it with the CO within two (2) business days.

Members of the Corporation community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against on the basis of disability are entitled to utilize the complaint process set forth in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

A student and/or parent may initiate the investigation and complaint procedures when they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the investigation and complaint procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as having a disability or believed to have a disability pursuant to Section 504 and are not eligible under the IDEA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the investigation and complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR or requesting an impartial due process hearing.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute unlawful

discrimination based on disability, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the principal informed of the status of the Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the Corporation community or a Third Party and such reports that initially are made to another Corporation employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation) or designate a specific individual to conduct such a process.

The CO will provide a copy of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the student is under the age eighteen (18) within two (2) school days to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedures (See Form 2260.01B F2)

Any person who alleges to have been subjected to unlawful discrimination or retaliation on the basis of disability may seek resolution of the complaint through the procedures described in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. The formal complaint procedures involve an investigation of the individual’s claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the OCR, the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Impartial Due Process Hearing

An impartial due process hearing may be requested by a student and/or parent. A student and/or parent may request a due process hearing when the student or parent believes that a violation, misapplication or misinterpretation of Section 504 has occurred. An impartial due process hearing may be requested regarding the identification, evaluation, and placement of a student with a disability. The impartial due process hearing procedure in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability applies to all students with a disability pursuant to Section 504, including those who are eligible for special education and related services under the IDEA; however, when the issues for hearing relate to violations of the IDEA or Article 7, the student and/or parent must pursue a due process hearing under 511 IAC 7 with respect to such alleged violations rather than a Section 504 impartial due process hearing. See the impartial due process hearing procedure in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

OCR Complaint

At any time, if a student or parent believes that the student or parent has been subjected to discrimination based upon a disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

Chicago Office
Office for Civil Rights
U.S. Department of Education
John C. Kluczynski Federal Building

230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312-730-1560
FAX: 312-730-1576
TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

Except in extraordinary circumstances, OCR does not review the result of individual placement and other educational decisions, so long as the Corporation complies with the procedural requirements of Subpart D of the Section 504 regulations, 34 C.F.R. 104.31- 104.39.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, made a report/formal complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

Education and Training

The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability and shall provide training for Corporation students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination in general will be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. All individuals charged with conducting investigations under Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;

C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and the Corporation's response to the alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;

D. written witness statements;

E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;

J. documentation of any supportive measures offered and/or provided to the Complainant or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability (e.g., Student Codes of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

N. documentation of any training provided to Corporation personnel related to Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability, including but not limited to notification of the prohibitions and expectations of staff set forth in Policy 2260.01 and the role and responsibility of all Corporation personnel involved in enforcing Policy 2260.01, including their duty to report alleged violations of Policy 2260.01, and/or conducting an investigation of an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;

O. documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;

P. copies of any notices sent to the Respondent of the allegations constituting a potential violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;

Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;

R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.

Additionally, the CO shall retain copies of any written request for an impartial due process hearing, the IHO's notices to the parties, the evidence entered in the hearing, any transcript of the hearing, and the IHO's decision.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years and longer if required by the Corporation's records retention schedule.

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NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

2266 - **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

This guideline provides additional information about the School Corporation's guidelines in addressing allegations of sex discrimination, including Sexual Harassment. All information below supplements School Board Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities. To the extent there is a conflict between these guidelines and Policy 2266, the Policy controls.

General Information

Sexual Harassment: Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

A. A Corporation employee conditioning the provision of an aid, benefit, or service of the Corporation on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);

B. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature that is determined by a reasonable person to be so severe, pervasive, ***and*** objectively offensive that it effectively denies a person equal access to the Corporation's education program or activity; or

C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual Harassment may involve the behavior of a person of any gender against a person of the same or another gender.

The following conduct – if sufficiently severe, pervasive, ***and*** objectively offensive – may constitute Sexual Harassment (this list provides examples and is not meant to be exhaustive or exclusive):

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. unwanted physical and/or sexual contact;

C. threats or insinuations implying that a person's conditions of education or employment may be adversely affected by not submitting to sexual advances;

D. unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, profanity, jokes, or innuendoes;

E. sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature;

F. unwelcome and inappropriate touching, patting, or pinching;

G. asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;

H. speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

I. giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; and

J. leering or staring at someone in a sexual way, such as staring at a person’s breasts, buttocks, or groin.

Sexual assault, for purposes of Policy 2266, refers to any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (e.g., due to the person’s age, intellectual or other disability, or use of drugs or alcohol). Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape. All such acts of sexual assault are forms of Sexual Harassment and, in turn, sex discrimination prohibited by Title IX and Policy 2266.

Two (2) critical components of assessing allegations of sexual assault involve the concepts of "consent" and a person being "incapacitated." Policy 2266 states that "consent" involves words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person, however, may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

Determining whether there was consent is a critical factor in evaluating whether a sexual assault occurred. As defined above, consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through manipulation, force, or coercion of any kind, and requires having cognitive ability to agree to participate. Force involves the use, or the threatened use, of physical violence to achieve sexual access. Force further includes the use of a person's body in a physically imposing manner to elicit unwelcome or unwanted sexual contact. Coercion involves unreasonable pressure for sexual activity or contact.

Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal "no" constitutes lack of consent, even if it sounds insincere or indecisive. Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

Impairment or incapacitation due to alcohol and/or drug use, permanent/temporary mental or physical disability, and being below the age of consent - are factors that detract from or make consent impossible. Incapacity is defined as an inability to make rational, reasonable decisions or judgments. Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the "who, what, where, when, why or how" of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation is found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One's own intoxication is not an excuse for failure to recognize another person's incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation.
Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's:

A. decision-making ability;

B. awareness of consequences;

C. ability to make informed judgments;

D. capacity to appreciate the nature or circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

Title IX Coordinator(s)

The following individual(s) serve as the Corporation Title IX Coordinator(s) and is/are responsible for overseeing and coordinating the Corporation's efforts to comply with Title IX and its implementing regulations:

Tammy Williams
Director of Curriculum
812-663-4774
1312 W. Westridge Parkway, Greensburg, IN 47240
twilliams@greensburg.k12.in.us

Matt Clifford
Greensburg Jr. High School Principal
812-663-7523
505 E. Central Avenue, Greensburg, IN 47240
mclifford@greensburg.k12.in.us

The Title IX Coordinator(s) report(s) directly to the Superintendent except when the Superintendent is a Respondent. In such matters, the Title IX Coordinator(s) shall report directly to the Board Attorney.

Questions about Policy 2266 and/or this administrative guideline should be directed to the Title IX Coordinator(s).

Notices

The Title IX Coordinator's(s') name(s), title(s), and contact information – including office address(es), telephone number(s), and email address(es) - must be published on the Corporation's website and on each individual school's website.

Policy 2266 also must be published on the Corporation's website and in each handbook or catalog that the Corporation makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Corporation.

Reports of Sexual Harassment

All students and Corporation employees share responsibility for avoiding, discouraging, and reporting Sexual Harassment.

The Title IX Coordinator(s) shall be available during regular school/work hours to discuss Title IX questions, including questions related to Sexual Harassment, and assist students, parents/guardians, employees, other members of the Corporation Community and Third-Parties with any issues they may have related to Policy 2266. The Title IX Coordinator(s) shall accept reports of Sexual Harassment directly from any member of the Corporation Community or any Third Party. Reports may be submitted in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') published contact information, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-work hours).

The Corporation will be considered to have actual knowledge of Sexual Harassment or an allegation of Sexual Harassment if : 1) a Formal Complaint is filed by a Complainant (or a parent/guardian on behalf of a minor child); 2) a Corporation employee receives a report or otherwise has notice of an incident of Sexual Harassment or allegations of Sexual Harassment; or 3) a Corporation employee witnesses the misconduct. The Corporation also may receive notice about Sexual Harassment in an indirect manner from a member of the local community, social networking sites, the media, or if the information is shared by survivors during public awareness events or campaigns.

When a Corporation employee files a report of Sexual Harassment or allegations of Sexual Harassment with the Title IX Coordinator, the employee is required to report all known details about the alleged Sexual Harassment, including: 1) the name of the alleged Respondent; 2) the person who experienced the alleged Sexual Harassment (i.e., the Complainant); 3) other persons involved in the alleged Sexual Harassment; and 4) any other relevant facts, such as date, time, and location.

When possible, before a reporting student or parent/guardian discloses the above information, the Corporation employee should inform the student and/or parent/guardian of the employee's obligation to report the information to the Title IX Coordinator.

The employee also will inform the student and/or parent/guardian of his/her right to file a Formal Complaint with the school and a separate complaint with local law enforcement.

Upon receiving a report of Sexual Harassment or allegations of Sexual Harassment, the Title IX Coordinator will provide the appropriate notice to the Complainant, discuss supportive measures with the Complainant, and explain the Formal Complaint process. The Title IX Coordinator also will inform the Complainant that s/he is available to assist the Complainant in filing a Formal Complaint if that is what the Complainant wants to do. The Title IX Coordinator further will explain to the Complainant that Federal law includes protections against retaliation, and that the Corporation will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

When it comes to allegations of stalking, the Title IX Coordinator will inform the Complainant that it is important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence also will be useful in all types of Sexual Harassment investigations.

If the report involves a student Respondent, while the Title IX Coordinator is communicating with the Complainant concerning supportive measures and whether to file a Formal Complaint, the Superintendent will determine whether the circumstances warrant consideration of emergency removal of the student Respondent.

If the Superintendent decides that the situation calls for possible emergency removal of the student Respondent, the Superintendent will direct the Principal to convene a team of educators and other appropriate staff members (e.g., school psychologist, guidance counselor, mental health counselor, etc.) to conduct an individualized safety and risk analysis. The team will be tasked with determining whether

the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal.

If the team determines the student Respondent poses such a threat, it will recommend to the Principal that the Corporation implement an emergency removal (i.e., removal of the student Respondent from the school premises). If the Principal agrees with the recommendation, the Principal will notify the student Respondent, remove the student Respondent from the school premises for the remainder of the school day, and begin the process of suspending or expelling the Respondent pursuant to I.C. 20-33-8. The student Respondent will have an opportunity to challenge the team's recommendation and the Principal's corresponding decision to remove the student Respondent immediately following the implementation of the removal. The challenge may be filed directly with the Superintendent – even before any recommendation for expulsion is processed by the Superintendent – or by following the due process procedures outlined in Policy 5605 – Suspension and Expulsion of Students with Disabilities 5610 – Suspension and Expulsion of Students, Policy 5611 – Due Process Rights, and 5620 – Court Assisted Resolution of Suspension and Expulsion.

Formal Complaint of Sexual Harassment

The Complainant (or his/her parent/guardian if the Complainant is a minor) may file a Formal Complaint with the Title IX Coordinator. Alternatively, the Title IX Coordinator may sign a Formal Complaint. When deciding whether to sign a Formal Complaint, the Title IX Coordinator should consider a variety of factors, including but not limited to: 1) circumstances that suggest an increased risk of repeated Sexual Harassment, such as the alleged Respondent's previous history of threats; 2) whether the Sexual Harassment was perpetrated with a weapon; 3) the age of the student subjected to the Sexual Harassment; 4) and whether the school can obtain relevant evidence through other means, such as from security cameras or witnesses.

The Title IX Coordinator must balance the student's or parent's request that a Formal Complaint not be initiated with the Corporation's obligation to provide a safe and non-discriminatory environment for all students.

Even when the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a Complainant; the Complainant remains the individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Upon receipt of a Formal Complaint, the Corporation will follow its Grievance Process, and undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Grievance Process

The Corporation's grievance process is detailed in Policy 2266. The grievance process seeks a prompt and equitable resolution of the Formal Complaint.

It is critical that the Title IX Coordinator, and any investigator, decision-maker or person designated to facilitate an informal resolution, does not have a conflict of interest or bias for or against Complainants and Respondents generally or any individual Complainant(s) or Respondent(s).

The Title IX Coordinator shall appoint an investigator (unless the Title IX Coordinator intends to serve as the investigator) and a decision-maker to assist the Corporation in resolving the Formal Complaint. Upon being assigned to conduct an investigation or to serve as a decision-maker, the investigator and the decision-maker shall confirm in writing that they do not have a conflict of interest or bias for or against Complainants and Respondents generally. After learning the name(s) of the Complainant(s) and Respondent(s), the investigator and decision-maker also shall confirm in writing that they do not have a conflict of interest or bias for or against the individual Complainant(s) and Respondent(s) involved in the specific Formal Complaint.

In appropriate circumstances, the Title IX Coordinator may appoint/assign a person to facilitate an informal resolution process. The facilitator must confirm in writing that s/he does not have a conflict of interest or bias for or against Complainants and Respondents generally and does not have a conflict of interest or bias for or against the individual Complainant(s) and Respondent(s) involved in the specific Formal Complaint.

Within two (2) days of learning of the identity of the investigator, decision-maker, and/or facilitator of the informal resolution process, the Complainant and/or Respondent may submit a written objection to the Title IX Coordinator concerning the investigator, decision-maker and/or facilitator of the informal resolution process, based upon an actual or perceived conflict of interest or bias for or against complainants and/or respondents generally or either party to the Formal Complaint. The objecting party must explain the basis for the contention that the investigator, decision-maker and/or facilitator of the informal resolution process has a conflict of interest or is biased and submit any substantiating evidence. Within two (2) days of receiving the written objection, the Title IX Coordinator will decide whether to replace the investigator, decision-maker and/or facilitator of the informal resolution process and notify the parties of the decision, including the reasons for it.

If there is an ongoing criminal investigation involving the incident that is the subject of the Formal Complaint, the Title IX Coordinator will seek to implement the Corporation's grievance process in a manner that does not impact the criminal investigation unduly. To the extent appropriate, the Title IX Coordinator and/or the Corporation-assigned investigator will consider whether information can be shared among the criminal investigators and the Corporation-assigned investigator so that the Complainant(s) is/are not unnecessarily required to give multiple statements about an alleged traumatic event. If the investigation includes forensic evidence, the Corporation-assigned investigator may consult with a school resource officer,local law enforcement or a forensic expert to ensure that the Corporation-assigned investigator is interpreting the evidence correctly.

While the Corporation will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation, it may delay temporarily the investigation portion of the grievance process while the police are gathering evidence. During this delay in the Title IX investigation, the Title IX Coordinator will implement supportive measures. The Title IX Coordinator also will continue to provide reasonable updates to the parties on the status of the investigation and inform the parties when the Corporation resumes its Title IX investigation.

If the Title IX Coordinator delays the investigation portion of a Title IX investigation due to an ongoing criminal investigation, it promptly will resume and complete the investigation once the Corporation learns that the applicable law enforcement has completed its evidence-gathering stage of the criminal investigation. The Corporation will not delay unreasonably its investigation or the determination of responsibility until the ultimate outcome of the criminal investigation or the filing of any charges. The Corporation may work with its school resource officer(s), local law enforcement, and local prosecutor's office to learn when the evidence-gathering stage of the criminal investigation is complete.

Off-Campus Sexual Harassment

The Corporation is required to investigate a Formal Complaint that involves conduct that occurred in the Corporation's education program or activity, even if the conduct occurred off school property. The Corporation's education program or activity includes locations, events, and circumstances in the United States over which the Corporation exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs. The Title IX Coordinator shall determine whether any alleged off-campus Sexual Harassment occurred in an educational program context or school activity. If it did, the grievance process shall apply and be implemented in the same manner as with an on-campus complaint. Whether the alleged misconduct occurred in this context may not always be apparent from the initial complaint, so the Title IX Coordinator may need to gather additional information to make such a determination. Off-campus educational programs and activities include school-sponsored field trips, athletic team travel, and school club events.

Upon receipt of a report of Sexual Harassment made pursuant to Policy 2266, the Title IX Coordinator will conduct a preliminary assessment to determine:

A. Whether the alleged conduct, as reported, falls, or could fall, within the scope of Policy 2266; and

B. Whether the alleged conduct, as reported, constitutes, or could constitute, Sexual Harassment.

If the Title IX Coordinator determines that the alleged conduct could not fall within the scope of Policy 2266, and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter and notify the Complainant if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to the Principal or another staff member, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of Policy 2266, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator shall contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if not apparent from the report.

Upon receipt of a Formal Complaint, the Title IX Coordinator will confirm whether the alleged conduct falls within the scope of Policy 2266, including whether the conduct, as reported, constitutes or could constitute Sexual Harassment, and whether the incident(s) occurred within the context of the Corporation's education program or activity. If the Title IX Coordinator determines the conduct did not occur in the context of an educational program or activity, or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will dismiss the Formal Complaint but may refer the matter to the Principal to consider whether the alleged misconduct, while not a Title IX violation, still may involve the creation of an impermissible hostile or discriminatory environment that is prohibited under the Board's other nondiscrimination and anti-harassment policies.

Supportive Measures

Supportive measures involve non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive measures must be offered to the Complainant after a report of Sexual Harassment is made,

and regardless of whether a Formal Complaint is filed, and to both the Complainant and the Respondent after a Formal Complaint is filed.

The Corporation will implement supportive measures that are designed to restore or preserve equal access to the Corporation's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Corporation's educational environment or deter Sexual Harassment. The Corporation will contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), and other similar measures (e.g., instituting changes to extracurricular activities, transportation, and lunch in order to allow the Complainant and Respondent to avoid contact; informing the Complainant of other available resources, such as victim advocacy, academic support, disability services, health and mental health services, the right to report a crime to local law enforcement, the right to seek judicial no-contact, restraining and protective orders, and other forms of legal assistance).

The Title IX Coordinator will determine appropriate supportive measures on a case-by-case basis.

Notice Provided Prior to a Meeting, Interview or Hearing

In advance of any interview, meeting or hearing, the Title IX Coordinator, investigator and/or decision-maker will transmit a written notice to the Complainant and Respondent that includes:

A. a physical copy of Policy 2266 or a hyperlink to Policy 2266;

B. sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, including the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);

C. a statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;

D. notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;

E. notifying the Complainant and Respondent of their right to inspect and review evidence;

F. notifying the Complainant and Respondent of the Corporation's prohibitions on retaliation and false statements; and

G. information about resources that are available at the Corporation and in the community.

Should the Title IX Coordinator decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the Title IX Coordinator will provide a supplemental written notice describing the additional allegations to be investigated.

Role of Advisors

All parties are entitled to have an advisor of their choosing to assist them throughout the grievance process. The advisor may be a parent/guardian, relative, friend, attorney, or any other supporter that the party chooses to advise them who is eligible and available. A party may not select a person who is identified as or may be called as a witness to serve as an advisor, with the exception of a parent/guardian.

The parties are expected to notify the Title IX Coordinator, investigator and/or decision-maker of the identity of their advisors at least two (2) days before any meeting, interview or hearing. A party may change advisors during the grievance process but needs to provide a minimum of two (2) days advanced notice to the Title IX Coordinator, investigator and/or decision-maker, as appropriate.

A party's advisor is permitted to accompany the party in all meetings and interviews at which the party is entitled to be present, including intake and investigative interviews, hearings, and appeals. Advisors should help their advisees to prepare for each meeting/interview or hearing.

Advisors are expected to conduct themselves in a professional and ethical manner, with integrity and in good faith.

All advisors are subject to the same rules, regardless of whether they are an attorney or not. The Title IX Coordinator, the investigator and the decision-maker shall have discretion to determine whether advisors may be permitted to present on behalf of the Complainant or Respondent in a meeting or interview or hearing. Under no circumstances would a parent/guardian be prevented from doing so. Any limitations placed on the advisors shall apply to the advisors for all parties. If it is determined the advisors are not permitted to present on behalf of the Complainant or Respondent, the advisor should request or wait for a break in the proceeding before interacting with Corporation officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. Advisors may request breaks, as needed, in order to confer with their advisees.

Prior to the first meeting or interview, or hearing, the Title IX Coordinator, the investigator or the decision-maker will meet or speak with the advisors to clarify their roles and answer any questions they may have.

Advisors are prohibited from interfering with the investigation or the grievance process. If an advisor acts in a disruptive manner or outside the role at a meeting or interview, or hearing, the Corporation official in charge of the meeting or interview will warn the advisor. If the advisor continues to disrupt the proceeding or act in an unprofessional manner, the advisor will be asked to leave and will be dismissed from the meeting or interview or hearing. Except with respect to a hearing, the meeting or interview typically will continue after the advisor is excused. The Title IX Coordinator will subsequently decide whether the original advisor will be reinstated or will need to be replaced by a different advisor.

In order for the Corporation to share documentation related to the allegations pertaining to a student with the student party's advisor, the Eligible Student or the student party's parent/guardian must provide written consent authorizing such sharing.

The parties are not restricted from discussing or sharing information related to the allegations with their advisor or others who may support or assist them in the process.

Consistent with the Title IX regulations, advisors are required to maintain the privacy of records shared with them by the Corporation during the grievance process; pursuant to FERPA and State law, the records may not be shared with third parties, disclosed publicly, or used for purposes unrelated to the grievance process.

If an advisor is unable to attend a meeting in person, the Corporation official in charge of the meeting will attempt to arrange for the advisor to participate by telephone, video, and/or virtual meeting. However, an advisor's inability to attend a meeting ordinarily will not excuse or prevent the meeting from occurring.

If a party is a Corporation employee who is entitled to a union representative, the Corporation employee may be accompanied by both a union representative as well as another advisor at any meeting or interview or hearing.

Remedies

If the decision-maker(s) determines the Respondent is responsible for violating Policy 2266, the Corporation will take prompt and effective steps to end the sex discrimination/Sexual Harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. The decision-makers(s') written determination should recommend to the Title IX Coordinator and the Superintendent appropriate remedies that may include, but are not limited to:

A. providing an escort for the Complainant to move safely between classes and activities;

B. ensuring the Complainant and Respondent do not share classes or extracurricular activities (e.g., re-arranging schedules at the Complainant's request);

C. moving the Respondent or Complainant to another school within the Corporation;

D. providing medical, counseling, and academic support services to the Complainant and/or Respondent;

E. affording/arranging for the Complainant to have extra time to complete or re take classes or exams without academic penalty (e.g., the Complainant is provided extensions on due dates for papers, assignments, quizzes, tests, etc.);

F. reviewing disciplinary proceedings/actions against the Complainant to see if there is a causal connection between the Sexual Harassment and the misconduct that may have resulted in the Complainant being disciplined;

G. initiating evaluations for special education or accommodations/modifications under the Individuals with Disabilities Education Act as amended (IDEA) or Section 504 of the Rehabilitation Act of 1973;

H. imposing disciplinary sanctions/consequences on a Respondent, up to and including expulsion or permanent exclusion of a student Respondent and termination of an employee Respondent; and

I. ordering other global remedies such as:

1. training or re-training of employees;

2. developing and distributing materials on Sexual Harassment;

3. conducting Sexual Harassment prevention programs; and/or

4. conducting climate checks/surveys.

Training

Given that the Corporation is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Corporation employee has notice of the same, all Corporation employees shall receive training in:

A. the definition of Sexual Harassment (as that term is used in Policy 2266) and practical information about preventing and identifying sex discrimination and Sexual Harassment;

B. the person(s) to whom such misconduct must be reported, including the contact information for the Title IX Coordinator(s); and

C. what information should be included in a report, the consequences for failing to report, and what information must be provided to the student and/or parent. For example, Corporation employees will be trained to inform students about:

1. the employee's reporting responsibilities; and

2. their right to file a Title IX complaint with the school and to report a crime to local law enforcement. Corporation employees shall be trained to report to the Title IX Coordinator(s) both allegations of and actual incident(s) involving Sexual Harassment without determining first whether the incident or allegations meet the applicable definition of Sexual Harassment or are substantiated.

Title IX Coordinator(s)/Investigator(s)/Decision-Maker(s)/Facilitators of Informal Resolution Process

The Corporation's Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or persons designated to facilitate an informal resolution process, shall receive training on the definition of Sexual Harassment (as that term is used in Policy 2266), the scope of the Corporation's education program or activity, how to conduct an investigation and grievance process, including hearings, appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

The training shall include information on the following topics:

A. working with and interviewing persons subjected to Sexual Harassment;

B. particular types of conduct that constitute Sexual Harassment;

C. the proper standard of review for Formal Complaints (i.e., preponderance of the evidence);

D. consent, incapacity, coercion, force, and the role age, mental or physical disability, and/or drugs or alcohol can play in a person's ability to consent;

E. the need for remedial actions for the Respondent, Complainant, and school community;

F. how to determine credibility;

G. how to evaluate evidence and weigh it in an impartial manner;

H. how to conduct investigations;

I. confidentiality.

Decision-makers also must receive training on any technology to be used at a hearing and onissues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on how to prepare an investigative report that fairly summarizes relevant evidence.

Any materials used to Train IX Coordinators, investigators, decision-makers, and any persons who facilitate an informal resolution process must not rely on sex stereotypes, and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

Students

The Corporation shall provide age-appropriate education about Sexual Harassment to students. In the younger grades, the Corporation will cover these topics in its anti-bullying and harassment training. In the older grades, students will receive training in specific topics, including:

A. Title IX and what constitutes Sexual Harassment under the school's policies;

B. the school's definition of consent applicable to sexual conduct, including examples;

C. how the school analyzes whether conduct was unwelcome under Title IX;

D. how the school analyzes whether unwelcome sexual conduct creates a hostile environment;

E. reporting options, including how to file a Formal Complaint and any timeframes set by the school for reporting;

F. the school's grievance process used to address reports of and Formal Complaints alleging Sexual Harassment;

G. disciplinary code provisions relating to Sexual Harassment and the consequences of violating those provisions;

H. the role alcohol and drugs often play in Sexual Harassment incidents, including the deliberate use of alcohol and/or other drugs to perpetrate Sexual Harassment;

I. how to report Sexual Harassment to school officials and local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and

J. Title IX's protections against retaliation.

The training also will encourage students to report Sexual Harassment, even if they are unsure whether the incident meets the definition of Sexual Harassment contained in Policy 2266. The Corporation will emphasize that its primary concern is student safety and that use of alcohol or drugs never makes the alleged victim at fault for Sexual Harassment.

The Corporation shall specifically inform students that all Corporation employees are responsible for reporting information involving Sexual Harassment to the Title IX Coordinator(s), including the need to report the names of the alleged Complainant and Respondent, and relevant facts such as the date, time, and location of incidents. The issue of confidentiality will be discussed during the training.

The Corporation shall provide the above trainings on a regular basis and periodically review their efficacy.

Retaliation

Federal law strictly prohibits retaliation against a Complainant, Respondent, or witness. The Title IX Coordinator will inform the Complainant, Respondent and other individuals who participate in the grievance process of this prohibition and direct the Complainant to report any retaliation, whether by students, Corporation employees, or other members of the Corporation Community or Third Parties that is directed toward the Complainant. Upon learning of alleged retaliation, the Title IX Coordinator and/or the Superintendent will take strong responsive action as appropriate.

Contact Information for the Office of Civil Rights

Individuals may submit questions or file complaints relating to Title IX with the U.S. Department of Education's Office for Civil Rights at any time. OCR's regional office in Chicago has jurisdiction for all of Indiana:

U.S. Department of Education
Office for Civil Rights
Chicago Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
(312) 730-1560
Fax: (312) 730-1576
Email: OCR.Chicago@ed.gov

Web: http://www.ed.gov/ocr

Retention of Investigatory Records and Materials

The Title IX Coordinator is responsible for overseeing retention of all records that must be maintained pursuant to Policy 2266. All investigators, decision-makers (including decision-makers of appeals) and facilitators of informal resolution processes shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, determination of responsibility, or informal resolution process, which may include but are not limited to:

A. all written reports, allegations, Formal Complaints, statements, and responses pertaining to an alleged violation of Policy 2266;

B. any narratives that memorialize oral reports, allegations, statements, and responses pertaining to an alleged violation of Policy 2266;

C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation, determination of responsibility, and/or the Corporation's response to an alleged violation of Policy 2266;

D. written witness statements;

E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of Policy 2266 (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of Policy 2266;

I. dated written determinations of responsibility/investigative reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of Policy 2266;

J. documentation of any supportive measures offered and/or provided to Complainants and/or Respondents, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board Policy and/or guidelines used by the Corporation to conduct the investigation and any documents used by the Corporation at the time of the alleged violation to communicate the Corporation's expectations to student and staff with respect to the subject of Policy 2266 (e.g., Student Code of Conduct and/or Employee/Administrator Handbooks);

M. copies of any documentation that memorializes any informal resolution to a Formal Complaint of Sexual Harassment;

N. documentation of any training provided to Corporation employees related to Policy 2266, including but not limited to, notification of the prohibitions and expectations of staff set forth in the policy and the role and responsibility of all Corporation employees related to enforcement of

Policy 2266, including their duty to report alleged violations of the policy and/or conducting an investigation and making a determination of responsibility related to any Formal Complaints of Sexual Harassment;

O. documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;

P. copies of any notices sent to the Respondent that detail allegations of conduct that may constitute a violation of Policy 2266;

Q. copies of the notices sent to the Complainant and Respondent in advance of any interview, hearing or meeting;

R. copies of any documentation or evidence used during an investigatory meeting or hearing, including the investigative report, and any written responses submitted by the Complainant or the Respondent to it.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation or proceeding related to determination of responsibility shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than seven (7) calendar years, but longer if otherwise required by the Corporation's records retention schedule.

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RELIGION IN THE CURRICULUM

2270 - **RELIGION IN THE CURRICULUM**

The School Board has adopted a policy favoring the understanding of religions by the students of this Corporation and the contributions religions have made to the advancement of civilization. When developing or implementing any course of study in which religion is dealt with, the following guidelines should be followed:

A. Course content can neither inhibit nor advance any religion.

B. No devotional practices shall be permitted or requested of the students.

C. The use of art, literature, and music descriptive of the religion is permitted.

D. Complaints by students or the public regarding any such course of study will be handled in accordance with Board Policy 9130.

Course(s) of study including instruction on religions shall be subject to the same administrative reviews as other course material and may not be implemented without prior Board approval.

Instructional materials or activities containing religious references found in any of the writings, documents, or recordings described in I.C. 20-10.1-4-2.5(a) are not to be censored out of the material or activity nor is a student to be disciplined in any way for including any of the materials listed in the statute as a reference in a report or other student assignments.

COLLEGE AND UNIVERSITY PROGRAMS

2271 - **COLLEGE AND UNIVERSITY PROGRAMS**

The following guidelines must be met for students enrolling in college or university programs.

A. The college or university must be accredited in the State of Indiana.

B. The student must be either:

1. at least nineteen (19) years of age and not enrolled in a school; or

2. at least seventeen (17) years of age and have consent from the principal of the high school the individual attended most recently. The School Corporation, in which a student to whom this requirement applies resides, shall pay the student's tuition for high school level courses taken at the college or university during each year the student is included in the School Corporation's ADM.

C. To complete the requirements for a high school diploma the student must have:

1. passed:

a. the graduation examination given under I.C. 20-32-4;

b. an examination for a general educational development diploma;

c. an examination equivalent to the graduation examination:

1. administered by the college or university; and

2. approved by the Department of Education; and

2. completed the coursework necessary to meet:

a. the minimum high school requirements established by the State Board of Education; and

b. the requirements of the college or university.

D. In addition to meeting these requirements the student must have the credits toward graduation that s/he successfully completed in high school transferred to the college or university.

If a student enrolls in a course offered by an eligible institution under the program, the institution and the student's School Corporation will enter into a contract for dual credit. The contract must establish the terms and conditions under which:

A. the institution will award credit for specific classes successfully completed by the student in the School Corporation; and

B. the School Corporation will award credit for specific classes successfully completed by the student in the institution.

The School Corporation shall grant secondary credit for a course successfully completed by a student at the eligible institution if the School Corporation approved the course for secondary credit. The student's school records must reflect that the secondary credit was earned at an eligible institution.

A School Corporation representative must meet with each student who intends to participate in the program and discuss the following:

A. the course in which the student is authorized to enroll

B. the postsecondary credit the student earns upon successful completion of a course

C. the consequences of a student's failure to successfully complete a course

D. the student's schedule

E. the financial obligations of the student and the school under the program

F. the responsibilities of the student, the student's parent, and the school under the program

G. other matters concerning the program

ag2330

HOMEWORK

2330 - **HOMEWORK**

The following guidelines have been developed to assist principals in working with staff to establish appropriate homework assignments:

A. All homework assignments should have a specific purpose related to the learning objectives of a program or course.

B. Homework assignments should be appropriate to the grade level and the abilities of the students involved.

C. Assignments should involve application of knowledge, reinforcement of communication, research and other skills, and should provide experiences which strengthen attitudes and allow for creativity.

D. Punishment assignments should never be given.

E. The time limits for the completion of homework should:

1. be reasonable and consistent with the nature of the assignments given;

2. include a reasonable time for make-up of missed homework assignments and/or improvements based on teacher comments.

F. Parents should be made aware of the Corporation's homework guidelines as well as the way each of their child's teachers will be using homework as a learning activity.

ag2340A

FIELD TRIP GUIDELINES

2340A **- FIELD TRIP GUIDELINES**

Field trips as defined in School Board policy must be related to a course of study and therefore are a required part of instruction. If the trip cannot be directly related to a course of study, it should be considered a co-curricular or extra-curricular activity. The following guidelines have been provided to help ensure the effectiveness of all field trips.

General Procedures

A. All requests shall be submitted to the Superintendent on the Field Trip Request Form (Form 2340 F1) in advance of the scheduled trip with the names of all staff members and chaperones who will accompany the students.

B. Upon approval of a trip, the principal shall forward a copy of the pretrip proposal to the sponsor.

C. Parental Consent Forms must be returned to the administration before the trip. A blanket authorization may be obtained for trips that will consist of a series of trips during the school year. If the student will be unsupervised during certain portions of the trip, Form 2340 F2a must be signed and returned prior to the trip. No student will be allowed to participate if the parental consent form is not received prior to the trip.

D. For trips that can be completed before the end of the school day, the following procedure is to be used. If it becomes necessary to take a student to a hospital for emergency treatment, contact the nearest hospital or local law enforcement agency. Call the school office, or if after hours, the school's emergency number and request the secretary or emergency person to fax the student's Emergency Medical Authorization Form to the hospital right away. Be sure to provide the name and location of the hospital, and if possible its telephone or fax number. The secretary or emergency person is responsible for obtaining the hospital's fax number, if not provided, and for ensuring that the EMA Form reaches the hospital immediately.

The secretary or emergency person should then contact the parents, if possible, and inform them of the situation.

E. Field trips may be denied for any one of the following reasons:

1. failure to comply satisfactorily with pretrip requirements

2. excessive cost or limited financial resources

3. the students involved have generally been involved in other field trips or school activities that have kept them out of class in the weeks preceding or following the scheduled trip

4. excessive number of students taking trips on that particular day

5. lack of availability of transportation

6. inadequate provision for student safety and welfare

F. Each principal is to develop and publish a list of times during the school year when field trips will not be approved.

G. Problems with the field trip should be brought to the attention of the principal immediately upon return. The principal shall inform the Superintendent of any major problems.

H. For every field trip there must be a ratio of teachers and chaperones to students as determined by the principal.

I. At no time are students to be left **ON THEIR OWN** during the course of the field trip without parental approval.

J. At least one (1) staff member is to remain at the school after the return trip until all students have been picked up.

K. Any disciplinary problems are to be reported to the principal immediately upon returning to the school for appropriate action.

In the event of any emergency during a field trip, the bus driver should contact appropriate persons from his/her emergency list and the teacher in charge should contact the principal.

ag2340B

CORPORATION SPONSORED TRIPS(Co-Curricular and Extra-Curricular)

2340B - **CORPORATION SPONSORED TRIPS(Co-Curricular and Extra-Curricular)**

These trips include athletic trips and are considered part of the total educational program of the Corporation but not part of a course of study. The following general procedures are to be followed for all such trips.

A. All requests shall be submitted to the principal on the Trip Request Form (Form 2340 F4) in advance of the scheduled trip with the names of all staff members and/or chaperones who will accompany the students.

B. The description of how any finances connected with the trip will be handled must be attached to the trip request form.

C. Upon approval of a trip, the principal shall forward a copy of the pretrip proposal to the Superintendent.

D. Parental Consent Forms must be returned to the administration no later than seven (7) days before the trip. No student will be allowed to go on the trip unless this form is returned to the administration with the parent's signature. A blanket authorization may be obtained for trips that will consist of a series of trips during the school year. If the student will be unsupervised during certain portions of the trip, Form 2340 F2a must be signed and returned prior to the trip. No student will be allowed to participate if the parental consent form is not received prior to the trip.

E. For every trip there must be a ratio of teachers and chaperones to students as determined by the principal.

F. The list of participating students should be provided to the principal's office prior to the trip.

G. For trips that can be completed before the end of the school day, the following procedure is to be used. If it becomes necessary to take a student to a hospital for emergency treatment, contact the nearest hospital or local law enforcement agency. Call the school office, or if after hours, the school's emergency number and request the secretary or emergency person to fax the student's Emergency Medical Authorization Form to the hospital right away. Be sure to provide the name and location of the hospital, and if possible its telephone or fax number. The secretary or emergency person is responsible for obtaining the hospital's fax number, if not provided, and for ensuring that the EMA Form reaches the hospital immediately.

The secretary or emergency person should then contact the parents, if possible, and inform them of the situation.

H. Permission may be denied for any one of the following reasons:

1. failure to comply satisfactorily with pretrip requirements

2. excessive cost or inadequate funds

3. excessive number of students taking trips on that particular day

4. lack of availability of transportation

5. inadequate provision for student safety and welfare

I. Any problems that arise during the trip should be brought to the attention of the principal immediately upon return.

J. At least one (1) staff member is to remain at the school after the return trip until all students have been picked up.

K. In the event of any emergency during a trip, the bus driver should contact appropriate persons from his/her emergency list and the teacher in charge should contact the principal.

ag2340C

OVERNIGHT TRIPS(Corporation-Sponsored)

2340C - **OVERNIGHT TRIPS(Corporation-Sponsored)**

In compliance with School Board Policy 2340, Field and Other Corporation-Sponsored Trips, the following guidelines are to be followed whenever a staff member seeks Board approval for a trip on which the students will be away from home for one (1) or more nights.

The Superintendent will not recommend approval by the Board unless a plan based on answers to the questions on the Proposal Form for Overnight/Extended Student Trip (Form 2340 F5) has been prepared and approved by the principal(s) of the school(s) which the students attend. In addition, if the trip involves the use of a travel company to arrange for transportation, rooms, or any other aspect of the trip, the staff member submitting the proposal must confirm that the company is:

- licensed to operate in this State;
- registered and bonded;
- properly insured for the proposed trip and the policy covers the Corporation, the staff members and chaperones involved in the trip, and all phases of the trip from the point at which the trip begins to the point at which it ends;
- in compliance with Federal laws regarding accessibility for and rights of those with disabilities.

This information must be confirmed, in writing, and attached to the trip proposal. No trip involving a travel company will be approved without this confirmation and, therefore, will be considered a nonsponsored trip subject to AG 2340D.

It is essential that no discussion of a trip with students is to occur until the trip proposal has been submitted and a determination made as to whether it will be sponsored by the Corporation.

All such requests are to be submitted to the Superintendent seven (7) days prior to the Board meeting at which approval will be sought. The professional staff member who will be in charge of the trip is responsible for preparing the proposal, reviewing it with the relevant principals, and obtaining written approval from each.

The proposal will be reviewed by the Superintendent and submitted to the Board with his/her recommendation for or against approval.

Once approved, the professional staff member in charge will be responsible for conducting the trip as planned (See AG 2340F - Chaperones). If changes in the plan are necessary, such changes are to be submitted to the principal(s) for approval and/or for subsequent approval by the Superintendent or Board.

Prior to the start of an approved overnight trip, the staff member in charge must comply with the procedures for any Corporation- sponsored trip (AG 2340B). In addition, each participating student and his/her parent is to sign the Responsibility Contract (Form 2340 F6) and submit it to the trip leader(s) prior to the trip.

ag2340D

NONCORPORATION-SPONSORED TRIPS

2340D - **NONCORPORATION-SPONSORED TRIPS**

Any staff member who wishes to take one or more students of the Corporation on any type of trip which would not normally be considered a field trip or school-related trip as defined in Policy 2340, must obtain permission from the Superintendent prior to initiating any discussion of the trip with the student or his/her parents.

Permission to solicit may or may not be granted, depending upon the purpose and nature of the trip and the willingness of the staff member to comply with the conditions set forth for such solicitation. As indicated in Policy 2340, permission to solicit does not imply sponsorship by the Corporation. Such sponsorship shall be granted in accordance with AG 2340C.

Should a staff member take any student of the Corporation on a trip that is not sponsored by the Board, s/he assumes all liability for the welfare of the student. Under no circumstances may the staff member use the name or good offices of the Corporation in any manner which would associate it with the trip or any person or group involved in the trip. If a staff member does not wish to comply with the guidelines for Corporation sponsorship of a trip or the Corporation does not wish to sponsor the trip, the following conditions will apply:

A. In order to discuss on Corporation premises any aspects of a noncorporation-sponsored trip, it is necessary for the staff member or any other person involved to follow the Corporation's procedures for Use of Facilities (see AG 7510) which requires that an application be submitted for use of a facility during nonschool hours.

B. The Corporation will not allow:

1. use of any staff member's time while on duty;

2. use of any Corporation facilities except in accordance with AG 7510;

3. use of any names which would associate the trip with the Corporation or any of its school programs.

ag2340E

TRIP LEADER RESPONSIBILITIES

2340E - **TRIP LEADER RESPONSIBILITIES**

Each staff member who leads a field or other Corporation-sponsored trip is to be provided with a copy of the following guidelines for fulfilling his/her responsibility.

A. Students are to be made aware that the regular bus rules will apply for the trip. Since some of the students may not be regular bus riders, the rules should be reviewed with the group prior to departure.

The trip leader or designated staff member is responsible for student behavior while on the bus.

B. The driver is responsible for the bus and has ultimate authority over routes and operations. If s/he deems that conditions constitute a safety hazard, the driver has the authority not to proceed.

C. If any discipline problems develop while on the trip, the problems are to be reported to the appropriate principal as soon as feasible.

D. The trip leader should report to the Transportation Supervisor any cases of poor judgement or improper behavior on the part of the driver.

E. The trip leader should:

1. review with the bus driver the destination and route;

If there is any question about the route, it should be resolved prior to departure so there is no confusion in communication during the trip. The driver has the final decision on the route.

2. make sure the emergency medical forms are on the bus in the possession of a designated person;

3. introduce chaperones to the driver prior to the trip and review the Corporation's policies and guidelines on discipline prior to the trip;

4. assist the driver in enforcing the rules of the bus and the rules and directions for the trip;

5. when necessary or requested by the driver, place himself/herself and any chaperones strategically in the middle and rear portions of the bus;

6. conduct a head-count each time there is an unloading and reloading of passengers to ensure no one is left behind;

7. when the bus returns to the Corporation, make sure all students have proper rides home and have left the Corporation before considering the trip to be completed.

ag2340F

CHAPERONES FOR TRIPS

2340F - **CHAPERONES FOR TRIPS**

All chaperones must be at least twenty-one (21) years of age and be affiliated with the Corporation as a parent, school volunteer, and/or part-time or full-time employee.

The list of chaperones must be submitted with the trip request. Any additions or replacements must be submitted to the principal for approval prior to the trip.

The trip leader is to provide each chaperone, prior to the trip, a copy of Form 2340 F8 describing the applicable policies and procedures with which the chaperone will comply. Each chaperone must sign the Volunteer Release Form 3120.09 or Form 4120.09 F1 prior to the trip in which s/he agrees to abide by all applicable Corporation policies and administrative guidelines (see Form 2340 F8). The form should be submitted to the principal's office.

Chaperones are not to invoke any kind of discipline on a student except in cases of imminent threat to that student's or other people's safety or well-being. A chaperone is to report any student behavior problems or inappropriate conduct of a chaperone or staff member to the trip leader(s) as soon as possible.

Each chaperone, as well as the trip leader(s), should model the behaviors expected of students throughout the times on the trip when s/he is associated with the students. When a chaperone is on free time away from the students, his/her behavior should be such that it would not create problems for or embarrassment to the trip leader(s) or the Corporation.

The trip leader(s) is responsible for the conduct of the chaperones during the trip and should be knowledgeable of their whereabouts at all times and how they can be contacted in case of an emergency.

INDIANA COURSE ACCESS PROGRAM (iCAP)

2370.03 - **INDIANA COURSE ACCESS PROGRAM (iCAP)**

The following guidelines are established to meet students' individual needs, expand learning opportunities, and diversify their curricula.

Lead Point of Contact for the iCAP:

The Superintendent shall assign a Corporation employee to serve as the Corporation's Lead Point of Contact for the iCAP who is the primary contact person for the Indiana Department of Education ("IDOE").

The Lead Point of Contact is responsible for:

A. the appeal process,

B. updating the Point of Contact for all schools in the LEA, and

C. maintaining accurate information.

The Lead Point of Contact serves as the main point of contact for:

A. Communicating the available opportunities, benefits and risks to students, Corporation staff, and families;

B. Advising students on courses that match their interests and meet their graduation requirements;

C. Performing all online course registration transactions with the provider(s);

D. Ensuring final grades and credits are reflected on report cards and transcripts for students who participate and successfully complete an iCAP course;

E. Maintaining the school's iCAP course student roster;

F. Ensuring equitable access to and equitable participation in the iCAP by addressing the needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation; and

G. Is the primary contact person for the provider and the IDOE for questions regarding enrollment.

School Point of Contact for the iCAP:

The Principal of a school with eligible students participating in iCAP shall assign a Corporation employee to serve as the School Point of Contact. The School Point of Contact's primary responsibilities are (1) to conduct registration transactions with iCAP providers and (2) to ensure final grades and credits are reflected on report cards and transcripts. The School Point of Contact works closely with guidance counselors and is authorized to advise students on the selection of their courses. Desired traits include:

A. Highly organized and detail-oriented;

B. Part of the team making decisions about the school's online course policies;

C. Familiar with online courses—including technology requirements, prerequisites, and timelines—prior to enrolling students; and

D. Authorized to assist students in the selection of their courses, to provide academic advising, and to apply credits earned online to student transcripts.

The School Point of Contact's additional responsibilities may include:

A. Communicating the available opportunities, benefits and risks to students, school staff, and families;

B. Advising students on courses that match their interests and meet their graduation requirements;

C. Maintaining the school's iCAP course student roster; and

D. Ensuring equitable access to and equitable participation in the iCAP, by addressing the needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation.

iCAP Teachers:

iCAP Courses are taught by Indiana licensed educators provided by the iCAP vendor. The Corporation is not responsible for assigning a teacher to the iCAP enrolled student; however, the school must provide an iCAP Mentor to a student once he/she is registered in an iCAP course.

iCAP Mentors:

Mentors are Corporation employees who are assigned to the student upon iCAP enrollment by the Corporation. Mentors do not need to be subject matter experts (although some course providers recommend this for students at the AP level). The mentor's main role is to offer active facilitation for student success. Desired traits include:

A. Competently use technology in multiple systems, possess organizational and efficiency skills, and keep accurate records.

B. Understand and advocate for the students in alternative learning situations. Are compassionate but hold students accountable.

Mentors work closely with online students to ensure a positive and successful experience by:

A. Helping the student set goals and persist through course completion;

B. Assisting with the use of technology and logging in to the course;

C. Facilitating communication and fostering a student's relationship with the iCAP course teacher;

D. Assisting with course participation procedures and gathering student grades; and

E. Providing feedback to the iCAP Point of Contact about processes, offerings, and course providers.

Schools may have multiple iCAP Mentors, but should have only one (1) iCAP Point of Contact (although a Mentor can fill this role too). iCAP Point of Contacts are always included in iCAP Support communications from the IDOE.

Mentors must have access to the student's online grades; however, they are not responsible for grading any of the coursework or answering questions about the course content. iCAP Mentors will be assigned log-in credentials in order to access the student's online grades. This will be part of the enrollment process that the iCAP Point of Contact will coordinate with the iCAP Provider.

Guidance Counselors:

The iCAP Point of Contact and Mentors have a close working relationship with school guidance counselors. It is very important for students' academic needs to be properly matched with their abilities and expectations of online learning. Guidance Counselors can be included in iCAP Support communications by request to ICAP@doe.in.gov.

Technologist:

The building technologist is a key iCAP Support Team member who ensures that school devices used for online learning meet the course providers' technology requirements. The technologist is mainly needed at the beginning of each term to make sure any course-specific plug-ins or technology requirements are addressed.

School Administrator:

The Superintendent may appoint an administrator to serve on the iCAP Support Team. The administrator makes sure school policies for online courses are in place and understood by the team and other pertinent school staff. The administrator supports the team by facilitating the resolution of any issues that may occur in areas such as student eligibility, schedule and space availability, payment, or cost-sharing practices, etc. School administrators can be included in iCAP Support communications by request to ICAP@doe.in.gov.

Students with IEPs and Section 504 Plans:

Prior to the enrollment of a Corporation student with a disability into one (1) or more iCAP courses, the student's case conference committee or Section 504 team should meet to determine whether each online course meets the student's educational goals, review the individualized education program ("IEP") or Section 504 plan to consider the extent to which the student's current accommodations can be provided in the virtual learning environment, and revise the IEP or Section 504 plan to identify any additional accommodations or assistive technology that may be needed to ensure equitable access in the virtual learning environment in order to ensure the provision of a free appropriate public education.

Prior to the first day of the online course, the student's teacher of record ("TOR") or Section 504 Coordinator (or designee) shall provide a copy of the student's IEP or Section 504 plan to the online course instructor and ensure that the instructor is made aware of any required accommodations or modifications for the student. The online course instructor is responsible for communicating any questions regarding implementation of the student's IEP or Section 504 plan to the TOR or Section 504 Coordinator.

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ag2411

GUIDANCE AND COUNSELING

2411 - **GUIDANCE AND COUNSELING**

Both of these functions play a significant role in the operation of the Corporation and in the lives of the students. These guidelines are designed to ensure proper balance between two (2) important and seemingly conflicting needs of a school. The first is the need for each student to feel there is someone who cares about him/her and to whom s/he can go to talk about a problem or concern. The second need is to protect the student and possibly the parents and also the staff member. That is, protect the student from the consequences of advice given by or action taken by a member of the staff or outside resource person who does not have the proper qualification to counsel in the given situation and the staff member from consequences arising out of noncompliance with Federal and State laws regarding parental/student rights and confidentiality.

Purpose of the Services

The purpose of the guidance service is to help students:

A. select and participate in academic and other school activities that will best ensure achievement of defined educational and personal goals that are commensurate with their abilities;

B. identify, analyze, and make contact with those agencies and institutions that can provide follow-on programs or services related to the student's goals and plans for the future.

The purpose of the counseling service is to help students resolve problems and overcome obstacles that are preventing them from achieving their educational and personal goals.

Each counselor is to guide students in course selection and career planning in such a way that there is no discrimination or bias and that no predictions of success or failure are made based on a student's race, color, national origin, gender, age, or disability. If any materials or resource people are used to recruit students to a particular career path or vocational choice, the counselors and teachers must be sure that such materials and/or presentations do not indicate or imply racial, gender, or disability stereotypes. Efforts should be made, when applicable to a program, to use resource people who represent the special

populations contained within the body of students being recruited for or guided toward the program or career path.

Staff Responsibility

Since both of these services depend for their effectiveness on close interpersonal interaction with students, no staff member other than endorsed counselors, school psychologists, school social workers, or registered nurses are to conduct programs or activities, that are not curriculum related, in which confidentiality of information is involved or shared. Other members of the professional staff as well as those on the support staff should be as helpful and caring to the students as possible, and, when they become aware that a student needs either guidance or counseling help, take whatever steps are necessary to ensure the student has made productive contact with members of the guidance and counseling staff.

All members of a school's professional staff are encouraged to be "good listeners". That is listen to and try to understand what the student is saying and let the student know s/he is being listened to.

Very frequently, a caring listener is all the student needs.

Confidentiality

It is incumbent on all staff members to be knowledgeable about the laws regarding confidentiality of information, whether it be part of a student's record or of a communication with a student. AG 8330 describes in detail the requirements concerning information in student school records.

With regard to confidentiality of communications, parents have an expectation of privacy with regard to their family relationships, which may be superseded, however, in certain situations where the rights of a minor student would prevail such as one-on-one counseling situations with a licensed counselor. Upon receiving confidential information regarding a student or his/her family's personal relationship, a staff member who is not a licensed professional counselor or who has a limited counseling license should consult with the building principal regarding disclosure. This will be important not only in situations such as group counseling sessions, health classes, crisis intervention activities, and the like, but also in ad hoc situations when a student shares such information with the staff member.

(See Policy 3213.) Information shared with a licensed counselor is to be considered privileged information and not to be shared with anyone unless the counselor believes the student's or any other person's health and/or well-being is in jeopardy. In such cases, the counselor should contact the appropriate agency and consult with the principal prior to making any contact with the student's parents. Prior to establishing an individual counseling program with a student, the counselor should have the parent read and sign the Informed Consent Form 2411 F1. If a student is to participate in a group counseling program, the parent should read and sign Informed Consent Form 2411 F2.

In determining whether or not to disclose the information, the principal must consider:

A. the student's need to maintain confidentiality in order to obtain and benefit from assistance balanced against the parents' rights to the care, custody, and control of their child;

B. if there is a compelling need involving the immediate health, safety, or welfare of the student or others.

In balancing these concerns, the principal must also consider:

A. the nature of the relationship between the student and his/her parents;

B. potential benefits and risks of maintaining confidentiality versus disclosure;

C. the best interests of the student.

Psychological/Counseling Materials

Any materials that a member of the guidance and counseling staff wishes to use with students, on either an individual or group basis, which have not been approved previously by the Corporation are to be reviewed in accordance with the procedure described in AG 2520 and a completed copy of Form 2520 F1 filed in the principal's office.

Referrals to Outside Agencies

The Corporation shall maintain, at the Superintendent's office and at each principal's office, a list of outside resource people and organizations. Rather than recommend a single resource, staff members are advised to review the alternatives with the student and his/her parents and let them decide.

ag2412

HOMEBOUND INSTRUCTION

2412 - **HOMEBOUND INSTRUCTION**

Whenever a principal finds that a student will be absent from school for health reasons for:

A. twenty (20) consecutive school days of homebound care

B. an aggregate of twenty (20) school days of hospital care

C. any number of days of homebound or hospital care necessary to complete the school year

s/he should contact the princpal to arrange for an IEP to be developed with the student's teachers and counselors.

Teachers and/or guidance counselors should be contacted as soon as possible.

All assignments are made through the office of building principal.

Time sheets and vouchers are to be submitted by the end of the pay period.

All books and supplies will be furnished by the school in which the student is registered.

Instruction will be given only on days that school is in session.

The instructor shall forward grades to the principal of the school the student attends by the end of the marking period.

Instructors will receive the mileage reimbursement at the established rate one way from school and residence of the student.

If there are any questions pertaining to payment for bedside instruction or mileage, the Superintendent should be contacted.

ag2414

REPRODUCTIVE HEALTH AND FAMILY PLANNING AND HUMAN SEXUALITY INSTRUCTION

2414 - **REPRODUCTIVE HEALTH AND FAMILY PLANNING AND HUMAN SEXUALITY INSTRUCTION**

These guidelines have been developed to assist staff in implementing the School Corporation's program for human sexuality instruction. The term human sexuality instruction will include instruction related to reproductive health and family planning, human sexuality, emotional, physical, psychological, hygienic, economic, and social aspects of family life, sexually transmitted infections, and non-casual contact communicable diseases, such as the human immunodeficiency virus (HIV).

A Confirmation Checklist has been prepared, based on appropriate guidelines, and is designed to ensure that the program is implemented properly and minimizes concern by parents or other interested parties. See Form 2414 F2 - Confirmation Checklist Reproductive Health and Family Planning Program and Human Sexuality Instruction. State law requires that teachers who provide instruction on human sexuality or sexually transmitted infections shall:

A. teach abstinence from sexual activity outside of marriage as the expected standard for all school-age children;

B. include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted infections, and other associated health problems;

C. include in the instruction that the best way to avoid sexually transmitted infections and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage;

D. include age-appropriate instruction concerning the importance of consent to sexual activity between two (2) individuals; and

E. include in the instruction an in-person presentation on human growth and development during pregnancy that is medically accurate and age appropriate and includes a high definition ultrasound video at least three (3) minutes in duration showing the development of the brain, heart, sex organs and other vital organs in early fetal development and a high quality computer generated rendering or animation showing the process of fertilization and each stage of fetal development inside the uterus noting significant markers in cell growth and organ development

for every week of pregnancy from fertilization to birth; however, if the course is 100% virtual, a virtual presentation that meets these requirements may be provided instead.

Each Principal should use the Checklist in working with the school staff at the beginning of each school year. Once the program has been started, a copy of the completed confirmation should be sent to the Superintendent's office by no later than October 1, and the original should be maintained in the school office.

The Corporation will make available for inspection by the parent of a student any instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality and will post the list of instructional materials on the Corporation's website. Each Principal should confirm that their school website includes this information.

In the event of a complaint about the program, the person or party should be made aware of the School Board's complaint procedure described in Policy 9130 - Public Complaints and Concerns. This policy is available at both the Superintendent's office and the office of each school. Any such complaint is most likely to concern the program itself or its implementation rather than the particular person teaching the program. Therefore, as the policy indicates, the complaint is to be handled by the Principal and not by a teacher. Be sure the complainant receives a copy of the procedure either through the mail or by coming to the office. Complaints that originate at the central office are to be handled in the same manner.

Before the Corporation may provide a student with instruction on human sexuality, the Principal must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent to instruction. (See Form 2414F1 - Notification on Reproductive Health and Family Planning Program and Consent for Human Sexuality Instruction.) The consent form must include the following information:

A. an accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student;

B. whether the instruction on human sexuality will be taught to male and female students in a unified setting or in separate settings;

C. whether the instruction on human sexuality will be provided by a female or male instructor; and

D. a statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality (including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used in connection with instruction on human sexuality).

The written consent form may be sent in an electronic format. If the written consent form is sent in an electronic format, the written consent form must include a link to the list of instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes and other materials, used in connection with instruction on human sexuality on the Corporation's website. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

A. consents to the instruction; or

B. declines instruction.

If a student does not participate in the instruction on human sexuality, the Corporation shall provide the student with alternative academic instruction during the same time frame that the instruction on human sexuality is provided.

If the parent of the student or the student, if the student is an adult or an emancipated minor student, does not respond to the initial written request provided by the Principal within twenty-one (21) calendar days after receiving the request, the Principal shall provide the parent of the student or the student, if the student is an adult or an emancipated minor student, a second written notice requesting that the parent of the student or the student, if the student is an adult or an emancipated minor student, indicate, in a manner prescribed by the school, whether the parent of the student or the adult or emancipated minor student:

A. consents to the instruction; or

B. declines instruction.

The second written notice provided to a parent of a student or a student also must include the following information:

A. an accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student;

B. whether the instruction on human sexuality will be taught to male and female students in a unified setting or in separate settings;

C. whether the instruction on human sexuality will be provided by a female or male instructor; and

D. A statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality.

The notice may be sent in an electronic format. If the notice is sent in an electronic format, the written consent form must include a link to the list of instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality on the Corporation's website.

If the school does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated minor student subsequently opts out of the instruction for the student.

Each Principal will direct teachers providing human sexuality instruction to include in the curriculum instruction concerning HIV and, to the extent possible, integrate this instruction with instruction on other serious communicable diseases.

Literature that is distributed to school children and young adults as part of this instruction must include information required by I.C. 20-34-3-17. Therefore, it must stress the moral aspects of abstinence from sexual activity and state that the best way to avoid HIV is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship. The Board must approve HIV literature before it is distributed.

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ag2416

PROCEDURES FOR DISTRIBUTION OF WRITTEN CONSENT FORMS AND INSPECTION OF MATERIALS USED IN CONNECTION WITH CERTAIN SURVEYS, ANALYSES, OR EVALUATIONS

2416 - **PROCEDURES FOR DISTRIBUTION OF WRITTEN CONSENT FORMS AND INSPECTION OF MATERIALS USED IN CONNECTION WITH CERTAIN SURVEYS, ANALYSES, OR EVALUATIONS**

The following procedures should be used when the School Corporation proposes to administer a survey, analysis or evaluation of the type described in Policy 2416 – Student Privacy and Parental Access to Information to a student and when a parent or an adult or emancipated minor student makes a request to inspect materials used in connection with such a survey, analysis, or evaluation that the Corporation proposes to administer to a student.

Notification of Proposed Survey, Analysis or Evaluation and Distribution of Written Consent Forms to Parent or Adult or Emancipated Minor Student

When the Corporation proposes to administer a survey, analysis, or evaluation of the type described in Policy 2416 – Student Privacy and Parental Access to Information, the Corporation shall notify the parent of each student or the adult or emancipated minor student to whom it plans to administer such a survey, analysis, or evaluation that it is proposing to administer such survey, analysis, or evaluation and distribute the written consent form (Form 2416 F1 - Written Consent for Student To Submit to or Participate in a Survey, Analysis, or Evaluation) for review and signature by the parent or the adult or emancipated minor student.

The Corporation will not administer a survey, analysis, or evaluation of the type described in Policy 2416 – Student Privacy and Parental Access to Information to a student until it receives the completed and signed written consent form.

Parent or Adult or Emancipated Minor Student Requests to Inspect Materials Used in Connection with a Survey, Analysis, or Evaluation

If a parent or an adult or emancipated minor student requests to inspect materials used in connection with a survey, analysis, or evaluation of the type described in Policy 2416 – Student Privacy and Parental Access to Information, the Principal should request that Form 2416 F2 be completed by the parent or the adult or emancipated minor student and submitted to the Principal. Upon receipt of Form 2416 F2, the Principal will contact the person making the request within ten (10) business days to schedule an appointment for the parent or adult or emancipated minor student to come to the school to review and inspect the materials that will be used in connection with the proposed survey, analysis, or evaluation. Upon inspection and review, the parent or the adult or emancipated minor student, at their sole discretion, can refuse to have their child participate, or if an adult or emancipated minor student can refuse to participate, in the proposed survey, analysis, or evaluation.

If a parent or an adult or emancipated minor student would like to file a complaint about the materials used in connection with any proposed survey, analysis, or evaluation of the type described in Policy 2416 - Student Privacy and Parental Access to Information, the Princpial shall follow the complaint procedures outlined in Policy 9130 - Public Complaints and Concerns.

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ag2421.01

STUDENTS AS TRAINEES

2421.01 - **STUDENTS AS TRAINEES**

Whenever students are to be involved in a work-site or community-based training program, it is essential that all of the following criteria be met in order to ensure that the program is in compliance with the Fair Labor Standards Act:

A. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be provided if conducted on Corporation premises.

B. The training is for the benefit of the student-trainees.

C. The student-trainees do not displace the employer's regular employees, but work under their close observation.

D. The employer derives no immediate advantage from the activities of the student-trainees, and at times, may have his/her operations impeded.

E. The student-trainees are not guaranteed a job by the employer at the end of the training period.

F. Both the employer and the student-trainees understand that the student-trainees are not entitled to wages for the time spent in training.

If **all** of the six (6) criteria are not met, an employer relationship has been established and the student(s) will have to be considered employees. These criteria, therefore, should be reviewed with all current and prospective participating employers as well as with members of the staff who develop, conduct, or supervise such training programs.

Whenever students with disabilities are employed in a work-site or sheltered workshop program either as part of their IEP or a transition service and the above six criteria are not fulfilled, the employer needs to examine the provisions of Part 525 of the Fair Labor Standards Act - Employment of Workers with Disabilities under Special Certificates (Section 14-B) to determine whether or not certification is desirable.

Prior to a student entering a program, his/her parents are to be provided a copy of the six (6) criteria stated above.

ag2430

CORPORATION-SPONSORED CLUBS AND ACTIVITIES

2430 - **CORPORATION-SPONSORED CLUBS AND ACTIVITIES**

Since the policy of the School Board is to maintain a co-curricular activities program sufficiently varied to meet the wide range of vocational, recreational, social, and cultural needs and interests of the students, all students should be urged to join at least one (1) club or activity.

A. **Existing Clubs or Activities**

At the start of the school year, all students should be provided with information on existing clubs, and all co-curricular and extra-curricular activities and encouraged to participate.

B. **New Activities**

All new activities shall be approved in the following manner:

1. Requests for new activities should be submitted to the principal and contain the following:

a. purpose and rationale

b. intended outcomes for students

c. participation

d. plan of operation

e. costs

f. persons in charge

2. The principal will review each request and either reject or submit each for Board approval.

3. Upon approval, an activity will be listed as a part of the co-curricular or extra-curricular program, and its fiscal account established by the Director of Finance.

C. **Fiscal Compliance**

Both co-curricular and extra-curricular activities need to comply with financial and bookkeeping controls established by the State Board of Accounts.

Each activity advisor is to provide the building principal with a periodic update on the fiscal status of the activity.

Eligibility Requirements

All students who participate in interscholastic athletics shall meet the eligibility requirements described in the Athletic Handbook. Eligibility requirements for participation in other activities shall be specified in the student handbooks.

No student who has been absent for a school day may participate in an extra-curricular activity scheduled for the afternoon or evening of that school day without the approval of the principal.

Schedule Conflicts

Many students have multiple talents and interests they wish to develop or pursue through participation in Corporation-sponsored activities and groups. Since the Corporation's policy is to encourage such participation, the following guidelines have been established for dealing with potential schedule conflicts a student could experience when participating in more than one (1) activity.

A. At the beginning of each semester or season, each staff member in charge of a credit course, co-curricular, or extra- curricular activity is to prepare a schedule for any practices, performances, or other after-school obligations involved in participation.

B. By the first day of an activity, students are to be made aware of the schedule of any practices and performances as well as other obligations. Each staff-member-in-charge is to determine which, if any, students will have conflicts with other activities in which they wish to participate.

C. If such conflicts exist, the staff-members-in-charge of the activities in conflict are to meet for the purpose of resolving the conflict. The emphasis should be on modifying the requirements so the student can participate in both activities.

D. If it is not possible to resolve the conflict without seriously undermining the integrity of the activity program, the following procedure is to be followed:

1. If one of the activities provides the student with credit and the other one doesn't, the student and his/her parents are to be made aware of the possible consequences of not enrolling in each activity and of not meeting the obligations for participation.

2. If both activities are credit activities, the student is to be advised to contact the his/her counselor to work out a solution that does not penalize the student.

3. If one of the activities is an after-school, off-shoot of a credit activity but is not, itself, a credit activity, e.g., jazz band from concert band, the requirements for the credit activity may not be imposed as a condition for participating in the noncredit, after-school activity.

E. When the activity or program begins, the students are to be informed of the following:

1. If a student encounters a previously-unforeseen conflict during the semester or season, s/he should inform both staff-members-in-charge as soon as possible in order to increase the likelihood that an accommodation can be worked out.

2. If, during the year, an ad-hoc situation develops which creates a conflict in schedule for a student, s/he should discuss the conflict with the guidance counselor who, in turn, will work with the staff-members-in-charge to try to reach an accommodation that is most advantageous to the student and least disadvantageous for the activities involved.

3. Under no circumstances is the student to be intimidated while making a decision by threats of penalties or future consequences.

ag2430A

STUDENT PARTICIPATION IN SUMMER CAMPS/PROGRAMS

2430A - **STUDENT PARTICIPATION IN SUMMER CAMPS/PROGRAMS**

If a summer camp/program is related to a curricular or extra-curricular offering of the Corporation, all relevant policies and guidelines of the Corporation will be applicable, including the following.

Policy 3121 - Personal Background Check

All people who may have care, control, or custody of the students have been cleared through the State police.

Policy 3213 - Student Supervision and Welfare

Proper supervision of students at all times in accordance with this policy should be an essential aspect of each staff member's responsibilities.

AG 2340 B or AG 2340 C - Nonfield Trips and Overnight Trips

If participating students will be involved in day trips or overnight trips while attending the summer camp or program, the conditions established in these guidelines should be adhered to, especially written parental consent.

Policy/AG 5517 - Student Harassment

The summer camp or program director or participating staff member(s) should ensure that it has the harassment-protection procedures in place and they have been communicated to all staff and

participants.

Policy/AG 5530 - Drug Prevention

There should be a strict policy communicated to students prohibiting possession, use, and distribution of alcohol, any controlled substance, and/or drug paraphernalia.

Finances

All funds associated with the summer camp/program are to be managed by the sponsor in accordance with Corporation guidelines.

NONCORPORATION-RELATED CAMPS/PROGRAMS

If a summer camp/program is not Corporation-related, the following guidelines will apply.

Permission

Any staff member who manages or is a participant in the camp/program must confer with the principal prior to talking with any student on Corporation property about participation in the activity. The conditions described in AG 2340D - Noncorporation-sponsored Trips will apply.

Under no circumstances is a student to be told that his/her chances to participate in a Corporation program will be influenced by if or how well s/he participates in the summer camp/program.

Corporation Disclaimer

Prior to allowing a staff member to talk with Corporation students about participation in a noncorporation-related camp/program, the Corporation will require that the student's parents receive a copy of Form 2430A F1 - Disclaimer of Responsibility.

ag2431

INTERSCHOLASTIC ATHLETICS

2431 - **INTERSCHOLASTIC ATHLETICS**

In order to maintain an effective program of interscholastic athletics, the Corporation employs an athletic director and coaches who, in cooperation with the high school principal, are to fulfill the responsibilities described below.

Responsibilities

The Senior High School Principal shall:

A. be held ultimately responsible in all matters pertaining to interscholastic athletic activities;

B. fulfill all duties and responsibilities as they pertain to interscholastic athletics as prescribed by the High School Athletic Association and the School Board;

C. oversee all ticket sales and the handling of ticket revenue;

D. prepare financial reports of all revenues and expenditures for all athletic contests;

E. keep a record available at all times regarding the latest up-to-date information on the eligibility of the current season sports squads including cheerleaders and team managers;

F. recommend a member of his/her faculty to act as sponsor for high school cheerleaders;

G. handle matters pertaining to insurance and processing of medical claims at the high school.

The Director of Athletics shall:

A. direct and coordinate all activities of the Department of Athletics and be directly responsible to the principal;

B. together with the principal, approve all athletic contests before they are contracted;

C. prepare the total athletic budget for the Corporation and present it to the Superintendent for formal adoption;

D. ascertain that all rules and regulations of the High School Athletic Association are upheld and enforced;

E. strive to promote good public relations with the general public, news media, opponents' schools, civic organizations, and booster clubs;

F. check the readiness of all facilities for teams and spectators prior to game time;

G. coordinate the planning of such events as athletic assemblies, Parents Night, Homecoming, Banquets, Booster Club Activities, etc. and clear them with the principal;

H. prepare all game contracts, specifying the date, time, and location;

I. co-sign all game contracts with the principal and keep them on file in the school office;

J. make arrangements for physical examinations for candidates for athletic squads, after checking with the head coach;

K. employ and pay all contest officials and personnel involved in operating the contest;

L. issue all passes and complimentary tickets;

M. regulate the use of the press box and the public address system;

N. set up the flag raising ceremony and the playing of the National Anthem;

O. reconfirm the athletic contest, one week prior to the game date, with the visiting school and game officials;

P. make arrangements for emergency medical care;

Q. be responsible for regulations concerning visiting scouts;

R. arrange for the ordering and the presentation of letters and other athletic awards;

S. handle all matters pertaining to radio broadcasts;

T. present the Council with complete information relative to changes in schedules;

U. arrange for reconditioning of athletic equipment.

The Head Coach shall:

A. be responsible for all matters relating to the organization and administration of the team under his/her direction;

B. enforce all rules of the High School Athletic Association related to his/her sport;

C. assign duties to equipment managers and assistant coaches and evaluate their performance;

D. plan all practice sessions;

E. prepare public information releases regarding his/her sport;

F. assist in planning special events such as Assemblies, Parents Night, Homecoming, Banquets, etc;

G. maintain an accurate and current squad roster and submit copies to Athletic Director;

H. cooperate with the athletic director in setting up physical examination schedules and verify that no candidate is issued equipment or allowed to practice until his/her examination card has been completed and his/her insurance coverage is in effect;

I. assign at least one (1) coach to be with the squad at all times and to supervise the locker room until all squad members have left the building;

J. assign at least one (1) coach to ensure that all windows, doors, and gates are locked in any area that has been used;

K. prepare a detailed equipment and supply request and submit it to the Athletic Director;

L. arrange for the presentation of team awards through the Athletic Director;

M. recommend teams that may be scheduled and officials to be employed;

N. enforce rules and regulations concerning conditioning of players and their health and safety;

O. report injuries to the Athletic Director.

Coaches should exercise great care in dealing with all injuries and particularly those that are of a serious nature. In all cases, the coach should assure that the injured athlete is receiving competent medical care. Following injuries of a serious or prolonged nature, the coach should secure the signed approval of the doctor and parent before the athlete is allowed to participate again in athletic activities.

The Assistant Coach (includes Varsity Assistants, Reserve, Freshman, and Junior High Coaches) shall:

A. support the head coach in the conduct of his/her particular sport and the total athletic program;

B. fulfill all responsibilities assigned by the head coach.

ag2431B

SPORTSMANSHIP EXPECTATIONS

2431B - **SPORTSMANSHIP EXPECTATIONS**

In keeping with Board policy and the concerns of the High School Athletic Association, the following behaviors are expected of each group as that group fulfills its role in providing for an athletic program that is based on exemplary sportsmanship.

SCHOOL ADMINISTRATORS are expected to:

A. Provide appropriate supervisory personnel for each interscholastic event.

B. Attend events whenever possible and function as a model of good sportsmanship. This includes communicating with spectators during an event what is acceptable and unacceptable behavior.

EACH COACH is expected to:

A. Exemplify the highest moral character, behavior, and leadership, adhering to strong ethical and integrity standards. Practicing good citizenship is practicing good sportsmanship!

B. Describe and define respectful and disrespectful behavior. Stress that disrespectful behavior, especially taunting, trash talking, and intimidation, will not be tolerated.

C. Set a good example for players and spectators to follow.

D. Shake hands with the officials and the opposing coaches before and after the contest in full view of the public and demand the same of his/her players.

E. Respect the integrity and judgment of game officials.

The officials are doing their best to help promote athletics and the student athlete. Treating them with respect, even if you disagree with their judgment, will only make a positive impression of you and your team in the eyes of all people at the event.

F. Be no party to the use of profanity or obscene language, or improper actions.

EACH STUDENT-ATHLETE is expected to:

A. Accept and understand the seriousness of his/her responsibility, and the privilege of representing the school, Corporation, and community.

B. Live up to the standards of sportsmanship established by the school administration and the coaching staff.

C. Refrain from taunting, trash talking, and making any kind of derogatory remarks to opponents during the game, especially comments of ethnic, racial, or sexual nature.

D. Respect the integrity and judgment of game officials.

The officials are doing their best to help promote athletes and the sport. Treating them with respect, even if the athlete disagrees with their judgment, will only make a positive impression of the athlete and the team in the eyes of the officials and all the people at the event.

EACH CHEERLEADER is expected to:

A. Understand the seriousness and responsibility of his/her role, and the privilege of representing the school, Corporation, and community.

B. Use discretion in selecting the times to cheer. Give the opposing school the same amount of time the school's squad would want in performing cheers, and treat opposing players like the school's team is treated.

C. Respect the integrity and judgment of game officials.

Treating them with respect, even if the cheerleader disagrees with their judgment, will only make a positive impression of the team, the squad, and community in the eyes of the officials and all at the event.

MEMBERS OF OTHER STUDENT GROUPS (PEP CLUB, BAND) are expected to:

A. Treat opposing players, coaches, spectators, and support groups with respect and enthusiasm.

B. Refrain from taunting or making any kind of derogatory remarks to opponents during the game, especially comments of ethnic, racial, or sexual nature.

C. Conduct themselves in an exemplary manner, remembering they represent the school both home and away.

D. Respect the integrity and judgment of game officials.

Treating them with respect, even if disagreeing with their judgment, will only make a positive impression of the group, the team, and community in the eyes of all people at the event.

EACH SPECTATOR is expected to:

A. Remember that s/he is at a contest to support and yell for the team and to enjoy the skill and competition; not to intimidate or ridicule the other team and its fans.

B. Remember that a ticket to a school athletic event is a privilege to observe the contest, not a license to verbally assault others and be generally obnoxious.

C. Refrain from taunting or making any kind of derogatory remarks to the opponents during the game, especially comments of ethnic, racial, or sexual nature.

D. Respect the integrity and judgment of game officials. Understand that they are doing their best to help promote the student-athlete, and admire their willingness to participate in full view of the public.

THE PUBLIC ADDRESS ANNOUNCER is expected to:

A. Use proper language at all times.

B. Be aware of the entire venue so that calm directions can be given in an emergency.

Serious situations can be avoided if the announcer will caution the crowd against coming onto the playing surface, throwing things, and the like.

C. Permit no one to use the microphone (especially coaches during the game), except those in charge of the event and/or by design of those in charge of the event.

D. Be responsible for whatever is said over the p.a. system.

ag2440

SUMMER SCHOOL

2440 - **SUMMER SCHOOL**

In accordance with Board policy, the Corporation's summer school curriculum will consist of remedial programs.

A. **Eligibility**

1. Summer school is open to those who are residents of Greensburg Community Schools.

2. Staff members are requested to indicate to the principal those students who could profit most from summer classes. Said children will be contacted, but are not required to attend, except for State-mandated testing and assessments remediation.

B. **Supervision**

In accordance with guidelines for summer schools established by the Department of Education which generally follow those required of regular school sessions, the principal of the Summer School shall carry the same responsibilities as those generally accepted by the principal of the regular school session. S/He is responsible for the total operation of the school and should give particular attention to the quality of instruction and supervision of his/her staff.

C. **Assignments**

The assignment of subjects to a student in summer session shall be based on recommendations from the principal of the student's regular school.

D. **Course Offerings**

1. To receive credit for a subject not previously taken in high school, the student shall receive class instruction in summer session equivalent to an amount not less than the minimum customarily required in high school. The time calculations shall not include time for passing of classes or for regularly scheduled recess periods. Class instruction shall be supplemented by regular home or study hall assignments as required in regular high school organizations. New provisions for credit restructure will pertain.

2. Courses to be offered in a summer school will be selected by the Superintendent on the advice of the principals and with the approval of the Board.

3. The Superintendent, acting upon the recommendation of the principal, may discontinue any course for reasons of insufficient enrollment.

E. **Tuition/Fees**

1. Nonresident students shall be charged tuition.

2. All students shall be assessed fees for materials and incidentals as determined by the principal.

3. Payment in full should be received before school starts. Exceptions for unusual circumstances may be granted by the principal.

4. A refund will not be granted after the first day of school.

F. **Operating Rules**

The amount of instructional time shall become part of the student's permanent record and shall be included whenever his/her record is transferred to another school.

G. **Performance Responsibilities**

1. The principal shall recommend all personnel, subject to the approval of the Superintendent.

2. The principals of all participating schools should be consulted for professional staffing recommendations.

3. The teacher shall be responsible for obtaining equipment, supplies, and instructional materials.

4. The principal shall direct the activities of the professional and classified staff members in the performance of their responsibilities.

ag2450

COMMUNITY AND ADULT EDUCATION

2450 - **COMMUNITY AND ADULT EDUCATION**

A. **Definitions**

Community and Adult Education shall be defined as GED classes.

B. **Supervision**

The program shall be administered and supervised by the assigned teacher who reports to the Superintendent. The assigned teacher shall be responsible for recommending:

1. a budget;

2. school to be utilized;

3. staff to be employed.

The assigned teacher shall make all necessary applications for funding and prepare all reports as required.

C. **Eligibility**

Enrollment is open to anyone over sixteen (16) years of age who is not currently attending day school below the college level or has been enrolled in the day school.

A fully credited diploma program is available.

D. **Tuition**

All fees are to be established by the assigned teacher with the approval of the Superintendent. All payments are to be made by participants prior to the start of the class.

ag2451A

ALTERNATIVE PLACEMENT

2451A - **ALTERNATIVE PLACEMENT**

The purpose of the Alternative School is to provide a different program and learning environment for at-risk students who are not succeeding in the regular school setting.

Procedure for Alternative Program Placement

A. Whenever the principal has identified a potential student for the alternative school, a determination should be made whether or not the student is eligible under IDEA or Section 504 (see AG 2260).

B. If all relevant parties concur with the move to the Alternative School, the principal should follow the standard procedure for a student transfer from his/her school to another school. (See AG 5130).

Characteristics of the Educational Plan

When the educational plan has been completed, it should provide sufficient answers to the following questions:

A. What learning objectives need to be met that cannot be met effectively in the current school environment?

B. What is the schedule of activities in which the student needs to participate in order to accomplish each of the learning objectives?

C. What instructional resources (people, materials, technology, etc.) will be needed in order for the student to accomplish each of the learning objectives?

SURROGATE PARENTS OF DISABLED STUDENTS

2460A - **SURROGATE PARENTS OF DISABLED STUDENTS**

Determination of Students in Need of a Surrogate Parent

When communication is not forthcoming from the student's parent or legal guardian (which for the purposes of this section does not include any governmental agency or entity), the following activities shall be undertaken and documented:

A. A written inquiry will be sent to the adult in charge of the student's place of residence, as well as to the parent or legal guardian at the last known address.

B. If it is determined that the student is without a parent or guardian, or if it is otherwise known that they are unavailable, a letter shall be mailed to the student's current address or residence.

Criteria for the Selection of Parent Surrogates

The following qualifications will be used in selecting a Surrogate Parent. The surrogate parent:

A. Shall not be the employee of any educational agency responsible for providing education to the disabled student, an agency involved in the care of the child, or a member of the State Department of Education.

B. Shall have no interests that conflict with the interests of the student represented.

C. To the maximum extent possible, will match the environmental and linguistic background of the student represented.

D. Will reside in geographic proximity of the student represented.

E. Will be at least eighteen (18) years of age.

Terms of Appointment as a Surrogate Parent

Terms of appointment are renewable at the discretion of the Superintendent and can be terminated for cause (e.g., the student is no longer in need of a surrogate parent, failure to perform required responsibilities or meet established criteria).

Recommended Caseload for Surrogate Parents

A maximum caseload of four (4) students is recommended, unless the students are from the same family.

Duties and Responsibilities of the Surrogate Parent

The surrogate parent shall successfully complete any training program prescribed by the State Department of Education.

The surrogate parent shall represent the student in all matters relating to:

A. the identification, evaluation, and educational placement of the student, and

B. the provision of a free appropriate public education to the student.

ag2460C

EXTENDED SCHOOL YEAR FOR SPECIAL EDUCATION STUDENTS

2460C - **EXTENDED SCHOOL YEAR FOR SPECIAL EDUCATION STUDENTS**

The Case Conference has the ultimate responsibility for determining a student's need for extended school year services. The provision of extended school year services shall be determined annually on an individual basis based upon the judgment and decision-making process of the participants in the individual education program annual case review.

DETERMINING ESY SERVICE NEEDS

A. Parents of all students participating in the Corporation's special education program are to be notified of the possible need for ESY services by the Coordinator of Special Education.

B. The parent, teacher, other school personnel, and members of the Case Conference may refer a student for ESY consideration.

C. The Case Conference shall agree on which short-term objectives in the current IEP are "critical", that is, essential to the student's progress toward reaching independence as an adult.

D. The Case Conference will examine reports made by the teacher(s) and other staff plus any parent information which may be available that describes the student's progress toward selected "critical" objective(s).

E. The Case Conference shall refer to the previous year's IEP, if available, and any data which describes the student's achievement or failure to achieve the same or similar "critical" objectives as a result of the past summer break in instruction.

F. The Case Conference shall examine any data describing the progress of the student during the current school year toward the selected "critical" objectives which suggest that the upcoming summer break in the instructional program will seriously impede the student's progress toward achievement of those "critical" objectives.

G. The Case Conference shall examine any circumstances that have impeded, or may be expected to seriously impede, the student's progress toward the achievement of any of the "critical" objectives.

H. The Case Conference shall identify any "critical" objectives which any of the above data suggests the student will fail, or is likely to fail to reach and maintain at a reasonable level without a summer intervention.

I. The Case Conference shall identify on an IEP addendum, the "critical" objective(s) to be addressed and the summer intervention (ESY service) necessary to reach and/or maintain the selected "critical" objective(s).

J. The Case Conference shall develop the IEP for the coming school year using the process indicated in the following section. It should be expected that the new IEP is subject to possible revision in the fall to take into account any changes resulting from the ESY services provided during the summer.

MONITORING/IMPLEMENTING ESY SERVICE NEEDS

A. **Development of the IEP**

The Case Conference:

1. should take particular care to ensure that all goals and short-term objectives in the IEP are appropriate to the student's level of functioning, realistic in terms of the student's expected potential, and measurable as to the student's progress toward their attainment;

2. shall designate those short-term objectives considered "critical" to the attainment of independence as an adult;

3. shall designate the person(s) (referred to as monitor(s)) responsible for gathering and keeping accurate and relevant data on the student's progress during the regular school year toward the attainment of the "critical" objectives;

4. shall review the process of monitoring progress toward the "critical" objectives and how, during the spring quarter of the year, the determination will be made whether there are indicators of need for ESY services during the subsequent summer break. A notation is to be added to the IEP indicating that the need for ESY services has been considered.

B. **Data-Gathering on "Critical" Objectives During the School Year**

1. The monitor(s) designated by the Case Conference shall keep an on-going accurate record of student achievement toward the "critical" objectives on the IEP. One strategy may be to develop a portfolio of the student's progress toward the "critical" objectives as indicated by work samples, test results, teacher observation notations, and other samples of the student's performance on the "critical" objectives. The portfolio or other record system utilized should always be kept up to date and utilized as a basis for planning priorities in the instruction being given to the student.

2. Periodic parent-staff communication should emphasize the exchange of information, particularly regarding the student's progress toward the "critical" objectives designated in the IEP.

3. If on-going monitoring of student progress toward the "critical" objectives indicates unanticipated or particularly difficult instructional problems, the Case Conference may recommend or may consider among other options, referral for additional or updated specialized assessment. Recommendations to the Case Conference may be from the student's teacher, other school personnel, or the parent.

C. **Review and Analysis of Data on Student Progress**

As early as possible in the spring quarter, the building administrator and/or the teacher of record shall meet with monitor(s) to:

1. examine the data available on the student's progress toward the "critical" objectives in the IEP;

2. determine whether additional data is required to accurately portray the student's progress toward the "critical" objectives, and, if so, designate the type of data needed, the responsible person(s), and the timeframe for receiving the report;

3. collect information that will indicate student progress, i.e., work samples, grades, informal evaluation.

D. **Development of IEP Addendum for ESY Services**

1. The Case Conference shall convene as soon as the monitor(s) information is available to make a final decision regarding the student's need for ESY services.

2. If the decision is positive, the Case Conference shall develop an IEP Addendum specifying the specific "critical" objectives to be addressed by the ESY services and what services are to be provided.

3. If there is disagreement among Case Conference members, regarding any aspects of the ESY decision, the issue(s) should be referred to Superintendent.

E. **Implementation of ESY Services**

1. The building principal will be responsible for implementation of the ESY services determined by the student's Case Conference.

2. In accordance with the Corporation's adopted policies and procedures and Indiana laws and regulations for the provision of ESY services, the Superintendent may consider numerous options ranging from providing for all required services internally within the Corporation to contracting within a consortium of districts or other public agencies for required instructional services (or private agencies for "related" services).

F. **Evaluation of ESY Services and Procedures**

1. The Coordinator of Special Education shall secure reports from key personnel involved in providing any ESY services including summaries of student progress, breakthroughs achieved, problems encountered, etc.

2. Any data reported which indicates a need for revision of the subsequent IEP should be made available to the Case Conference so that it may convene and make appropriate changes that can be agreed upon.

3. The Coordinator of Special Education shall communicate with the Superintendent regarding on-going implementation of ESY services.

ag2464A

IDENTIFICATION OF HIGH ABILITY STUDENTS

2464A - **IDENTIFICATION OF HIGH ABILITY STUDENTS**

Assessments used to identify students for ability programming must be multifaceted to ensure that students not identified by traditional assessments because of economic disadvantage, cultural background, underachievement, or disabilities may be included.

The following types of assessments may be used to identify students for programs for high ability students:

A. demonstrated achievement of the goals and objectives in one or more specific academic areas of the regular school program at a level which significantly exceeds that of most students in the same situation and of the same age or experience

B. demonstrated achievement or potential for performing at an outstanding level in at least one of the following domains: standardized achievement test

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ag2464B

PROGRAMS FOR HIGH ABILITY STUDENTS

2464B - **PROGRAMS FOR HIGH ABILITY STUDENTS**

In order for the Corporation to provide an appropriate program for high ability students, the Corporation shall develop a level of services program to provide educational opportunities to encourage high ability students to reach the highest possible achievement at every stage of development. The program for high ability students will be differentiated in depth and breadth designed to meet the needs of the students identified as high ability students. Activities such as compacting, acceleration, enrichment, problem-solving, and creative thinking may be utilized to meet the needs of the high ability students.

In addition to the identification system described in AG 2464A, the program for high ability students will include the following:

A. a curriculum and instructional strategies plan

B. a counseling and guidance plan

C. a systematic program evaluation plan

D. a professional development plan

The following curricular domains may be included in the program for high ability students:

A. Specific Academic – understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to specific disciplines such as: English/language arts, social studies, foreign languages, mathematics, or science.

B. General Intellectual – understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to a broad array of disciplines.

C. General Creative – understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to activities such as: problem finding, divergent thinking, flexibility, elaboration, or originality.

D. Interpersonal Skills – understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to areas such as: leadership, mediation, counseling, or communication.

E. Technical and Practical Arts – understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to disciplines such as: vocational technical education, business technology education, family and consumer sciences, or technology education.

F. Visual and Performing Arts – understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to disciplines such as: art, dance, music, or theater arts.

A broad based planning committee with representation from educators, parents, students, community members, and other stakeholders will be established to meet periodically to review the School Corporation's plan for serving high ability students.

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SELECTION OF BASIC TEXT MATERIALS

2510A - **SELECTION OF BASIC TEXT MATERIALS**

The Superintendent sets the procedure for local textbook adoption. Previously, teachers were required to compose a majority of the membership of the local textbook committee and parents were to compose no less than forty percent (40%) of the committee. These strict requirements have been lifted and are at the discretion of the Superintendent.

New basic text materials and revisions to the same will be recommended to the Superintendent by the selection (review) committee for each area of the curriculum. The Superintendent will appoint staff members and parents to serve on the selection (review) committees.

Each committee will be responsible for establishing selection standards for each criterion in the following categories:

A. **Publisher and Author**

What is the reputation of the author(s) for scholarship?

What is the reliability of the publisher?

B. **Content**

In terms of achieving course goals and State proficiencies?

How effective is the organizational plan?

How relevant is the information?

How complete is the information?

How accurate and unbiased is the information?

How appropriate is the illustrative material? How sufficient is the illustrative material?

If students accomplished all the objectives called for in the material, how well would they be able to achieve the goals of the course?

C. **Necessity**

If replacement text, how does it improve upon existing text?

D. **Instructional Aids**

Does the book contain:

An index?

Graphic materials?

References?

A bibliography?

Glossaries?

Appendices?

Are there any software or other resources provided with the books?

How appropriate is each of these?

E. **Format**

What kind of binding? Paper? Type?

Will the format help or inhibit student interest and ease of use?

F. **Expense**

What is the cost and probable life?

G. **Moral Tone**

How does the text handle controversial subjects in terms of the maturity level of the students and objectivity?

H. **Past Experience**

How successfully has the text been used in other Corporations?

I. **Bias**

How free is the text of religious, gender, racial, and national origin bias?

Except for reading, the State Board of Education no longer will produce a list of approved textbooks. The State Department of Education will review materials and provide guidance to schools as to the alignment of the materials, but this review is intended to be advisory in nature.

Therefore, selection (review) committees should use the following procedures for the selection and recommendation of basic textbooks:

A. With respect to all other areas of the curriculum, the State Review of Textbooks and Curricular Materials should be examined by the committee, and the committee should determine which of the textbooks/curricular materials reviewed by the State will be read and examined by each of the committee members. Once the committee determines which textbooks/curricular materials will be reviewed, the committee members should read and examine each of those textbooks.

B. Copies of textbooks/curricular materials being considered for adoption shall be made available for review by the public during the selection process.

The selection (review) committee shall ensure that all recommended textbooks comply with the Individuals with Disabilities Education Act (IDEA) of 2004, 20 U.S.C. 1412(a)(23)(A) and 1474(e). Specifically, a publisher must provide textbook materials in NIMAS format and obtain NIMAC certification or grant a license to the Corporation to allow for the reproduction of adopted textbooks in: (1) large type; (2) Braille; and (3) audio format. If this criterion is not met, the Corporation may not purchase materials from the publisher.

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ag2510B

COLLECTION OF FEES FOR LOST OR SIGNIFICANTLY DAMAGED CURRICULAR MATERIALS

2510B - **COLLECTION OF FEES FOR LOST OR SIGNIFICANTLY DAMAGED CURRICULAR MATERIALS**

Students may be charged a reasonable fee for lost or significantly damaged curricular materials.

Fees are to be collected in accordance with the following procedures:

Collection

A. On or before the first day of enrollment in the school year, a statement of fees for lost or significantly damaged curricular materials from the prior school year should be mailed to the parents of each student and to each student who is an emancipated minor.

B. If payment is not received within thirty (30) days of mailing the statement of fees, a reminder notice is to be mailed to the parents of students and emancipated minors with delinquent fees.

C. If payment is not received within thirty (30) days of mailing the reminder notice, a late payment warning is to be mailed to the parents of students and emancipated minors with delinquent fees.

D. If payment is not received within thirty (30) days of mailing the late payment warning, a notice of referral for collection is to be mailed to the parents of students and emancipated minors with delinquent fees, which indicates notice of referral to the School Corporation's counsel

Fees for lost or significantly damaged curricular materials may be charged to and collected from a student whose parents meets the eligibility standard for financial assistance, an emancipated minor who meets the eligibility standard for financial assistance, or a homeless student within the meaning of the McKinney-Vento Act.

The Corporation must give notice in nontechnical language and in a manner that reasonably can be expected to reach parents of students and students who are emancipated minors before the assessment and collection of any fees. This notice must inform the parents and emancipated minors of the following:

A. the availability of assistance under I.C. 20-33-5

B. the eligibility standards under I.C. 20-33-5

C. the procedure for obtaining assistance, including the right and method of appeal

D. the availability of application forms at a designated school office

E. that they may be required to pay a reasonable fee for lost or significantly damaged curricular materials

F. the procedure for obtaining assistance under I.C. 20-33-5-12, I.C. 20-41-2-5(b), and I.C. 20-42-3-10

G. the right to appeal an assessment of a fee for lost or significantly damaged curricular materials, including the procedure required.

This notice shall be included when the statement of fees is mailed to the parents or emancipated minor.

If the Corporation determines that a hardship exists due to the inability of a student's family or an emancipated minor to pay a reasonable fee for lost or significantly damaged curricular materials, taking into consideration the income of the family or the emancipated minor and the demands on the family or emancipated minor, the Corporation shall waive the fee.

The Corporation may write-off any outstanding unpaid fees for lost or significantly damaged curricular materials of $5.00 or less, if not paid by August 1st of the school year following the school year or activity season in which the debt was incurred.

Unpaid fees for lost or significantly damaged curricular materials in excess of $5.00 may, at the discretion of the school treasurer or his/her designee, be written off two (2) years after the end of the school year or summer session in which the debt was incurred. Fees in excess of $5.00 may be written off at any time, if the principal, or his/her designee, determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.

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ag2520A

SELECTION OF CURRICULAR MATERIALS, SCHOOL LIBRARY MATERIALS, AND EQUIPMENT

2520A - **SELECTION OF CURRICULAR MATERIALS, SCHOOL LIBRARY MATERIALS, AND EQUIPMENT**

In accordance with the policies of the School Board for selection of resource materials, the following guidelines should be followed:

A. **Criteria for Selection of Curricular Materials**

1. technical quality of the publication/production

2. readability and appeal to students

3. completeness, accuracy, clarity

4. format and price

5. relationship to a course of study

6. extent to which the scope/content of the material makes it possible for students to accomplish the objectives and goals of the program

7. appropriateness of the content and/or presentation relative to the maturity and/or comprehension level of the students

8. needs of an individual school program based on requests from administrators and teachers

B. **Criteria for Selection of Equipment**

The evaluation and selection criteria for instructional equipment should include:

1. relevance to the Corporation's curriculum;

2. needs of staff and/or students;

3. technical quality;

4. cost;

5. reliability;

6. ease of repair and maintenance;

7. compatibility with existing Corporation equipment, when applicable.

C. **Procedure for Selection of Instructional Resources**

1. Each Principal shall select members of the staff who are directly involved in the program for which the materials and/or equipment will be used. Their responsibility is to review and evaluate suggested resources, using the criteria listed on page 1, and make recommendations to the Principal.

2. The Principal shall review the recommendations and, if necessary the materials and equipment, and submit the recommendations to the Superintendent.

3. The Superintendent will then review the recommendations, and either refer them back to the Principal or approve their use.

D. **Procedure for Selection of School Library or Media Center Materials**

1. The Librarian, in cooperation with the Principal, shall be responsible for the selection of all materials housed in a school library or media center. Upon notification of the availability of funds for the purchase of such resource materials, the Librarian will prepare a request form which includes the amount of money available to a grade level or subject area for new or additional materials. Instructional staff are to submit a prioritized request list of the materials they would find most useful. Each school library shall contain at least one (1) copy of the following writings, documents, or recordings:

   The Constitution of the United States

   The National Motto

   The National Anthem

The Pledge of Allegiance

The Constitution of the State of Indiana

The Declaration of Independence

The Mayflower Compact

The Federalist Papers

"Common Sense" by Thomas Paine

The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States

United States Supreme Court decisions

Executive orders of presidents of the United States

Frederick Douglas' Speech at Rochester, New York, on July 5, 1852, entitled "What to a Slave is the Fourth of July?"

Appeal by David Walker

Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands

(I.C. 20-30—5-3)

2. The Superintendent shall then determine which of the requests can be accommodated and proceed to review the selections prior to purchase. The selection criteria are the same as those used for the selection of basic text materials. (See AG 2510.)

3. Any material that contains content or a manner of presentation that could be controversial, as defined in Policy 2240 and criterion #4 in 2520 F1, should be approved by the principal prior to purchase.

4. Materials that contain obscene matter (as described in I.C. 35-49-2-1) or matter harmful to minors (as described in I.C. 35-49-2-2) shall not be available within the school library.

E. **Procedure for Use of Noncorporation Materials**

1. No print, audio, video, or graphic materials which are not part of the Corporation's basic or supplementary materials are to be used with students without prior review and approval. Such review should be done, using Form 2520 F1, first by the teacher(s) or counselor(s) who wish to use the material.

2. The critical criteria by which such materials are to be reviewed are:

    a. relationship to the course of study;

    b. the uniqueness of the content and/or presentation that is not adequately provided in Corporation materials;

    c. the appropriateness of the content and/or presentation for the maturity and comprehension levels of the students;

    d. the extent to which the content or presentation could create controversy among students, parents, and community groups.

3. Each of the four criteria are to be rated according to the rating scale on Form 2520 F1. In any situation in which the teacher has rated any of the four criteria 3 or 4, the use of the material must be approved by the Principal. If there is any concern on the part of the Principal that the material might be inappropriate, s/he should personally review the materials, and if still uncertain, contact the Superintendent.

4. Any material that contains content or a manner of presentation that could be controversial, as defined in Policy 2240 and criterion #4 in Form 2520 F1, should be approved by the Superintendent prior to purchase.

Each member of the faculty is to receive a copy of Form 2520 F1 for use as a reference. The form should be submitted to the Principal when so directed.

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ag2520C

RESOURCE SPEAKERS

2520C - **RESOURCE SPEAKERS**

Teachers are encouraged to invite guest lecturers to discuss a particular subject with their students under the following conditions:

A. The subject is of educational relevance and value to the students in that class.

B. The speaker(s) will not tend to disrupt the educational program.

C. The information to be discussed is appropriate for the age and maturity of the students.

D. The teacher is to remain in the classroom throughout the presentation in order to ensure appropriate follow-up.

The principal shall approve the visits of all guest speakers and, if applicable, obtain permission to audio or video tape the presentation for use with other classes.

ag2520D

LIBRARIES/MEDIA CENTERS

2520D - **LIBRARIES/MEDIA CENTERS**

School Libraries and media centers have been established primarily to enrich the education of students and to help them learn how to make effective use of reference and enrichment materials. The cost of such centers can only be justified when the following conditions exist:

A. The centers are open and available to students for as much of the school day as staffing and program make possible.

B. To the extent resources allow, facilities should be open prior to and after school for students to make use of the learning resources.

C. The environment within the centers is inviting, attractive, and conducive to thought and study.

D. Staff members communicate their willingness to assist students in locating the resources they seek and to instruct them in the proper use of the reference and retrieval systems.

E. Courses of study are designed so that use of the resources that exist in the centers are an essential means for achieving the learning objectives in the course.

Materials that contain obscene matter (as described in I.C. 35-49-2-1) or matter harmful to minors (as described in I.C. 35-49-2-2) shall not be available within the school library.

Each school in the School Corporation shall prepare a catalogue of materials available in the school library. The catalogue shall be published on the website of each school and a hard copy shall be available upon request.

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ag2531

COPYRIGHTED WORKS

2531 - **COPYRIGHTED WORKS**

The United States Copyright Laws provide a basis for a civil action if an owner's copyrighted work is infringed by either direct or indirect copying that results in an identical or similar version of the work. Examples of works that are entitled to copyright protection are:

A. literary works;

B. musical works, including any accompanying words;

C. dramatic works, including any accompanying music;

D. pantomimes and choreographic works;

E. pictorial, graphic, and sculptural works;

F. motion pictures and other audiovisual works;

G. sound recordings;

H. architectural works.

The law affects classroom practices, and therefore educators must examine:

A. **what** they copy;

B. how **much** they copy;

C. the **purposes** for which they copy;

D. the **conditions** under which they copy.

Although a particular work may be copyright protected, the Fair Use Doctrine provides exceptions whereby a reproduction is not an infringement. In determining whether a particular use is a fair use, the following factors are considered:

A. the purpose and character of the use, including whether such use if of a commercial nature or is for nonprofit educational purposes;

B. the nature of the copyrighted work;

C. the amount and substantiality of the portion used in relation to copyrighted work as a whole;

D. the effect of the use upon the potential market for or value of the copyrighted work.

Many factors, therefore, impact whether a particular use of a copyrighted work is a fair use. The following guidelines offer guidance as to what may or may not be considered a fair use. While these guidelines are not law, i.e., they are not definitive, they do reflect prevailing legal thought.

Books and Periodicals

A. **Single Copying for Teachers**

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

1. A chapter from a book;

2. An article from a periodical or newspaper;

3. A short story, short essay, or short poem, whether or not from a collective work;

4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

B. **Multiple Copies for Classroom**

Multiple copies (not to exceed in any event more than one (1) copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

1. The copying meets the tests of brevity and spontaneity as defined below;

2. Meets the cumulative effect test as defined below;

3. Each copy includes a notice of copyright.

C. **Definitions**

1. **Brevity**

a. **Poetry:** (1) A complete poem if less than 250 words and if printed on not more than two (2) pages; (2) from a longer poem, an excerpt of not more than 250 words.

b. **Prose:** (1) Either a complete article, story or essay of less than 2,500 words; (2) an excerpt from any prose work of not more than 1,000 words or ten percent (10%) of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in "a." and "b." above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

c. **Illustration:** One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

d. **"Special" works:** Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 works in their entirety. Paragraph "b" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two (2) of the published pages of such special work and containing not more than ten percent (10%) of the works found in the text thereof, may be reproduced.

2. **Spontaneity**

a. The copying is at the instance and inspiration of the individual teacher.

b. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

3. **Cumulative Effect**

a. The copying of the material is for only one (1) course in the school in which the copies are made.

b. Not more than one short poem, article, story, essay or two (2) excerpts may be copies from the same author, nor more than three (3) from the same collective work or periodical volume during one (1) class term.

c. There shall not be more than nine (9) instances of such multiple copying for one (1) course during one (1) class term.

[The limitations stated in "b" and "c" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

Prohibitions as to the Two (2) Sections Presented Above: "Single Copy for Teachers" and "Multiple Copies for Classroom"

Notwithstanding any of the above, the following shall be prohibited:

A. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may not occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

C. Copying shall not:

1. substitute for the purchase of books, publishers' reprints or periodicals;

2. be directed by higher authority;

3. be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual cost of the photocopying.

Televised Material

A. **In General**

This section applies to a class viewing of an educational audiovisual work that is either broadcast at a particular time or available on a recorded videotape that is not licensed for public performance by the educational institution.

B. **Viewing of A Live Television Broadcast During Class Time**

If the audiovisual work is a broadcast television program and the timing of the broadcast corresponds to the meeting time of the class, the teacher is permitted to arrange for a television to be made available so that the class may view the televised program simultaneous with the broadcast only if no admission is charged directly or indirectly to view the work.

C. **Videotapes** *(Guidelines II C. – II. F. were created by ALA, American Libraries, February 1986)*

Libraries purchase a wide range of educational and entertainment videotapes for in-library use and for lending to patrons. Since ownership of a physical object is different from ownership of the copyright therein, guidelines are necessary to define what libraries can do with the videotapes they own without infringing the copyrights they don't. If a particular use would be an infringement, permission can always be sought from the copyright owner.

1. **In-classroom Use**

In-classroom performance of a copyrighted videotape is permissible under the following conditions:

a. The performance must be by instructors (including guest lecturers) or by students;

b. the performance is in connection with face-to-face teaching activities;

c. the entire audience is involved in the teaching activity;

d. the entire audience is in the same room or same general area;

e. the teaching activities are conducted by a nonprofit education institution;

f. the performance takes place in a classroom or similar place devoted to instruction, such as a school library, gym, auditorium or workshop;

g. the videotape is lawfully made; the person responsible had no reason to believe that the videotape was unlawfully made.

2. **In-Library Use in Public Libraries**

a. Most performances of a videotape in a public room as part of an entertainment or cultural program, whether a fee is charged or not, would be infringing and a performance license is required from the copyright owner.

b. To the extent a videotape is used in an educational program conducted in a library's public room, the performance will not be infringing if the requirements for classroom use are met (See Televised Material C.1.).

c. Libraries which allow groups to use or rent their public meeting rooms should, as part of their rental agreement, require the group to warrant that it will secure all necessary performance licenses and indemnify the library for any failure on their part to do so.

d. If patrons are allowed to view videotapes on library-owned equipment, they should be limited to private performances, i.e., one (1) person, or no more than one (1) family, at a time.

e. User charges for private viewings should be nominal and directly related to the cost of maintenance of the videotape.

f. Even if a videotape is labeled "For Home Use only," private viewing in the library should be considered to be authorized by the vendor's sale to the library with imputed knowledge of the library's intended use of the videotape.

g. Notices may be posted on video recorders or players used in the library to educate and warn patrons about the existence of the copyright laws, such as:

MANY VIDEOTAPED MATERIALS ARE PROTECTED BY COPYRIGHT. 17 U.S.C. §101. UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

3. **Loan of Videotapes**

a. Videotapes labeled "For Home Use Only" may be loaned to patrons for their personal use. They should not knowingly be loaned to groups for public performances.

b. Copyright notice as it appears on the label of a videotape should not be obscured.

c. Nominal user fees may be charged.

d. If a patron inquires about a planned performance of a videotape, s/he should be informed that only private uses of it are lawful.

e. Video recorders may be loaned to a patron without fear of liability even if the patron uses the recorder to infringe a copyright. However, it may be a good idea to post notices on equipment that may be used for copying (even if an additional machine would be required) to assist copyright owners in preventing unauthorized reproduction. (See Televised Material C.2.g.)

4. **Duplication of Videotapes**

a. Under limited circumstances libraries may dupe a videotape or a part thereof, but the rules of § 108 of the Copyright Revision Act of 1976 which librarians routinely utilize with respect to photocopying, apply to the reproduction.

Music

A. **Permissible Uses**

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10 percent (10%) of the whole work. The number of copies shall not exceed one (1) copy per student.

3. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

4. A single copy of recordings of performances by students may be made or evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

5. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)

B. **Prohibitions**

1. Copying to create or replace or substitute for anthologies, compilations or collective works.

2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.

3. Copying for the purpose of performance, except as in Music A.1. above.

4. Copying for the purpose of substituting for the purchase of music, except as in Music A.1. and Music A.2. above.

5. Copying without inclusion of the copyright notice that appears on the printed copy.

Computer Programs

A. **Purchase Conditions Generally** (Guidelines Computer Programs A-D were created by ALS, American Libraries, February 1986)

Most computer software purports to be licensed rather than sold. Frequently the package containing the software is wrapped in clear plastic through which legends similar to the following appear:

You should carefully read the following terms and conditions before opening this diskette package. Opening this diskette package indicates your acceptance of these terms and conditions. If you do not agree with them you should promptly return the package unopened and your money will be refunded.

OR

Read this agreement carefully. Use of this product constitutes your acceptance of the terms and conditions of this agreement.

OR

This program is licensed on the condition that you agree to the terms and conditions of this license agreement. If you do not agree to them, return the package with the diskette still sealed and your purchase price will be refunded. Opening this diskette package indicates your acceptance of these terms and conditions.

In the absence of authority to the contrary, one should assume that such licenses are in fact binding contracts. Therefore by opening and using the software the library or classroom may become contractually bound by the terms of the agreement wholly apart from the rights granted the copyright owner under the copyright laws.

Following such legends are the terms and conditions of the license agreement. The terms vary greatly between software producers and sometimes between programs produced by the same producer. Many explicitly prohibit rental or lending; some limit the program to use on one (1) identified computer or to one (1) user's personal use.

B. **Avoiding License Restrictions**

Loans of software may violate the standard license terms imposed by the copyright owner. To avoid the inconsistencies between sale to a library and the standard license restriction, libraries should note on their purchase orders the intended use of software meant to circulate. Such a legend should read:

PURCHASE IS ORDERED FOR LIBRARY CIRCULATION AND PATRON USE

Then, if the order is filled, the library is in a good position to argue that its terms, rather than the standard license restrictions, apply.

C. **Archival Copies**

1. Libraries may lawfully make one (1) archival copy of a copyrighted program under the following conditions:

    a. one (1) copy is made;

    b. the archival copy is stored;

    c. if possession of the original ceases to be lawful, the archival copy must be destroyed or transferred along with the original program;

    d. copyright notice should appear on the copy.

2. The original may be kept for archival purposes and the "archival copy" circulated. Only one (1) copy -- either the original or the archival -- may be used or circulated at any given time.

3. If the circulating copy is destroyed, another "archival" copy may be made.

4. If the circulating copy is stolen, the copyright owner should be consulted before circulating or using the "archival" copy.

D. **In-library and In-classroom Use**

1. License restrictions, if any, should be observed.

2. If only one (1) program is owned under license, ordinarily it may only be used on one (1) machine at a time.

3. Most licenses do not permit a single program to be loaded into a computer which can be accessed by several different terminals or into several computers for simultaneous use.

4. If the machine is capable of being used by a patron to make a copy of a program, a warning should be posted on the machine, such as:

MANY COMPUTER PROGRAMS ARE PROTECTED BY COPYRIGHT. 17 U.S.C. § 101. UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

E. **Lending Copies of Computer Programs to Library Patrons**

General Rule: Provided that the required warning is placed on lawfully acquired copies of computer programs, they may be lent by nonprofit libraries to patrons for nonprofit purposes under Title 17 Section 109(b) of the Copyright Act. In looking at these scenarios, keep in mind that the library patron may be liable for copyright infringement even if the library is not.

1. A nonprofit library possesses one (1) copy of a popular word processing program pursuant to a valid license, affixes to the package the required copyright warning, and makes it available at the circulation desk for patrons to borrow.

This is permissible under Title 17 Section 109(b)(2), provided that the lending library is unaware or has no substantial reason to believe that the computer software is lent for a for-profit purpose.

2. Assuming the same facts as in Computer Programs E.1. A student working on an English literature research paper borrows the word processing program and installs it on his/her personal computer. Later, when the word processing program is overdue, she returns the packaged copy to the library, but keeps the copy installed on his/her computer to complete the research paper.

   Statutory exemptions are available to the library, but not to the student. The Title 17 Section 109(b)(2) lending exemptions permit "transfer of possession" and "lending" of computer programs by schools and libraries for users, but not unauthorized reproduction by patrons. The library would not face liability unless contributory infringement or vicarious liability is proved, such as demonstrating that the library encouraged patrons to copy.

3. A nonprofit library loans its copy of applications software that was purchased, not licensed. The required warning is affixed to the package.

   This is permissible under Title 17 Section 109(b)(2) provided that the borrowing library is unaware or has no substantial reason to believe that the software is to be used for for-profit purposes. Lending the applications software is impermissible if the library acquired it under a license that did not permit loans.

4. A library purchases a book with supplemental software on a disk in the book pocket. The library lends the book with the accompanying software in response to an inter-library loan request.

   This is permissible under Title 17 Section 109(b)(2), provided that the book and software is lent for a nonprofit purpose, and the library affixes to the book or disk the required copyright warning.

F. **Patron Use from Remote Servers**

1. A library at a nonprofit educational institution obtains a single-machine license for a popular word processing program, but makes it available via a campus-wide computer system that any number of students, faculty, and staff may access simultaneously from either on or off campus. The required copyright warning is displayed whenever an end-user signs onto the computer system.

   The fair use defense and statutory exemptions are unavailable. The lending exemptions for nonprofit libraries and nonprofit educational institutions apply to lawfully made copies, but not to the unauthorized reproduction and public display that occurs with network distribution. The fair use defense also should not apply to this reproduction, despite its non-commercial purpose, because the entire computer program is reproduced, the computer program may be unpublished, and the serious commercial effect caused by lost license fees and pirated copies.

2. Assume the same facts as in Computer Programs F.1., except that the library obtains a network version of the word processing program and a site license permitting simultaneous access for faculty, staff, and students.

   There is no infringement by library or faculty, staff, or students.

3. A nonprofit library has installed a computer program on its network and made it available to patrons, pursuant to a license agreement, via on-site terminals. Despite warnings to the contrary, a patron copies the computer program onto a diskette for his/her personal use.

   There is copyright infringement by the library patron, and neither the fair use defense nor a statutory exemption is available.

4. A student at a nonprofit educational institution licenses a computer program for his/her personal computer, and uploads the computer program to the school library's network, where it can be accessed and copied by several hundred students, faculty and staff without permission of the copyright owner.

   There is copyright infringement by the student. His/Her unauthorized reproduction of the computer program is not covered by Title 17 Section 109(b) exemptions for nonprofit library lending for nonprofit purposes or nonprofit educational institutional lending.

Database Downloading

A teacher/student may:

A. download to the printer bibliographic citations or full text of a document identified during a search of DIALOG, Wilsonline, etc., as the terms of the school's contract which the vendors specify. It is assumed that the user will require no more than 20-30 citations, will be using a legitimate password/subscription for invoice purposes, and has local approval to order, receive, and provide payment for a full-text document or citations.

B. use downloaded material for individual research or teaching.

A teacher/student may not: (without express written consent of the database vendor):

A. keep archival copies of downloaded works;

B. download a "substantial taking" (complete database or most of the records). Note that this criterion also includes a qualitative aspect. For example, if several records were retrieved from a large database but these records were qualitatively superior to the others, the use could also be considered a "substantial taking";

C. make commercially available the downloaded material. All four (4) fair-use criteria apply to downloading, but the economic aspect has generally been regarded to be the most important.

Digital Images

A. **Digitizing by Institutions: Newly Acquired Analog Visual Images**

An educational institution may digitize newly, lawfully, acquired analog visual images to support the permitted educational uses under these guidelines unless such images are readily available in usable digital form for purchase or license at a fair price. Images that are readily available in usable digital form for purchase or license at a fair price should not be digitized for addition to an institutional image collection without permission.

B. **Creating Thumbnail Images**

An educational institution may create thumbnail images of lawfully acquired images for inclusion in a visual catalog for use at the institution. These thumbnail images may be combined with descriptive text in a visual catalog that is searchable by a number of fields, such as the source.

C. **Access, Display, and Distribution on an Institution's Secure Electronic Network**

Subject to the time limitations in Section Digital Images D., an educational institution may display and provide access to images digitized under these guidelines through its own secure electronic network. When displaying digital images on such networks, an educational institution should implement technological controls and institutional policies to protect the rights of copyright owners, and use best efforts to make users aware of those rights. In addition, the educational institution must provide notice stating that digital images on its secure electronic network shall not be downloaded, copied, retained, printed, shared, modified, or otherwise used, except as provided for in the permitted educational uses under these guidelines.

1. **Visual online catalog:** An educational institution may display a visual online catalog, which includes the thumbnail images created as part of the institution's digitization process, on the institution's secure electronic network, and may provide access to such catalog by educators, scholars, and students affiliated with the educational institution.

2. **Course compilations of digital images:** An educational institution may display an educator's compilation of digital images (See also Section Digital Images E.1.b.) on the institution's secure electronic network for classroom use, after-class review, or directed study, provided that there are technological limitations (such as a password or PIN) restricting access only to students enrolled in the course. The institution may display such images on its secure electronic network only during the semester or term in which that academic course is given.

3. Access, display, and distribution beyond the institution's secure electronic network: electronic access to, or display or distribution of, images digitized under these guidelines, including the thumbnail images in the institution's visual online catalog, is not permitted beyond the institution's own electronic network, even for educational purposes. However, those portions of the visual online catalog which do not contain images digitized under these guidelines, such as public domain images and text, may be accessed, displayed, or distributed beyond the institution's own secure electronic network.

D. **Time Limitations for Use of Images Digitized by Institutions from Newly Acquired Analog Visual Images**

An educational institution may use and retain in digital image collections images that are digitized from newly acquired analog visual images under these guidelines, as long as the retention and use comply with the following conditions:

1. Images digitized from a known source and not readily available in usable digital form for purchase or license at a fair price may be used for one (1) academic term and may be retained in digital form while permission is being sought. Permission is required for uses beyond the initial use; if permission is not received, any use is outside the scope of these guidelines and subject to the four-factor fair use analysis.

2. Where the rightsholder of an image is unknown, a digitized image may be used for up to 3 years from first use, provided that a reasonable inquiry is conducted by the institution seeking permission to digitize, retain, and reuse the digitized image. If, after three (3) years, the educational institution is unable to identify sufficient information to seek permission, any further use of the image is outside the scope of these guidelines and subject to the four-factor fair use analysis.

E. **Use By Educators, Scholars, And Students**

Subject to the time limitations in Section Digital Images D., images digitized under these guidelines may be used by educators, scholars, and students as follows:

1. **Educator Use of Images Digitized Under These Guidelines**

a. An educator may display digital images for educational purposes, including face-to-face teaching of curriculum-based courses, and research and scholarly activities at a nonprofit educational institution.

b. An educator may compile digital images for display on the institution's secure electronic network to students enrolled in a course given by that educator for classroom use, after-class review, or directed study, during the semester or term in which the educator's related course is given.

2. **Use of Images for Peer Conferences**

Educators, scholars, and students may use or display digital images in connection with lectures or presentations in their fields, including uses at non-commercial professional development seminars, workshops, and conferences where educators meet to discuss issues relevant to their disciplines or present works they created for educational purposes in the course of research, study, or teaching.

3. **Use of Images for Publications**

These guidelines do not cover reproducing and publishing images in publications, including scholarly publications in print or digital form, for which permission is generally required. Before publishing any images under fair use, even for scholarly and critical purposes, scholars and scholarly publishers should conduct the four-factor fair use analysis.

4. **Student Use of Images Digitized Under These Guidelines**

Students may:

a. Use digital images in an academic course assignment such as a term paper or thesis, or in fulfillment of degree requirements.

b. Publicly display their academic work incorporating digital images in courses for which they are registered and during formal critiques at a nonprofit educational institution.

c. Retain their academic work in their personal portfolios for later uses such as graduate school and employment applications.

Other student uses are outside the scope of these guidelines and are subject to the four-factor fair use analysis.

F. **Image Digitization By Educators, Scholars, And Students For Spontaneous Use**

Educators, scholars, and students may digitize lawfully acquired images to support the permitted educational uses under these guidelines if the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Images digitized for spontaneous use do not automatically become part of the institution's image collection. Permission must be sought for any reuse of such digitized images or their addition to the institution's image collection.

G. **Important Reminders And Fair Use Limitations Under These Guidelines:**

1. **Creation of Digital Image Collections**

When digitizing copyrighted images, as permitted under these guidelines, an educational institution should simultaneously conduct the process of seeking permission to retain and use the images.

Where the rightsholder is unknown, the institution should pursue and is encouraged to keep records of its reasonable inquiry. Rightsholders and others who are contacted are encouraged to respond promptly to inquiries.

2. **Reasonable Inquiry**

A reasonable inquiry by an institution for the purpose of clearing rights to digitize and use digital images includes, but is not limited to, conducting each of the following steps: (1) checking any information within the control of the educational institution, including slide catalogs and logs, regarding the source of the image; (2) asking relevant faculty, departmental staff, and librarians, including visual resource collections administrators, for any information regarding the source of the image; (3) consulting standard reference publications and databases for information regarding the source of the image; and (4) consulting rights reproduction collectives and/or major professional associations representing image creators in the appropriate medium.

3. **Attribution and Acknowledgment**

Educators, scholars, and students should credit the sources and display the copyright notice(s) with any copyright ownership information shown in the original source, for all images digitized by educators, scholars, and students, including those digitized under fair use. Crediting the source means adequately identifying the source of the work, giving a full bibliographic description where available (including the creator/author, title, publisher, and place and date of publication) or citing the electronic address if the work is from a network source. Educators, scholars, and students should retain any copyright notice or other proprietary rights notice placed by the copyright owner or image archive or collection on the digital image, unless they know that the work has entered the public domain or that the copyright ownership has changed. In those cases when source credits and copyright ownership information cannot be displayed on the screen with the image for educational reasons (e.g., during examinations), this information should still be linked to the image.

4. **Licenses and Contracts**

Institutions should determine whether specific images are subject to a license or contract; a license or contract may limit the uses of those images.

5. **Portions from Single Sources Such as Published Compilations or Motion Pictures**

When digitizing and using individual images from a single source such as a published compilation (including but not limited to books, slide sets, and digital image collections), or individual frames from motion pictures or other audiovisual works, institutions and individuals should be aware that fair use limits the number and substantiality of the images that may be used from a single source. In addition, a separate copyright in a compilation may exist. Further, fair use requires consideration of the effect of the use on the potential market for or value of the copyrighted work. The greater the number and substantiality of images taken from a single source, the greater the risk that the use will not be fair use.

6. **Portions of Individual Images**

Although the use of entire works is usually not permitted under fair use, it is generally appropriate to use images in their entirety in order to respect the integrity of the original visual image, as long as the limitations on use under these guidelines are in place. For purposes of electronic display, however, portions of an image may be used to highlight certain details of the work for educational purposes as long as the full image is displayed or linked to the portion.

7. **Integrity of Images: Alterations**

In order to maintain the integrity of copyrighted works, educators, scholars, and students are advised to exercise care when making any alterations in a work under fair use for educational purposes such as criticism, comment, teaching, scholarship, and research. Furthermore, educators, scholars, and students should note the nature of any changes they make to original visual images when producing their own digital images.

8. **Caution in Downloading Images from Other Electronic Sources**

Educators, scholars, and students are advised to exercise caution in using digital images downloaded from other sources, such as the Internet. Such digital environments contain a mix of works protected by copyright and works in the public domain, and some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

H. **Transition Period For Pre-Existing Analog Image Collections**

1. **Context**

Pre-existing visual resource collections in educational institutions (referred to in these guidelines as "pre-existing analog image collections") often consist of tens of thousands of images which have been acquired from a wide variety of sources over a period of many years. Many pre-existing collections lack adequate source information for older images and standards for accession practices are still evolving. In addition, publishers and vendors may no longer be in business, and information about specific images may no longer be available. For many images there may also be several layers of rightsholders: the rights in an original visual image are separate from rights in a reproduction of that image and may be held by different rightsholders. All these factors complicate the process of locating rightsholders, and seeking permissions for pre-existing collections will be painstaking and time consuming.

However, there are significant educational benefits to be gained if pre-existing analog image collections can be digitized uniformly and systematically. Digitization will allow educators to employ new technologies using the varied and numerous images necessary in their current curricula. At the same time, rightsholders and educational institutions have concerns that images in some collections may have been acquired without permission or may be subject to restricted uses. In either case, there may be rightsholders whose rights and interests are affected by digitization and other uses.

The approach agreed upon by the representatives who developed these guidelines is to permit educational institutions to digitize lawfully acquired images as a collection and to begin using such images for educational purposes. At the same time, educational institutions should begin to identify the rightsholders and seek permission to retain and use the digitized images for future educational purposes. Continued use depends on the institutions' making a reasonable inquiry to clear the rights in the digitized image. This approach seeks to strike a reasonable balance and workable solution for copyright holders and users who otherwise may not agree on precisely what constitutes fair use in the digital era.

2. **Digitizing by Institutions: Images in Pre-Existing Analog Image Collections**

   a. Educational institutions may digitize images from pre-existing analog image collections during a reasonable transition period of seven (7) years (the approximate useful life of a slide) from [December 31, 1996]. In addition, educators, scholars, and students may begin to use those digitized images during the transition period to support the educational uses under these guidelines. When

digitizing images during the transition period, institutions should simultaneously begin seeking the permission to digitize, retain, and reuse all such digitized images.

b. Digitization from pre-existing analog image collections is subject to limitations on portions from single sources such as published compilations or motion pictures. Section Digital Images G.5. of these guidelines should not be interpreted to permit the systematic digitization of images from an educational institution's collections of books, films, or periodicals as part of any methodical process of digitizing images from the institution's pre-existing analog image collection during the transition period.

c. If, after a reasonable inquiry, an educational institution is unable to identify sufficient information to seek appropriate permission during the transition period, continued retention and use is outside the scope of these guidelines and subject to the four-factor fair use analysis. Similarly, digitization and use of such collections after the expiration of the transition period is outside the scope of these guidelines and subject to the four- factor fair use analysis.

Distance Learning

A. Broadly viewed, distance learning is an educational process that occurs when instruction is delivered to students physically remote from the location or campus of program origin, the main campus, or the primary resources that support instruction. In this process, the requirements for a course or program may be completed through remote communications with instructional and support staff including either one-way or two-way written, electronic or other media forms.

Distance education involves teaching through the use of telecommunications technologies to transmit and receive various materials through voice, video and data. These avenues of teaching often constitute instruction on a closed system limited to students who are pursuing educational opportunities as part of a systematic teaching activity or curriculum and are officially enrolled in the course. Examples of such analog and digital technologies include telecourses, audio and video teleconferences, closed broadcast and cable television systems, microwave and ITFS, compressed and full-motion video, fiber optic networks, audiographic systems, interactive videodisk, satellite-based and computer networks.

B. Applicability And Eligibility

1. **Applicability Of The Guidelines**

These guidelines apply to the performance of lawfully acquired copyrighted works not included under Title 17 Section 110(2) (such as a dramatic work or an audiovisual work) as well as to uses not covered for works that are included in Title 17 Section 110(2). The covered uses are (1) live interactive distance learning classes (i.e., a teacher in a live class with all or some of the students at remote locations) and (2) faculty instruction recorded without students present for later transmission. They apply to delivery via satellite, closed circuit television or a secure computer network. They do not permit circumventing anti-copying mechanisms embedded in copyrighted works.

These guidelines do not cover asynchronous delivery of distance learning over a computer network, even one that is secure and capable of limiting access to students enrolled in the course through PIN or other identification system.

In some cases, the guidelines do not apply to specific materials because no permission is required, either because the material to be performed or displayed is in the public domain, or because the instructor or the institution controls all relevant copyrights. In other cases, the guidelines do not apply because the copyrighted material is already subject to a specific agreement. For example, if the material was obtained pursuant to a license, the terms of the license apply. If the institution has received permission to use copyrighted material specifically for distance learning, the terms of that permission apply.

2. **Eligibility**

a. Eligible Educational Institution

These guidelines apply to nonprofit educational institutions at all levels of instruction whose primary focus is supporting research and instructional activities of educators and students but only to their nonprofit activities. They also apply to government agencies that offer instruction to their employees.

b. Eligible Students

Only students officially enrolled for the course at an eligible institution may view the transmission that contains works covered by these guidelines. This may include students enrolled in the course who are currently matriculated at another eligible institution. These guidelines are also applicable to government agency employees who take the course or program offered by the agency as a part of their official duties.

C. **Works Performed For Instruction**

Relation To Instruction: Works performed must be integrated into the course, must be part of systematic instruction and must be directly related and of material assistance to the teaching content of the transmission. The performance may not be for entertainment purposes.

D. **Transmission And Reception**

1. **Transmission (Delivery):** Transmission must be over a secure system with technological limitations on access to the class or program such as a PIN number, password, smartcard or other means of identification of the eligible student.

2. **Reception:** Reception must be in a classroom or other similar place normally devoted to instruction or any other site where the reception can be controlled by the eligible institution. In all such locations, the institution must utilize technological means to prevent copying of the portion of the class session that contains performance of the copyrighted work.

E. **Limitations**

1. **One Time Use:** Performance of an entire copyrighted work or a large portion thereof may be transmitted only once for a distance learning course. For subsequent performances, displays or access, permission must be obtained.

2. **Reproduction And Access To Copies**

a. Receiving Institution: The institution receiving the transmission may record or copy classes that include the performance of an entire copyrighted work, or a large portion thereof, and retain the recording or copy for up to fifteen (15) consecutive class days (i.e., days in which the institution is open for regular instruction) for viewing by students enrolled in the course. Access to the recording or copy for such viewing must be in a controlled environment such as a classroom, library or media center, and the institution must prevent copying by students of the portion of the class session that contains the performance of the copyrighted work. If the institution wants to retain the recording or copy of the transmission for a longer period of time, it must obtain permission from the rightsholder or delete the portion which contains the performance of the copyrighted work.

b. Transmitting Institution: The transmitting institution may, under the same terms, reproduce and provide access to copies of the transmission containing the performance of a copyrighted work; in addition, it can exercise reproduction rights provided in Title 17 Section 112(b).

F. **Multimedia**

Commercially Produced Multimedia: If the copyrighted multimedia work was obtained pursuant to a license agreement, the terms of the license apply. If, however, there is no license, the performance of the copyrighted elements of the multimedia works may be transmitted in accordance with the provisions of these guidelines.

G. **Examples Of When Permission Is Required**

1. **Commercial uses:** Any commercial use including the situation where a nonprofit educational institution is conducting courses for a for-profit corporation for a fee such as supervisory training courses or safety training for the corporation's employees.

2. **Dissemination of recorded courses:** An institution offering instruction via distance learning under these guidelines wants to further disseminate the recordings of the course or portions that contain performance of a copyrighted work.

3. **Uncontrolled access to classes:** An institution (agency) wants to offer a course or program that contains the performance of copyrighted works to non-employees.

4. **Use beyond the 15-day limitation:** An institution wishes to retain the recorded or copied class session that contains the performance of a copyrighted work not covered in Title 17 Section 110(2). (It also could delete the portion of the recorded class session that contains the performance).

Multimedia

These uses are subject to the Portion Limitations listed in Section Multimedia D. They should include proper attribution and citation as defined in Sections Multimedia F.2.

A. **By Students**

Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.

B. **By Educators for Curriculum-Based Instruction**

Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for their own teaching tools in support of curriculum-based instructional activities at educational institutions.

C. **Permitted Uses Of Educational Multimedia Projects Created Under These Guidelines**

Uses of educational multimedia projects created under these guidelines are subject to the Time, Portion, Copying and Distribution Limitations listed in Section Multimedia D.

1. **Student Use**

Students may perform and display their own educational multimedia projects created under Section Multimedia A and B. of these guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.

2. **Educator Use for Curriculum-Based Instruction**

Educators may perform and display their own educational multimedia projects created under Section Multimedia A and B for curriculum-based instruction to students in the following situations:

a. for face-to-face instruction;

b. assigned to students for directed self-study;

c. for remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution's secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.

If the educational institution's network or technology used to access the educational multimedia project created under Section Multimedia A and B of these guidelines cannot prevent duplication of copyrighted material, students or educators may use the multimedia educational projects over an otherwise secure network for a period of only fifteen (15) days after its initial real-time remote use in the course of instruction or fifteen (15) days after its assignment for directed self-study. After that period, one (1) of the two (2) use copies of the educational multimedia project may be placed on reserve in a learning resource center, library or similar facility for on-site use by students enrolled in the course. Students shall be advised that they are not permitted to make their own copies of the educational multimedia project.

3. **Educator Use for Peer Conferences**

Educators may perform or display their own educational multimedia projects created under Section Multimedia A. and B. of these guidelines in presentations to their peers, for example, at workshops and conferences.

4. **Educator Use for Professional Portfolio**

Educators may retain educational multimedia projects created under Section Multimedia A. and B. of these guidelines in their personal portfolios for later personal uses such as tenure review or job interviews.

D. **Limitations - Time, Portion, Copying And Distribution**

The preparation of educational multimedia projects incorporating copyrighted works under Section Multimedia A. and B., and the use of such projects under Section Multimedia C., are subject to the limitations noted below.

1. **Time Limitations**

Educators may use their educational multimedia projects created for educational purposes under Section Multimedia A. and B. of these guidelines for teaching courses, for a period of up to two (2) years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia projects as noted in Section Multimedia C.1.

2. **Portion Limitations**

Portion limitations mean the amount of a copyrighted work that can reasonably be used in educational multimedia projects under these guidelines regardless of the original medium from which the copyrighted works are taken. "In the aggregate" means the total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission under these guidelines. These limitations apply cumulatively to each educator's or student's multimedia project(s) for the same academic semester, cycle or term. All students should be instructed about the reasons for copyright protection and the need to follow these guidelines. It is understood, however, that students in kindergarten through grade six may not be able to adhere rigidly

to the portion limitations in this section in their independent development of educational multimedia projects. In any event, each such project retained under Sections Multimedia C.1 and Multimedia D.3. should comply with the portion limitations in this section.

a. Motion Media: Up to ten percent (10%) or three (3) minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B. of these guidelines.

b. Text Material: Up to ten percent (10%) or 1000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B. of these guidelines. An entire poem of less than 250 words may be used, but no more than three (3) poems by one (1) poet, or five (5) poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used but no more than three (3) excerpts by a poet, or five (5) excerpts by different poets from a single anthology may be used.

c. Music, Lyrics, and Music Video: Up to ten percent (10%), but in no event more than thirty (30) seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies, or audio or audiovisual works, may be reproduced or otherwise incorporated as a part of a multimedia project created under Section Multimedia A. and B. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

d. Illustrations and Photographs: The reproduction or incorporation of photographs and illustrations is more difficult to define with regard to fair use because fair use usually precludes the use of an entire work. Under these guidelines a photograph or illustration may be used in its entirety but no more than five (5) images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B. When using photographs and illustrations from a published collective work, not more than ten percent (10%) or fifteen (15) images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B.

e. Numerical Data Sets: Up to ten percent (10%) or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project created under

Section Multimedia A. and B. of these guidelines. A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

3. **Copying and Distribution Limitations**

Only a limited number of copies, including the original, may be made of an educator's educational multimedia project. For all of the uses permitted by Section Multimedia C., there may be no more that two (2) use copies only one (1) of which may be placed on reserve as described in Section Multimedia C.2.c. An additional copy may be made for preservation purposes but may only be used or copied to replace a use copy that has been lost, stolen, or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy but only for the purposes described in Sections Multimedia C.3. and Multimedia C.4. for educators and in Section Multimedia C.1. for students.

E. **EXAMPLES OF WHEN PERMISSION IS REQUIRED**

1. **Using Multimedia Projects for Non-Educational or Commercial Purposes**

Educators and students must seek individual permissions (licenses) before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.

2. **Duplication of Multimedia Projects Beyond Limitations Listed in These Guidelines**

Even for educational uses, educators and students must seek individual permissions for all copyrighted works incorporated in their personally created educational multimedia projects before replicating or distributing beyond the limitations listed in Section Multimedia D.3.

3. **Distribution of Multimedia Projects Beyond Limitations Listed in These Guidelines**

Educators and students may not use their personally created educational multimedia projects over electronic networks, except for uses as described in Section Multimedia C.2.c., without obtaining permissions for all copyrighted works incorporated in the program.

F. **IMPORTANT REMINDERS**

1. **Caution in Downloading Material from the Internet**

Educators and students are advised to exercise caution in using digital material downloaded from the Internet in producing their own educational multimedia projects, because there is a mix of works protected by copyright and works in the public domain on the network. Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

2. **Attribution and Acknowledgement**

Educators and students are reminded to credit the sources and display the copyright notice and copyright ownership information if this is shown in the original source, for all works incorporated as part of educational multimedia projects prepared by educators and students, including those prepared under fair use. Crediting the source must adequately identify the source of the work, giving a full bibliographic description where available (including author, title, publisher, and place and date of publication). The copyright ownership information includes the copyright notice (©, year of first publication and name of the copyright holder).

The credit and copyright notice information may be combined and shown in a separate section of the educational multimedia project (e.g., credit section) except for images incorporated into the project for the uses described in Section Multimedia C.2.c. In such cases, the copyright notice and the name of the creator of the image must be incorporated into the image when, and to the extent, such information is reasonably available; credit and copyright notice information is considered incorporated if it is attached to the image file and appears on the screen when the image is viewed. In those cases when displaying source credits and copyright ownership information on the screen with the image would be mutually exclusive with an instructional objective (e.g. during examinations in which the source credits and/or copyright information would be relevant to the examination questions), those images may be displayed without such information being simultaneously

displayed on the screen. In such cases, this information should be linked to the image in a manner compatible with such instructional objectives.

3. **Notice of Use Restrictions**

Educators and students are advised that they must include on the opening screen of their multimedia project and any accompanying print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the educational multi-media fair use guidelines and are restricted from further use.

4. **Future Uses Beyond Fair Use**

Educators and students are advised to note that if there is a possibility that their own educational multimedia project incorporating copyrighted works under fair use could later result in broader dissemination, whether or not as commercial product, it is strongly recommended that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until after completion of the project.

5. **Integrity of Copyrighted Works: Alterations**

Educators and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Educators and students are advised to note that alterations have been made.

6. **Reproduction or Decompilation of Copyrighted Computer Programs**

Educators and students should be aware that reproduction or decompilation of copyrighted computer programs and portions thereof, for example the transfer of underlying code or control mechanisms, even for educational uses, are outside the scope of these guidelines.

7. **Licenses and Contracts**

Educators and students should determine whether specific copyrighted works, or other data or information are subject to a license or contract. Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

Obtaining Permission for Copying

A. A teacher may request and obtain permission to copy material from a copyrighted work; s/he may then use the work as expressly permitted and will not be bound by the limitations and prohibitions set forth above.

B. Request for permission must be in writing and should be sent, together with an envelope addressed to the sender, to the permissions department of the publisher of the work. The request should include the title, author or editor, and edition of materials for which permission is sought; the exact materials to be used, with specification of amount, page numbers, chapters, including, if possible, a photocopy of the material; the number of copies to be made; the use to be made of the duplicated materials; the form of distribution; whether or not the copies will be sold; and the process by which the material will be reproduced.

C. A copy of the written permission granted by the publisher or copyright owner shall be preserved by the Superintendent.

ag2600

SCHOOL ACCOUNTABILITY

2600 - **SCHOOL ACCOUNTABILITY**

When a school submits a strategic and continuous school improvement and achievement plan to the board for its consideration, the following components must be met:

A. The initial plan shall lay out objectives for a three (3) year period and must be reviewed and revised annually to accomplish the achievement objectives established for the school.

B. The plan must establish objectives for the school to achieve. These objectives must be consistent with academic standards and include improvement in at least the following areas:

1. attendance rate

2. the percentage of students meeting academic standards under the State-mandated assessment program

3. the graduation rate (for a high school)

C. The plan is to specify how and to what extent the school expects to make continuous improvement in all areas of the educational system where results are measured by setting benchmarks for progress on an individual school basis.

D. The plan must note specific areas where improvement is needed immediately.

E. If the plan requires a waiver of a statute or rule of the State Board of Education, the principal may ask the School Board to petition the State Board for a waiver except in the following instances:

1. The rule relates to the health or safety of students or school personnel.

2. The rule is a special education rule governed by 511 IAC 7.

3. Suspension of the rule causes the school to be in noncompliance with Federal statutes and regulations.

4. The rule concerns curriculum or textbooks.

Should the plan require a change in the curriculum or textbooks, the Board may petition the Indiana Department of Education to waive any statute or rule relating thereto.

Each school plan must contain the following components for the school:

A. A list of the statutes and rules that the school wishes to have suspended from operation for the school.

B. A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.

C. A description and name of the assessments that will be used in the school in addition to State-mandated assessments.

D. The plan must be made available to all interested members of the public in an easily understandable format.

E. A provision to maximize parental participation in the school, which may include access to learning aids to assist students with schoolwork at home, information on home study techniques,

or access to school resources.

F. In the high school, a provision to:

1. offer courses that allow all students to become eligible to receive an academic honors diploma;

2. encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.

G. A provision to maintain a safe and disciplined learning environment for students and teachers.

H. A provision for the coordination of technology initiatives and ongoing professional development activities.

If a school has developed materials that are substantially similar to a component of the State mandated plan, the school may substitute those materials for the component of the State mandated plan.

T.C. 7/12/22

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THE SCHOOL IMPROVEMENT PROCESS

2600A - **THE SCHOOL IMPROVEMENT PROCESS**

There will be a School Improvement Team at each building under the leadership of the principal and consisting of:

A. professional staff members;

B. support staff members;

C. parents;

D. business and community leaders;

E. others, at the discretion of the principal.

The purpose of the School Improvement Teams is to focus on programs and procedures which can help the Corporation achieve its educational mission, following State guidelines, and which meet one or more of the following criteria:

A. will result in the accomplishment of significant learning outcomes

B. will result in a more effective use of existing resources

All proposals for new programs or extensive revision of existing programs are to be developed according to AG 2250.

ag2623

TESTING PROGRAM

2623 - **TESTING PROGRAM**

Purpose of Testing

Testing, like any other element of the School Corporation's program, should have a definite purpose related to Corporation goals. No test should be given without first defining its purpose and determining how the results will be used.

SUGGESTED PURPOSES FOR VARIOUS TESTS

A. **Achievement Tests** (State-mandated testing and assessments and others)

1. to measure a student's progress in achieving Corporation learning outcomes

2. to help determine student learning strengths and weaknesses and/or diagnose their causes

3. to help assess the effectiveness of a school's or the Corporation's program and/or identify/diagnose educational strengths and weaknesses

4. to aid in evaluating curriculum and/or instructional strategies and resources

B. **Intelligence Tests**

to measure a student's cognitive abilities, as defined by the tests

C. **Basic Skills Tests** (State-mandated testing and assessments and others)

1. to help determine the extent to which a student can perform tasks associated with functional literacy

2. to aid in diagnosing problems with literacy task-skills and in providing for appropriate remediation

3. to identify students at risk for not meeting grade level proficiency in mathematics

D. **Readiness Tests**

to help determine the appropriate time for a student to begin a learning program

E. **Vocations Interest/Aptitude Tests**

1. to help determine a student's interests or aptitudes for comparison with those related to particular vocational fields

2. to assist in the vocational counseling of a student

Uses of Test Results

The purpose for giving a test is to use the results to improve learning and to communicate with those concerned about how well a student or a group of students are learning. A student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.

Item Analysis

If test results are to be used effectively, an analysis of the test items should be the first step. Such an analysis makes it easier to determine the student's(s') areas of strengths and weaknesses so that instruction can be geared accordingly. A proper analysis should provide the kind of knowledge that will not only aid in designing appropriate learning activities but in producing a more reliable assessment and more useful communication to both students and their parents.

Curriculum and Instruction

Administrators will be responsible for ensuring that test results are used by the staff to both refine the curriculum and improve instructional strategies and resources. To aid in this process, in-service programs may be necessary to strengthen understanding of how different kinds of tests are designed, how to judge reliability and validity, and how to use test information to diagnose and remediate deficiencies.

Counseling

Administrators should make sure that teachers and counselors are working cooperatively by sharing information derived from the testing program. The counselors should be using test results and analyses to help students (and their parents) develop a realistic and valid view of their current achievement levels and design and follow through on plans related to both their school and vocational careers. Teachers also should be aware of these plans to help support such plans in the classroom.

Communication with Parents

As one of the important partners in the educative process, it is essential that parents be kept properly informed of test results and potential interventions, particularly those that relate directly to academic achievement. In communicating with parents, particularly with regard to standardized tests, the following guidelines should be observed:

A. Notification of early intervention and screening supports available to a student to help them read by the end of third grade, and the retention requirement if the student does not pass IREAD after multiple testing administration opportunities.

   The notice must be provided by October 1st, annually.

B. Notification of a student's universal screener and IREAD-3 assessment results and any interventions and supports that will be provided to the student.

C. Notification of a student's results on a screener used identify students at risk of not meeting grade level proficiency in mathematics and any interventions and supports that will be provided to the student.

D. Test results should be provided in context, that is, with the purpose of the test(s) clearly stated and the student's measurement compared to standards.

E. Communicate what the test is designed to measure as well as what it does not attempt to measure.

Use in Remediation and Promotion/Retention

A. Interventions will be provided for students who do not pass the IREAD-3 assessment in third grade or are at risk of not being reading proficient based on their IREAD-3 scores in second grade. (Students who pass the IREAD-3 assessment in grade 2 are not required to take it again in grade 3.) A re-assessment on IREAD-3 will be provided during a summer assessment window determined by the Indiana Department of Education (IDOE). Students who do not pass the re-assessment of IREAD-3 after at least two (2) administrations of the IREAD-3 Assessment during the summer following their third grade year will continue to receive instruction in grade 3 reading the next school year. Those students will be reported officially as third grade students and will participate fully in the State-mandated assessment program for grade 3, unless they meet the criteria for a Good Cause Exemption.

B. Students who fail the IREAD-3 assessment in grade 3 shall be given the opportunity to retake the I-READ 3 assessment two (2) times in the summer after grade 3 before the grade 3 retention requirements apply.

C. Students who are English language learners may be exempt from compliance with the retention requirements for not passing the IREAD-3 assessment until the 2027-2028 school year if a Corporation school that the student attends has been granted an exemption by IDOE because the school has a student population comprised of at least fifty percent (50%) of English language learners in grade 3, as determined by IDOE.

D. Intervention will be provided to all students who do not meet the minimum standards of proficiency as measured by each of the State-mandated tests and assessments as well as achievement tests.

E. Test results will be used by all classroom teachers to identify and implement instruction appropriate to the needs of students who do not meet the identified competency standards.

F. Test results may be used by administrators and/or guidance personnel in making instructional placement decisions regarding particular students; provided, however, that a student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.

G. Intervention will continue until students attain minimum proficiency as measured by the competency test.

H. Special education teachers will assist general education classroom teachers in identification of individual student competency needs and in accommodating instruction to the intervention needs of identified students.

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ag2623A

STANDARDIZED TESTING FOR SPECIAL EDUCATION STUDENTS

2623A - **STANDARDIZED TESTING FOR SPECIAL EDUCATION STUDENTS**

When the School Corporation administers standardized tests including State Board-approved statewide achievement tests or end of course assessments, a student who is a child with a disability shall be tested according to the requirements of I.C. 20-32-5.1-11 with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualizededucation program (IEP), service plan, choice special education plan, or Section 504 plan determine that testing, or a part of the testing, is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

Not later than February 1, 2021, and not later than February 1, 2022, each school in the Corporation shall, at the annual review of the student's IEP, service plan, choice special education plan, or Section 504 plan: 1) provide the notice developed by the State Department of Education in consultation with The Arc of Indiana (ARC) and the Indiana Council of Administrators of Special Education (ICASE) to the parent of a student with a disability enrolled in grade three (3), four (4), or five (5) who has an accommodation that is provided as part of the student's IEP, service plan, choice special education plan, or Section 504 plan that the student is not allowed to use on all or part of the statewide assessment informing the parent that the student is not allowed to use the accommodation on all or part of the statewide assessment; and 2) discuss and determine whether the student may be eligible to opt-out of any applicable section of the statewide assessment. If a parent does not attend the annual review, the school shall provide a copy of the notice to the parent by certified mail or personal delivery.

Any decision with regard to the student participating in testing, receiving accommodations in testing materials and procedure, participating in remediation, or being retained at the same grade level for the next school year shall be made in accordance with the child's IEP, service plan, choice special education plan, or Section 504 plan, subject to the State Board-approved statewide achievement test program manual~~;~~ and Federal law.

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ag3111A

CREATING A POSITION

3111A - **CREATING A POSITION**

The School Board has reserved the right, in its discretion, to create new positions and specify the number of professional staff members in each category. In compliance with that policy the Board has adopted the following guidelines for the creation of a Corporation position:

A. Each position shall be preceded by the preparation of a job description for the new position.

B. The title of the new position shall be the same as the title on the certificate required to hold that position wherever possible.

C. The new position will be presented to the Board with a recommendation for adoption.

ag3111B

VERIFICATION OF EMPLOYMENT ELIGIBILITY

3111B - **VERIFICATION OF EMPLOYMENT ELIGIBILITY**

In order to comply with Federal law the following verification of employment eligibility procedures will apply:

Completion of Form I-9

Form I-9 must be completed within three (3) business days of the date of the hire. If an individual is employed for less than three (3) days, the form must be completed before the end of the employee's first working day.

The following individuals **do not need** to complete Form I-9:

A. persons hired before November 7, 1986

B. persons who are employed by a contractor providing contract services

C. persons who are independent contractors

The employer is also responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Retention of Employment Eligibility Verification Form (Form I-9)

The employer must retain Form I-9 for three (3) years or for one (1) year past the end of the employment of the individual, whichever is longer. Such forms will be retained in a separate file and shall be considered to be confidential and used only for employment eligibility verification purposes.

Preparation of Documents for Inspection

U.S. Immigration and Naturalization Service (INS) or Department of Labor (DOL) Officers are required to give employers three (3) days advance notice before an inspection. The employer will assemble the I-9 forms in preparation for the inspection. Failure to provide the I-9 forms could result in civil monetary penalties for each employee for whom the form was not completed, retained, or presented.

Retention of Employee Identification and Social Security Number

The Board will retain a photocopy of either the employee's driver's license or passport showing the employee's identity and valid social security number.

SELECTION OF PROFESSIONAL PERSONNEL

3120A - **SELECTION OF PROFESSIONAL PERSONNEL**

A. **Introduction**

1. The School Board shall make all appointments to positions on the basis of a person's professional qualifications. To implement the desire of the Board to appoint on the basis of merit only, all those who have responsibility for staffing should search diligently within and outside the system for qualified candidates to fill staff positions.

2. Each position shall have a job description which shall include, but not be limited to, the following information:

    a. the position title

    b. its function

    c. a listing of the responsibilities and authorizations assigned to the position

    d. a description of the reporting and supervisory relationships of the position

B. **Qualifications**

1. The qualities desired beyond the minimum certification requirements are:

a. formal training appropriate to the duties and responsibilities of the particular position;

b. demonstrated ability in the particular position;

c. demonstrated ability to work harmoniously with others, both with those of greater and lesser responsibility and authority;

d. evidence of high educational and professional standards;

e. demonstrated loyalty to the administration and other staff where presently employed;

f. evidence of commitment to professional growth;

g. evidence of professional work habits and conduct consistent with the ethics of the profession.

2. Each candidate shall submit the following information in the form requested by the Corporation:

a. personal data, limited to those allowed by law

b. certificates held

c. record of educational and professional training (including transcripts)

d. record of experience applicable to the position, e.g. teaching, counseling, administration, etc.

e. reports from references

C. **Selection Process**

1. Application Procedure

All letters of application and all placement office credentials shall come through the central office which will note date of receipt, acknowledge the application (if applications were requested).

It shall file those of promising candidates, and arrange for an investigation and possible interviews.

2. Investigation Procedure

a. Checking of credentials should include, in addition to letters of reference, direct telephone calls to the person's recent supervisor(s) or employer. (See AG 3120D) Such information shall be maintained in a confidential file restricted to supervisory and official use only so as to protect the source(s) of the information and the privacy of the applicant.

b. All necessary certification, training, and experience is documented.

3. Interview Procedure

(Not for Principals or Central Office Positions)

a. Upon receipt of all relevant information, applications will be routed to the appropriate principal for review.

b. The principal shall independently review the applications and then reach consensus on the applicants to be interviewed. The principal shall then determine which, if any, members of the staff will be included in reviewing applications and the interviews. Prior to any interviews, a copy of AG 3120C is to be given to each interviewer.

c. After all interviews have been completed, the principal submits the recommended candidate to the Superintendent who will conduct the final interview and make the selection of the person to be recommended to the Board. Prior to the recommendation, a criminal history record check will be conducted after the candidate submits a set of fingerprints and pays the investigation fee.

d. Both successful and unsuccessful candidates shall be notified of the Corporation's employment decision.

4. Procedure for Principals

If the opening is for a principalship, a screening committee consisting of Board members and/or members of the professional staff shall be selected to assist in the interview process.

The screening committee shall participate in the planning of the interview sessions and the questions that will be asked all candidates.

At the end of the interview process, each member of the selection committee is to independently determine those candidates that s/he thinks should receive further consideration. Additional interviews and final recommendation shall be the responsibility of the Superintendent.

5. Procedure for Central Office Positions

The interview/selection procedure for professional staff with administrative responsibilities at the Corporation level shall be established by the Superintendent, appropriate for the position.

During all phases of all screening, interviewing, and selection process, the Equal Opportunity Employment Policy 3122 shall be adhered to by all personnel involved.

D. **Employment Procedure**

1. After the Superintendent's approval, and with Board acceptance, the Superintendent shall make an offer of employment and remuneration and, upon acceptance by the successful candidate, initiate a contract or memorandum of employment which will include:

    a. terms of employment including wages;

    b. length of contract;

    c. fringe benefits;

    d. job title and person to whom responsible.

2. Upon acceptance, the new staff member shall report to the Director of Finance to fill out withholding tax, insurance, and any other necessary forms.

3. All documents concerning employment shall be attached to the application and filed in the central office. (See AG 8320 - Personnel Records)

4. The new staff member is to be properly oriented by his/her supervisor in accordance with the checklist on Form 3120 F1.

ag3120B

APPOINTMENT OF PERSONNEL TO COMPENSATEDCO-CURRICULAR AND EXTRA- CURRICULAR ACTIVITIES

3120B - **APPOINTMENT OF PERSONNEL TO COMPENSATEDCO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITIES**

In addition to the conditions specified in Policy 3120.08 or the terms of a current negotiated, collectively-bargained agreement, as openings occur they shall be posted in appropriate locations in the Corporation and, if necessary, the community prior to the application deadline.

The following guidelines shall apply:

A. Applications for co-curricular activities are to be made in writing to the principal.

B. Applications for extra-curricular activities are to be made in writing to the Athletic Director.

With the assistance of the appropriate building administrator(s), the Superintendent shall recommend all appointments to the Board annually.

The building administrator responsible for the supervision of the staff member's regular assignment shall notify the Superintendent if this extra assignment may, in any way, affect the quality of his/her regular assignments.

Those assigned positions during the previous year shall have priority for assignment as long as:

1. the extra assignment did not lower the quality of effort in fulfilling their regular responsibilities;

2. their evaluations reflect adequate or better performance of regularly-assigned responsibilities.

PRE-EMPLOYMENT INTERVIEW QUESTIONS

3120C - **PRE-EMPLOYMENT INTERVIEW QUESTIONS**

Asking an applicant questions prohibited by the Equal Employment Opportunity Act during pre-employment interviews could open the door for a job candidate to take legal action against the Corporation. The following guideline outlines the questions that are appropriate and those that should be avoided.

YOU CANNOT ASK:

A. any question that would indicate race or color;

B. any question that would indicate gender, unless job-related;

C. applicant's religion or religious customs and holidays; recommendations from church officials;

D. if applicant, spouse, or parents are native-born or naturalized; date of citizenship; or for other proof of citizenship before hiring;

(Proof of citizenship required on I-9 form)

E. marital status before hiring, the number and age of children, who cares for them, and if applicant plans to have more;

F. to see military service records, about military service with any country other than U.S.;

G. nationality, racial, or religious affiliation of school attended;

H. how foreign language ability was acquired;

I. inquiries about arrests, (as contrasted with convictions), except pending charges (see below at F.);

J. listing of all clubs to which the applicant belongs or has belonged;

K. that a candidate provide a photograph before hiring or that one be taken during an interview;

L. height and weight or physical/mental characteristics which do not relate directly to the job specifications (see AG 3211);

M. whether applicant lives with a disabled individual (whether related or not);

N. whether applicant plans to marry or plans to have a family;

O. whether applicant has any military obligations.

YOU CAN ASK:

A. for applicant's current and previous address; phone number;

B. whether applicant is eighteen (18) years of age or older;

C. whether the applicant is lawfully authorized to work in the United States;

D. if applicant has served in the U.S. armed forces including branch of service and rank attained; job-related experience acquired in the military;

E. academic, professional, or vocational school attended; language skills such as reading and writing, foreign languages, grades, degrees, majors, etc.;

F. criminal convictions; any pending felony charges; any misdemeanor charge related to sexual conduct or assault or abuse of a child;

G. personal and professional and other work references not relating to race, color, religion, gender, national origin, or ancestry;

H. professional and social organization membership, so long as affiliation does not identify and is not used to discriminate on the basis of gender, race, national origin, or ancestry;

I. willingness to perform job functions;

J. willingness to work required work schedule and under prescribed working conditions.

AFTER HIRING, YOU MAY OBTAIN:

A. marital status and number/age of dependents for insurance and tax purposes;

B. proof of age;

C. status of citizenship (I-9 Form);

D. race, if done pursuant to required or approved affirmative action plan and maintained separately from applicant file;

E. a copy of military discharge certificate.

ag3120D

CHECKING REFERENCES OF APPLICANTS

3120D - **CHECKING REFERENCES OF APPLICANTS**

The following procedure is to be used when conducting a check of references submitted by an applicant:

A. Prior to any investigation, the applicant is to sign a waiver and a release granting the Corporation permission to contact any person listed as a reference as well as any other person who may be familiar with the applicant's previous job performance or suitability for employment.

B. Review the references with the applicant to ensure that those submitted are people with whom the applicant has worked on a regular basis either in a job setting or an academic setting or both. For administrators, it is important to have references from superintendents and board members with whom the applicant worked. Make sure the references have worked with the applicant within the last three (3) to five (5) years. Determine from the reference if other people who worked with the applicant are available to provide information concerning suitability for the job.

C. Make telephone (not mail) contact with at least three (3) references particularly if there is discrepant information from the first two.

D. Confine questions to the applicant's suitability for employment work performance, including interpersonal skills. Ask "would you hire _____ again?" or "would you want to work with _____ again?". Ask the reference to give specific examples of what the applicant did well and/or to rate the applicant on various aspects of the job for which the person is applying.

E. Take notes of each reference contact, including time and date of the call and the reference's name and position. Maintain a written summary of the comments for later use.

EMPLOYMENT OF SUBSTITUTES

3120.04 - **EMPLOYMENT OF SUBSTITUTES**

Each candidate for employment as a substitute teacher in the School Corporation must possess a valid Indiana substitute permit or hold a valid Indiana professional, provisional, limited, or equivalent license. Each candidate must provide proof of having completed the background checks required in Policy 3121.

Minimally, the candidate must be eighteen (18) years of age or older and possess a high school diploma.

Additionally, the Superintendent requires a thorough resume with listing of former employers and must be out of High School for two (2) years.

A. **Procedures Leading to Appointment**

The Central Office is responsible for maintaining a list of qualified substitutes for all teaching and related positions.

Interested persons are to complete an application form and return it to the Central Office.

The investigation and interview procedures described in AG 3120A will be used, as applicable to the position. Each substitute will be required to undergo a criminal history record check as described in AG 3120A.

Upon approval of the Central Office, substitutes' names will be placed on the official substitute list.

B. **In-School Procedures**

Each principal is to develop procedures which ensure each substitute has completed necessary forms; received appropriate instructions, plans, and other resources needed to function properly in the position and the building; and been observed early and regularly in the performance of his/her responsibilities.

C. **Long-Term Substitutes**

A person will be considered a long-term substitute if s/he is appropriately certified and the staff member for whom s/he has been hired to replace has a leave which extends for more than fifteen (15) consecutive school days. The long-term substitute position will be terminated by the end of the school year.

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ag3120.05

EMPLOYMENT OF SUMMER SCHOOL STAFF

3120.05 - **EMPLOYMENT OF SUMMER SCHOOL STAFF**

When not otherwise specified in the terms of a negotiated, collectively-bargained agreement, the following procedures will hold for selection of staff members for the summer school:

A. An announcement will be made to all staff members listing those positions available, hours required, rate of pay, and procedure for making application.

B. First priority will be given to Corporation professional staff members serving in regular school programs and previous summer school programs.

C. Only those candidates who are best qualified to perform the duties of the position shall be recommended for employment.

Summer school assignments will be contingent upon having a minimum enrollment for the courses scheduled. The minimum enrollment for a course shall normally be that number of students necessary to cover the costs of the course.

Summer school assignments do not carry over automatically from year to year. All such positions will be re-opened annually.

ag3120.07

EMPLOYMENT OF CASUAL RESOURCE PERSONNEL

3120.07 - **EMPLOYMENT OF CASUAL RESOURCE PERSONNEL**

Specialists from industry, business, agriculture, education or health occupation fields may be employed in a consulting capacity to assist with program planning, in-services, training or directly in the instructional program. Professional staff members employed by the School Corporation may be used as casual resource personnel, outside of their regular assignment, at the discretion of the Superintendent.

When preparing the annual school corporation budget, consideration shall be given to an appropriation to employ casual resource personnel during the budgeted period. The Superintendent will seek input from principals for any anticipated need for consultants in various program and operational areas. All requests submitted to the Superintendent shall contain a statement of the purpose, service or function the consultant would fulfill with an estimated cost of contracting with the consultant.

The Superintendent shall have the final authority in determining from among the submitted requests which requests will be funded in the final appropriation. When developing the recommendation for an appropriation, the Superintendent shall give consideration to the unforeseen circumstances which may arise that could bring an additional expense to the school corporation for the use of casual resource personnel.

Each consultant to be considered for employment as a casual resource personnel must submit a resume along with references. Each resume must be reviewed by the administrator placed in charge of the employment search. At least three (3) references must be contacted by phone before a recommendation of the individual to be employed is submitted to the Superintendent for final approval.

Each individual hired as consultant/casual resource personnel, who will have direct on-going contact with students, shall comply with the conditions of Policy 3121 –Personal Background Checks, References, and Mandatory Reporting of Convictions and Substantiated Child Abuse and Arrests.

Further, each individual hired as consultant/casual resource personnel who will have access to the personally identifiable information ("PII") of students shall comply with all Federal and State laws and regulations governing the confidentiality of student PII.

No casual resource personnel or consultant may be employed without the approval of the Superintendent.

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ag3121

PERSONAL BACKGROUND CHECK

3121 - **PERSONAL BACKGROUND CHECK**

Background Checks of Candidates for Employment

In accordance with School Board policy, the personal and employment history will be thoroughly investigated of each candidate who is seriously being considered for employment as a regular or substitute member of the staff.

In addition to the information obtained through the employment procedure described in AG 3120A, a criminal history record check must be conducted. The Superintendent's Secretary will be responsible for ensuring that the candidate completes Form 3121 F1.

The Superintendent's Secretary shall submit the candidate's name, address, social security number, and date of birth to the Indiana State Police, contracted service provider for a local, State, and National criminal history check, including an expanded criminal history check as defined by I.C. 20-26-2-1.5.

If the Corporation's investigation and/or criminal history check reveals that a candidate has been involved in some unlawful behavior, such information should be examined in light of:

A. the nature of the unlawful behavior, e.g. was it a felony or a misdemeanor? Did it involve violence? Was it sex related? Was it child related? etc.;

B. did the behavior result in a conviction;

C. how recently the behavior occurred and the behavior of the candidate in the interim;

D. the relationship of the behavior to the duties the person would be assuming, if hired;

E. the likelihood that the candidate would represent a potential threat of injury to or loss/damage to property;

F. the likelihood that the candidate would represent a potential threat of injury to or loss/damage to persons;

G. the extent that the staff position involves being an exemplar to students and the potential for the presentation of a negative exemplar;

H. the manner in which the information came to the Corporation's attention, i.e., offered by the candidate or reported through an investigation.

The final decision concerning the employment (or possible discharge if the information comes to light after employment) will be made by the Superintendent.

In addition to the criminal history check, the Superintendent/designee will conduct the following or contract with a private service provider to conduct the following:

A. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3

B. an expanded child protection index in other states

C. a search of the national sex offender registry maintained by the United States Department of Justice

D. beginning July 1, 2017, a search of the State child abuse registry

E. telephone inquiry with former employer(s)

F. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred

G. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1

H. a detailed background history including all prior employment and volunteer positions

I. an Indiana Bureau of Motor Vehicles driver history if the position involves driving

An "expanded child protection index check" means:

A. an inquiry with the department of child services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under I.C. 31-33-26- 2;

B. an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and

C. for a certificated employee, an inquiry with the department of education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

Background Checks for Corporation Employees

The Board requires that an expanded criminal history check be conducted for each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment every five (5) years.

The Superintendent shall require the Superintendent's Secretary to maintain a record of all existing employees stating the school year in which the required expanded criminal history check was completed and when the next expanded criminal history check is due.

The Corporation shall pay the costs associated with conducting the expanded criminal history check for all employees, provided the exclusive representatives of the Corporation's employees do not object.

Also, the Board requires that an expanded child protection index check be obtained for each Corporation employee every five (5) years. The Corporation shall pay the costs associated with obtaining the expanded child protection index check for employees. The Superintendent shall require the Superintendent's Secretary to maintain a record of all existing employees stating the school year in which the required expanded child protection index check was completed and when the next expanded child protection index check is due.

Additionally, the Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Superintendent has reason to believe that an employee or a candidate for employment:

A. is the subject of a substantiated report of child abuse or neglect or

B. has been charged with or convicted of one (1) of the following crimes:

1. Murder (I.C. 35-42-1-1).

2. Causing suicide (I.C. 35-42-1-2).

3. Assisting suicide (I.C. 35-42-1-2.5).

4. Voluntary manslaughter (I.C. 35-42-1-3).

5. Reckless homicide (I.C. 35-42-1-5).

6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

7. Aggravated battery (I.C. 35-42-2-1.5).

8. Kidnapping (I.C. 35-42-3-2).

9. Criminal confinement (I.C. 35-42-3-3).

10. A sex offense under I.C. 35-42-4. (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).

11. Carjacking (I.C. 35-42-5-2) (before its repeal).

12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

13. Incest (I.C. 35-46-1-3).

14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

15. Child selling (I.C. 35-46-1-4(d)).

16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

22. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.

23. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

If a professional employee or substitute teacher reports to the Superintendent that the professional employee or substitute teacher:

A. has been arrested or had criminal charges filed against the professional employee or substitute teacher;

B. has been convicted of a crime; or

C. is the subject of a substantiated report of child abuse or neglect,

the Superintendent shall require the Director of School Safety to obtain a review of each reported arrest or charge, conviction or substantiated report of abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the professional employee or substitute teacher who was arrested or charged, convicted or the subject of a substantiated report of child abuse or neglect.

Offenses Which Prohibit Employment

In accordance with Board policy, the Superintendent will prohibit the hiring of or require the termination of the employment of any individual who is convicted of any of these offenses unless the conviction has been reversed, vacated, or set aside on appeal:

A. The following felonies:

1. A sex crime under I.C. 35-42-4 (including criminal deviate conduct (I.C. 35-42-4-2) (before its repeal)).

2. Kidnapping (I.C. 35-42-3-2).

3. Criminal confinement (I.C. 35-42-3-3).

4. Incest (I.C. 35-46-1-3).

5. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).

6. Dealing in methamphetamine (I.C. 35-48-4-1.1).

7. Manufacturing methamphetamine (I.C. 35-48-4-1.2).

8. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).

9. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).

10. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).

11. Dealing in a counterfeit substance (I.C. 35-48-4-5).

12. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).

13. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).

14. Homicide (I.C. 35-42-1).

15. Voluntary manslaughter (I.C. 35-42-1-3).

16. Reckless homicide (I.C. 35-42-1-5).

17. Battery as any of the following:

    a. A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

    b. A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

c. A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

18. Aggravated battery (I.C. 35-42-2-1.5).

19. Robbery (I.C. 35-42-5-1).

20. Carjacking (I.C. 35-42-5-2) (before its repeal).

21. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).

22. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).

23. Human trafficking (I.C. 35-42-3.5).

24. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).

25. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.

26. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.

B. Public indecency (I.C. 35-45-4-1) committed:

1. after June 30, 2003; or

2. before July 1, 2003, if the person committed the offense by, in a public place:

a. engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5);

b. appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or

c. fondling the person's genitals or the genitals of another person.

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REPORTS OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT AND ARREST

3121A - **REPORTS OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT AND ARREST**

Employees shall report their arrest or the filing of criminal charges against them, or their conviction for a crime to the Superintendent within forty-eight (48) hours of the arrest or the filing of criminal charges or the conviction. If the employee is held in custody for more than twenty-four (24) hours, the report shall be made within forty-eight (48) hours after the employee is released from custody.

Employees also shall report a substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within forty-eight (48) hours of the issuance of the report. If the employee does not receive notice of the issuance of the report until a later date, the employee must report the substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within forty-eight (48) hours of receiving notice of the report.

The arrest or the filing of criminal charges, or conviction need not automatically result in the suspension or termination of the employee unless it involves one of the offenses which prohibit employment listed below. The Superintendent may evaluate the circumstances of the arrest or charge(s) based upon the factors listed below for the evaluation of criminal convictions, plus the presumption of innocence afforded every person charged with a crime prior to conviction.

As used here, "crime" means an action initiated by the State of Indiana, another state, or the United States with a penalty that includes the possibility of a term of imprisonment. The term includes all prosecutions denominated as a felony or misdemeanor. Infractions such as speeding and other minor traffic infractions are not covered unless the job description for an employee’s position includes operating a vehicle as an essential function. Any doubt about reporting a charge or arrest should be resolved in favor of reporting the offense.

If available, the evaluation of the charge(s), arrest, or conviction will be expedited if the employee provides the Superintendent a copy of:

A. the criminal charge(s), i.e., the information or indictment;

B. any probable cause affidavit filed with the charge;

C. the cause number and court in which the matter is pending;

D. any police report or accident report prepared by law enforcement; and

E. the court's entry of a criminal conviction against the employee.

In evaluating information surrounding the arrest, filing of criminal charges or conviction, the Superintendent will take into account:

A. the relevance of the circumstances of the arrest, charge(s), or conviction to the qualification standards and essential functions of the position held by the employee;

B. how recently the behavior occurred and the behavior of the employee since that time;

C. whether the employee admits or denies the facts of the allegation;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and other employees that would result from an error in assessing the facts of the arrest, charge(s), or conviction;

G. the extent to which the position involves being an exemplar and the potential for the presentation of a negative exemplar to students; and

H. how the information came to the attention of the School Corporation, i.e., was it reported by the employee or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the employee will be permitted to continue to work while the charges are resolved in the trial court, and will recommend that the employee continue to work, be placed on administrative leave or suspension, or be terminated or recommended for termination. With respect to employees who are teachers, the principal or Superintendent, as appropriate, shall make the initial recommendation for termination, as required by State law.

A substantiated report of child abuse or neglect of which the employee is the subject need not automatically result in the suspension or termination of the employee. The Superintendent may evaluate the circumstances of the incident underlying the report based on the following factors:

A. the relevance of the circumstances of the incident underlying the report to the qualification standards and essential functions of the position held by the employee;

B. how recently the behavior occurred and the behavior of the employee since that time;

C. whether the employee admits or denies the facts of the report;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and other employees that would result from an error in assessing the facts of the incident underlying the report;

G. the extent to which the position involves being an exemplar and the potential for the presentation of a negative exemplar to students; and

H. how the information came to the attention of the Corporation, i.e., was it reported by the employee or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the employee will be permitted to continue to work while the Superintendent completes the investigation and will recommend that the employee continue to work or be placed on administrative leave or suspension. A substantiated report of child abuse or neglect of which the employee is the subject may result in the termination of the employee's employment. With respect to employees who are teachers, the principal or the Superintendent, as appropriate, shall make the initial recommendation for termination, as required by State law.

Offenses Which Prohibit Employment

In accordance with Board policy, the Superintendent will prohibit the hiring of or require the termination of the employment of any individual who is convicted of any of these offenses unless the conviction has been reversed, vacated, or set aside on appeal:

A. The following felonies:

1. A sex crime under I.C. 35-42-4 (including criminal deviate conduct (I.C. 35-42-4-2) (before its repeal)).

2. Kidnapping (I.C. 35-42-3-2).

3. Criminal confinement (I.C. 35-42-3-3).

4. Incest (I.C. 35-46-1-3).

5. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).

6. Dealing in methamphetamine (I.C. 35-48-4-1.1).

7. Manufacturing methamphetamine (I.C. 35-48-4-1.2).

8. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).

9. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).

10. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).

11. Dealing in a counterfeit substance (I.C. 35-48-4-5).

12. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).

13. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).

14. Homicide (I.C. 35-42-1).

15. Voluntary manslaughter (I.C. 35-42-1-3).

16. Reckless homicide (I.C. 35-42-1-5).

17. Battery as any of the following:

    a. A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

    b. A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

    c. A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

18. Aggravated battery (I.C. 35-42-2-1.5).

19. Robbery (I.C. 35-42-5-1).

20. Carjacking (I.C. 35-42-5-2) (before its repeal).

21. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).

22. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).

23. Human trafficking (I.C. 35-42-3.5).

24. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).

25. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.

26. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.

B. Public indecency (I.C. 35-45-4-1) committed:

1. after June 30, 2003; or

2. before July 1, 2003, if the person committed the offense by, in a public place:

a. engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5);

b. appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or

c. fondling the person's genitals or the genitals of another person.

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ag3122C

COMPARATIVE ANALYSIS OF EMPLOYMENT RELATEDPROVISIONS OF ADA AND SECTION

3122C - **COMPARATIVE ANALYSIS OF EMPLOYMENT RELATED PROVISIONS OF ADA AND SECTION 504**

Issue	**Section 504**	**ADA**
Coverage	Covers only recipients of Federal funds	Covers all employers with 15 or more employees; adds 2-year exemption for employers with less than 25 employees
Definition of "Qualified Individual with Disability"	A disabled person who, with "reasonable" accommodation, can perform the essential functions of the job	An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position
Reasonable Accommodation	Reasonable Accommodation may include:	Reasonable Accommodation may include:
	making facilities used by employees readily accessible and usable by disabled persons	making facilities readily accessible
	job restructuring, part-time or modified work schedules	job restructuring, part-time or modified work schedules

	No comparable provision	reassignment to a vacant position
	acquisition or modification of equipment or devices	acquisition or modification of equipment or devices
	No comparable provision	appropriate adjustment or modifications of examinations, training materials or policies
	provision of readers or interpreters	provision of readers or interpreters
Undue Hardship	Factors considered: 1. size of the organization and its budget 2. type of operation 3. nature and cost of accommodation	Factors considered 1. size of the organization and its budget 2. type of operation 3. nature and cost of accommodation
Drug and Alcohol Use	Current drug use is not considered a disability	Current drug use is not considered a disability

	Current alcohol abuse that prevents individual from performing duties of the job or that constitutes direct threat to property or safety of others is not considered a disability	Current alcohol abuse that prevents individual from performing duties of the job or that constitutes direct threat to property or safety of others is not considered a disability
Communicable Diseases	Term "individual with disabilities" excludes any individual with a communicable disease which would constitute a direct threat to the health or safety of others or which renders the individual unable to perform the job	Permits qualification standard requiring that an individual with a currently-communicable disease or infection not pose a direct threat to the health or safety of others
Relationships or Associations	No comparable provision	Prohibits discrimination based on relationship to or association with another disability

ag3122.01

DRUG-FREE WORKPLACE

3122.01 - **DRUG-FREE WORKPLACE**

These administrative guidelines are established to assist in the proper implementation of Board Policy 3122.01.

The Superintendent is directed to publish a statement notifying Corporation employees that:

A. no employee may manufacture, distribute, dispense, possess, or use unlawfully any controlled substance, including any chemically similar substance, any alcohol, or any drug paraphernalia at any time while on Corporation property or while involved in any Corporation-related activity or event;

B. any employee who violates the Corporation's Drug-Free Workplace Policy 3122.01 shall be subject to disciplinary action in accordance with Corporation policies and administrative guidelines.

It shall not be a violation of Corporation policy for an employee to possess or use a controlled substance if the drug is in its original container and is taken strictly as prescribed by a licensed physician or other medical professional having the power to prescribe medications pursuant to a current prescription written for that employee.

The Superintendent is directed to make a good faith effort to continue to maintain a safe environment in all of the Corporation's schools through the implementation of these administrative guidelines.

The Superintendent is directed to establish a *Safe School Committee* for the entire Corporation, the composition of which shall be in accordance with the Superintendent's guidelines.

Each school with the Corporation shall establish a *Safe School Committee*, the composition of which shall be in accordance with the Superintendent's guidelines.

Each committee must consist of not more than fifteen (15) members who represent the following:

A. school personnel

B. parents of students and

C. representatives of the community

Appointments to the committee must be made in compliance with contractual provisions (if any), discussion procedures, or past practice. Each *School Safety Committee* may include at least one (1) member who is a member of the school or Corporation career and technical education school.

The *School Safety Committee* shall be responsible for developing a plan that addresses the following issues:

A. Unsafe conditions, crime prevention, school violence, bullying, and other issues that prevent the maintenance of a safe school.

B. Professional development needs for faculty and staff to implement methods that decrease problems identified above.

C. Methods to encourage involvement by the community and students, development of relationships between students and school faculty and staff, and use of problem solving teams.

D. Provide a copy of the floor plans for each building that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the local law enforcement agency and the fire departments that have jurisdiction over the school. The Corporation shall not disclose any record or part of any record if the disclosure of which would have a reasonable likelihood of threatening public safety by compromising the Corporation's security.

In developing the plan, the *School Safety Committee* may seek input from representatives of the following:

A. local law enforcement agencies;

B. the local Fire Marshal(s) or his/her designee(s);

C. emergency medical services;

D. a member of the Board;

E. building administrators;

F. the local emergency management service agency;

G. School Resource Officer(s).

H. Parent;

I. Student.

The Superintendent shall recommend the approval and adoption of the Corporation's plan.

The Superintendent shall recommend the approval and adoption of each school's plan.

Each committee shall:

A. develop a drug-free school plan that:

1. requires each school to collect and report drug related activities in the school, including suspensions, expulsions, exclusions, police actions, or any other type of drug related behavior; and

2. addresses ways to eliminate illegal drugs and drug related behavior in schools;

B. oversee the implementation of the school plan;

C. oversee the implementation of the curriculum under IC 20-30-5-11.

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ag3123

MENTOR PROGRAM FOR PROBATIONARY TEACHERS

3123 - **MENTOR PROGRAM FOR PROBATIONARY TEACHERS**

In accordance with Board policy, each probationary teacher and guidance counselor is to be provided a Mentor Plan which is to serve as the basis for his/her professional growth during the probationary period.

THE BASIS OF a Mentor Plan FOR A PROBATIONARY TEACHER

The Mentor Plan for probationary teachers should include all of the essential knowledge, skills, and attitudes that a teacher should be using to help students accomplish individual learning goals, the objectives of each course of study, and the educational goals of the Corporation.

In addition to the noninstructional aspects of a teacher's responsibility that should be included in the Mentor Plan, the following instructional responsibilities and tasks should serve as the basis for evaluation and professional growth of the teacher.

A. **Pre-Instructional Responsibility**

Task One - Select/Analyze Learning Objectives

It is almost impossible to provide effective instruction if a teacher is unable to decide what particular learning students need and why, what such learning consists of (knowledge of subject matter), and what thinking/actions students need to do to achieve the learning.

Task Two - Assess Students' Current Level of Achievement

Unless the teacher has a clear, accurate picture of students' needs relative to the expected achievement, the instruction could be irrelevant, inappropriate, or insufficient for one or more students.

Task Three - Diagnose Students' Achievements That Fall Below Prerequisite s

*Unless the teacher knows how to identify the **causes** for students' underachievement, the instruction may not be appropriate because it could be dealing with wrong or unimportant contributing factors.*

B. **Instructional Responsibility**

Task One - Plan Appropriate Learning Activities for Students to Achieve the Learning Objective

*Instruction is such a complex process that if a teacher has not properly organized the necessary materials, facilities, and **identified the procedures** associated with the type of learning that is needed (knowledge, skill, attitude) for the learning to take place, the time and effort spent could easily result in nonachievement of the learning, in misuse of resources, and in heightened student deficiency and frustration.*

Task Two - Create an Environment which Maximizes the Opportunity for Each Student to Participate Appropriately in the Learning Activities

If students do not recognize the relevancy of the learning, are not organized for appropriate actions, are distracted by their surroundings, etc., such roadblocks may make the learning impossible or more difficult than it needs to be.

Task Three - Conduct the Lesson (Learning Activities) as Planned

*While planning provides the necessary preparation, it is the actual doing by the students, **guided** by the teacher, that produces learning. **If** the plan is appropriate and complete, and **if** the teacher is skillful in carrying out the plan, then the likelihood is far greater that the students will achieve the intended learning(s).*

C. **Post-Instructional Responsibilities**

Task One - Assess/Diagnose the Extent to Which the Students Achieved the Learning

If the teacher does not know how to find out accurately what the results of the instruction were and what caused those results, then it is highly unlikely that effective "follow-on" (remediation, reinforcement, application, extension, etc.) can be provided.

Task Two - Evaluate the Effectiveness of the Instruction

Since the teacher is the prime facilitator of learning, his/her actions have a major influence on what and how much students learn. If the teacher is unclear about what s/he did that contributed to or hindered student achievement, it is highly unlikely that effective teaching acts can be done properly again or that ineffective teaching acts can be modified and improved.

Task Three - Revise/Refine Teaching Acts

Short of perfection, all teachers need to improve their strategies. Since the teacher's actions are a major factor in student achievement, then continued efforts to enlarge knowledge and improve skills should increase the likelihood of improved student learning.

Task Four - Revise and/or Recycle Activities that Particular Students Need to Achieve the Intended Learning

Many students do not, the first time, reach the needed level of learning. If such learning is prerequisite to subsequent learning, then they need appropriate and sufficient opportunities to learn what has not been learned and in a way that does not reduce the learning already achieved.

THE BASIS OF a Mentor Plan for a probationary COUNSELOR

Professional improvement should relate to tasks associated with the school counselor's three (3) major responsibilities:

A. counseling with students, individually and in groups

B. consulting with staff on effective ways to think through problems and to work with students

C. coordinating various services for helping students

In fulfilling these three (3) responsibilities, the counselor needs to be able to perform the following tasks at an acceptable level of proficiency:

A. diagnose student needs

B. counsel individually and in groups to help students deal effectively with personal, educational, and career issues by making appropriate use of skills related to:

1. problem identification

2. problem analysis

3. problem resolution

4. goal setting

5. planning for goal accomplishment

6. implementing plans and monitoring progress

7. making decisions

8. following through on decisions

C. administering and interpreting achievement, interest, aptitude, and personality tests

D. identifying and making appropriate referrals

E. communicating with staff and parents

F. reducing race, gender, and disability bias

G. planning and conducting staff development programs for teachers and support staff on issues related to guidance and counseling of students

H. locating and maintaining resources and materials related to the guidance and/or counseling of students

I. explaining to the Board, administration, staff, parents, and students the purposes and functions of the school guidance and counseling services

J. evaluating the effectiveness of each of the guidance and counseling services offered by the school

EVALUATION OF PROBATIONARY TEACHERS/COUNSELORS

Each of the above-stated tasks contains a number of teaching or counseling acts which need to be identified so that an evaluation form and procedure can be developed. The administration, working with Counseling Teachers Association, shall be responsible for the preparation of the form and the development of the evaluation plan which is to be used with all probationary teachers or counselors.

The plan should include provision for the following:

A. ***The Evaluation Instrument***

1. a clear description of the essential tasks a teacher or counselor must perform

2. the criteria by which each of the instructional/counseling tasks will be judged

3. the minimum and desired levels of performance (standards) of each task based on the criteria

4. a means for determining the relative importance of each teaching/counseling act, terms of accomplishing learning goals, and the exit outcomes of the Corporation

B. ***The Evaluation Process***

1. a fair, honest, and efficient means for collecting data on teacher or counselor performance of the instructional tasks

2. sufficient time for observation early in the first probationary year so the results can serve as the basis of the teacher's or counselor's Mentor Plan

3. data on teacher or counselor performance that is accurate, complete, relevant, and as unbiased as possible

4. a clear and accurate indication of which instructional/counseling tasks are being performed at or above standards and which fall below expectations

5. a means to determine priorities for reinforcing effective teaching/counseling and remediating those teacher or counselor actions that are not satisfactory

6. a means for sharing the evaluation with the teacher or counselor and obtaining input for use in developing the Mentor Plan

C. **The Development of the Mentor Plan**

1. who will be responsible for developing the Mentor Plan

2. the specific actions that will be taken and/or resources that will be used to:

    a. reinforce high-priority teaching/counseling acts that meet expectations

    b. remediate high-priority acts that do not meet expectations

3. the specific reinforcement and remedial actions and/or resources

4. timelines for the Mentor Plan actions and for follow-up evaluation

SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

3123A - **SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board prohibits discrimination against any employee or applicant based on a disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

A. recruitment, advertising, and job application procedures;

B. hiring, upgrading, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

C. rates of pay or any other form of compensation or benefits;

D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

E. leaves of absence, sick leave, or any other leave;

F. fringe benefits available by virtue of employment, whether or not administered by the Corporation;

G. selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;

H. activities sponsored by the Board, including social and recreational programs; and

I. any other term, condition, or privilege of employment.

The Corporation will provide a reasonable accommodation to a qualified applicant and employee who has an actual disability or who has a record of a disability that is needed for the employee/applicant to perform the essential functions of the position, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities or create a direct threat. A direct threat is a significant risk of substantial harm to the health or safety of the employee/applicant or others that cannot be eliminated or reduced by reasonable accommodation. A reasonable accommodation is not required for an individual who is regarded as having a disability but does not have a disability.

An individual with a disability is anyone who:

A. **has** a physical or mental impairment that substantially limits one or more major life activities ("actual disability") when mitigating measures or reasonable accommodations are not in place;

B. **has a record of having** a physical or mental impairment that substantially limits one or more major life activities; or

C. **is regarded as having** a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the Board as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic,

musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological

2. musculoskeletal

3. special sense organs

4. respiratory, including speech organs

5. cardiovascular

6. reproductive

7. digestive

8. genitourinary

9. hemic and lymphatic

10. skin

11. immune

12. circulatory

13. endocrine

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a practical matter, they almost always will be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limit seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limits musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia substantially limits brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services", learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 specifically **excludes**):

A. individuals who currently are engaging in the use of illegal drugs, when the Board acts on the basis of current use or impairment on the job rather than past use;

B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others

C. with respect to employment, an individual who currently has a contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the contagious disease or infection, is unable to perform the duties of the job;

D. an individual on the basis of homosexuality or bisexuality; and

E. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders

2. compulsive gambling, kleptomania, or pyromania, or

3. psychoactive substance use disorders resulting from current use of illegal drugs

Individual with a disability includes an individual who:

A. has completed a supervised drug rehabilitation program successfully and is no longer engaging in the use of illegal or unprescribed prescription drugs or otherwise has been rehabilitated successfully and is no longer engaging in such use;

B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or

C. is erroneously regarded as engaging in the use of illegal drugs, but is not engaging in such use.

Notice

Pursuant to Policy, the identity of the Corporation's Compliance Officers (COs) will be published on the Corporation's website and posted throughout the Corporation and included in all recruitment statements or general information publications.

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement:

The Board does not discriminate against individuals with disabilities in employment or the provision of services.

The requirement regarding recruitment materials may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The School Board of the Greensburg School Corporation does not discriminate on the basis of race, color, national origin or ancestry, sex, religion, age, disability, or genetic information in employment or the provision of services.

The Board also will include a notice of reasonable accommodation requirements on Corporation employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the Corporation's Section 504/ADA Coordinator(s) (hereinafter referred to as the Compliance Officer.

Decision-Making Process for Determining/Identify Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the Corporation will take into account two (2) factors:

A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and

B. the qualification standards and essential functions of the particular job.

If an applicant or employee is not able to perform marginal or non-essential functions of a position, those functions shall be reassigned, eliminated or modified and shall not serve as a barrier or impediment to employment, continued employment, or promotion. Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The CO and other supervisory employees will engage the individual with the disability in an interactive dialogue as to any possible suggestions the individual may have for changes or adjustments that will serve as an effective reasonable accommodation. The Corporation recognizes that employees with disabilities can be useful sources of information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the Corporation will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation. The interactive process may include any of the following steps, as appropriate:

A. Examination of the particular job involved and determination of its purpose and essential functions. The Board will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job. Preferably, a written job description already will be in place that lists the essential functions of the job.

B. Then the Corporation will consult with the individual with a disability to find out the individual's specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.

C. In consultation with the individual, the Corporation will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

D. If the parties still are not able to identify an appropriate accommodation, the Corporation will seek technical assistance.

E. If there are several effective accommodations, the Corporation will select the accommodation that best serves the needs of the individual and the Corporation. While the Corporation will give the individual with a disability's preference first consideration, the Corporation may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The Corporation may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The Corporation does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The Corporation will not implement an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitations. The Corporation will respect an individual with a disability's right not to accept an accommodation if the individual has not requested it and does not feel one is necessary. However, if this results in the individual failing to perform essential functions of the individual's position, the individual may be considered unqualified to perform the essential functions of the position and either may be refused employment or discharged.

The Corporation may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship or a direct threat. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation. Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the Corporation will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the Corporation will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a requested accommodation will be in writing and accompanied by an explanation of the decision.

Reasonable accommodations may include:

A. Making facilities used by employees readily accessible to and usable by individuals with disabilities.

B. Job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the Board's program or activity include:

A. the overall size of the Board's program or activity with respect to number of employees, number and type of facilities, and size of budget;

B. the type of the Board's operation, including the composition and structure of the Corporation's workforce; and

C. the nature and cost of the accommodation needed.

Employment Criteria

The Corporation will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Corporation, is job-related for the position in question and consistent with business necessity.

The Corporation will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or communications skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test measures, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills except where those skills are the factors that the test measures.

Pre-employment Inquiries

Except as authorized by law, the Corporation will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The Corporation will, however, make pre-employment inquiry into an applicant's ability to perform the position’s essential functions - this includes requesting the applicant to describe or demonstrate how the applicant would perform the essential functions.

The Corporation may give a physical agility test at any point in the application or employment process if the test(s) measure ability to perform one or more essential functions of the position with reasonable accommodation. When the Corporation decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

A. allowing people with certain learning or dexterity disabilities to take extra time on a test;

B. assuring the test site is accessible to a person with a mobility impairment;

C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the performance of an essential function of the position; and

D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the Corporation conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the Corporation will:

A. subject all entering employees to such an examination regardless of disability, and

B. the results of the examination will be used only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the Corporation to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be filed separately from other personnel file information and accorded confidentiality as medical records, except that:

A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and necessary accommodations;

B. first aid and safety personnel may be informed when appropriate, if the condition might require emergency treatment; and

C. government officials investigating compliance with the ADA as amended, Section 504, the Genetic Information Nondiscrimination Act ("GINA"), or similar Indiana laws or local ordinances shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications likewise are prohibited as subjects of inquiry during job interviews. The Corporation agents, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as they do not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal

job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether or not the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will perform the job-related functions. Any questions concerning the need for reasonable accommodation always should be linked with performance on a specific job function. The interviewer never should ask an open-ended question such as "Will you need a reasonable accommodation?"

Interviews are to focus their inquiry on **how** applicants will perform the essential functions, rather than on eliciting information about the applicant's physical or mental condition.

According to the Federal Equal Employment Opportunity Commission ("EEOC"), the following are examples of questions that cannot be asked on a job application or during an interview:

A. Have you ever had or been treated for any of the following conditions or diseases?

B. Please list any conditions or diseases for which you have been treated in the past three (3) years.

C. Have you ever been hospitalized? If so, for what condition?

D. Have you ever been treated by a psychiatrist or psychologist? Is so, for what condition?

E. Have you ever been treated for any mental condition?

F. Is there any health-related reason you may not be able to perform the job for which you are applying?

G. Have you had a major illness in the last five (5) years?

H. How many days were you absent from work because of illness last year (unless consistent reliable attendance on scheduled work days is a qualification standard for the position)?

I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?

J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?

K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask an applicant's employment or personal reference questions about an applicant that they could not ask the applicant directly (i.e. previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that **can** be asked:

A. Can you meet the requirements of our attendance policy?

B. The essential functions of the position. Can you perform these essential functions of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? Such a question can be asked of applicants who have an observable impairment (e.g. confined to a wheelchair) that might prevent them from performing a job function. If the

disability would not interfere with a job function, however, the person could be asked to demonstrate job performance only if all other candidates must do so.

If an applicant indicates the applicant has performed a particular function with an accommodation, the interviewer may follow-up to inquire about it.

In circumstances in which a committee of other employees, parents, students, or community members participate in interviewing an applicant for employment, transfer, or promotion, the Corporation's senior administrator participating in the interview shall advise the member of the committee of the nature of impermissible and permitted questions that can be asked of an applicant.

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ag3124B

REQUEST FOR REDUCED CONTRACT PERIOD

3124B - **REQUEST FOR REDUCED CONTRACT PERIOD**

The Corporation requires that each professional staff member complete the school year for which s/he has contracted. Any request for early release from responsibilities should be made to the Superintendent as early as possible giving full particulars. A decision will be based on the impact on the students and the operation of the school relative to the need of the professional staff member.

If a professional staff member is granted early release, his/her salary will reflect days worked only. Pay deductions shall be based on a prorated amount of the annual salary for each day not worked. Fringe benefits and vacation days shall also be adjusted on a prorated basis.

It is important to note that mere willingness to lose pay does not permit one to be absent arbitrarily. Early release will only be granted when the interests of the Corporation are not seriously jeopardized.

The same provisions shall apply when a staff member desires to start work at a date later than the contracted date.

ag3130

ASSIGNMENT AND TRANSFER OF PROFESSIONAL STAFF

3130 - **ASSIGNMENT AND TRANSFER OF PROFESSIONAL STAFF**

All professional staff members shall be given written notice of their building and applicable class, subject, and room assignments for the forthcoming school year not later than the end of the previous school year or as specified in the negotiated, collectively-bargained agreement; provided however, that if the Superintendent is delayed in the completion of such assignments by reason of emergencies, (such as questionable completion of new school construction, computer failure, abnormal professional staff member turnover or unavailability of professional staff member personnel in critical positions) the Superintendent shall provide such schedules as soon as practicable.

Transfers between schools may be enacted by the Superintendent and within a school by the principal when the needs of students, the school, or the Corporation so require.

REDUCTION IN FORCE ("RIF") IN CERTIFICATED STAFF

3131 - **REDUCTION IN FORCE ("RIF") IN CERTIFICATED STAFF**

When circumstances warrant the implementation of a reduction in force ("RIF") in certificated staff, the Superintendent shall utilize the following procedures to conduct a RIF in the School Corporation.

Discussion Prior to RIF:

Discussion shall be held with the exclusive representative of the Corporation's teachers prior to any RIF for the purpose of discussing any proposed reduction in the certificated staff.

Procedure for RIF:

As required by I.C. 20-28-7.5-1(d), once the positions to be eliminated are identified by the School Board, the certificated staff members to be dismissed shall be identified on the following basis:

A. The Superintendent shall check the hire dates of persons who hold the license in the area subject to the RIF.

B. Those certificated staff members who were hired after July 1, 2011 will be the first employees subject to RIF and will be selected for the RIF based upon performance as the initial consideration.

C. To the extent performance ratings are equal for certificated staff members hired after July 1, 2011, the Superintendent shall consider the following factors to determine which employee(s) will be subject to RIF:

1. The academic needs of students in the Corporation.

2. The results of an evaluation conducted under I.C. 20-28-11.5.

3. The possession of either additional content area degrees beyond the requirements for employment; or additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under I.C. 20-29.

4. The assignment of instructional leadership roles, including the responsibility for conducting evaluations under I.C. 20-28-11.5.

5. The number of years of a teacher's experience.

D. To the extent there is still a need to RIF additional positions after implementing steps A-C above, the Superintendent will look at the certificated staff members who were hired prior to July 1, 2011. The Superintendent will review their hire dates and determine whether the employee was non-permanent (in their first two (2) years of consecutive employment with the Corporation but had not yet signed a third contract for continuous employment), semi-permanent (had signed a third contract of consecutive employment with the Corporation) or permanent (had signed a sixth consecutive contract to be employed with the Corporation).

E. The non-permanents will be subject to RIF before the semi-permanents and permanents. To the extent there is more than one (1) person in the non-permanent category, the Superintendent will RIF employees within the non-permanent category based upon their performance. To the extent evaluation ratings are equal for the non-permanent teachers, the Superintendent shall consider the five (5) factors listed in Step C, 1-5 above to determine which employee(s) will be subject to RIF.

F. If there are still positions to RIF after review of the non-permanent teachers, the Superintendent shall consider which semi-permanent teachers will be subject to RIF. To the extent there is more than one person in the semi-permanent category, the Superintendent will RIF employees within the semi-permanent category based upon their performance. To the extent evaluation ratings are equal for the semi- permanent teachers, the Superintendent shall consider the five (5) factors listed in Step C, 1-5 above to determine which employee(s) will be subject to RIF.

G. If there are still positions to RIF after review of the semi-permanent teachers and still have to RIF, the Superintendent shall consider which permanent teachers will be subject to RIF. To the extent there is more than one person in the permanent category, the Superintendent will RIF employees

within the permanent category based upon their performance. To the extent evaluation ratings are equal for the permanent teachers, the Superintendent shall consider the five (5) factors listed in Step C, 1-5 above to determine which employee(s) will be subject to RIF.

Notification of RIF:

Certificated staff members selected to be terminated pursuant to this guideline shall receive the initial notification of possible contract cancellation required by law between May 1st and July 1st preceding the proposed cancellation of their contract with the Board.

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ag3140

RESIGNATION

3140 - **RESIGNATION**

Each professional staff member shall recognize the obligation to faithfully fulfill the terms of his/her contract until it is dissolved by mutual consent or by due process of law.

The professional staff member shall not resign to accept a new position elsewhere prior to or during a school year until s/he is assured that a suitable replacement is available or until the School Board has had a reasonable opportunity to secure a suitable replacement.

The Superintendent and the Board may release a professional staff member from the terms of a contract when an opportunity is offered for significant professional advancement.

A professional staff member intending to resign shall submit a written resignation to the Superintendent for conveyance to the Board as far as possible in advance of the effective date of resignation and, preferably, at least thirty (30) days prior to the requested date.

The Superintendent shall, whenever possible, conduct a postresignation interview to determine the reasons for the resignation. Revised 1/12/16

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ag3141

PROCEDURE FOR SUSPENSION OF TEACHER

3141 - **PROCEDURE FOR SUSPENSION OF TEACHER**

In all cases, a teacher shall be provided with basic due process prior to being suspended, with or without pay. Due process requires notice and an opportunity to be heard before being suspended. In those cases in which the supervisor of the professional staff member determines that a suspension without pay is warranted, the administration must follow this procedure, which is established by State law:

Principal's Preliminary Decision

Written notice of the Principal's preliminary decision delivered to the teacher in person or by registered/certified mail. Must contain Principal's reasons and notice of right to a private conference with the Superintendent if requested within five (5) days of receipt.

If requested by the teacher within five (5) days of receipt of the Principal's written recommendation

Private Conference with the Superintendent

Must be "set" within ten (10) days of the teacher's request. Teacher may be accompanied by a representative. Superintendent makes written recommendation to the Board.

If requested by the teacher within five (5) days of the initial private conference with the Superintendent

Private Conference with the Board

Open Door Law notice of the Board meeting in executive session is required at least forty-eight (48) hours before the meeting. Forty-eight (48) hours excludes weekends and legal holidays. For legal holidays see I.C. 1-1-9. "Evidence" must be exchanged by the parties at least seven (7) days before the

conference. Teacher is allowed to present "evidence" to refute the reasons for suspension without pay and "supporting evidence" presented by "the School Corporation."

At the first public meeting of the Board after the later of the Board or Superintendent conference

Board Issues Its Written Decision

The Board may suspend a teacher without pay for a reasonable time if the decision is supported by a preponderance of the evidence (i.e., more likely than not). The Board's decision is by a majority vote evidenced by a signed statement in the minutes of the Board. The final decision must be in writing and must be made not more than thirty (30) days after the Board receives the teacher's request for the additional private conference with the Board. Is the Board's decision "final"? See Warren v. Indiana Telephone, 26 N.E. 2d 399 (Ind. 1940), and Muncie Schools v. Barnell, 678 N.E. 2d 799 (Ind. App. 1997), holding the Indiana Constitution's separation of power clause requires judicial review of administrative decisions. Decision should include findings of fact and conclusions of law.

The time periods set out in the above procedure shall be extended for a reasonable period when a teacher or school official is ill or absent from the School Corporation or for other reasonable cause.

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ag3142

PROCEDURE FOR CANCELLATION OF TEACHER CONTRACTS

3142 - **PROCEDURE FOR CANCELLATION OF TEACHER CONTRACTS**

A teacher's contract may be cancelled immediately, pursuant to the procedure which follows, for any of the following reasons:

A. Immorality;

B. Insubordination, which means a willful refusal to obey the State school laws or reasonable rules adopted for the governance of the school building or the School Corporation;

C. Incompetence, including:

1. for probationary teachers, receiving an ineffective designation on a performance evaluation or receiving two (2) consecutive improvement necessary ratings on a performance evaluation under I.C. 20-28-11.5; or

2. for any teacher, receiving an ineffective designation on two (2) consecutive performance evaluations or an ineffective designation or improvement necessary rating under I.C. 20-28-11.5 for three (3) years of any five (5) year period;

D. Neglect of duty;

E. A conviction of an offense listed in I.C. 20-28-5-8(c);

F. Other good or just cause.

In addition to the reasons set forth above, a probationary teacher's contract may be canceled for any reason relevant to the School Corporation's interest, utilizing the procedure which follows.

Principal's Preliminary Decision

Written notice of the Principal's preliminary decision delivered to the teacher in person or by registered/certified mail. Must contain Principal's reasons and notice of right to a private conference with the Superintendent or Assistant Superintendent if requested within five (5) days of receipt. Notification due to a reduction in force must be delivered between May 1 and July 1.

If requested by the teacher within five (5) days of receipt of the Principal's written recommendation.

Private Conference with the Superintendent or Assistant Superintendent

Must be "set" within ten (10) days of the teacher's request. Superintendent or Assistant Superintendent (whoever attended the conference) makes written recommendation to the Board.

If requested by the teacher within five (5) days of the initial private conference with the Superintendent or Assistant Superintendent.

Private Conference with the Board

Open Door Law notice of the Board meeting in executive session is required at least forty-eight (48) hours before the meeting. Forty-eight (48) hours excludes weekends and legal holidays, for legal holidays see I.C. Code 1-1-9. "Evidence" must be exchanged by the parties at least seven (7) days before the conference. Teacher is allowed to present "evidence" to refute the reasons for cancellation and "supporting evidence" presented by "the School Corporation."

At the first public meeting of the Board after the later of the Board or Superintendent conference.

Board Issues Its Written Decision

The Board may cancel a contract with a teacher by a majority vote of the whole Board (not just a majority of a quorum) evidenced by a signed statement in the minutes of the Board. The decision must be supported by a preponderance of the evidence (i.e., more likely than not). The final decision must be in writing and must be made not more than thirty (30) days after the Board receives the teacher's request for the additional private conference with the Board. Is the Board's decision "final"? See Warren v Indiana Telephone, 26 N.E. 2d 399 (Ind. 1940, and Muncie Schools v. Barnell (678 N.E. 2d, 799, (Ind. App. 1997) holding the Indiana Constitution's separation of power clause requires, judicial review of administrative decisions. Decision should include findings of fact and conclusions of law.

The time periods set out in the above procedure shall be extended for a reasonable period when a teacher or school official is ill or absent from the School Corporation or for other reasonable cause.

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ag3170A

SUBSTANCE ABUSE

3170A - **SUBSTANCE ABUSE**

Any professional staff member whose physical characteristics, appearance, behavior, or breath odor suggest to a supervisor that s/he may be under the influence of alcohol shall be requested to take a breathalizer test at the local police station. The professional staff member shall be taken to the station by a supervisor.

Should the professional staff member refuse to take such a test or should the results of the test be positive, s/he shall be disciplined for conduct unbecoming a professional staff member by the Superintendent who shall recommend to the Board of Education the imposition, if any, of further penalties.

Should a supervisor determine from the physical aspects, appearance, or behavior of a professional staff member that s/he might be under the influence of other drugs, said professional staff member shall be immediately taken to a local health facility for further diagnosis. Should the professional staff member refuse or be found to be under the influence of drugs, s/he shall be disciplined by the Superintendent for conduct unbecoming a professional staff member, and his/her case immediately referred to the Board for disposition.

ag3211

WHISTLEBLOWER PROTECTION

3211 - **WHISTLEBLOWER PROTECTION**

The School Board encourages all employees, acting in good faith, to report possible suspected or actual violations of State and Federal laws or Board policies and administrative guidelines. These guidelines shall be used to ensure that the Board's policy on whistleblowers protection (Policy 1411) is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliation for having reported violation or for refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

Reporting Violations by the Corporation

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guidelines, that the Board has authority to correct and the employee reasonably believes that such violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive, then the employee may report the possible violation to:

1. the Superintendent;

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

2. Assistant Superintendent; or

3. the appropriate law enforcement or governmental agency responsible for enforcing such violations, only after the employee first provides notice to one of the above-referenced Corporation employees or officials.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other Corporation official, a written report providing sufficient detail to identify and describe the possible violation.

C. All efforts must be taken to either correct the violation or refer such violation to the appropriate law enforcement or governmental agency within twenty-four (24) hours of either receiving oral notification or a written report of the possible violation.

1. The supervisor or other Corporation official shall notify the employee in writing of any effort of the Corporation to correct the alleged violation or hazard or the absence of the alleged violation or hazard.

2. Written notification shall be provided to the employee within twenty-four (24) hours of receiving notification or by close of business on the next regular school day, whichever is later.

D. If the Corporation does not correct the violation or make a reasonable effort to correct the violation (including, but not limited to referring such violation to the appropriate law enforcement or governmental agency) within twenty-four (24) hours after either receiving oral notification or a written report of the possible violation, whichever is earlier, the employee may file a written report providing sufficient detail to identify and describe the possible violation with:

1. the prosecuting authority of the county or municipal corporation where the violation occurred;

2. a peace officer;

3. the Inspector General (if the violation is within the Inspector General's jurisdiction); or

4. any other appropriate public official or agency having regulatory authority over the Corporation, and the activities in which the Corporation is engaged.

E. An employee may directly notify, either orally or in writing, any appropriate public official that has regulatory authority of the Corporation, and the activities in which the Corporation is engaged, of any possible violation of the following that is also a criminal offense:

1. Air Pollution Control;

2. Solid and Hazardous Wastes;

3. Safe Drinking Water; or

4. Water Pollution Control.

Reporting Violations by Other Employees

A. If an employee becomes aware in the course of his/her employment of a possible violation by a fellow employee of any State or Federal law or Board policy or administrative guideline, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, then the employee may report the possible violation to:

1. the Superintendent;

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

2. Assistant Superintendent.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other Corporation official, a written report providing sufficient detail to identify and describe the possible violation.

Reporting of Other Violations

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guideline, that does not involve a criminal offense or improper solicitation and is not likely to cause an imminent risk of harm to persons or hazard to public health or safety, the employee shall orally notify his/her immediate supervisor or other Corporation official (as set forth above). The employee shall subsequently file a written report within two (2) days.

B. The immediate supervisor or other Corporation official will acknowledge receipt of the written report within five (5) days. Such reports will be investigated within fifteen (15) days, and appropriate action will be taken, if warranted at the conclusion of the investigation.

Duty to Determine Accuracy of Possible Violations

A. An employee shall make a reasonable and good faith effort to determine the accuracy of any possible violations.

B. If an employee fails to make a reasonable and good faith effort, s/he may be subject to disciplinary action, including suspension or termination, for reporting information without a reasonable basis to do so.

C. An employee will also be subject to disciplinary action if s/he purposely, knowingly, or recklessly gives false information or makes a false report of a violation.

Prohibition Against Retaliation

A. No employee shall be disciplined or retaliated against for reporting a possible violation by the Corporation or a fellow employee or as a result of making any inquiry or taking any other action necessary to ensure the accuracy of any information related to possible violations, as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

B. For purposes of this policy and guideline, improper disciplinary or retaliatory action includes, but is not limited to:

1. terminating or suspending the employee;

2. withholding from the employee salary increases or employment benefits to which the employee is otherwise entitled;

3. transferring or reassigning the employee;

4. denying the employee a promotion that s/he would have otherwise received; or

5. reducing the employee in pay or position.

ag3213

LIABILITY OF STAFF FOR STUDENT WELFARE

3213 - **LIABILITY OF STAFF FOR STUDENT WELFARE**

Professional staff members are responsible for the safety of students on the grounds and within Corporation facilities. In addition to requirements specified in Policy 3213, the following guidelines are provided to minimize the occurrence of situations in which staff members may incur liability for actions related to students:

A. Each professional staff member:

1. should not leave students unattended;

2. should not leave an unqualified person in charge of students;

3. should accompany students wherever they are assigned and remain with them until supervision is assumed by another responsible person;

4. should ensure students do not use noncorporation-owned and/or maintained equipment or other equipment which may be potentially dangerous or use facilities or equipment except for the intended purpose;

5. should organize classroom materials and equipment so as to minimize danger of injury to students and to self.

B. Each professional staff member is to enforce the following rules established for student activity in high risk areas:

1. Students should not work in a shop, kitchen, or laboratory at other than the regularly scheduled period, and then only under qualified supervision and in accordance with the prescribed safety procedures.

2. Only students enrolled in shop classes or laboratory classes, are to use power tools or other dangerous equipment.

C. With the ever-increasing demand for the use of gyms and other such facilities, it is imperative that the professional staff ensure the safety of Corporation students.

1. If permission is granted for a student or group of students to use a facility, a professional staff member or authorized adult must be present in the facility throughout the time it is in use.

2. Under no circumstances are students to be left in charge.

3. If for any reason an area is unlocked for anyone, the professional staff member or authorized adult is responsible for ensuring the area is locked up after its use.

4. Under no circumstances are custodians authorized to open a facility for unsupervised students to use.

D. Each professional staff member or authorized adult must immediately report to the principal any accident or a safety hazard s/he detects and any accident one (1) or more of his/her students experience (See Form 5340 F1).

ag3215

TOBACCO-FREE ENVIRONMENT

3215 - **TOBACCO-FREE ENVIRONMENT**

Curriculum and Resources

The Superintendent is tasked with the responsibility to evaluate the Corporation's efforts to discourage the use of tobacco by students and staff and formulate recommendations annually to the Superintendent regarding improvements to the in-school and after-school programs.

The Superintendent shall be responsible for the annual evaluation of resources available to support the Corporation's curricula whereby students are educated about the health hazards inherent in the use of tobacco and tobacco products. Resources selected for this purpose shall be evidence-based and, as such, shall be endorsed by the U.S. Department of Health and Human Services, the United States Centers for Disease Control and Prevention (CDC), the National Institute of Health, the National Cancer Institute, the American Cancer Society, or similar organizations.

Communications Plan

The Superintendent is responsible for posting signs that display the international symbol for "No Smoking" as well as the phrase "No Smoking" at the entrances to all facilities owned or leased or contracted for by the Board and at other locations within those facilities that are deemed appropriate by the Superintendent, and on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas on those campuses or grounds.

Each principal or site administrator shall include a link to the Board's policies that prohibit smoking by students, staff, and visitors on the home page of the website for their school or ancillary facility, and shall include either a link to the policies or the policies verbatim in handbooks that are published for students, parents, and staff. Copies of the policies shall be provided by staff in the office of that facility upon request of visitors, vendors, or parents.

The Superintendent shall include a link to the Board's policies that prohibit smoking by students, staff, and visitors on the home page of the Corporation's website and shall include the link where these policies can be accessed in any publication that includes reference to the Board's prohibition of smoking by students, parents, staff, visitors, and vendors.

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ag3220

EVALUATION OF SUBSTITUTE TEACHERS

3220 - **EVALUATION OF SUBSTITUTE TEACHERS**

Evaluations of substitute teachers shall, when applicable, comply with provisions of a negotiated, collectively-bargained, agreement. In addition to whatever procedures in the negotiated agreement may be relevant, the following guidelines are applicable for evaluating substitute teacher performance:

A. **Basis for the Evaluation**

Each substitute teacher shall be evaluated at least once every year.

The evaluation is to be based on the teacher's proficiency in each of the categories described in AG 3221 - Professional Standards for Substitute Teachers. Those who receive a less than satisfactory evaluation shall be provided a Professional Development Plan (PDP) based on the professional standards described in AG 3221. Failure by the principal to provide such an evaluation will result in the teacher's performance being considered satisfactory for that period.

B. **The Evaluation Process**

The principal is to use assessment procedures that will assure:

1. a fair, honest, and efficient means for collecting data on teacher performance of the instructional tasks;

2. data on teacher performance is accurate, complete, relevant, and as unbiased as possible;

3. a clear and accurate indication of which instructional tasks are being performed at or above standards and which fall below expectations.

PARTICIPATION IN POLITICAL ACTIVITIES

3231A - **PARTICIPATION IN POLITICAL ACTIVITIES**

One of the primary purposes of the school is to create an environment that will permit students to grow and develop. To be of maximum effect, this environment must extend to both the formal academic program as well as to the many extra-curricular activities sponsored by the school. Because of the ages of the students and the significance of the task, it is important that this environment be protected from interference by external, sometimes coercive or disruptive, forces and influences that do not substantially contribute to the learning process.

Nonschool related activities, including political activities, do not contribute to a positive learning climate and may be disruptive, divisive and distracting. Therefore, such activities are not appropriate within the school setting. It is the intention of the Board of Education to regulate such activities on all Board owned or used property, within all school buildings and at all school sponsored activities.

Specifically:

A. Literature supporting or opposing one or more candidates, issues, or a particular point of view; commercial literature, and other nonschool related literature shall not be distributed on or in Board owned or occupied buildings or grounds, inside of school buildings or on school buses immediately before or after school or while school is in session. (The distribution of materials to students by other students is governed by the regulations contained in School Board Policy).

B. Literature supporting or opposing one or more candidates, issues, or a particular point of view; commercial literature, and other nonschool related literature shall not be distributed at school sponsored extra-curricular activities or athletic events wherever they may occur. This regulation shall not prohibit the distribution of literature outside of the entrances and exits of athletic events providing that any such distribution does not interfere with the ability of individuals to freely enter or leave the facility, is not disruptive, and does not take place when school is in session.

C. Nonschool related, political, and/or commercial literature, or campaign posters supporting one or more candidates, issues or a particular point of view shall not be displayed within the schools or on school owned or occupied property, unless done as part of any approved teaching unit.

D. When the school facilities are used as a polling place, state regulations will be followed with respect to political activities, the display of political posters, and distribution of political literature on school property.

E. Employees of the School Corporation shall not engage, during the course of their employment, in any activities that support or oppose one or more candidates, issues or a particular point of view during working hours. The right to express political or other opinions and exercise their constitutional rights as citizens is naturally reserved to all employees.

ag3231B

RESEARCH AND PUBLISHING

3231B - **RESEARCH AND PUBLISHING**

A. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.

B. Materials which might be considered for publication and/or production, which identify the Corporation in any manner, shall be cleared with the Superintendent prior to publication and/or production.

C. Publications and productions shall be subject to the following copyright provisions:

1. Rights to copyrights or patents of books, materials, devices, etc. developed by professional staff members on their own time will be relinquished by the Board upon request of the staff member provided that:

    a. the books, materials, devices, etc. were prepared without the use of Corporation data, facilities, and/or equipment;

    b. the Corporation is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;

    c. the staff member does not become involved in any way in the selling of the product to the Corporation.

The final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data or equipment rests with the Superintendent who shall submit such decisions to the Board.

Professional staff members who desire to publish or produce materials on their own time should make such action known to the Superintendent prior to the time such work is started in order that proper procedures can be established to assure that Corporation interests and the interests of the staff member are protected.

2. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members shall remain the property of the Corporation. The Corporation shall retain all rights and privileges pertaining to the ownership thereof.

In the event that any of these products have commercial possibilities, the Superintendent is authorized to secure copyrights, patents, etc. which will ensure the ownership of the product by the Corporation.

The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.

ag3243

ATTENDANCE AT EDUCATIONAL MEETINGS

3243 - **ATTENDANCE AT EDUCATIONAL MEETINGS**

Attendance at educational meetings shall be controlled by the Superintendent in accordance with School Board policy and/or terms of negotiated, collectively-bargained agreement.

Educational meetings are intended to include professional conventions, conferences, workshops, drive-ins, etc., which are conducted for the purpose of disseminating information, making inquiries into the nature of an educational problem, etc.

A. Staff members should request leave to attend educational meetings at least thirty (30) days in advance of the meeting to allow for proper approval. (See Form 3243 F1)

B. Attendance shall be limited to those staff members who have responsibilities directly related to the topics dealt with at a meeting and have participated in similar activities conducted with the Corporation or the local area.

C. Reimbursement for travel, rooms, meals, and other meeting expenses shall be made, within budgetary constraints, on the basis of itemized expense accounts and submitted on Form 3243 F2:

1. Registration fees exclusive of personal dues shall be reimbursed.

2. A per diem amount for meals may not exceed $25.00 per day.

ag3362

ANTI-HARASSMENT

3362 - **ANTI-HARASSMENT**

These administrative guidelines are established to assist in the proper implementation of Policy 3362.

Notice of the School Board's anti-harassment policy and the identity of the Compliance Officers shall be posted throughout the School Corporation and published in any Corporation statement regarding the availability of employment, in any staff handbooks, in general information publications of the Corporation as required by Federal and State law and this guideline and on the Corporation website.

Prohibited Behavior

A. Conduct constituting sexual harassment, consistent with Title VII of the Civil Rights Act of 1964, may take different forms, including, but not limited t the following:

1. **Verbal:**

   The making of offensive written or oral sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward a staff member by a fellow staff member, student, other member of the Corporation community, or Third Parties.

2. **Nonverbal:**

   Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the work environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to a staff member by a fellow staff member, student, other member of the Corporation community, or Third Parties.

3. **Physical Contact:**

Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body of or coerced sexual activity with a staff member by a fellow staff member, student, other member of the Corporation community, or Third Parties.

Pursuant to Policy 3362 - Anti-Harassment, sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

B. Conduct constituting harassment on the basis of race, color, national origin, religion, disability, or genetic information may take different forms, including, but not limited to the following:

1. **Verbal:**

The making of offensive written or oral innuendos, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, religious beliefs, disability, or genetic information.

2. **Nonverbal:**

Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, religious beliefs, disability, or genetic information.

3. **Physical:**

Any intimidating or disparaging action such as hitting, pushing, shoving, hissing at, or spitting on a staff member, student, other member of the Corporation community or Third Parties by a fellow staff member, student, or other member of the Corporation community, or Third Parties, based upon the person's race, color, national origin, religious beliefs, disability, or genetic information.

Investigation and Complaint Procedure (See Form 3362 F1)

In determining whether alleged conduct constitutes a violation of Policy 3362, the following factors will be considered:

A. the nature of the behavior;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the race, color, national origin, sex, religion, age and/or disability of the Complainant, and in case of genetic information harassment, the genetic information of the employee Complainant;

F. the identity of the Respondent including whether the Respondent was in a position of power over the Complainant;

G. the number of Respondent(s);

H. the age of Respondents(s);

I. where the harassment occurred;

J. whether there have been other incidents in the school involving the same or other individuals;

K. whether the conduct adversely affected the person's work or educational performance or environment;

L. the context in which the alleged incidents occurred; and

M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution.

Whether a particular action or incident constitutes a violation of Policy 3362 requires a determination based on all the facts and surrounding circumstances.

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ag3362A

REPORTING THREATENING AND/OR INTIMIDATING BEHAVIORS

3362A - **REPORTING THREATENING AND/OR INTIMIDATING BEHAVIORS**

Threatening or intimidating behavior may take different forms, including but not limited to the following:

A. face-to-face encounters in which words are used that indicate to the staff member that the staff member's safety and well-being are in jeopardy

B. written communications that include comments toward the staff member or the staff member's family which are disparaging or imply or state explicitly that the staff member and/or his/her family may be subject to some form of physical or psychological abuse or violence

C. written or spoken comments to a staff member which could subject the staff member to blackmail or extortion

D. written or spoken communication that implies or explicitly states that some form of damage may be done to the staff member's property or that of the staff member's family

E. written or spoken communication that causes a dwelling, a building, another structure, or a vehicle to be evacuated

Definitions

Words used in this guideline shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges or is alleged, to have been subjected to harassing, threatening, and/or intimidating behavior, regardless of whether the person files a formal complaint or

is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who is alleged to have engaged in harassing, threatening, and/or intimidating behavior, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged harassment.

Corporation community means students, Corporation employees (i.e., administrators and professional and classified staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include but are not limited to guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Corporation office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Any staff member who believes that the staff member is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, other member of the Corporation community, or Third Parties promptly should take the following steps:

A. If the Respondent is the staff member's Principal or a member of the central office staff, as soon as possible after the incident, the Complainant should contact the Superintendent or the Corporation's Compliance Officer (See Policy 3362 - Anti-Harassment).

B. If the Respondent is not the staff member's Principal or a member of the central office staff, as soon as possible after the incident, the Complainant should contact the Complainant's h Principal or the Corporation's Compliance Officer.

C. The Principal, Superintendent, or Compliance Officer who has received the report of alleged threat or intimidation shall make an oral report immediately to the local law enforcement agency.

The staff member reporting the incident to the Principal, Superintendent, or Compliance Officer should provide the name of the person(s) whom the staff member believes to be responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report is to be prepared promptly by the Principal, Superintendent, or Compliance Officer receiving the report, and the Principal or Compliance Officer shall forward it to the Office of the Superintendent.

Each report received by the Principal, Superintendent, or Compliance Officer shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the subject outside of the investigation.

The purpose of this provision is to:

A. protect the confidentiality of the staff member who files a complaint, except that a Respondent must be informed of the Complainant's identity;

B. encourage the reporting of any incidents of threats or intimidation;

C. protect the reputation of any party wrongfully charged with threatening or intimidating conduct.

Investigation of a complaint normally will include conferring with the parties involved and any named or apparent witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, then prompt, appropriate, remedial and/or disciplinary action will be taken to prevent the continuance of the threat or its recurrence.

The Corporation recognizes that determining whether a particular action or incident is a threat must be based on all of the facts in the matter. Given the nature of this type of intimidation, the Corporation recognizes that false accusations of a threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against fellow staff members, students, or others associated with the Corporation.

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ag3419

BOARD-SPONSORED WELLNESS PROGRAM

3419 - **BOARD-SPONSORED WELLNESS PROGRAM**

The School Board sponsors a voluntary Wellness Program that is designed to promote health and prevent disease. The Program is available to only employees who participate in the Corporation's health insurance program.

The Wellness Program is a Participatory Program that strives to improve the health of, or prevent disease in, participating individuals.

As addressed below, because the Wellness Program includes measurement, testing, screening, and/or collection of health-related information, the Program will provide participants with results, follow-up information, or advice designed to improve the participants' health.

Employees' spouses and other covered dependents may participate in the Wellness Program.

The Wellness Program provides educational health-related information and/or programs, including:

A. nutrition classes;

B. weight loss program;

C. smoking/tobacco cessation programs;

D. diagnostic testing programs that are not tied to outcomes;

E. on-site exercise facilities/discounted gym memberships;

F. coaching to help employees meet health goals.

A component of the Wellness Program involves employees participating in a health risk assessment (HRA) that involves the employees answering disability-related questions (i.e., completing a medical questionnaire) and/or undergoing a medical examination, such as biometric screening for risk factors (e.g., high blood pressure or cholesterol, diabetes, etc.).

To participate in the HRA, an employee must provide prior knowledge, voluntary and written authorization, to permit the Program to collect the medical information. The authorization form will describe the confidentiality protections and restrictions on the disclosure of genetic information.

The Board also provides an opportunity for an employee's spouse to voluntarily choose to answer questions about his/her health (i.e., completes a medical questionnaire) and/or to undergo a medical examination (e.g., to detect high blood pressure or high cholesterol) as part of his/her participation in the Wellness Program. All information obtained will be kept confidential and will not be used to discriminate against the employee.

The HRA must be administered in connection with the spouse's receipt of health or genetic services offered by the Board, including such services offered as part of the Wellness Program.

The Board will not deny access to health insurance or any package of benefits to an employee, or the spouse or other covered dependent of the employee, or retaliate against an employee, due to a spouse's refusal to provide information about his/her current or past health status as part of the Wellness Program.

Before participating in the HRA, the employee's spouse must provide prior knowledge, voluntary and written authorization, to the Board to collect the medical information. The authorization form will describe the confidentiality protections and restrictions on the disclosure of genetic information.

As stated above, the Wellness Program is strictly voluntary. As such, employees are not required to participate, the Corporation will not deny coverage under any of its group health plans or particular benefits packages within a group health plan for nonparticipation, and the Corporation will not limit the extent of benefits (except as provided herein) for employees who do not participate. Additionally, the Corporation will not take any adverse employment action or retaliate against, interfere with, coerce, intimidate, or threaten an employee based upon his/her participation or nonparticipation in the Program or failure to achieve certain health outcomes.

The Program is designed so that it is not overly burdensome, does not involve unreasonably intrusive procedures, or does not require employees to incur significant costs for medical examinations.

All medical information gathered as part of the Wellness Program will be kept confidential in accordance with the Americans with Disabilities Act (ADA).

The Corporation will provide participating employees with a clear, understandable written notice that 1) describes the type of medical information that will be obtained and the specific purposes for which the medical information will be used, and 2) describes the restrictions on the disclosure of the employee's medical information, the Corporation representative or other parties with whom the information will be shared, and the methods that the Corporation will use to protect the medical information so that it is not improperly disclosed.

The Board receives information collected by the Wellness Program only in aggregate form that does not disclose, and is not reasonably likely to disclose, the identity of specific individuals.

While an employee's child(ren) may participate in the Wellness Program, the Board will not inquire about the child(ren)'s current or past health status.

Furthermore, no employee or spouse of an employee is required to agree to the sale, exchange, sharing, transfer, or other disclosure of medical information (except to the extent permitted by Federal law and regulations to carry out specific activities related to the Wellness Program), including information about the manifestation of disease or disorder of the employee's family members, or otherwise waiving the protections afforded by the Americans with Disabilities Act (ADA) and/or Genetic Information Nondiscrimination Act (GINA) as a condition for participating in the Wellness Program or earning an incentive for participating.

The Wellness Program does not discriminate on the basis of disability. As such, employees will not be denied access to the Wellness Programs on the basis of disability and will be provided reasonable accommodations (e.g., adjustments or modifications) that allow them to participate regardless of any disability.

The Board will not deny access to health insurance or any package of benefits to an employee, or the spouse or other covered dependent of the employee, or retaliate against an employee, due to a spouse's refusal to participate in the Wellness Program.

As stated above, the Wellness Program is strictly voluntary. As such, employees are not required to participate, the Corporation will not deny coverage under any of its group health plans or particular benefits packages within a group health plan for nonparticipation, and the Corporation will not limit the extent of benefits (except as provided herein) for employees who do not participate. Additionally, the Corporation will not take any adverse employment action or retaliate against, interfere with, coerce, intimidate, or threaten an employee based upon his/her participation or nonparticipation in the Program.

The Program is designed so that it is not overly burdensome, does not involve unreasonably intrusive procedures, or does not require employees to undergo medical examinations.

While an employee's child(ren) may participate in the Wellness Program, the Board will not inquire about the child(ren)'s current or past health status.

Furthermore, no employee or spouse of an employee is required to agree to the sale, exchange, sharing, transfer, or other disclosure of medical information, including information about the manifestation of disease or disorder of the employee's family members, or otherwise waiving the protections afforded by the Americans with Disabilities Act (ADA) and/or Genetic Information Nondiscrimination Act (GINA) as a condition for participating in the Wellness Program or earning an incentive for participating.

The Wellness Program does not discriminate on the basis of disability. As such, employees will not be denied access to the Wellness Programs on the basis of disability and will be provided reasonable accommodations (e.g., adjustments or modifications) that allow them to participate regardless of any disability.

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PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

3419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The following administrative guidelines apply to the self-funded group health plans maintained by the Board:

A. **Training:** The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule requires the group health plan to train all members of the plan's workforce on the policies and procedures with respect to Protected Health Information. The Privacy Official shall ensure that the members of the plan's workforce receive adequate and appropriate training regarding the Privacy Rule.

B. **Business Associate Agreements:** The Privacy Rule requires a group health plan to enter into business associate agreements with its third party vendors. The Privacy Official shall retain counsel to draft and negotiate these business associate agreements. The Privacy Official will oversee the review of existing business associate agreements to ensure compliance with current laws. The Privacy Official shall ensure that business associate agreements are entered into with new vendors.

C. **Notice of Privacy Practices:** The Privacy Rule requires the group health plan to distribute a Notice of Privacy Practices to participants in the plan. The Privacy Official shall retain counsel to draft the Notice of Privacy Practices. The Privacy Official shall subsequently distribute these notices to existing group health plan participants. If there is a material change to the Notice, then the Notice shall be distributed as follows:

1. If the group health plan posts its Notice on its website, then the plan may post the revised Notice on its website by the effective date of the material change, and then provide a hard copy of the Notice (or information about the material change and how to obtain the revised Notice) in its next annual mailing; or

2. If the group health plan does not have a website, then the plan may provide the revised Notice (or information about the material change and how to obtain the revised Notice) to individuals covered by the plan within sixty (60) days of the material revision to the Notice.

The Privacy Official shall notify all participants in the Plan of the availability of the Notice and how to obtain the Notice no less frequently than once every three (3) years.

D. **Safeguards:** The Privacy Rule requires the group health plan to implement appropriate administrative, technical, and physical safeguards to protect the privacy of Protected Health Information. The Privacy Official shall implement these safeguards in a reasonable and appropriate manner.

The Security Official shall seek the services of a third party to perform an information technology risk analysis to identify and protect against reasonably anticipated threats to the security or integrity of electronic Protected Health Information, if applicable.

E. Amendment of Plan Documents: The Privacy Rule provides that plan documents be made to permit information sharing between the plan and the plan sponsor. The Privacy Official shall assist other school personnel in determining whether and how plan documents should be amended.

F. **Participant Rights:** The Privacy Rule grants health plan participants extensive rights with respect to their Protected Health Information. The Privacy Official shall timely respond to participant requests to exercise rights afforded by the Privacy Rule.

G. **Participant Rights:** The Privacy Official shall develop a breach notification policy. A breach occurs when there has been an acquisition, access, use or disclosure of Protected Health Information in a manner not permitted under the Privacy Rule, which compromises the security or privacy of the Protected Health Information. The Privacy Official shall train workforce members on the breach notification policy.

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FEDERAL GROUP HEALTH CONTINUATION (COBRA)

3421 - **FEDERAL GROUP HEALTH CONTINUATION (COBRA)**

Qualifying Event

A. A covered employee shall be offered the opportunity to continue the School Corporation's group health coverage if the employee loses coverage under the Plan upon either of the following "qualifying events":

1. voluntary or involuntary termination of employment for reasons other than "gross misconduct"

   Gross misconduct may be intentional, wanton, willful, deliberate, reckless, or in deliberate indifference to the Corporations interests. It is misconduct beyond mere minor breaches of employee standards, but conduct which would be considered gross in nature.

2. reduction in the number of hours of employment

B. The spouse of a covered employee may continue the Corporation's group health coverage if the spouse loses coverage under the Plan because of any of the following "qualifying events":

1. termination of the covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. divorce or legal separation with the covered employee

Also, if the employee reduces or eliminates group health coverage in anticipation of divorce or legal separation, then divorce or legal separation may be considered to be a qualifying event even though the spouse's coverage was reduced or eliminated prior to the divorce or legal separation.

4. death of the covered employee

C. Dependent children may continue the group health coverage if the dependent child loses coverage under the Plan because of any of the following "qualifying events":

1. termination of covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. loss of "dependent child" status under the Plan rules

Under the Patient Protection and Affordable Care Act, the Plan must offer coverage for an adult child until the child attains age twenty-six (26).

4. divorce or legal separation of the covered employee

5. death of the covered employee

Notification by Qualified Beneficiaries

Qualified beneficiaries are required to notify the Plan Administrator of the following qualifying events in order to be eligible for COBRA continuation coverage: (a) divorce or legal separation of the employee and spouse; and (b) loss of eligibility for coverage of a dependent child. The qualified beneficiary is required to notify the Plan Administrator in writing of these events within sixty (60) days of the later of: (a) the

date of the qualifying event; or (b) the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the Plan as a result of the qualifying event. Failure to comply with these rules will result in forfeiture of any COBRA continuation coverage.

COBRA Election

Qualified beneficiaries are required to elect COBRA continuation coverage within the sixty (60) day election period set forth in the Plan's COBRA election notice. Qualified beneficiaries have the right to elect to continue coverage that is identical to the coverage provided under the Plan. If a COBRA beneficiary does not elect COBRA continuation coverage within the sixty (60) day election period, then the COBRA beneficiary will forfeit his/her right to elect COBRA.

Other Options for Qualified Beneficiaries

In lieu of electing COBRA continuation coverage, qualified beneficiaries may wish to pursue coverage through the health insurance marketplace established by the Patient Protection and Affordable Care Act ("ACA"). In some cases, individuals may receive significant subsidies towards the cost of coverage under the health insurance marketplace. These subsidies may make ACA marketplace coverage significantly less expensive than COBRA continuation coverage. Qualified beneficiaries may also wish to explore whether coverage under another employer group health plan or Medicaid is possible.

Termination of COBRA Coverage

COBRA continuation coverage generally lasts for eighteen (18) months. For example, if coverage is lost because of termination of employment or reduction of hours, the employee generally may elect COBRA for a maximum of eighteen (18) months.

However, there are a few exceptions to this rule. If Plan coverage was lost as a result of death of an employee, divorce or legal separation, or loss of eligibility for coverage as a dependent child, COBRA coverage can continue for a maximum of thirty-six (36) months. If a qualified beneficiary is determined under Tile II or Title XVI of the Social Security Act to have been disabled before the sixtieth (60th) day of continuation coverage and the qualified beneficiary properly notifies the Plan Administrator of the disability determination, the eighteen (18) month period is expanded to twenty-nine (29) months. If a second qualifying event occurs while receiving COBRA coverage and the qualified beneficiary properly notifies the Plan Administrator, COBRA coverage may continue for a maximum of thirty-six (36) months.

COBRA coverage under a health flexible spending account can last only until the end of the year in which the qualifying event occurred.

Coverage for qualified beneficiaries may end prior to the end of the maximum coverage period if:

A. premiums are not paid on a timely basis;

B. Corporation ceases to maintain the group health plan;

C. coverage is obtained with another employee group health plan that does not contain any exclusion or limitation with respect to any pre-existing condition (note that the Patient Protection and Affordable Care Act eliminated pre-existing exclusion conditions in most groups health plans);

D. a qualified beneficiary becomes entitled to Medicare benefits;

E. during a disability extension period, the disabled qualified beneficiary is determined by the Social Security Administration to be no longer disabled.

A qualified beneficiary is required to notify the Corporation in writing if the qualified beneficiary becomes eligible for Medicare or becomes covered under another group health plan. In addition, if a disabled qualified beneficiary is determined by the Social Security Administration to no longer be disabled, the qualified beneficiary must notify the Corporation of the fact within thirty (30) days after the Social Security Administration's determination.

Revised 11/11/14
Revised 8/9/16

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ag3421A

IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE

3421A - **IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) limits the circumstances under which coverage may be excluded for medical conditions present before the employee enrolls. Under the law, a pre-existing condition exclusion generally may not be imposed for more than twelve (12) months (eighteen (18) months for a late enrollee after the enrollment date). The twelve (12) month (or eighteen (18) month) exclusion period may be reduced by a new employee's prior health coverage. A new employee is entitled to a certificate from his/her former health insurance provider that will show evidence of the person's prior health coverage.

To obtain a certificate, the employee should complete the attached form and return it to:

Greensburg Community Schools
1312 W. Westridge Parkway Greensburg, IN 47240
For additional information contact:
Corporation Treasurer
812-663-4774

The certificate must be provided promptly. The employee should keep a copy of this completed form. S/He may also request certificates for any dependents (including a spouse) who were enrolled under the employee's health coverage.

Note: Pre-existing condition exclusions will become prohibited beginning with the start of 2014 Plan Years under the Affordable Care Act.

The Corporation Treasurer will be responsible for providing a Certificate of Health Insurance Coverage (Form 3421A F1) to an employee when:

A. s/he no longer is covered by the Corporation's plan;

B. s/he is no longer covered under COBRA;

C. s/he requests a certificate no later than twenty-four (24) months after cessation of coverage.

Revised 7/29/10
Revised 12/15/10

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ag3430

LEAVES OF ABSENCE

3430 - **LEAVES OF ABSENCE**

Military Family Leave

The School Board shall grant an unpaid leave of absence to a professional staff member who has been employed for at least twelve (12) months and is the spouse, parent, grandparent, or sibling of a person who is ordered to active duty during one (1) or more of the following periods:

A. during the thirty (30) days before active duty orders are in effect

B. during a period in which the person ordered to active duty is on leave while active duty orders are in effect

C. during the thirty (30) days after the active duty orders are terminated

The Board shall require the staff member to substitute any of his/her earned vacation, personal leave, or other paid leave except for paid medical or sick leave available for leave for any part of the ten (10) day period.

The staff member who chooses to take this type of leave of absence shall provide notice including a copy of the active duty orders if available, to the Board of the date the leave is to begin. This notice is to be given to the Board at least thirty (30) days before the date on which the staff member intends to begin the leave, unless the active duty orders are issued less than thirty (30) days before the date the requested leave is to begin.

The Board may require verification of the staff member's eligibility for the leave. If the staff member fails to provide verification, the Board may consider the staff member's absence as being unexcused.

The staff member must have worked at least 1,500 hours during the twelve (12) month period immediately preceding the day the leave begins.

The leave of absence allowed each year may not exceed a total of ten (10) working days.

After a staff member takes a leave of absence, the staff member shall be restored to:

A. the position the staff member held before the leave; or

B. a position equivalent to the position that the staff member held before the leave with equivalent benefits and terms of the negotiated agreement.

The Board is not required to restore a staff member to a position described above if the Board proves that the reason the staff member was not restored to the position is unrelated to the staff member's exercise of his/her rights to request this leave.

The Board shall permit the staff member to continue his/her health care benefits during the leave at the staff member's expense.

ag3430.01

FMLA LEAVE

3430.01 - **FMLA LEAVE**

Definitions Applicable to FMLA Leave

The term "child" (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term "incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the "activities of daily living" (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or "instrumental activities of daily living" (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is "unable to perform the functions of his/her position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. **Military Caregiver Leave**

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single 12-month period," to care for a covered service member with a serious injury or illness. The "single 12-month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use his/her entire twenty-six (26) work weeks leave entitlement during the "single 12- month period" of leave, the remaining work weeks of leave are forfeited.

For purposes of Military Caregiver Leave, the covered service member may be a (1) current member of the Armed Forces (including a member of the National Guard or 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, or (2) 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) and was discharged or released under conditions other than dishonorable at any time during the period of five (5) years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the Armed Forces and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the determination of the five-year period for covered veteran status.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means 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 the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is (1) 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 service member unable to perform the duties of the service member’s office, grade, rank, or rating; (2) 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 fifty percent (50%) or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; (3) 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 (4) 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.

The term "son or daughter of a covered service member" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents "in- law.")

The term "next of kin" means the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each "single twelve (12) month period."

Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a "single twelve (12) month period," and then take another twenty-six (26) work weeks of leave in a different "single twelve (12) month period" to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single 12-month period" for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and s/he has a serious health condition.

B. **Qualifying Exigency Leave**

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.

2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain childcare and related activities arising from a qualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).

4. Making or updating financial and legal arrangements to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member’s representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member’s covered active duty status.

5. Attending counseling provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military members stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, rest and recuperation leave during the deployment.

7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.

8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. "Incapable of self-care" means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes (1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; (2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; (3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and (4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.

9. Any other event that the employee and the Board agree is a qualifying exigency.

The term "qualifying family member" for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

The term "covered active duty" or "call to covered active duty status" for purposes of Qualified Exigency Leave means duty for a member of the Regular Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency

operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

The term "son or daughter" means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term "parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include "parents in-law.")

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the Superintendent a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form (WH-380-F; "Certification of Health Care Provider for Family Member's Serious Health Condition").

Eligible employees who apply for FMLA leave for the employee's own serious health condition must submit DOL Form (WH-380-E; "Certification of Health Care Provider for Employee's Serious Health Condition").

The Superintendent shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the Corporation can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form WH-385; "Certification for Serious Injury or Illness of Covered Service Member – for Military Family Leave" or WH-385-V, "Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave". The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the Corporation will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The Corporation will also accept, with respect to Military Caregiver Leave, documentation indicating the service member’s enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the Superintendent may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran’s discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to his/her health care provider a HIPAA-compliant release form.

If the Superintendent deems a medical certification to be incomplete or insufficient, the Superintendent shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The Superintendent (i.e., the Board's health care provider, human resource professional, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

Employees who take leave for the employee's own serious health condition, prior to returning to work, must submit to the Superintendent a "Fitness-for-Duty Certification". Again, the employee will need to have executed and provided to his/her Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for Qualifying Exigency Leave must submit DOL Form WH-384; "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;
- the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;
- where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;
- appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member’s Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Superintendent may verify the schedule and purpose of the meeting with the third party. Also, the Superintendent may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the Corporation provides the employee with the applicable DOL Form unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement.

Corporation Notices to Employee (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in the Employees Rights and Responsibilities Notice changes, the Superintendent will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The Superintendent is charged with responsively answering questions from employees concerning their rights and responsibilities.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the Superintendent will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced schedule leave basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the Corporation uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the Corporation's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

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FAMILY LEAVE AND INSTRUCTIONAL EMPLOYEES

3430.01A - **FAMILY LEAVE AND INSTRUCTIONAL EMPLOYEES**

The following provisions are paraphrases of appropriate portions of Section 1084 of the Family and Medical Leave Act of 1993, as amended ("Special Rules Concerning Employees of Local Educational Agencies").

(c) INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE FOR INSTRUCTIONAL EMPLOYEES

(1) IN GENERAL - Subject to paragraph (2), in any case in which an eligible employee employed principally in an instructional capacity by the Board requests leave for reason (C), (D) or Military Caregiver Leave as outlined in Policy 3430.01 that is foreseeable based on planned medical treatment and the employee would be on leave for greater than twenty percent (20%) of the total number of working days in the period during which the leave would extend, the Superintendent may require that such employee elect either --

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

(B) to transfer temporarily to an available alternative position offered by the Board for which the employee is qualified, and that--

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION - The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an eligible employee who complies with Policy 3430.01.

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM

The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by the Board:

(1) LEAVE MORE THAN FIVE (5) WEEKS PRIOR TO END OF TERM

If the eligible employee begins FMLA leave under Policy 3430.01 more than five (5) weeks prior to the end of the academic term, the Superintendent may require the employee to continue taking leave until the end of such term, if --

(A) the leave is of at least three (3) weeks duration; and

(B) the return to employment would occur during the three (3) week period before the end of such term.

(2) LEAVE LESS THAN FIVE (5) WEEKS PRIOR TO END OF TERM

If the eligible employee begins leave for reason (A), (B), (C) or Military Caregiver Leave as outlined in Policy 3430.01 during the period that commences five (5) weeks prior to the end of the academic term, the Superintendent may require the employee to continue taking leave until the end of such term, if --

(A) the leave is of greater than two (2) weeks duration; and

(B) the return to employment would occur during the two (2) week period before the end of such term.

(3) LEAVE LESS THAN THREE (3) WEEKS PRIOR TO END OF TERM

If the eligible employee begins leave for reason (A), (B), (C) or Military Caregiver Leave as outlined in Policy 3430.01 during the period that commences three (3) weeks prior to the end of the academic term and the duration of the leave is greater than five (5) working days, the Superintendent may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION

For purposes of determinations related to the restoration of an eligible employee to an equivalent position, such determinations shall be made on the basis of established Board policies and practices, and collective bargaining agreements. The "established policies" and collective bargaining agreements used as a basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave.

As used above, the term "instructional employees" refers to eligible employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting. The term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. Finally, it does not include cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

If an eligible instructional employee chooses to take leave for "periods of a particular duration" in the case of intermittent leave or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

If an eligible instructional employee is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement.

ag3430.01B

FMLA RECORDKEEPING REQUIREMENTS

3430.01B - **FMLA RECORDKEEPING REQUIREMENTS**

The Superintendent is responsible for making, keeping, and preserving all relevant records pertaining to the School Board's obligations under the FMLA in accordance with the recordkeeping requirements of Section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with the final regulations applicable to the FMLA. Specifically, the Superintendent is charged with keeping/preserving the records identified below in accordance with the Corporation's Records Retention Schedule (see AG 8310A), and under no circumstances shall said records be kept for less than three (3) years. The records shall be available for inspection, copying, and transcription by representatives of the Department of Labor upon request.

The Superintendent shall maintain records that disclose the following:

A. Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

B. Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or a Board plan which is not also covered by FMLA.

C. If FMLA leave is taken by eligible employees in increments of less than one (1) full day, the hours of the leave.

D. Copies of employee notices of leave furnished to the Corporation under FMLA, if in writing, and copies of all written notices given to employees as required under the FMLA and its implementing regulations (see 29 C.F.R. Section 825.300(b) through (c)). Copies may be maintained in employee personnel files.

E. Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.

F. Premium payments of employee benefits.

G. Records of any dispute between the Corporation and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the Superintendent or employee of the reasons for the designation and for the disagreement.

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files. If the Genetic Information Nondiscrimination Act of 2008 (GINA) is applicable, records and documents created for purposes of FMLA leave containing family medical history or genetic information as defined by GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA (29 C.F.R. 1635.9), which allow for disclosure consistent with FMLA requirements. If the ADA, as amended, is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 C.F.R. 1630.14(c)(1)), except that:

A. supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;

B. first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

C. government officials investigating compliance with FMLA (or other pertinent laws) shall be provided relevant information upon request.

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ag4111A

CREATING A POSITION

4111A - **CREATING A POSITION**

The School Board has reserved the right in its discretion to create new positions and specify the number of employees in each category. In compliance with that policy, the Board has adopted the following guidelines for the creation of a Corporation position:

A. A job description will be prepared for each new position being considered.

B. Documentation will be made of the need for the new position or an increase in the number of employees in an existing category of work.

C. Each new position will be presented to the Board by the Superintendent with a recommendation for approval.

D. No person may be employed to fill the position until Board approval is obtained.

ag4111B

VERIFICATION OF EMPLOYMENT ELIGIBILITY

4111B - **VERIFICATION OF EMPLOYMENT ELIGIBILITY**

In order to comply with Federal law the following verification of employment eligibility procedures will apply:

Completion of Form I-9

Form I-9 must be completed within three (3) business days of the date of the hire. If an individual is employed for less than three (3) days, the form must be completed before the end of the employee's first working day.

The following individuals **do not need** to complete Form I-9:

A. persons hired before November 7, 1986

B. persons who are employed by a contractor providing contract services

C. persons who are independent contractors

The employer is also responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Retention of Employment Eligibility Verification Form (Form I-9)

The employer must retain Form I-9 for three (3) years or for one (1) year past the end of the employment of the individual, whichever is longer. Such forms will be retained in a separate file and shall be considered to be confidential and used only for employment eligibility verification purposes.

Preparation of Documents for Inspection

U.S. Immigration and Naturalization Service (INS) or Department of Labor (DOL) Officers are required to give employers three (3) days advance notice before an inspection. The employer will assemble the I-9 forms in preparation for the inspection. Failure to provide the I-9 forms could result in civil monetary penalties for each employee for whom the form was not completed, retained, or presented.

Retention of Employee Identification and Social Security Number

The Board will retain a photocopy of either the employee's driver's license or passport showing the employee's identity and valid social security number.

ag4120

EMPLOYMENT OF SUPPORT STAFF

4120 - **EMPLOYMENT OF SUPPORT STAFF**

The following guidelines are established for the interviewing and screening of employee candidates:

A. Where specific openings exist in positions that could afford present employees an opportunity to be upgraded, such notice shall be posted in the schools of this Corporation.

B. Applications are to be made in writing to the Superintendent's office.

C. Checking of credentials may include direct telephone calls to immediate supervisors of the person being considered.

D. Applicants may be granted an interview if their credentials indicate they meet the criteria for the position.

E. Terms of employment shall be made known to the candidate at the time of the interview.

In selecting personnel to fill established positions, the Superintendent shall be responsible for selecting the person best qualified to fill each position in accordance with position specifications established by the Board.

PRE-EMPLOYMENT INTERVIEW QUESTIONS

4120C - **PRE-EMPLOYMENT INTERVIEW QUESTIONS**

Asking an applicant questions prohibited by the Equal Employment Opportunity Act during pre-employment interviews could open the door for a job candidate to take legal action against the Corporation. The following guideline outlines the questions that are appropriate and those that should be avoided.

YOU CANNOT ASK:

A. any question that would indicate race or color;

B. any question that would indicate gender, unless job-related;

C. applicant's religion or religious customs and holidays; recommendations from church officials;

D. if applicant, spouse, or parents are native-born or naturalized; date of citizenship; or for other proof of citizenship before hiring;

(Proof of citizenship required on I-9 form)

E. marital status before hiring, the number and age of children, who cares for them, and if applicant plans to have more;

F. to see military service records, about military service with any country other than U.S.;

G. nationality, racial, or religious affiliation of school attended;

H. how foreign language ability was acquired;

I. inquiries about arrests, (as contrasted with convictions), except pending charges (see below at F.);

J. listing of all clubs to which the applicant belongs or has belonged;

K. that a candidate provide a photograph before hiring or that one be taken during an interview;

L. height and weight or physical/mental characteristics which do not relate directly to the job specifications (see AG 3211);

M. whether applicant lives with a disabled individual (whether related or not);

N. whether applicant plans to marry or plans to have a family;

O. whether applicant has any military obligations.

YOU CAN ASK:

A. for applicant's current and previous address; phone number;

B. whether applicant is eighteen (18) years of age or older;

C. whether the applicant is lawfully authorized to work in the United States;

D. if applicant has served in the U.S. armed forces including branch of service and rank attained; job-related experience acquired in the military;

E. academic, professional, or vocational school attended; language skills such as reading and writing, foreign languages, grades, degrees, majors, etc.;

F. criminal convictions; any pending felony charges; any misdemeanor charge related to sexual conduct or assault or abuse of a child;

G. personal and professional and other work references not relating to race, color, religion, gender, national origin, or ancestry;

H. professional and social organization membership, so long as affiliation does not identify and is not used to discriminate on the basis of gender, race, national origin, or ancestry;

I. willingness to perform job functions;

J. willingness to work required work schedule and under prescribed working conditions.

AFTER HIRING, YOU MAY OBTAIN:

A. marital status and number/age of dependents for insurance and tax purposes;

B. proof of age;

C. status of citizenship (I-9 Form);

D. race, if done pursuant to required or approved affirmative action plan and maintained separately from applicant file;

E. a copy of military discharge certificate.

CHECKING REFERENCES OF APPLICANTS

4120D - **CHECKING REFERENCES OF APPLICANTS**

The following procedure is to be used when conducting a check of references submitted by an applicant:

A. Prior to any investigation, the applicant is to sign a waiver and a release granting the Corporation permission to contact any person listed as a reference as well as any other person who may be familiar with the applicant's previous job performance or suitability for employment.

B. Review the references with the applicant to ensure that those submitted are people with whom the applicant has worked on a regular basis either in a job setting or an academic setting or both. Make sure the references have worked with the applicant within the last three (3) to five (5) years. Determine from the reference if other people who worked with the applicant are available to provide information concerning suitability for the job.

C. Make telephone (not mail) contact with at least three (3) references particularly if there is discrepant information from the first two.

D. Prior to contacting the reference, review AG 4120C regarding questions not to ask.

E. Confine questions to the applicant's suitability for employment work performance, including interpersonal skills. Ask "would you hire _____ again?" or "would you want to work with _____ again?". Ask the reference to give specific examples of what the applicant did well and/or to rate the applicant on various aspects of the job for which the person is applying.

F. Take notes of each reference contact, including time and date of the call and the reference's name and position. Maintain a written summary of the comments for later use.

ag4120.04

EMPLOYMENT OF SUBSTITUTE SUPPORT STAFF

4120.04 - **EMPLOYMENT OF SUBSTITUTE SUPPORT STAFF**

The Board approves the employment and fixes the compensation for each substitute staff member.

The Board must approve those candidates for employment recommended by the Superintendent.

The screening procedure shall be as follows:

A. All applications for substitute positions shall be made through the Office of the Superintendent.

B. Police checks of any applicant may be made.

USE OF UNPAID VOLUNTEER AIDES

4120.09 - **USE OF UNPAID VOLUNTEER AIDES**

Unpaid volunteer aides may be used throughout the school system for:

A. one (1) day resource service projects such as a lecture, a demonstration, or assistance on a field trip;

B. continuing service projects extending over long periods or for the entire school year such as library aides, teacher aides, and office aides;

Procedures to be Followed

A. Volunteers for one (1) day and short term resource service projects may be contacted and scheduled by the individual school or department desiring the service without involving the Central Office in the arrangements and without any special conditions.

B. Volunteers for continuing projects are required to complete Form 4120.09 F1.

C. All volunteers shall be under the direct supervision of the school or department administrator and/or the teacher to whom they are assigned. They may not be used in an administrative or supervisory capacity.

D. Volunteer aides may not be used to replace paid employees.

ag4121

PERSONAL BACKGROUND CHECK

4121 - **PERSONAL BACKGROUND CHECK**

Background Checks of Candidates for Employment

In accordance with School Board policy, the personal and employment history will be thoroughly investigated of each candidate who is seriously being considered for employment as a regular or substitute member of the staff.

In addition to the information obtained through the employment procedure described in AG 4120, a criminal history record check must be conducted. The Superintendent's Secretary will be responsible for ensuring that the candidate completes Form 4121 F1.

The Superintendent's Secretary shall submit the candidate's name, address, social security number, and date of birth to the Indiana State Police, contracted service provider for a local, State, and National criminal history check, including an expanded criminal history check as defined by I.C. 20-26-2-1.5.

If the School Corporation's investigation and/or criminal history check reveals that a candidate has been involved in some unlawful behavior, such information should be examined in light of:

A. the nature of the unlawful behavior, e.g. was it a felony or a misdemeanor? Did it involve violence? Was it sex related? Was it child related? etc.;

B. did the behavior result in a conviction;

C. how recently the behavior occurred and the behavior of the candidate in the interim;

D. the relationship of the behavior to the duties the person would be assuming, if hired;

E. the likelihood that the candidate would represent a potential threat of injury to or loss/damage to property;

F. the likelihood that the candidate would present a potential threat of injury to or loss/damage to persons;

G. the extent that the staff position involves being an exemplar to students and the potential for the presentation of a negative exemplar;

H. the manner in which the information came to the Corporation's attention, i.e., offered by the candidate or reported through an investigation.

The final decision concerning the employment (or possible discharge if the information comes to light after employment) will be made by the Superintendent.

In addition to the criminal history check, the Superintendent/designee will conduct the following or contract with a private service provider to conduct the following:

A. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3

B. an expanded child protection index check in other states

C. a search of the national sex offender registry maintained by the United States Department of Justice

D. beginning July 1, 2017, a search of the State child abuse registry

E. telephone inquiry with former employer(s)

F. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred

G. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1

H. a detailed background history including all prior employment and volunteer positions

I. an Indiana Bureau of Motor Vehicles driver history if the position involves driving

An "expanded child protection index check" means:

A. an inquiry with the department of child services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under I.C. 31-33-26- 2;

B. an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and

C. for a certificated employee, an inquiry with the department of education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

Background Checks for Corporation Employees

The Board requires that an expanded criminal history check be conducted for each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment every five (5) years.

The Superintendent shall require the Superintendent's Secretary to maintain a record of all existing employees stating the school year in which required expanded criminal history check was completed and when the next expanded criminal history check is due.

The Corporation shall pay the costs associated with conducting the expanded criminal history check for all employees, provided the exclusive representatives of the Corporation's employees do not object.

Also, the Board requires that an expanded child protection index check be obtained for each Corporation employee every five (5) years. The Corporation shall pay the costs associated with obtaining the expanded child protection index check for employees. The Superintendent shall require the Superintendent's Secretary to maintain a record of all existing employees stating the school year in which the required expanded child protection index check was completed and when the next expanded child protection index check is due.

Additionally, the Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Superintendent has reason to believe that an employee or a candidate for employment:

A. is the subject of a substantiated report of child abuse or neglect or

B. has been charged with or convicted of one (1) of the following crimes:

1. Murder (I.C. 35-42-1-1).

2. Causing suicide (I.C. 35-42-1-2).

3. Assisting suicide (I.C. 35-42-1-2.5).

4. Voluntary manslaughter (I.C. 35-42-1-3).

5. Reckless homicide (I.C. 35-42-1-5).

6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

7. Aggravated battery (I.C. 35-42-2-1.5).

8. Kidnapping (I.C. 35-42-3-2).

9. Criminal confinement (I.C. 35-42-3-3).

10. A sex offense under I.C. 35-42-4.

11. Carjacking (I.C. 35-42-5-2) (before its repeal).

12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

13. Incest (I.C. 35-46-1-3).

14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

15. Child selling (I.C. 35-46-1-4(d)).

16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

22. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.

23. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

If a support staff employee reports to the Superintendent that the support staff employee :

A. has been arrested or had criminal charges filed against the support staff employee ;

B. has been convicted of a crime; or

C. is the subject of a substantiated report of child abuse or neglect,

the Superintendent shall require the Director of School Safety to obtain a review of each reported arrest or charge, conviction or substantiated report of abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the support staff employee who was arrested or charged, convicted or the subject of a substantiated report of child abuse or neglect.

Offenses Which Prohibit Employment

In accordance with Board policy, the Superintendent will prohibit the hiring of or require the termination of the employment of any individual who is convicted of any of these offenses unless the conviction has been reversed, vacated, or set aside on appeal:

A. The following felonies:

1. A sex crime under I.C. 35-42-4 (including criminal deviate conduct (I.C. 35-42-4-2) (before its repeal)).

2. Kidnapping (I.C. 35-42-3-2).

3. Criminal confinement (I.C. 35-42-3-3).

4. Incest (I.C. 35-46-1-3).

5. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).

6. Dealing in methamphetamine (I.C. 35-48-4-1.1).

7. Manufacturing methamphetamine (I.C. 35-48-4-1.2).

8. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).

9. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).

10. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).

11. Dealing in a counterfeit substance (I.C. 35-48-4-5).

12. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).

13. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).

14. Homicide (I.C. 35-42-1).

15. Voluntary manslaughter (I.C. 35-42-1-3).

16. Reckless homicide (I.C. 35-42-1-5).

17. Battery as any of the following:

    a. A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

    b. A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

    c. A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

18. Aggravated battery (I.C. 35-42-2-1.5).

19. Robbery (I.C. 35-42-5-1).

20. Carjacking (I.C. 35-42-5-2) (before its repeal).

21. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).

22. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).

23. Human trafficking (I.C. 35-42-3.5).

24. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).

25. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.

26. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.

B. Public indecency (I.C. 35-45-4-1) committed:

1. after June 30, 2003; or

2. before July 1, 2003, if the person committed the offense by, in a public place:

a. engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5);

b. appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or

c. fondling the person's genitals or the genitals of another person.

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ag4121A

REPORTS OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT AND ARREST

4121A - **REPORTS OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT AND ARREST**

Employees shall report their arrest or the filing of criminal charges against them, or their conviction for a crime to the Superintendent within forty-eight (48) hours of the arrest or the filing of criminal charges or the conviction. If the employee is held in custody for more than twenty-four (24) hours, the report shall be made within forty-eight (48) hours after the employee is released from custody.

Employees also shall report a substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within forty-eight (48) hours of the issuance of the report. If the employee does not receive notice of the issuance of the report until a later date, the employee must report the substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within forty-eight (48) hours of receiving notice of the report.

The arrest or the filing of criminal charges, or conviction need not automatically result in the suspension or termination of the employee unless it involves one of the offenses whic prohibit employment listed below. The Superintendent may evaluate the circumstances of the arrest or charge(s) based upon the factors listed below for the evaluation of criminal convictions, plus the presumption of innocence afforded every person charged with a crime prior to conviction.

As used here, "crime" means an action initiated by the State of Indiana, another state, or the United States with a penalty that includes the possibility of a term of imprisonment. The term includes all prosecutions denominated as a felony or misdemeanor. Infractions such as speeding and other minor traffic infractions are not covered unless the job description for an employee’s position includes operating a vehicle as an essential function. Any doubt about reporting a charge or arrest should be resolved in favor of reporting the offense.

If available, the evaluation of the charge(s), arrest, or conviction will be expedited if the employee provides the Superintendent a copy of:

A. the criminal charge(s), i.e., the information or indictment;

B. any probable cause affidavit filed with the charge;

C. the cause number and court in which the matter is pending;

D. any police report or accident report prepared by law enforcement; and

E. the court's entry of a criminal conviction against the employee.

In evaluating information surrounding the arrest, filing of criminal charges or conviction, the Superintendent will take into account:

A. the relevance of the circumstances of the arrest, charge(s), or conviction to the qualification standards and essential functions of the position held by the employee;

B. how recently the behavior occurred and the behavior of the employee since that time;

C. whether the employee admits or denies the facts of the allegation;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and other employees that would result from an error in assessing the facts of the arrest, charge(s), or conviction;

G. the extent to which the position involves being an exemplar and the potential for the presentation of a negative exemplar to students; and

H. how the information came to the attention of the School Corporation, i.e., was it reported by the employee or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the employee will be permitted to continue to work while the charges are resolved in the trial court, and will recommend that the employee continue to work, be placed on administrative leave or suspension, or be terminated or recommended for termination.

A substantiated report of child abuse or neglect of which the employee is the subject need not automatically result in the suspension or termination of the employee. The Superintendent may evaluate the circumstances of the incident underlying the report based on the following factors:

A. the relevance of the circumstances of the incident underlying the report to the qualification standards and essential functions of the position held by the employee;

B. how recently the behavior occurred and the behavior of the employee since that time;

C. whether the employee admits or denies the facts of the report;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and other employees that would result from an error in assessing the facts of the incident underlying the report;

G. the extent to which the position involves being an exemplar and the potential for the presentation of a negative exemplar to students; and

H. how the information came to the attention of the Corporation, i.e., was it reported by the employee or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the employee will be permitted to continue to work while the Superintendent completes the investigation and will recommend that the employee continue to work or be placed on administrative leave or suspension. A substantiated report of child abuse or neglect of which the employee is the subject may result in the termination of the employee's employment.

Offenses Which Prohibit Employment

In accordance with Board policy, the Superintendent will prohibit the hiring of or require the termination of the employment of any individual who is convicted of any of these offenses unless the conviction has been reversed, vacated, or set aside on appeal:

A. The following felonies:

1. A sex crime under I.C. 35-42-4 (including criminal deviate conduct (I.C. 35-42-4-2) (before its repeal)).
2. Kidnapping (I.C. 35-42-3-2).
3. Criminal confinement (I.C. 35-42-3-3).
4. Incest (I.C. 35-46-1-3).
5. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).
6. Dealing in methamphetamine (I.C. 35-48-4-1.1).
7. Manufacturing methamphetamine (I.C. 35-48-4-1.2).
8. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).
9. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).
10. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).
11. Dealing in a counterfeit substance (I.C. 35-48-4-5).
12. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).

13. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).

14. Homicide (I.C. 35-42-1).

15. Voluntary manslaughter (I.C. 35-42-1-3).

16. Reckless homicide (I.C. 35-42-1-5).

17. Battery as any of the following:

    a. A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

    b. A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

    c. A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

18. Aggravated battery (I.C. 35-42-2-1.5).

19. Robbery (I.C. 35-42-5-1).

20. Carjacking (I.C. 35-42-5-2) (before its repeal).

21. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).

22. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).

23. Human trafficking (I.C. 35-42-3.5).

24. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).

25. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.

26. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.

B. Public indecency (I.C. 35-45-4-1) committed:

1. after June 30, 2003; or

2. before July 1, 2003, if the person committed the offense by, in a public place:

a. engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5);

b. appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or

c. fondling the person's genitals or the genitals of another person.

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COMPARATIVE ANALYSIS OF EMPLOYMENT RELATEDPROVISIONS OF ADA AND SECTION

4122C - **COMPARATIVE ANALYSIS OF EMPLOYMENT RELATED PROVISIONS OF ADA AND SECTION 504**

Issue	Section 504	ADA
Coverage	Covers only recipients of Federal funds	Covers all employers with 15 or more employees; adds 2-year exemption for employers with less than 25 employees
Definition of "Qualified Individual with Disability"	A disabled person who, with "reasonable" accommodation, can perform the essential functions of the job	An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position
Reasonable Accommodation	Reasonable Accommodation may include:	Reasonable Accommodation may include:
	making facilities used by employees readily accessible and usable by disabled persons	making facilities readily accessible

	job restructuring, part-time or modified work schedules	job restructuring, part-time or modified work schedules
	No comparable provision	reassignment to a vacant position
	acquisition or modification of equipment or devices	acquisition or modification of equipment or devices
	No comparable provision	appropriate adjustment or modifications of examinations, training materials or policies
	provision of readers or interpreters	provision of readers or interpreters
Undue Hardship	Factors considered: 1. size of the organization and its budget 2. type of operation 3. nature and cost of accommodation	Factors considered 1. size of the organization and its budget 2. type of operation 3. nature and cost of accommodation

Drug and Alcohol Use	Current drug use is not considered a disability	Current drug use is not considered a disability
	Current alcohol abuse that prevents individual from performing duties of the job or that constitutes direct threat to property or safety of others is not considered a disability	Current alcohol abuse that prevents individual from performing duties of the job or that constitutes direct threat to property or safety of others is not considered a disability
Communicable Diseases	Term "individual with disabilities" excludes any individual with a communicable disease which would constitute a direct threat to the health or safety of others or which renders the individual unable to perform the job	Permits qualification standard requiring that an individual with a currently-communicable disease or infection not pose a direct threat to the health or safety of others
Relationships or Associations	No comparable provision	Prohibits discrimination based on relationship to or association with another disability

DRUG-FREE WORKPLACE

4122.01 - **DRUG-FREE WORKPLACE**

These administrative guidelines are established to assist in the proper implementation of Board Policy 4122.01.

The Superintendent is directed to publish a statement notifying Corporation employees that:

A. no employee may manufacture, distribute, dispense, possess, or use unlawfully any controlled substance, including any chemically similar substance, any alcohol, or any drug paraphernalia at any time while on Corporation property or while involved in any Corporation-related activity or event;

B. any employee who violates the Corporation's Drug-Free Workplace Policy 4122.01 shall be subject to disciplinary action in accordance with Corporation policies and administrative guidelines.

It shall not be a violation of Corporation policy for an employee to possess or use a controlled substance if the drug is in its original container and is taken strictly as prescribed by a licensed physician or other medical professional having the power to prescribe medications pursuant to a current prescription written for that employee.

The Superintendent is directed to make a good faith effort to continue to maintain a safe environment in all of the Corporation's schools through the implementation of these administrative guidelines.

The Superintendent is directed to establish a *Safe School Committee* for the entire Corporation, the composition of which shall be in accordance with the Superintendent's guidelines.

Each school with the Corporation shall establish a *Safe School Committee,* the composition of which shall be in accordance with the Superintendent's guidelines.

Each committee must consist of not more than fifteen (15) members who represent the following:

A. school personnel

B. parents of students and

C. representatives of the community

Appointments to the committee must be made in compliance with contractual provisions (if any), discussion procedures, or past practice. Each *School Safety Committee* may include at least one (1) member who is a member of the school or Corporation career and technical education school.

The *School Safety Committee* shall be responsible for developing a plan that addresses the following issues:

A. Unsafe conditions, crime prevention, school violence, bullying, and other issues that prevent the maintenance of safe schools.

B. Professional development needs for faculty and staff to implement methods that decrease problems identified above.

C. Methods to encourage involvement by the community and students, development of relationships between students and school faculty and staff, and use of problem solving teams.

D. Provide a copy of the floor plans for each building that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the local law enforcement agency and the fire departments that have jurisdiction over the school. The Corporation shall not disclose any record or part of any record if the disclosure of which would have a reasonable likelihood of threatening public safety by compromising the Corporation's security.

In developing the plan, the *School Safety Committee* may seek input from representatives of the following:

A. local law enforcement agencies;

B. the local Fire Marshal(s) or his/her designee(s);

C. emergency medical services;

D. a member of the Board;

E. building administrators;

F. the local emergency management service agency;

G. School Resource Officer(s);

H. Parent;

I. Student.

The Superintendent shall recommend the approval and adoption of the Corporation's plan.

The Superintendent shall recommend the approval and adoption of each school's plan.

Each committee shall:

A. develop a drug-free school plan that:

1. requires each school to collect and report drug related activities in the school, including suspensions, expulsions, exclusions, police actions, or any other type of drug related behavior; and

2. addresses ways to eliminate illegal drugs and drug related behavior in schools;

B. oversee the implementation of the school plan;

C. oversee the implementation of the curriculum under IC 20-30-5-11.

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SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

4123A - **SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The School Board prohibits discrimination against any employee or applicant based on a disability. As such, the School Corporation will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Corporation does not discriminate on the basis of disability against a qualified individual in regard to:

A. recruitment, advertising, and job application procedures;

B. hiring, upgrading, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

C. rates of pay or any other form of compensation or benefits;

D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

E. leaves of absence, sick leave, or any other leave;

F. fringe benefits available by virtue of employment, whether or not administered by the School Corporation;

G. selection and financial support for training, including: apprenticeships, support staff meetings, conferences and other related activities, and selection for leaves of absence to pursue training;

H. activities sponsored by the Board, including social and recreational programs; and

I. any other term, condition, or privilege of employment.

The Corporation will provide reasonable accommodation to a qualified applicant and employee who has an actual disability or who has a record of a disability that is needed for the employee/applicant to perform the essential functions of the position, unless the accommodation would impose an undue hardship on the operation of the Board's programs and/or activities or create a direct threat. A direct threat is a significant risk of substantial harm to the health or safety of the employee/applicant or others that cannot be eliminated or reduced by reasonable accommodation. A reasonable accommodation is not required for an individual who is regarded as having a disability but does not have a disability.

An individual with a disability is anyone who:

A. **has** a physical or mental impairment that substantially limits one or more major life activities ("actual disability") when mitigating measures or reasonable accommodations are not in place;

B. **has a record of having** a physical or mental impairment that substantially limits one or more major life activities; or

C. **is regarded as having** a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the Board as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological

2. musculoskeletal

3. special sense organs

4. respiratory, including speech organs

5. cardiovascular

6. reproductive

7. digestive

8. genitourinary

9. hemic and lymphatic

10. skin

11. immune

12. circulatory

13. endocrine

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a practical matter, they almost always will be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limits musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia substantially limits brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 specifically **excludes**):

A. individuals who currently are engaging in the use of illegal drugs, when the Corporation acts on the basis of current use or impairment on the job rather than past use;

B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others;

C. with respect to employment, an individual who currently has a contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the contagious disease or infection, is unable to perform the duties of the job;

D. an individual on the basis of homosexuality or bisexuality; and

E. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders

2. compulsive gambling, kleptomania, or pyromania, or

3. psychoactive substance use disorders resulting from current illegal use of drugs.

Individual with a disability includes an individual who:

A. has completed a supervised drug rehabilitation program successfully and is no longer engaging in the use of illegal or unprescribed prescription drugs, or otherwise has been rehabilitated successfully and is no longer engaging in such use;

B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or

C. is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in such use.

Notice

Pursuant to Policy 4123 - Section 504/ADA Prohibition Against Discrimination Based on Disability, the identity of the Corporation's COs will be published on the Corporation's website and posted throughout the Corporation and included in all recruitment statements or general information publications.

Recruitment materials, job announcements and all other materials/publications published by the Corporation must contain the following statement:

"The Board of School Trustees of the Greensburg Community School Corporation does not discriminate against individuals with disabilities in employment or the provision of services."

The requirement regarding recruitment materials may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The Board of School Trustees of the Greensburg Community School Corporation does not discriminate on the basis of race, color, national origin or ancestry, sex, religion, age, disability, or genetic information in employment or the provision of services.

The Corporation also will include a notice of reasonable accommodation requirements on Corporation employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the Board’s Section 504/ADA Coordinator(s) (hereinafter referred to as the Compliance Officer(s)).

Decision-Making Process for Determining/Identifying Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the Corporation will take into account two (2) factors:

A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and

B. the qualification standards and essential functions of the particular job.

If an applicant or employee is not able to perform marginal or non-essential functions of a position, those functions shall be reassigned, eliminated, or modified and shall not serve as a barrier or impediment to employment, continued employment, or promotion. Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The COs and other supervisory employees will engage the individual with the disability in an interactive dialogue as to any possible suggestions the individual may have for changes or adjustments that will serve as an effective reasonable accommodation. The Corporation recognizes that employees with disabilities can be useful sources of information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the Corporation will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation. The interactive process may include any of the following steps, as appropriate:

A. Examination of the particular job involved and determination of its purpose and essential functions. The Corporation will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job. Preferably, a written job description already will be in place that lists the essential functions of the job.

B. Then the Corporation will consult with the individual with a disability to find out the individual's specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.

C. In consultation with the individual, the Corporation will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

D. If the parties still are not able to identify an appropriate accommodation, the Corporation will seek technical assistance.

E. If there are several effective accommodations, the Corporation will select the accommodation that best serves the needs of the individual and the Corporation. While the Corporation will give the individual with a disability's preference first consideration, the Corporation may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The Corporation may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The Board does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The Corporation will not implement an accommodation without first checking with the employee since the employee may not need or want an accommodation or the unrequested accommodation may not meet the employee's functional limitations. The Corporation will respect an individual with a disability's right not to accept an accommodation if the individual has not requested it and does not feel one is necessary. However, if this results in the individual failing to perform essential functions of the individual's position, the individual may be considered unqualified to perform the essential functions of the position and either may be refused employment or discharged.

The Corporation may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship or a direct threat. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation. Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the Corporation will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the Corporation will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a requested accommodation will be in writing and accompanied by an explanation of the decision.

Reasonable accommodations may include:

A. Making facilities used by employees readily accessible to and usable by individuals with disabilities.

B. Job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the Board's program or activity include:

A. the overall size of the Board's program or activity with respect to number of employees, number and type of facilities, and size of budget;

B. the type of the Board's operation, including the composition and structure of the Corporation's workforce; and

C. the nature and cost of the accommodation needed.

Employment Criteria

The Corporation will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Corporation, is job-related for the position in question and consistent with business necessity.

The Corporation will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or communications skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test measures, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills except where those skills are the factors that the test measures.

Pre-employment Inquiries

Except as authorized by law, the Corporation will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The Corporation will, however, make pre-employment inquiry into an applicant's ability to perform the position's essential functions - this includes requesting the applicant to describe or demonstrate how the applicant would perform the essential functions.

The Corporation may give a physical agility test at any point in the application or employment process if the test(s) measure ability to perform one or more essential functions of the position with reasonable accommodation. When the Corporation decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

A. allowing people with certain learning or dexterity disabilities to take extra time on a test;

B. assuring the test site is accessible to a person with a mobility impairment;

C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the performance of an essential function of the position; and

D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the Corporation conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the Corporation will:

A. subject all entering employees to such an examination regardless of disability, and

B. use the results of the examination only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the Corporation to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be filed separately from other personnel file information and accorded confidentiality as medical records, except that:

A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and necessary accommodations;

B. first aid and safety personnel may be informed where appropriate if the condition might require emergency treatment; and

C. government officials investigating compliance with the ADA as amended, Section 504, the Genetic Information Nondiscrimination Act ("GINA"), or similar Indiana laws or local ordinances shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications likewise are prohibited as subjects of inquiry during job interviews. The Corporation's agents, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as they do not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether or not the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will perform the job-related functions. Any questions concerning the need for reasonable accommodation always should be linked with performance of a specific job function. The interviewer never should ask an open-ended question such as "Will you need a reasonable accommodation?"

Interviews are to focus their inquiry on **how** applicants will perform the essential functions, rather than on eliciting information about the applicant's physical or mental condition.

According to the Federal Equal Employment Opportunity Commission ("EEOC"), the following are examples of questions that **cannot** be asked on a job application or during an interview:

A. Have you ever had or been treated for any of the following conditions or diseases?

B. Please list any conditions or diseases for which you have been treated in the past three (3) years.

C. Have you ever been hospitalized? If so, for what condition?

D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?

E. Have you ever been treated for any mental condition?

F. Is there any health-related reason you may not be able to perform the job for which you are applying?

G. Have you had a major illness in the last five (5) years?

H. How many days were you absent from work because of illness last year (unless consistent reliable attendance on scheduled work days is a qualification standard for the position)?

I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations.

J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?

K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask an applicant's employment or personal reference questions about an applicant that they could not ask the applicant directly (i.e. previous employers cannot be asked about a former employee's disabilities, illness(es) or workers' compensation history/claims).

In circumstances in which a committee of other employees, parents, students, or community members participate in interviewing an applicant for employment, transfer, or promotion, the Corporation's senior administrator participating in the interview shall advise the member of the committee of the nature of impermissible and permitted questions that can be asked of an applicant.

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ag4130

ASSIGNMENT AND TRANSFER

4130 - **ASSIGNMENT AND TRANSFER**

Relocation of support staff may become necessary to meet load conditions, building or program requirements, or for other good reasons. However, relocation shall not be made capriciously, vindictively, or arbitrarily. Transfers between buildings require the approval of the Superintendent.

A. **Involuntary Transfers**

A transfer may be made for such reasons as the following:

1. factors in the present location

2. schools being opened or closed

3. for the good of the Corporation

B. **Voluntary Transfers**

The following guidelines shall be followed in requesting a transfer:

1. A written request may be made to the Superintendent at any time during the year for transfer to either a specified or an unspecified location.

2. Voluntary transfers shall be made effective at a time in the best interest of the Corporation.

ag4131

REDUCTION IN STAFF

4131 - **REDUCTION IN STAFF**

If a reduction in the support staff becomes necessary, the Corporation shall follow the procedures listed below:

Definitions and Terminology

A. Seniority shall be defined as the length of continuous service in the employment of the Corporation since the most recent date of employment.

B. Seniority shall be lost for all purposes where:

1. an employee terminates employment;

2. an employee is discharged;

3. an employee does not return to work after an approved leave of absence;

4. an employee has been on layoff for more than two (2) years.

C. Normal attrition will first be explored to ascertain the need for reduction, if any, for the specific position at issue.

D. Seniority in the same or related positions will be the second consideration for determining those employees who will be dismissed first.

E. Whenever possible, support personnel dismissed under these guidelines will be reassigned to comparable or alternate positions.

F. If re-assignment is not possible, such personnel will be given consideration for new positions or positions for which they may be qualified.

G. Recall will be based on the reverse order of layoff; the first comparable offer of re-employment or re-assignment by the Board, however, will constitute full compliance by the Board and will exhaust all remedies or complaints by support staff against the initial actions taken.

ag4140

RESIGNATION

4140 - **RESIGNATION**

The support staff member should recognize the obligation to faithfully fulfill the terms of his/her contract until it is dissolved by mutual consent or by due process of law.

A support staff member intending to resign should submit a written resignation to the Superintendent as far as possible in advance of the effective date of resignation.

The Superintendent shall, whenever possible, conduct an interview with the employee to determine the reasons leading up to the resignation.

ag4162A

ALCOHOL TESTING PROGRAM FOR CDL HOLDERS AND EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

4162A - **ALCOHOL TESTING PROGRAM FOR CDL HOLDERS AND EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS**

The purpose of the School Corporation's drug-testing program is to institute and maintain a program for achieving the objective of a drug-free work force and to provide a workplace that is free from the illegal and improper manufacture, distribution, dispensing, possession, sale, and use of alcohol and controlled substances. This administrative guideline and Board Policy 4162 provide educational materials to explain the requirements of Federal regulations and the Corporation's policies and procedures to meet these requirements.

The program will assist Commercial Driver's License (CDL) holders, including school bus drivers, and employees who perform safety-sensitive functions (collectively, 'Covered Employees') in understanding and avoiding the perils of illegal drug use and controlled substance abuse. The Corporation will provide a comprehensive drug-free awareness program as an ongoing educational effort to prevent and eliminate illegal drug use and controlled substance abuse. The drug-free awareness program will inform Covered Employees about:

A. the dangers of illegal drug use and controlled substance abuse;

B. indicators of probable alcohol misuse and controlled substance abuse;

C. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;

D. the availability of treatment and counseling for employees who voluntarily seek such assistance;

E. the sanctions that may be imposed for violations of Policy 4122.01

Definitions

A. The term 'alcohol' means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

B. The term 'illegal drug' means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and/or local laws and regulations.

C. The term 'controlled substance' includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions. Controlled substances include the following substances:

1. marijuana;

2. cocaine;

3. amphetamines;

4. opioids;

5. phencyclidine (PCP).

D. The term 'controlled substance abuse' includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

E. The term 'safety-sensitive functions includes all tasks associated with the operation and maintenance of Corporation-owned and/or operated vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the individual has been relieved from duty by the employer.

2. All time inspecting equipment as required by the Federal regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.

3. All time spent at the driving controls of a commercial motor vehicle in operation.

4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of the Federal regulations).

5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

F. The term 'Covered Employee' means all commercial driver license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.

G. Refuse to submit (to an alcohol or controlled substances test) means that the individual:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Corporation, consistent with applicable Department of Transportation ('DOT') regulations, after being directed to do so by the Corporation. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a consortium/third party administrator (C/TPA).

2. Fails to remain at the testing site until the testing process is complete. Provided, however, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.

3. Fails to provide a urine specimen for any drug test required by this administrative guideline or DOT agency regulations. Provided, however, that an employee who does not provide a urine specimen because the employee has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.

4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the individual’s provision of a specimen.

5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.

6. Fails or declines to take a second test the employer or collector has directed the individual to take.

7. Fails to undergo a medical examination or evaluation, as directed by the medical review officer (MRO) as part of the verification process, or as directed by the designated employer representative (DER). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.

8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process).

9. Is reported by the MRO as having a verified adulterated or substituted test result.

REQUIRED BACKGROUND CHECK AND RECORDKEEPING

This section applies only to employees seeking to begin performing safety-sensitive (e.g., school bus driving) duties for the first time for the Corporation, including both new hires and employees transferring into safety-sensitive duties.

The Corporation shall make the following inquiries of employees seeking to begin performing safety-sensitive (e.g., school bus driving) duties for the first time for the Corporation, including both new hires and employees transferring into safety-sensitive duties:

A. An inquiry to each State where the employee held or holds a motor vehicle operator's license or permit during the preceding three (3) years to obtain their motor vehicle record (must occur within thirty (30) days of the date employment begins); and

B. An investigation of the employee's safety performance history with DOT regulated employers during the preceding three (3) years. This investigation must, at a minimum include the following:

1. General driver identification and employment verification information;

2. The data elements specified in the Federal regulations for accidents involving the driver that occurred in the three (3) year period preceding the date of the employment

application, including:

a. any accidents as defined by 49 C.F.R. 390.5; and

b. any accidents the previous employer may wish to provide that are retained pursuant to 49 C.F.R. 390.15(b)(2) or the employer's internal policies for retaining more detailed minor accident information;

3. Whether the employee had violated the alcohol and controlled substance prohibitions in 49 C.F.R. Part 382, Subpart B or 49 C.F.R. Part 40;

4. Whether the employee failed to undertake or complete a rehabilitation program prescribed by a substance abuse professional ('SAP') pursuant to 49 C.F.R. 382.605 or to 49 C.F.R. Part 40, Subpart O (if the previous employer does not know this information, the Corporation must obtain documentation of the employee's successful completion of the SAP's referral directly from the employee;

5. Alcohol tests with a result of 0.04 or higher alcohol concentration;

6. Verified positive drug tests; and

7. Refusals to be tested (including verified adulterated or substituted drug test results).

If the individual admits to testing positive or refusing to test, the individual shall not be permitted to perform safety-sensitive functions unless and until the employee documents successful completion of return-to-duty requirements.

All individuals the Corporation seeks to hire as an employee who will perform safety-sensitive functions, including drivers, must provide written consent to allow the Corporation to request the above information from all DOT-regulated employers who have employed the potential employee for any period of time during the previous three (3) years.

The written consent shall be provided to the employers from whom the Corporation requests information. If the individual does not provide written consent to the Corporation, the individual will not be permitted to perform safety-sensitive functions. If the Corporation receives information that the employee has violated a DOT drug and alcohol regulation, the employee shall not be permitted to perform safety-sensitive functions unless the Corporation receives information that the employee subsequently has complied with return-to-duty requirements.

Upon receipt of the requested information, the Corporation shall make efforts to review the information before the employee begins performing safety-sensitive functions. If prior review is not feasible, the Corporation shall review the information as soon as possible. However, if the Corporation has not obtained or documented a good faith effort to obtain the requested information within thirty (30) days of the date on which the individual began performing safety-sensitive functions, the individual shall not be permitted to perform safety-sensitive functions.

Information received pursuant to this section, or the good faith efforts the Corporation made to obtain the information, must be maintained as a written, confidential record for three (3) years from the employee's first performance of safety-sensitive duties.

The Corporation must notify applicants with DOT regulated employment during the preceding three (3) years, via the application form or other written document prior to any hiring decision, that they have the following rights regarding the above-referenced investigative information that will be provided to the Corporation:

A. The right to review information provided by previous employers;

B. The right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the Corporation;

C. The right to have a rebuttal statement attached to the alleged erroneous information if the previous employer and the applicant cannot agree on the accuracy of the information.

PROHIBITED ACTIVITIES

All CDL holders and employees who perform safety-sensitive functions are required to abide by Board policies related to drugs and alcohol, including observing the following prohibitions. Any violation will lead to disciplinary action, up to and including termination of employment.

A. **Alcohol Concentration**

No Covered Employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions (e.g. driving a school bus) while having an alcohol concentration of 0.02

or greater. No supervisor, who has actual knowledge or having received a verified positive test result indicating that a Covered Employee has an alcohol concentration of 0.02 or greater, shall permit the driver or employee who performs safety-sensitive functions to perform or continue to perform safety-sensitive functions (e.g., driving a school bus).

B. **On Duty Use**

No Covered Employee shall consume or possess alcohol while performing safety-sensitive functions (e.g., driving a school bus). No supervisor, having actual knowledge or having received a verified positive test result indicating that a Covered employee who performs safety-sensitive functions (e.g., driving a school bus) is consuming or possessing alcohol while performing safety-sensitive functions, shall permit the Covered Employee to perform or continue to perform safety-sensitive functions. The supervisor shall not wait to receive a written report or result of a split specimen test before removing the Covered Employee who performs safety-sensitive functions from their duties.

C. **Pre-Duty Use**

No Covered Employee who performs safety-sensitive functions shall perform safety-sensitive functions (e.g., driving a school bus) within six (6) hours of using alcohol. No supervisor, having actual knowledge or having received a verified positive test result indicating that a Covered Employee who performs safety-sensitive functions has used alcohol within six (6) hours of performing safety-sensitive functions, shall permit the Covered Employee to perform or continue to perform safety-sensitive functions (e.g., driving a school bus). The supervisor shall not wait to receive a written report or result of a split specimen test before removing the Covered Employee from their duties.

D. **Use Following an Accident**

No Covered Employee who performs safety-sensitive functions required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until the Covered Employee undergoes a post-accident alcohol test, whichever occurs first.

E. **Refusal to Submit**

No Covered Employee shall refuse to submit to a pre-employment controlled substances test, a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, a return-to-duty alcohol or controlled substances test, or a follow-up alcohol or controlled substances tests. No supervisor shall permit a Covered Employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions(e.g., driving a school bus).

1. **Drug Test Refusals**

    a. Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the Board. This includes the failure of

an employee to appear for a test when called by a Consortium/Third Party Administrator (C/TPA) (see 49 C.F.R. §40.61(a));

b. Failure to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences (see 49 C.F.R. §40.63 (c)) for a pre-employment test is not deemed to have refused to test;

c. Failure to provide a urine specimen for any drug test required by this part or DOT agency regulations; provided, that an employee who does not provide a urine specimen because the employee has left the testing site before the testing process commences (see 49 C.F.R. §40.63 (c)) for a pre-employment test is not deemed to have refused to test;

d. In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of your provision of a specimen (see 49 C.F.R. §40.67(l) and 49 C.F.R. §40.69(g));

e. Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see 49 C.F.R. §40.193(d) (2));

f. Failure or decline to take an additional drug test the Board or collector has directed you to take (see 49 C.F.R. §40.197(b));

g. Failure to undergo a medical examination or evaluation, as directed by the MRO (Medical Review Officer) as part of the verification process, or as directed by the DER (Designated Employer Representative) under 49 C.F.R. §40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there is no contingent offer of employment, the MRO will cancel the test;

h. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, failure to wash hands after being directed to do so by the collector);

i. For an observed collection, failure to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;

j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;

k. Admit to the collector or MRO that you adulterated or substituted the specimen;

l. As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test;

m. As an employee, if you refuse to take a drug test, you may be subject to discipline by the board of education, up to and including termination of employment, as for a verified positive drug test.

2. **Alcohol Testing Refusals**

a. Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the Company. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see 49 C.F.R. 40.241(a));

b. Failure to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences (see 49 C.F.R. 40.243(a)) for a pre-employment test is not deemed to have refused to test;

c. Failure to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; provided, that an employee who does not provide an adequate amount of breath or saliva because the employee has left the testing site before the testing process commences (see 49 C.F.R. 40.243(a)) for a pre-employment test is not deemed to have refused to test;

d. Failure to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see 49 C.F.R. 40.265(c));

e. Failure to undergo a medical examination or evaluation, as directed by the Board as part of the insufficient breath procedures (see 49 C.F.R. 40.265(c));

f. Failure to sign the certification at Step 2 of the ATF (see 49 C.F.R. 40.241(g) and 49 C.F.R. 40.251(d));

g. Failure to cooperate with any part of the testing process;

h. As an employee, if you refuse to take an alcohol test, you may be disciplined, up to and including termination of employment, as for confirmed alcohol test results of 0.04 or greater.

F. **Controlled Substances Use**

1. No Covered Employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions (e.g., driving a school bus) when the Covered Employee consumes or possesses any controlled substance while on duty or consumes any controlled substance within six (6) hours before reporting to duty, except when the use is pursuant to a prescription issued to the Covered Employee by a licensed medical practitioner who is familiar with the Covered Employee medical history and has advised the Covered Employee that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle or perform safety-sensitive functions.

2. No supervisor, having actual knowledge or having received a verified positive test result indicating that a driver or employee who performs safety-sensitive functions is consuming or possessing a controlled substance while on duty or has consumed any controlled substance within six (6) hours before reporting to duty, shall permit the Covered Employee to perform or continue to perform a safety-sensitive function (e.g., driving a school bus). The supervisor shall not wait to receive a written report or result of a split specimen test before removing the Covered Employee from their duties.

3. A supervisor may require a Covered Employee to inform him/her of any therapeutic use drug.

G. **Controlled Substance Testing**

No Covered Employee shall report for duty, remain on duty or perform a safety-sensitive function if the Covered Employee tests positive or has adulterated or substituted a test specimen for controlled substances. No supervisor having actual knowledge that a Covered Employee has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the Covered Employee to perform or continue to perform safety-sensitive functions (e.g., driving a school bus).

CONSEQUENCES OF PROHIBITED ACTIVITY AND TESTING IRREGULARITIES

A. **Removal from Safety-Sensitive Functions**

A Covered Employee who participates in any of the prohibited activities enumerated above, who

tests positive for drugs or alcohol as explained herein, or who refuses to submit to a test shall be removed immediately from their safety-sensitive functions and subject to discipline. Disciplinary action, including termination, also will be imposed on any Covered Employee who:

1. fails to enroll, when requested by the Corporation, in an alcohol or other drug treatment or counseling program and/or fails to adhere to the requirements of the program;

2. is indicted or convicted under any criminal drug statute or alcohol statute for a violation occurring in the workplace or outside the workplace;

3. fails to notify the Corporation of any indictment or conviction under any criminal drug statute or alcohol statute within five (5) days of the event; or

4. does not comply with regulations promulgated under any testing program.

Nothing in this provision shall preclude the Board from imposing discipline, up to and including termination of a Covered Employee's employment.

The Corporation shall remove a driver or employee who performs safety-sensitive functions from the safety-sensitive functions upon initial receipt of a verified positive test result. The Corporation shall not wait to receive a written report of the results of a test.

If a driver or employee who performs safety-sensitive functions is found to have an alcohol concentration of 0.02 – 0.039, they shall be prohibited from performing any and all safety-sensitive functions (including driving) until the start of the Covered Employee's next regularly-scheduled shift, but not less than twenty-four (24) hours following the administration of the test. If a Covered Employee is found to have an alcohol concentration of 0.04 or greater, they shall immediately be removed from duty and prohibited from performing any and all safety-sensitive functions (including driving) for the period of time specified by a Substance Abuse Professional and unless and until they pass a return-to-duty test.

A driver or employee who performs safety-sensitive functions shall be removed from their safety-sensitive functions if the Corporation receives a verified adulterated or substituted test result or if the driver or employee who performs safety-sensitive functions has otherwise violated the DOT drug and alcohol regulations.

If an MRO informs the Corporation that a positive specimen for a driver or employee who performs safety-sensitive functions is diluted, the Corporation will consider the test as a verified positive test and take appropriate removal action, up to and including termination.

Nothing in these provisions shall preclude the Board from imposing discipline, up to and including termination of a Covered Employee's employment.

B. **Return-to-Duty (Safety-Sensitive Positions)**

Covered Employees who are removed from performing safety-sensitive functions as a result of this policy but who are not discharged must take and pass a return-to-duty test before returning to performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

C. **Recollection and Testing Under Direct Observation**

When the Corporation receives a canceled test result when a negative test result is required (e.g., pre-employment, return-to-duty, or follow-up testing), the Covered Employee must provide another specimen immediately.

If the Corporation receives a test result indicating that the urine specimen test of the driver or employee who performs safety-sensitive functions was canceled because it was invalid and that a second collection must take place under direct observation, the Covered Employee must provide a new specimen immediately under direct observation. The Covered Employee will not receive advance notice of this requirement. The Corporation will not attach any other consequences to a finding of an invalid test result.

If an MRO informs the Corporation that a negative specimen for a Covered Employee is diluted, and the MRO directs the Corporation to conduct a recollection under direct observation, the Covered Employee must be ordered to do so immediately. Otherwise, the Covered Employee may be instructed to take another test immediately, but not under direct observation. All Covered Employees must receive similar retesting treatment under the latter option. For any retesting of a diluted specimen ordered, 1) the Covered Employee must be afforded the minimum possible advance notice, 2) the result of the retest must be treated as the test result of record, 3) the Covered Employee must not be ordered to take a subsequent test if the result of the retest is also negative and diluted, unless the MRO directs otherwise, and 4) if the Covered Employee declines to retest, the Corporation shall consider this a refusal to test.

TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES

The Corporation has established a testing program in accordance with approved DOT procedures, for alcohol, illegal drugs, and controlled-substances for all Covered Employees and will, in its sole discretion, determine and may at any time change the requirements, extent, and frequency of staff member testing.

General Procedure

A. The Corporation will afford applicants and Covered Employees the opportunity, prior to testing, to list all prescription and nonprescription drugs and controlled-substances they have used and to explain the circumstances surrounding the use of such drugs and controlled substances. Failure of any applicant or Covered Employee to establish adequately a legal basis for the use of any drug or controlled substance with respect to which they test positive shall constitute a violation of these rules.

B. Applicants and Covered Employees are subject to testing must, prior to testing, sign an approved form agreeing to the testing, authorizing the release of test results to the Corporation's Medical Review Officer (MRO), and authorizing the disclosure of the results by the MRO to the Superintendent, the Superintendent, and/or the Board. The MRO will obtain the results of the analyses and communicate or disclose such results to the parties named above in accordance with the Corporation's policies and procedures and appropriate sections of the negotiated agreement, if any.

C. The Corporation may use such information in connection with Corporation business and for purposes of employment and disciplinary actions, and may disclose it when required to Government agencies and to others upon valid legal requests.

D. The procedures that will be used for the testing for alcohol and drug use shall protect the Covered Employee and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct staff member. The procedures of the entity performing alcohol and drug testing for the Corporation are attached to the guideline.

E. The Corporation, prior to taking any action, will give all Covered Employees who test positive the opportunity to explain in writing the test reasons for the results. Failure of any staff member to establish adequately a legal basis for the use of any drug or controlled substance with respect to which the staff member tests positive shall constitute a violation of these rules.

F. The Corporation will establish and maintain any and all additional testing programs and requirements that may be necessary or appropriate to comply with applicable rules and regulations of all Government agencies.

PROCEDURE TO BE USED BY TESTING FACILITY

The procedures used by the Corporation's testing facility are to be provided to Covered Employees along with this guideline and related policy.

Pre-Employment Testing

Prior to employment or upon receipt of a CDL if already employed, each Covered Employee shall undergo testing for controlled substances

If the results of a pre-employment controlled substance test prove negative and diluted, a retest will be given. A second negative and diluted controlled substance test will be the basis for non-employment.

A pre-employment test for controlled substances will not be required if the Covered Employee has participated in a drug-testing program that meets Federal requirements within the previous thirty (30) days and, while participating in that program, either was tested for controlled substances within the past six (6) months from the date of application to the Corporation or participated in a random controlled substances testing program for the previous twelve (12) months from the date of application. The Covered Employee also must verify that they have no record of a violation of drug use during the previous six (6) months. The candidate shall sign Form 4162 F3 authorizing the release of the information from the previous testing to the Corporation.

The Superintendent shall contact the alcohol and/or controlled substances testing program(s) in which the Covered Employee participated and obtain the following information:

A. name and address of the program

B. verification that the Covered Employee participated in the program

C. verification that the program conforms to Federal law

D. verification that the Covered Employee is qualified as described above and has not refused to be tested for alcohol and controlled substances

E. the date the Covered Employee was last tested for alcohol and/or controlled substances

F. the results of any tests taken within the previous six (6) months and any other use violations.

Post-Accident Testing

As soon as practicable following an accident involving a Corporation vehicle, the Corporation shall test for alcohol and controlled substances of each surviving Covered Employee:

A. who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or

B. who receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident if the accident involved either:

1. injury of any person requiring medical treatment away from the accident scene; or

2. a vehicle had to be towed from the accident scene.

This section does not apply to:

A. an occurrence involving only boarding or alighting from a stationary motor vehicle; or

B. an occurrence involving only the loading or unloading of cargo; or

C. an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle, as defined in the Federal regulations, by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with the Federal regulations.

If an alcohol test is not administered within two (2) hours following the accident, the Corporation shall file a record stating the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the accident, the test shall not be administered and the record shall indicate the reason why the test was not administered. The record shall be submitted to the Federal Motor Carrier Safety Administration (FMCSA) upon request.

If a test is not administered within thirty-two (32) hours following the accident, the Corporation shall cease attempts to administer the test and file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

A Covered Employee who is subject to post-accident testing shall remain readily available for such testing. A Covered Employee who fails to remain readily available for such testing shall be deemed by the Corporation to have refused to submit to testing. The required testing shall not delay necessary medical attention for injured people following an accident or prohibit a Covered Employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The Corporation shall provide each Covered Employee with necessary post-accident information, procedures, and instructions prior to the CDL holder operating a Corporation vehicle or the employee performing safety-sensitive functions.

Random Testing

Each year, ten percent (10%) of the average number of Covered Employees shall be subject to unannounced, random alcohol testing and fifty percent (50%) shall be subject to random drug testing. These numbers are subject to change based on the FMCSA Administrator's decision to increase or decrease the annual percentage rate for alcohol and controlled substances, consistent with the Federal Regulations.

The selection of Covered Employees for random alcohol and controlled substances testing shall be made by a scientifically valid method provided by the Corporation's drug-testing facility. Under the selection process used, each Covered Employee shall have an equal chance of being tested each time selections are made.

The Transportation Supervisor shall ensure that random alcohol and controlled substances tests are unannounced and that the dates for such tests are spread reasonably throughout the calendar year.

Each CDL holder or employee who performs safety-sensitive functions who is notified of selection for random alcohol and/or controlled substances testing shall be relieved of any job responsibilities as soon as safely possible and proceed to a test site immediately.

Reasonable Suspicion

A Covered Employee shall be required to submit to an alcohol or controlled substances test when the Corporation has reasonable suspicion to believe that the individual is under the influence of alcohol or a controlled substance. A Covered Employee shall be tested for alcohol only while the Covered Employee is performing safety-sensitive functions or operating a Corporation vehicle, just before the Covered Employee is to perform safety-sensitive functions or operate a Corporation vehicle, or just after the Covered Employee has ceased performing safety-sensitive functions or operating a Corporation vehicle. The Corporation's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the Covered Employee. Reasonable suspicion observations may include indications of the chronic and withdrawal effects of controlled substances. The person who determines that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the Covered Employee.

Only supervisors or other Corporation officials who have received not less than sixty (60) minutes of training on alcohol use and not less than an additional sixty (60) minutes of training on controlled substances use shall be able to make determinations regarding whether reasonable suspicion exists for Covered Employees subject to DOT regulations. Reasonable suspicion observations may be made during, just preceding, or just after the period of the work day that the Covered Employee is required to be in compliance with these guidelines.

An alcohol test based on reasonable suspicion shall be conducted within two (2) hours following a finding of reasonable suspicion. If an alcohol test is not performed within two (2) hours, the Corporation shall prepare a record stating the reasons why the test was not promptly administered. All attempts to perform a reasonable suspicion alcohol test must cease if not administered within eight (8) hours, and a record must be made if the test is not administered within eight (8) hours.

If the test results indicate that the Covered Employee is under the influence of or impaired by alcohol, the Corporation shall not permit the individual to continue to operate a Corporation vehicle or perform safety-sensitive functions until an alcohol test is administered and the individual's alcohol concentration measures less than 0.02 or for twenty-four (24) hours after the test.

The Corporation shall file a written record of the observations leading to a controlled substance, reasonable suspicion test, signed by the supervisor or Corporation official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

Alcohol Technicians – Breath Alcohol Technician (BAT)/ Screening Test Technician (STT)

Alcohol testing will be performed only by a certified Breath Alcohol Technician (BAT) trained and certified in the principles of Evidential Breath Testing Devices (EBT) methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required for obtaining a breath sample, and interpreting and recording EBT results OR a certified Screening Test Technician (STT) trained and certified in the principles of Alcohol Screening Devices (ASD) methodology, operation, and quality control; the procedures required for obtaining a breath or saliva sample and interpreting and recording ASD results. **NOTE:** The use of a STT requires that a certified BAT and EBT be available for confirmation testing within thirty (30) minutes of a positive test result on an ASD.

Evidential Breath Testing Devices (EBT)/ Alcohol Screening Devices (ASD)

Alcohol testing will be performed only using EBT's and/or ASD's on the Conforming Products Lists (CPL) approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing must be performed by either a Certified BAT/STT employed by the Board or an outside BAT/STT. All alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being tested. Unauthorized persons will not be permitted access to the testing location when a test is in progress. Alcohol testing will be performed using only the U.S. Department of Transportation Alcohol Testing Form (ATF).

Alcohol Testing Methodology

Using the EBT, the certified BAT will open an individually sealed mouthpiece and attach it to the EBT. The employee will be instructed to blow into the mouthpiece forcefully until an adequate amount of breath has been obtained. The EBT will record the result, display it on the device, and print the result immediately. The result will be recorded on the ATF and attached to the form with tamper-proof tape and transmitted to the DER.

The STT will open a sealed ASD, showing the employee the Lot # and Expiration Date. The STT will instruct the employee to provide a sufficient breath or saliva sample per the manufacturer's instructions.

When the result is less than 0.02 no further testing is required. The results will be transmitted to the Board's designee in a confidential manner and will be stored to ensure confidentiality is maintained.

When the result is 0.02 or greater, a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than fifteen (15) minutes and no more than thirty (30) minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test result is deemed to be the final result upon which any action under the terms of this policy shall be based.

NOTE: Should an ASD device indicate the presence of alcohol in a breath or saliva specimen at an 0.02 level or above, the STT will immediately contact the DER and make arrangements for a confirmation test on an EBT within thirty (30) minutes. The confirmation test result is deemed to be the final result upon which any action under the terms of this policy shall be based.

Following the completion of the test, the BAT/STT will date the form and sign the certification on the form. The employee will sign the certification and fill in the date on the form. This ensures that each employee is attesting to the fact that the reported result is specific to the employee and is evidence of employee's consent.

Refusal to test will be treated the same as if the result is 0.04 or greater. Problems with testing and Refusals to test will be reported to the Designated Employee Representative (DER) by the BAT/STT immediately.

SPECIMEN COLLECTION PROCEDURES

A. Urine specimens for the purposes of all required DOT drug tests will be obtained by collectors trained and certified as required by 49 CFR Part 40. Specific guidelines will be followed in urine specimen collections for the purpose of drug testing. In accordance with the Department of Health and Human Services (DHHS) guidelines, clear and well-documented procedures for collection, shipment and accession of urine specimens from the collector to the laboratory will be followed. These procedures will account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

B. The Board may choose to do urine specimen collections in-house or utilize the services of an outside source, which may be a doctor's office, clinic, hospital or other facility that meets security requirements as specified by DHHS guidelines. The collection site will be a secure location to allow for maximum privacy, which includes a full-length privacy door for completion of urination, a source of water for washing hands and, where practicable, excluded from the area provided for urination. Cleansing agents such as moist towelettes may be used.

C. No other person will be present or gain access to the collection area during the collection process. All specimens must remain in the direct control of the collection site person. No one other than the collection site person may handle specimens prior to their being placed securely in the mailing container.

D. When reporting to a collection site for specimen collection each employee will be required to provide photo identification (ID). Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket), and secure all personal belongings (individual may retain their wallet).

E. Employees will be allowed to provide his/her specimen in the privacy of a stall. A split-sample method of collection will be used. At least 45 ml of urine must be collected, 30-ml to be used as the primary specimen and 15-ml to be used as the split specimen. Both bottles will be shipped in a single container.

F. The employee will be allowed up to three (3) hours to provide a 45-ml specimen in the event they are unable to provide 45-ml upon the first attempt as instructed by the collector. During this period, the employee will be allowed to consume no more than 40 fluid ounces spread reasonably over the 3-hour period.

G. If the collection site person believes tampering or adulteration has occurred, a second specimen shall be collected immediately under the direct observation of a same gender collection site person. Both samples will be sent to the lab.

H. Refusal to test will be handled the same as a verified positive result.

I. In all cases, the employee and the collection site person shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamperproof seals, and the employee will sign appropriate places on the Chain of Custody and initial the seal on the bottle attesting to the fact that the specimen is specific to the individual providing the sample.

INSUFFICIENT SPECIMENS

If an employee attempts but fails to provide an adequate amount of breath, saliva or urine, the Board's designee will be immediately notified and with consultation with the MRO, direct the employee to obtain, as soon as practical, an evaluation from a licensed physician who is acceptable to the Board concerning the employee's medical ability to provide an adequate amount of breath, saliva or urine. If the physician determines that there is a medical reason that prevents the employee from providing an adequate amount of breath, saliva, or urine, they will provide the Board with a written statement of the basis for their conclusion.

If the physician determines there is no medical reason to prevent the employee from providing an adequate amount of breath, saliva or urine, they will provide the Board's designee with a written statement of the basis for their conclusion, and it will be regarded as a refusal to take the test. This statement will be reviewed by the MRO to determine if a legitimate medical explanation exists. The terms of this policy for positive test results will then be administered.

PROBLEMS IN TESTING

Should a specimen be canceled due to a correctable or fatal flaw, the employee may be asked for a re-test, if applicable, by the MRO, BAT, STT or DER. Test results reported as "Positive Dilute" will be handled as a verified positive test. Test results reported as "Negative Dilute" may be asked for a re-test, in which case, the specimen will be collected via DOT's Direct Observation Procedures.

TESTING METHODOLOGY

Only laboratories certified by the DHHS will be used for drug urinalysis. The Board utilizes a SAMSHA laboratory for all DOT required testing.

Every specimen is required to undergo an initial Enzyme Multiplied Immunoassay Technique (EMIT) screen followed by Gas Chromatography Mass Spectroscopy (GCMS) confirmation of all positive screen results. This screen-confirmation process utilizes highly sophisticated techniques to detect minute levels of prohibited substances in urine.

Reporting of Results:

The laboratory is required to report the test results directly to the Board's MRO within five (5) working days. The report shall indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the Board, and the drug testing laboratory identification number.

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HANDLING OF TEST RESULTS, RECORD RETENTION, AND CONFIDENTIALITY

4162B - **HANDLING OF TEST RESULTS, RECORD RETENTION, AND CONFIDENTIALITY**

MAINTENANCE OF RECORDS

The Office of Superintendent shall maintain the following specific records for the time period indicated in the schedule that follows the listing.

A. **Records related to the collection process:**

1. Documents relating to the random selection process;

2. Calibration documentation for evidential breath testing devices;

3. Documentation of breath alcohol technician training;

4. Documents generated in connection with decision to administer reasonable suspicion alcohol or controlled substances test;

5. Documents generated in connection with decisions on post-accident tests;

6. Documents verifying existence of a medical explanation of the inability of a Commercial Driver's License ("CDL") holder or employee who performs safety-sensitive functions (collectively, "Covered Employee") to provide adequate breath or to provide a urine specimen for testing;

7. Consolidated annual calendar year summaries submitted to the Federal Motor Carrier Safety Administration ("FMCSA");

8. Documents relating to the random selection process;

9. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substance tests and on post-accident tests;

10. Documents verifying the existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing; and

11. Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing.

B. **Records related to test results:**

1. The Corporation's copy of the alcohol test, including the results of the test;

2. The Corporation's copy of the controlled substances test chain of custody and control form;

3. Documents sent by the Medical Review Officer (MRO) to the Corporation;

4. Documents related to the refusal of any Covered Employee to submit to an alcohol or controlled substances test required by Board Policy or the Superintendent's Administrative Guidelines; and

5. Documents presented by a Covered Employee to dispute the result of an alcohol or controlled substances test administered under this part.

C. **Records related to alcohol and controlled substances violations.**

D. **Records related to evaluations:**

1. Records pertaining to a determination by a substance abuse professional concerning a Covered Employee's need for assistance; and

2. Records concerning a Covered Employee's compliance with recommendations of the substance abuse professional.

E. **Records related to education and training:**

1. Materials on alcohol misuse and controlled substance use awareness, including a copy of the Corporation's policy on alcohol misuse and controlled substance use;

2. Documentation of compliance with the requirements of employee notification, including the Covered Employee's signed receipt of education materials;

3. Documentation of training provided to the supervisor for the purpose of qualifying the supervisor to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;

4. Certification that any training conducted complies with Federal requirements;

5. Documentation of appropriate MRO training;

6. Training for persons who directly supervise Covered Employees; and

7. Written notice to every Covered Employee and associated organization as to the availability of the above materials.

F. **Records related to drug testing:**

1. Agreements with collection site facilities, laboratories, medical review officers, and consortia;

2. Names and positions of officials and their role in the Corporation's alcohol and controlled substances testing program(s);

3. Monthly laboratory statistical summaries of urinalysis;

4. The Corporation's drug testing policy and procedures.

G. **Records related to alcohol testing:**

1. Records of the inspection and maintenance of each Evidential Breath Tester ("EBT") used in the testing of Covered Employees (two (2) years);

2. Documentation of the compliance with the Quality Assurance Plan for each EBT used for alcohol testing; (two (2) years);

3. Records of the training and proficiency testing of each Breath Alcohol Technician ("BAT") used in the testing of Covered Employees (two (2) years);

4. Records pertaining to the calibration of each EBT used in alcohol testing, including records of the results of external calibration checks. (five (5) years).

Retention of Records

The Office of the Superintendent shall maintain records of all alcohol misuse and controlled-substances use prevention programs. The records shall be maintained in a secure location with controlled access and in accordance with the following schedule:

A. **Five (5) Years**

1. Records of alcohol test results of Covered Employees indicating an alcohol concentration of 0.02 or greater;

2. Records of verified positive controlled substances test results of Covered Employees;

3. Documentation of refusals to take required alcohol and/or controlled substances tests;

4. Documentation related to a medical inability to provide an adequate breath sample;

5. Documentation presented to dispute the result of an alcohol or controlled substances test;

6. Calibration documentation;

7. Evaluation and referrals of Covered Employees;

8. A copy of each annual calendar year summary submitted to the FMCSA by March 15th; and

9. Documents presented by a driver to dispute the result of an alcohol or controlled substances test.

B. **Three (3) Years**

1. A record of each query made to the Clearinghouse and all information received in response to each query. This obligation ends as of January 6, 2023, if the Corporation maintains a valid registration with the Clearinghouse.

2. The electronic or written consent form provided by each driver permitting the Corporation to query the Clearinghouse. This documentation must be kept for three (3) years from the date of the last query run for the particular Covered Employee.

C. **Two (2) Years**

Records related to the random selection process, documents generated in connection with decisions to administer reasonable suspicion alcohol tests or decisions on post-accident tests, alcohol and controlled substances collection process (except calibration of breath testing devices) and training.

D. **One (1) Year**

Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02.

E. **Indefinite Period**

Education and training records must be maintained while the individual performs the functions which require the training and for two (2) years after ceasing to perform those functions.

LOCATION OF RECORDS

All records pertaining to employees shall be maintained as confidential records in accordance with Federal law and Corporation guidelines. All other records shall be maintained by the _Office of the Superintendent and shall be made available for inspection at the central office within two (2) business days after a request has been made by an authorized representative of the FMCSA.

REPORTING OF RESULTS IN A MANAGEMENT INFORMATION SYSTEM

The Office of the Superintendent shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs. This summary must be completed by March 15th of each year.

If the Corporation is notified, during the month of January, of a request by the FMCSA to furnish the FMCSA Report, the Office of the Superintendent shall prepare and submit the report to the FMCSA by March 15th of that year. The Office of the Superintendent shall ensure that the annual summary report is accurate and received by March 15th at the location that the FMCSA specifies in its request. The report shall be in the form and manner prescribed by the FMCSA in its request. When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the Transportation Secretary.

A. If an annual calendar year summary contains information on a verified positive controlled substances test result, an alcohol screening test result of 0.02 or greater, or any other violation of alcohol misuse, the following information must be included:

1. Number of Covered Employees;

2. Number of urine specimens collected by type of test (e.g., pre-employment, random, reasonable suspicion, post-accident);

3. Number of verified results by a MRO by type of test and type of controlled substance;

4. Number of negative controlled substance tests verified by a MRO by type of test;

5. Number of persons denied a position as a Covered Employee following a pre-employment verified positive controlled substances test and/or a pre-employment alcohol test that indicates an alcohol concentration of 0.04 or greater;

6. Number of Covered Employees with tests verified positive by the MRO for multiple controlled substances;

7. Number of Covered Employees who refused to submit to an alcohol or controlled substances test required under this subpart;

8. Number of supervisors who have received required alcohol and controlled-substances training during the reporting period;

9. Number of screening alcohol tests by type of test and number of confirmation alcohol tests by type of test;

10. Number of confirmation alcohol tests indicating an alcohol concentration of 0.02 or greater but less than 0.04, by type of test;

11. Number of confirmation alcohol tests indicating an alcohol concentration of 0.04 or greater, by type of test;

12. Number of Covered Employees who were returned to duty, having complied with the recommendations of a substance abuse professional, previously had a verified positive controlled substance test result, or engaged in prohibited alcohol use;

13. Number of Covered Employees who were administered alcohol and drug tests at the same time, with both a verified positive drug test result and an alcohol test result indicating an alcohol concentration of 0.04 or greater;

14. Number of Covered Employees who were found to have violated any nontesting prohibitions and any action taken in response to the violation.

B. If the Corporation's annual calendar year summary contains only negative controlled substance test results, alcohol screening test results of less than 0.02, and does not contain any other violations described in these guidelines, the Office of the Superintendent may prepare and submit either all the information described above or an EZ report containing the following:

1. Number of Covered Employees;

2. Number of urine specimens collected by type of test (e.g., pre-employment, random, reasonable suspicion, post-accident);

3. Number of negatives verified by a Medical Review Officer by type of test;

4. Number of Covered Employees who refused to submit to an alcohol or controlled substances test required under this subpart;

5. Number of supervisors who have received required alcohol and controlled substances training during the reporting period;

6. Number of screen alcohol tests by type of test;

7. Number of Covered Employees who were returned to duty, have complied with the recommendations of a substance abuse professional in this reporting period, previously had a verified positive controlled substance test result, or engaged in prohibited alcohol use under the provisions of this part.

Note

If the Corporation is involved in a consortium, the consortium may prepare the annual calendar year summaries and reports on behalf of individual Corporations. However, the Transportation Secretary must sign and submit such a report and shall remain responsible for ensuring the accuracy and timeliness of each report prepared on behalf of the Corporation by the consortium.

FMSCA DRUG AND ALCOHOL CLEARINGHOUSE

FMCSA requires that commercial drivers who commit violations of 49 CFR Part 382, Subpart B, be reported into a national FMCSA database called the "FMCSA Drug and Alcohol Clearinghouse." The Clearinghouse will contain records of violations of drug and alcohol prohibitions as outlined in 49 CFR Part 382, Subpart B including positive drug or alcohol test results and test refusals. When a driver

completes the return-to-duty process and follow-up testing plan, this information will also be recorded in the Clearinghouse.

The following information will be reported and included in the Clearinghouse:

A. A verified positive, adulterated, or substituted drug test result.

B. An alcohol confirmation test with a concentration of 0.04 or higher.

C. A refusal to submit to any test required by Subpart C of this part.

D. An employer's report of actual knowledge, as defined in FMCSR Part 382.107. **Actual knowledge** for the purpose of this part, means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use. **Direct observation** as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.

E. On duty alcohol use pursuant to FMCSR Part 382.205, which states that no driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

F. Pre-duty alcohol use pursuant to FMCSR Part 382.207, which states that no driver shall perform safety-sensititve functions within four (4) hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety-sensitive functions.

G. Alcohol use following an accident pursuant to FMCSR Part 382.209, which states that if a driver is required to take a post-accident alcohol test under FMCSR Part 382.202, then that driver shall not use alcohol for eight (8) hours following the accident, or until that driver undergoes a post-accident alcohol test, whichever occurs first.

H. Controlled substance use pursuant to FMCSR Part 382.213 which states that:

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensistive functions when the driver uses any drug or substance identified in 21 CFR

1308.11 Schedule I.

2. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR Part 1308 except when the use is purusant to the instructions of a licensed medical practitioner, as defined in FMCSR Part 382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV.

3. No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety sensitive function.

4. An employer may require a driver to inform the employer of any therapeutic drug use. If the driver fails to report this to the Corporation, it is a violation.

Drivers will be provided with instructions and information on how to register in the FMCSA Clearinghouse electronically and will be encouraged to check their data on a regular basis for accuracy. Drivers will be provided with information on how to request corrections in the Clearinghouse. Drivers will be provided with educational materials on the Clearinghouse.

The Board will conduct a Full Query on CDL licensed operators during the hiring process. A driver must have no violations in the Clearinghouse in order to move forward in the hiring process. Limited Queries will be conducted annually. A Full Query will be conducted if the Limited Query shows any violations. The required driver consents will be obtained prior to conducting any queries.

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ag4170A

SUBSTANCE ABUSE

4170A - **SUBSTANCE ABUSE**

Any support staff member whose physical characteristics, appearance, behavior, or breath odor suggest to a supervisor that s/he may be under the influence of alcohol shall be requested to take a breathalyzer test at the local police station. The support staff member shall be taken to the station by a supervisor.

Should the support staff member refuse to take such a test or should the results of the test be positive, s/he shall be disciplined for conduct unbecoming a support staff member by the Superintendent who shall recommend to the Board the imposition, if any, of further penalties.

Should a supervisor determine from the physical aspects, appearance, or behavior of a support staff member that s/he might be under the influence of other drugs, said support staff member shall be immediately taken to a local health facility for further diagnosis. Should the support staff member refuse or be found to be under the influence of drugs, s/he shall be disciplined by the Superintendent for conduct unbecoming a support staff member, and his/her case immediately referred to the Board for disposition.

ag4211

WHISTLEBLOWER PROTECTION

4211 - **WHISTLEBLOWER PROTECTION**

The School Board encourages all employees, acting in good faith, to report possible suspected or actual violations of State and Federal laws or Board policies and administrative guidelines. These guidelines shall be used to ensure that the Board's policy on whistleblowers protection (Policy 1411) is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliation for having reported violation or for refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

Reporting Violations by the Corporation

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guidelines, that the Board has authority to correct and the employee reasonably believes that such violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive, then the employee may report the possible violation to:

1. the Superintendent;

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

2. Assistant Superintendent; or

3. the appropriate law enforcement or governmental agency responsible for enforcing such violations, only after the employee first provides notice to one of the above-referenced Corporation employees or officials.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other Corporation official, a written report providing sufficient detail to identify and describe the possible violation.

C. All efforts must be taken to either correct the violation or refer such violation to the appropriate law enforcement or governmental agency within twenty-four (24) hours of either receiving oral notification or a written report of the possible violation.

1. The supervisor or other Corporation official shall notify the employee in writing of any effort of the Corporation to correct the alleged violation or hazard or the absence of the alleged violation or hazard.

2. Written notification shall be provided to the employee within twenty-four (24) hours of receiving notification or by close of business on the next regular school day, whichever is later.

D. If the Corporation does not correct the violation or make a reasonable effort to correct the violation (including, but not limited to referring such violation to the appropriate law enforcement or governmental agency) within twenty-four (24) hours after either receiving oral notification or a written report of the possible violation, whichever is earlier, the employee may file a written report providing sufficient detail to identify and describe the possible violation with:

1. the prosecuting authority of the county or municipal corporation where the violation occurred;

2. a peace officer;

3. the Inspector General (if the violation is within the Inspector General's jurisdiction); or

4. any other appropriate public official or agency having regulatory authority over the Corporation, and the activities in which the Corporation is engaged.

E. An employee may directly notify, either orally or in writing, any appropriate public official that has regulatory authority of the Corporation, and the activities in which the Corporation is engaged, of any possible violation of the following that is also a criminal offense:

1. Air Pollution Control;

2. Solid and Hazardous Wastes;

3. Safe Drinking Water; or

4. Water Pollution Control.

Reporting Violations by Other Employees

A. If an employee becomes aware in the course of his/her employment of a possible violation by a fellow employee of any State or Federal law or Board policy or administrative guideline, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, then the employee may report the possible violation to:

1. the Superintendent;

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

2. Assistant Superintendent.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other Corporation official, a written report providing sufficient detail to identify and describe the possible violation.

Reporting of Other Violations

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guideline, that does not involve a criminal offense or improper solicitation and is not likely to cause an imminent risk of harm to persons or hazard to public health or safety, the employee shall orally notify his/her immediate supervisor or other Corporation official (as set forth above). The employee shall subsequently file a written report within two (2) days.

B. The immediate supervisor or other Corporation official will acknowledge receipt of the written report within five (5) days. Such reports will be investigated within fifteen (15) days, and appropriate action will be taken, if warranted at the conclusion of the investigation.

Duty to Determine Accuracy of Possible Violations

A. An employee shall make a reasonable and good faith effort to determine the accuracy of any possible violations.

B. If an employee fails to make a reasonable and good faith effort, s/he may be subject to disciplinary action, including suspension or termination, for reporting information without a reasonable basis to do so.

C. An employee will also be subject to disciplinary action if s/he purposely, knowingly, or recklessly gives false information or makes a false report of a violation.

Prohibition Against Retaliation

A. No employee shall be disciplined or retaliated against for reporting a possible violation by the Corporation or a fellow employee or as a result of making any inquiry or taking any other action necessary to ensure the accuracy of any information related to possible violations, as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

B. For purposes of this policy and guideline, improper disciplinary or retaliatory action includes, but is not limited to:

1. terminating or suspending the employee;

2. withholding from the employee salary increases or employment benefits to which the employee is otherwise entitled;

3. transferring or reassigning the employee;

4. denying the employee a promotion that s/he would have otherwise received; or

5. reducing the employee in pay or position.

ag4231

OUTSIDE ACTIVITIES

4231 - **OUTSIDE ACTIVITIES**

So that staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the Corporation, the following guidelines are provided:

A. Avoid conduct and associations outside the school, which, if known, could have an adverse or harmful effect upon the school community.

B. Do not give job time to outside activities when there is no valid reason to be excused from assigned duties.

C. Do not use school property or school time to solicit or accept customers for private enterprises, without written administrative permission.

D. Refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials.

E. Do not engage in political activities during assigned hours of employment.

F. Do not conduct unapproved solicitations on school property.

G. Do not reveal confidential information to which you were privy at school.

ag4235

JURY DUTY/COURT APPEARANCE

4235 - **JURY DUTY/COURT APPEARANCE**

Staff members shall report to the Superintendent when they are called for jury duty or a court appearance.

Staff members who choose to serve on a jury will not be penalized for doing so. They will receive full pay, if they endorse the check received from the court or pay the amount shown on their record slip less travel allowance within fifteen (15) days of return from jury duty.

While on jury duty, staff members are required to report daily their schedule for the following day, and must report to work when excused for a day or more or suffer loss of pay.

The time spent on jury duty will not be charged against personal leave and will count as time on-the-job. Staff members must submit to the Superintendent a record from the courts of the number of days served.

ag4251

EXTRA DUTY

4251 - **EXTRA DUTY**

When additional work time is necessary, the immediate principal of the staff member shall secure approval from the Superintendent.

At no time shall compensatory time, time off during regular working hours, be used to provide for extra duty time.

Extra duty pay, at time and one-half the regular pay rate, shall be paid only after the completion of forty (40) hours per week of work.

ag4281

PERSONAL PROPERTY OF STAFF MEMBERS

4281 - **PERSONAL PROPERTY OF STAFF MEMBERS**

From time-to-time, staff members may wish to bring personal property to school either for reasons associated with their work responsibilities or for use during off-duty time. This practice is authorized provided it is understood that the Corporation will not be responsible for any loss, damage, or misuse of such property.

ag4362

ANTI-HARASSMENT

4362 - **ANTI-HARASSMENT**

These administrative guidelines are established to assist in the proper implementation of Policy 4362.

Notice of the School Board's anti-harassment policy and the identity of the Compliance Officers (COs)shall be posted throughout the School Corporation and published in any Corporation statement regarding the availability of employment, in any staff handbooks, in general information publications of the Corporation as required by Federal and State law and this guideline, and on the Corporation website.

Prohibited Behavior

A. Conduct constituting sexual harassment, consistent with Title VII of the Civil Rights Act of 1964, may take different forms, including, but not limited to the following:

1. **Verbal:**

   The making of offensive written or oral sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward a staff member by a fellow staff member, student, other member of the Corporation community, or Third Parties.

2. **Nonverbal:**

   Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the work environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to a staff member by a fellow staff member, student, other member of the Corporation community, or Third Parties.

3. **Physical Contact:**

Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body of or coerced sexual activity with a staff member by a fellow staff member, student, or other member of the Corporation community, or Third Parties. With respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by Corporation employees or other adult members of the Corporation community.

Pursuant to Policy 4362 - Anti-Harassment, sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

B. Conduct constituting harassment on the basis of race, color, national origin, religion, disability, or genetic information may take different forms, including, but not limited to the following:

1. **Verbal:**

The making of offensive written or oral innuendos, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, religious beliefs, disability, or genetic information.

2. **Nonverbal:**

Placing offensive objects, pictures, or graphic commentaries in the school or work environment or making insulting or threatening gestures based upon a person's race, color, national origin, religious beliefs, disability, or genetic information.

3. **Physical:**

Any intimidating or disparaging action such as hitting, pushing, shoving, hissing at, or spitting on a staff member, student, other member of the Corporation community or Third Parties by a fellow staff member, student, other member of the Corporation community, or Third Parties, based upon the person's race, color, national origin, religious beliefs, disability, or genetic information.

Investigation and Complaint Procedure (See Form 4362 F1)

In determining whether alleged conduct constitutes a violation of Policy 4362, the following factors will be considered:

A. the nature of the behavior;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the race, color, national origin, sex, religion, age and/or disability of the Complainant, and in case of genetic information harassment, the genetic information of the employee Complainant;

F. the identity of the Respondent, including whether the Respondent was in a position of power over the Complainant;

G. the number of Respondent(s);

H. the age of the Respondent(s);

I. where the harassment occurred;

J. whether there have been other incidents in the school involving the same or other individuals;

K. whether the conduct adversely affected the person's work or educational performance or environment;

L. the context in which the alleged incidents occurred; and

M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution.

Whether a particular action or incident constitutes a violation of Policy 4362 requires a determination based on all the facts and surrounding circumstances.

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Revised 1/12/16

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ag4362A

REPORTING THREATENING AND/OR INTIMIDATING BEHAVIORS

4362A - **REPORTING THREATENING AND/OR INTIMIDATING BEHAVIORS**

Threatening or intimidating behavior may take different forms, including, but not limited to, the following:

A. face-to-face encounters in which words are used that indicate to the staff member that the staff member's safety and well-being are in jeopardy

B. written communications that include comments toward the staff member or staff member's family which are disparaging or imply or state explicitly that the staff member and/or his/her family may be subject to some form of physical or psychological abuse or violence

C. written or spoken comments to a staff member which could subject the staff member to blackmail or extortion

D. written or spoken communication that implies or explicitly states that some form of damage may be done to the staff member's property or that of the staff member's family

E. written or spoken communication that causes a dwelling, a building, another structure, or a vehicle to be evacuated

Definitions

Words used in this guideline shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to harassing,

threatening, and/or intimidating behavior, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who is alleged to have engaged in harassing, threatening, and/or intimidating behavior, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged harassment.

Corporation community means students, Corporation employees (i.e., administrators, and professional and classified staff), and as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Corporation office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Any staff member who believes that the staff member is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, other member of the Corporation community, or Third Parties promptly should take the following steps:

A. If the Respondent is the staff member's Principal or a member of the central office, as soon as possible after the incident, the Complainant should contact the Superintendent or the Corporation's Compliance Officer (See Policy 4362 - Anti-Harassment).

B. If the Respondent is not the staff member's Principal or a member of the central office staff, as soon as possible after the incident, the Complainant should contact the Complainant's Principal or the Corporation's Compliance Officer.

C. The Principal, Superintendent, or Compliance Officer who has received the report of alleged threat or intimidation shall make an oral report immediately to the local law enforcement agency.

The staff member reporting the incident to the Principal, the Superintendent, or Compliance Officer should provide the name of the person(s) whom the staff member believes to be responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report is to be prepared promptly by the Principal, Superintendent, or Compliance Officer receiving the report, and the Principal or Compliance Officer shall forward it to the Office of the Superintendent.

Each report received by the Principal, o Superintendent, or Compliance Officer shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the subject outside of the investigation.

The purpose of this provision is to:

A. protect the confidentiality of the staff member who files a complaint, except that a Respondent must be informed of the Complainant's identity;

B. encourage the reporting of any incidents of threats or intimidation;

C. protect the reputation of any party wrongfully charged with threatening or intimidating conduct.

Investigation of a complaint normally will include conferring with the parties involved and any named or apparent witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, then prompt, appropriate, remedial and/or disciplinary action will be taken to prevent the continuance of the threat or its recurrence.

The Corporation recognizes that determining whether a particular action or incident is a threat must be based on all of the facts in the matter. Given the nature of this type of intimidation, the Corporation recognizes that false accusations of a threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against fellow staff members, students, or others associated with the Corporation.

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ag4419

BOARD-SPONSORED WELLNESS PROGRAM

4419 - **BOARD-SPONSORED WELLNESS PROGRAM**

The School Board sponsors a voluntary Wellness Program that is designed to promote health and prevent disease. The Program is available to only employees who participate in the Corporation's health insurance program.

The Wellness Program is a Participatory Program that strives to improve the health of, or prevent disease in, participating individuals.

As addressed below, because the Wellness Program includes measurement, testing, screening, and/or collection of health-related information, the Program will provide participants with results, follow-up information, or advice designed to improve the participants' health.

Employees' spouses and other covered dependents may participate in the Wellness Program.

The Wellness Program provides educational health-related information and/or programs, including:

A. nutrition classes;

B. weight loss program;

C. smoking/tobacco cessation programs;

D. diagnostic testing programs that are not tied to outcomes;

E. on-site exercise facilities/discounted gym memberships;

F. coaching to help employees meet health goals.

A component of the Wellness Program involves employees participating in a health risk assessment (HRA) that involves the employees answering disability-related questions (i.e., completing a medical questionnaire) and/or undergoing a medical examination, such as biometric screening for risk factors (e.g., high blood pressure or cholesterol, diabetes, etc.).

To participate in the HRA, an employee must provide prior knowledge, voluntary and written authorization, to permit the Program to collect the medical information. The authorization form will describe the confidentiality protections and restrictions on the disclosure of genetic information.

The Board also provides an opportunity for an employee's spouse to voluntarily choose to answer questions about his/her health (i.e., completes a medical questionnaire) and/or to undergo a medical examination (e.g., to detect high blood pressure or high cholesterol) as part of his/her participation in the Wellness Program. All information obtained will be kept confidential and will not be used to discriminate against the employee.

The HRA must be administered in connection with the spouse's receipt of health or genetic services offered by the Board, including such services offered as part of the Wellness Program.

The Board will not deny access to health insurance or any package of benefits to an employee, or the spouse or other covered dependent of the employee, or retaliate against an employee, due to a spouse's refusal to provide information about his/her current or past health status as part of the Wellness Program.

Before participating in the HRA, the employee's spouse must provide prior knowledge, voluntary and written authorization, to the Board to collect the medical information. The authorization form will describe the confidentiality protections and restrictions on the disclosure of genetic information.

As stated above, the Wellness Program is strictly voluntary. As such, employees are not required to participate, the Corporation will not deny coverage under any of its group health plans or particular benefits packages within a group health plan for nonparticipation, and the Corporation will not limit the extent of benefits (except as provided herein) for employees who do not participate. Additionally, the Corporation will not take any adverse employment action or retaliate against, interfere with, coerce, intimidate, or threaten an employee based upon his/her participation or nonparticipation in the Program or failure to achieve certain health outcomes.

The Program is designed so that it is not overly burdensome, does not involve unreasonably intrusive procedures, or does not require employees to incur significant costs for medical examinations.

All medical information gathered as part of the Wellness Program will be kept confidential in accordance with the Americans with Disabilities Act (ADA).

The Corporation will provide participating employees with a clear, understandable written notice that 1) describes the type of medical information that will be obtained and the specific purposes for which the medical information will be used, and 2) describes the restrictions on the disclosure of the employee's medical information, the Corporation representative or other parties with whom the information will be shared, and the methods that the Corporation will use to protect the medical information so that it is not improperly disclosed.

The Board receives information collected by the Wellness Program only in aggregate form that does not disclose, and is not reasonably likely to disclose, the identity of specific individuals.

While an employee's child(ren) may participate in the Wellness Program, the Board will not inquire about the child(ren)'s current or past health status.

Furthermore, no employee or spouse of an employee is required to agree to the sale, exchange, sharing, transfer, or other disclosure of medical information (except to the extent permitted by Federal law and regulations to carry out specific activities related to the Wellness Program), including information about the manifestation of disease or disorder of the employee's family members, or otherwise waiving the protections afforded by the Americans with Disabilities Act (ADA) and/or Genetic Information Nondiscrimination Act (GINA) as a condition for participating in the Wellness Program or earning an incentive for participating.

The Wellness Program does not discriminate on the basis of disability. As such, employees will not be denied access to the Wellness Programs on the basis of disability and will be provided reasonable accommodations (e.g., adjustments or modifications) that allow them to participate regardless of any disability.

The Board will not deny access to health insurance or any package of benefits to an employee, or the spouse or other covered dependent of the employee, or retaliate against an employee, due to a spouse's refusal to participate in the Wellness Program.

As stated above, the Wellness Program is strictly voluntary. As such, employees are not required to participate, the Corporation will not deny coverage under any of its group health plans or particular benefits packages within a group health plan for nonparticipation, and the Corporation will not limit the extent of benefits (except as provided herein) for employees who do not participate. Additionally, the Corporation will not take any adverse employment action or retaliate against, interfere with, coerce, intimidate, or threaten an employee based upon his/her participation or nonparticipation in the Program.

The Program is designed so that it is not overly burdensome, does not involve unreasonably intrusive procedures, or does not require employees to undergo medical examinations.

While an employee's child(ren) may participate in the Wellness Program, the Board will not inquire about the child(ren)'s current or past health status.

Furthermore, no employee or spouse of an employee is required to agree to the sale, exchange, sharing, transfer, or other disclosure of medical information, including information about the manifestation of disease or disorder of the employee's family members, or otherwise waiving the protections afforded by the Americans with Disabilities Act (ADA) and/or Genetic Information Nondiscrimination Act (GINA) as a condition for participating in the Wellness Program or earning an incentive for participating.

The Wellness Program does not discriminate on the basis of disability. As such, employees will not be denied access to the Wellness Programs on the basis of disability and will be provided reasonable accommodations (e.g., adjustments or modifications) that allow them to participate regardless of any disability.

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ag4419.01

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

4419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The following administrative guidelines apply to the self-funded group health plans maintained by the Board:

A. **Training:** The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule requires the group health plan to train all members of the plan's workforce on the policies and procedures with respect to Protected Health Information. The Privacy Official shall ensure that the members of the plan's workforce receive adequate and appropriate training regarding the Privacy Rule.

B. **Business Associate Agreements:** The Privacy Rule requires a group health plan to enter into business associate agreements with its third party vendors. The Privacy Official shall retain counsel to draft and negotiate these business associate agreements. The Privacy Official will oversee the review of existing business associate agreements to ensure compliance with current laws. The Privacy Official shall ensure that business associate agreements are entered into with new vendors.

C. **Notice of Privacy Practices:** The Privacy Rule requires the group health plan to distribute a Notice of Privacy Practices to participants in the plan. The Privacy Official shall retain counsel to draft the Notice of Privacy Practices. The Privacy Official shall subsequently distribute these notices to existing group health plan participants. If there is a material change to the Notice, then the Notice shall be distributed as follows:

1. If the group health plan posts its Notice on its website, then the plan may post the revised Notice on its website by the effective date of the material change, and then provide a hard copy of the Notice (or information about the material change and how to obtain the revised Notice) in its next annual mailing; or

2. If the group health plan does not have a website, then the plan may provide the revised Notice (or information about the material change and how to obtain the revised Notice) to individuals covered by the plan within sixty (60) days of the material revision to the Notice.

The Privacy Official shall notify all participants in the Plan of the availability of the Notice and how to obtain the Notice no less frequently than once every three (3) years.

D. **Safeguards:** The Privacy Rule requires the group health plan to implement appropriate administrative, technical, and physical safeguards to protect the privacy of Protected Health Information. The Privacy Official shall implement these safeguards in a reasonable and appropriate manner.

The Security Official shall seek the services of a third party to perform an information technology risk analysis to identify and protect against reasonably anticipated threats to the security or integrity of electronic Protected Health Information, if applicable.

E. **Amendment of Plan Documents:** The Privacy Rule provides that plan documents be made to permit information sharing between the plan and the plan sponsor. The Privacy Official shall assist other school personnel in determining whether and how plan documents should be amended.

F. **Participant Rights:** The Privacy Rule grants health plan participants extensive rights with respect to their Protected Health Information. The Privacy Official shall timely respond to participant requests to exercise rights afforded by the Privacy Rule.

G. **Participant Rights:** The Privacy Official shall develop a breach notification policy. A breach occurs when there has been an acquisition, access, use or disclosure of Protected Health Information in a manner not permitted under the Privacy Rule, which compromises the security or privacy of the Protected Health Information. The Privacy Official shall train workforce members on the breach notification policy.

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ag4421

FEDERAL GROUP HEALTH CONTINUATION (COBRA)

4421 - **FEDERAL GROUP HEALTH CONTINUATION (COBRA)**

Qualifying Event

A. A covered employee shall be offered the opportunity to continue the School Corporation's group health coverage if the employee loses coverage under the Plan upon either of the following "qualifying events":

1. voluntary or involuntary termination of employment for reasons other than "gross misconduct"

   Gross misconduct may be intentional, wanton, willful, deliberate, reckless, or in deliberate indifference to the Corporations interests. It is misconduct beyond mere minor breaches of employee standards, but conduct which would be considered gross in nature.

2. reduction in the number of hours of employment

B. The spouse of a covered employee may continue the Corporation's group health coverage if the spouse loses coverage under the Plan because of any of the following "qualifying events":

1. termination of the covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. divorce or legal separation with the covered employee

Also, if the employee reduces or eliminates group health coverage in anticipation of divorce or legal separation, then divorce or legal separation may be considered to be a qualifying event even though the spouse's coverage was reduced or eliminated prior to the divorce or legal separation.

4. death of the covered employee

C. Dependent children may continue the group health coverage if the dependent child loses coverage under the Plan because of any of the following "qualifying events":

1. termination of covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. loss of "dependent child" status under the Plan rules

Under the Patient Protection and Affordable Care Act, the Plan must offer coverage for an adult child until the child attains age twenty-six (26).

4. divorce or legal separation of the covered employee

5. death of the covered employee

Notification by Qualified Beneficiaries

Qualified beneficiaries are required to notify the Plan Administrator of the following qualifying events in order to be eligible for COBRA continuation coverage: (a) divorce or legal separation of the employee and spouse; and (b) loss of eligibility for coverage of a dependent child. The qualified beneficiary is required to notify the Plan Administrator in writing of these events within sixty (60) days of the later of: (a) the

date of the qualifying event; or (b) the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the Plan as a result of the qualifying event. Failure to comply with these rules will result in forfeiture of any COBRA continuation coverage.

COBRA Election

Qualified beneficiaries are required to elect COBRA continuation coverage within the sixty (60) day election period set forth in the Plan's COBRA election notice. Qualified beneficiaries have the right to elect to continue coverage that is identical to the coverage provided under the Plan. If a COBRA beneficiary does not elect COBRA continuation coverage within the sixty (60) day election period, then the COBRA beneficiary will forfeit his/her right to elect COBRA.

Other Options for Qualified Beneficiaries

In lieu of electing COBRA continuation coverage, qualified beneficiaries may wish to pursue coverage through the health insurance marketplace established by the Patient Protection and Affordable Care Act ("ACA"). In some cases, individuals may receive significant subsidies towards the cost of coverage under the health insurance marketplace. These subsidies may make ACA marketplace coverage significantly less expensive than COBRA continuation coverage. Qualified beneficiaries may also wish to explore whether coverage under another employer group health plan or Medicaid is possible.

Termination of COBRA Coverage

COBRA continuation coverage generally lasts for eighteen (18) months. For example, if coverage is lost because of termination of employment or reduction of hours, the employee generally may elect COBRA for a maximum of eighteen (18) months.

However, there are a few exceptions to this rule. If Plan coverage was lost as a result of death of an employee, divorce or legal separation, or loss of eligibility for coverage as a dependent child, COBRA coverage can continue for a maximum of thirty-six (36) months. If a qualified beneficiary is determined under Tile II or Title XVI of the Social Security Act to have been disabled before the sixtieth (60th) day of continuation coverage and the qualified beneficiary properly notifies the Plan Administrator of the disability determination, the eighteen (18) month period is expanded to twenty-nine (29) months. If a second qualifying event occurs while receiving COBRA coverage and the qualified beneficiary properly notifies the Plan Administrator, COBRA coverage may continue for a maximum of thirty-six (36) months.

COBRA coverage under a health flexible spending account can last only until the end of the year in which the qualifying event occurred.

Coverage for qualified beneficiaries may end prior to the end of the maximum coverage period if:

A. premiums are not paid on a timely basis;

B. Corporation ceases to maintain the group health plan;

C. coverage is obtained with another employee group health plan that does not contain any exclusion or limitation with respect to any pre-existing condition (note that the Patient Protection and Affordable Care Act eliminated pre-existing exclusion conditions in most groups health plans);

D. a qualified beneficiary becomes entitled to Medicare benefits;

E. during a disability extension period, the disabled qualified beneficiary is determined by the Social Security Administration to be no longer disabled.

A qualified beneficiary is required to notify the Corporation in writing if the qualified beneficiary becomes eligible for Medicare or becomes covered under another group health plan. In addition, if a disabled qualified beneficiary is determined by the Social Security Administration to no longer be disabled, the qualified beneficiary must notify the Corporation of the fact within thirty (30) days after the Social Security Administration's determination.

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ag4421A

IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE

4421A - **IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) limits the circumstances under which coverage may be excluded for medical conditions present before the employee enrolls. Under the law, a pre-existing condition exclusion generally may not be imposed for more than twelve (12) months (eighteen (18) months for a late enrollee after the enrollment date). The twelve (12) month (or eighteen (18) month) exclusion period may be reduced by a new employee's prior health coverage. A new employee is entitled to a certificate from his/her former health insurance provider that will show evidence of the person's prior health coverage.

To obtain a certificate, the employee should complete the attached form and return it to:

Greensburg Community Schools
1312 W. Westridge Parkway
Greensburg, IN 47240
For additional information contact:
Corporation Treasurer
812-663-4774

The certificate must be provided promptly. The employee should keep a copy of this completed form. S/He may also request certificates for any dependents (including a spouse) who were enrolled under the employee's health coverage.

Note: Pre-existing condition exclusions will become prohibited beginning with the start of 2014 Plan Years under the Affordable Care Act.

The Corporation Treasurer will be responsible for providing a Certificate of Health Insurance Coverage (Form 4421A F1) to an employee when:

A. s/he no longer is covered by the Corporation's plan;

B. s/he is no longer covered under COBRA;

C. s/he requests a certificate no later than twenty-four (24) months after cessation of coverage.

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LEAVES

4430 - **LEAVES**

Leaves differ from absences primarily in terms of the length of time the support staff member is away from his/her assigned responsibilities. When not otherwise specified in a negotiated, collectively-bargained agreement, the following leaves shall be granted in accordance with the conditions established for each type of leave.

SICK LEAVE

In order to properly implement Board policy, these guidelines should be followed when utilizing Sick Leave.

Sick leave may be used for:

A. absence of the support staff member due to personal illness, injury, pregnancy, or exposure to a communicable disease which could be communicated to other support staff members or to students.

B. absence of the support staff member due to illness or injury of someone in the support staff member's immediate family. In this section, the support staff member's immediate family is defined as:

1. a member of the immediate family of the support staff member residing in the home of said support staff member and the support staff member's parents, brother, sister, son or daughter.

2. The exact number of days granted under this section shall be determined by the circumstances.

C. absence due to death in the immediate family of a support staff member. In this section, the immediate family of a support staff member is defined as the father, mother, brother, sister, son, daughter, husband, wife, grandmother, grandfather, father-in-law, mother-in-law, brother-in-law, sister-in-law, or any other relative of the support staff member as approved by the Superintendent.

D. The exact number of days granted shall be determined by the family relationship and the circumstances surrounding the death.

E. The maximum number of days granted under this section shall be five (5).

F. The filing, by a support staff member, of any willfully false statement concerning the cause or duration of an absence shall be considered by the Board as grounds for suspension or dismissal.

G. A sick leave day, once commenced, may be reinstated as a working day only with the approval of the Superintendent or designee.

H. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the support staff member has engaged in or prepared for other gainful employment, has participated in a concerted work stoppage, or has engaged in any activity which would raise doubts regarding the validity of the sick leave request.

Records of Sick Leave

The personnel records of this Corporation shall show the attendance of each support staff member and such days as that support staff member may be absent shall be recorded with the reason for such absence noted. A record shall be made of the unused sick leave days accumulated by each support staff member.

FAMILY CARE LEAVE

Any staff member of this Corporation may request a leave of absence for maternity or adoption. The length of the leave shall be governed by considerations for his/her health, the need for continuity in services, and the maintenance of qualified Corporation staff.

The Corporation reserves the right, on the advice of the support staff member's physician, to specify the point at which such leave shall commence, the length of time for which leave shall continue after the disabling event, and the conditions of pay during such leave. It shall require disclosure of anticipated disability or arrival of a child and/or the continuing certification of a support staff member's fitness to perform duties thereafter.

Use of Family Care

A. **Maternity**

A staff member must notify the immediate supervisor as soon as pregnancy is confirmed and shall present a written statement, from a licensed physician, setting forth the estimated date of delivery as well as the ability of the staff member to continue working and the advisability of doing so.

B. **Adoption Leave**

An adoption leave of absence, without pay, may be granted full-time staff members once a written request for leave has been submitted as much in advance of the beginning of such leave as possible.

C. **Return from Leave**

1. A staff member who does not return at the end of the leave period shall be considered to have voluntarily resigned.

2. If complications arise and an extension of leave of absence is requested through a doctor's statement, it will be reviewed by the Board.

MILITARY LEAVE

Requests for military leave shall be made to the Superintendent at least two (2) weeks in advance of impending military service.

For purposes of seniority and placement on the salary schedule, a maximum of five (5) years of absence in the Armed Services of the United States or the auxiliaries thereof shall be counted as service to the Corporation.

Each support staff member must notify the Board of his/her intention to resume employment within thirty (30) days of his/her release or discharge and shall present to the Board evidence of an honorable discharge or a discharge under honorable conditions.

If a staff member is called to active duty because of a war or National/State emergency, the Corporation shall make up the difference between Corporation salary and military pay for a period of one (1) year. In addition, the staff member may return to the same or equivalent position held at the time of call-up.

Requests for training leave may be made by those who are members of the State or National Guard, Naval Militia, U.S. Army, Naval, Air Force, or Marine Reserve, other organizations affiliated with the reserves or by order of the Governor of Indiana. Any staff member on such leave shall receive full compensation and accrue seniority status during the period of leave.

All support staff members shall make every effort to schedule his/her period of training when school is not in session. If the period of training occurs during a school session, the support staff member shall provide the Superintendent with the name of his/her supervisor in the reserves or the militia so that arrangements may be discussed as to the alternatives available if necessary in order to request a change in the service date.

MILITARY FAMILY LEAVE

The Board shall grant an unpaid leave of absence to a support staff member who has been employed for at least twelve (12) months and is the spouse, parent, grandparent, or sibling of a person who is ordered

to active duty during one (1) or more of the following periods:

A. during the thirty (30) days before active duty orders are in effect

B. during a period in which the person ordered to active duty is on leave while active duty orders are in effect

C. during the thirty (30) days after the active duty orders are terminated

The Board shall require the staff member to substitute any of his/her earned vacation, personal leave, or other paid leave except for paid medical or sick leave available for leave for any part of the ten (10) day period.

The staff member who chooses to take this type of leave of absence shall provide notice including a copy of the active duty orders if available, to the Board of the date the leave is to begin. This notice is to be given to the Board at least thirty (30) days before the date on which the staff member intends to begin the leave, unless the active duty orders are issued less than thirty (30) days before the date the requested leave is to begin.

The Board may require verification of the staff member's eligibility for the leave. If the staff member fails to provide verification, the Board may consider the staff member's absence as being unexcused.

The staff member must have worked at least 1,500 hours during the twelve (12) month period immediately preceding the day the leave begins.

The leave of absence allowed each year may not exceed a total of ten (10) working days.

After a staff member takes a leave of absence, the staff member shall be restored to:

A. the position the staff member held before the leave; or

B. a position equivalent to the position that the staff member held before the leave with equivalent benefits and terms of the negotiated agreement.

The Board is not required to restore a staff member to a position described above if the Board proves that the reason the staff member was not restored to the position is unrelated to the staff member's exercise of his/her rights to request this leave.

The Board shall permit the staff member to continue his/her health care benefits during the leave at the staff member's expense.

ASSAULT LEAVE

In order to properly implement Board policy, the following guidelines should be utilized:

A. In order to be entitled to assault leave, a support staff member shall complete a signed report on forms approved by the Corporation and submit it to the Superintendent within two (2) work days of the alleged assault.

B. If medical attention is required, submit a certificate from a licensed physician stating the nature of the disability and its probable duration.

C. Upon receipt of these documents, the Superintendent shall review the materials and decide within three (3) work days whether to grant the request. The Superintendent may conduct such investigations and interviews as s/he deems necessary to verify the authenticity and severity of the assault.

Requests denied by the Superintendent may be appealed to the Board.

D. Payment for assault leave shall be at the support staff member's rate of pay in effect at the time of the assault or at such increased rate for which the support staff member may become eligible.

Salary hereunder shall be mitigated by any salary compensation the support staff member may receive from any other source.

E. A support staff member who falsifies a claim for assault leave shall be disciplined by suspension or termination of employment. The Superintendent may require a physician's statement justifying the continuation of the assault leave at any time during the leave.

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FMLA LEAVE

4430.01 - **FMLA LEAVE**

Definitions Applicable to FMLA Leave

The term "child" (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term "incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the "activities of daily living" (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or "instrumental activities of daily living" (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is "unable to perform the functions of his/her position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. **Military Caregiver Leave**

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single 12-month period," to care for a covered service member with a serious injury or illness. The "single 12-month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use his/her entire twenty-six (26) work weeks leave entitlement during the "single 12- month period" of leave, the remaining work weeks of leave are forfeited.

For purposes of Military Caregiver Leave, the covered service member may be a (1) current member of the Armed Forces (including a member of the National Guard or 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 or (2) 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) and was discharged or released under conditions other than dishonorable at any time during the period of five (5) years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the Armed Forces and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the determination of the five-year period for covered veteran status.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means 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 the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is 1) 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 service member unable to perform the duties of the service member’s office, grade, rank, or rating; 2) 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 fifty percent (50%) or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; 3) 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 4) 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.

The term "son or daughter of a covered service member" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents "in- law.")

The term "next of kin" means the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each "single 12-month period."

Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a "single 12-month period," and then take another twenty-six (26) work weeks of leave in a different "single 12-month period" to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single 12-month period" for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and s/he has a serious health condition.

B. **Qualifying Exigency Leave**

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.

2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain childcare and related activities arising from a qualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).

4. Making or updating financial and legal arrangements to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member’s representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member’s covered active duty status.

5. Attending counseling provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military members stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, rest and recuperation leave during the deployment.

7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.

8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. "Incapable of self-care" means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes 1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; 2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; 3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and 4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.

9. Any other event that the employee and the Board agree is a qualifying exigency.

The term "son or daughter" means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term "parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include parents "in-law.")

The term "qualifying family member" for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

The term "covered active duty" or "call to covered active duty status" for purposes of Qualified Exigency Leave means duty for a member of the Regular Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the Superintendent a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form WH-380-F; "Certification of Health Care Provider for Family Member's Serious Health Condition".

Eligible employees who apply for FMLA leave for the employee's own serious health condition must submit DOL Form WH-380-E; "Certification of Health Care Provider for Employee's Serious Health Condition".

The Superintendent shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the Corporation can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form WH-385; "Certification for Serious Injury or Illness of Covered Service Member – for Military Family Leave" or WH-385-V, "Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave". The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the Corporation will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The Corporation will also accept, with respect to Military Caregiver Leave, documentation indicating the service member’s enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the Superintendent may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran’s discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to his/her health care provider a HIPAA-compliant release form.

If the Superintendent deems a medical certification to be incomplete or insufficient, the Superintendent shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The Superintendent (i.e., the Board's health care provider, human resource classified, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

Employees who take leave for the employee's own serious health condition, prior to returning to work, must submit to the Superintendent a "Fitness-for-Duty Certification". Again, the employee will need to have executed and provided to his/her Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for Qualifying Exigency Leave must submit DOL Form WH-384; "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;
- the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;
- where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;
- appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member’s Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Superintendent may verify the schedule and purpose of the meeting with the third party. Also, the Superintendent may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the Corporation provides the employee with the applicable DOL Form, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement.

Corporation Notices to Employee (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in The Employees Rights and Responsibilities Notice changes, the Superintendent will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The Superintendent is charged with responsively answering questions from employees concerning their rights and responsibilities.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the Superintendent will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced schedule leave basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the Corporation uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the Corporation's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

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FMLA RECORDKEEPING REQUIREMENTS

4430.01B - **FMLA RECORDKEEPING REQUIREMENTS**

The Superintendent is responsible for making, keeping, and preserving all relevant records pertaining to the School Board's obligations under the FMLA in accordance with the recordkeeping requirements of Section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with the final regulations applicable to the FMLA. Specifically, the Superintendent is charged with keeping/preserving the records identified below in accordance with the Corporation's Records Retention Schedule (see AG 8310A), and under no circumstances shall said records be kept for less than three (3) years. The records shall be available for inspection, copying, and transcription by representatives of the Department of Labor upon request.

The Sueprintendent shall maintain records that disclose the following:

A. Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

B. Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or a Board plan which is not also covered by FMLA.

C. If FMLA leave is taken by eligible employees in increments of less than one (1) full day, the hours of the leave.

D. Copies of employee notices of leave furnished to the Corporation under FMLA, if in writing, and copies of all written notices given to employees as required under the FMLA and its implementing regulations (see 29 C.F.R. Section 825.300(b) through (c)). Copies may be maintained in employee personnel files.

E. Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.

F. Premium payments of employee benefits.

G. Records of any dispute between the Corporation and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the Superintendent or employee of the reasons for the designation and for the disagreement.

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files. If the Genetic Information Nondiscrimination Act of 2008 (GINA) is applicable, records and documents created for purposes of FMLA leave containing family medical history or genetic information as defined by GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA (29 C.F.R. 1635.9), which allow for disclosure consistent with FMLA requirements. If the ADA, as amended, is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 C.F.R. 1630.14(c)(1)), except that:

A. government officials investigating compliance with FMLA (or other pertinent laws) shall be provided relevant information upon request.

B. first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

C. supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;

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ag4439

HOLIDAYS

4439 - **HOLIDAYS**

The School Corporation shall observe the following holidays according to the schedule below:

A. Independence Day - July 4th

B. Labor Day - First Monday in September

C. Thanksgiving Day - Fourth Thursday in November

D. Thanksgiving Friday - Day after Thanksgiving

E. Christmas Day - December 25th

F. New Year's Day - January 1st

G. Martin Luther King Day

H. President's Day

I. Good Friday

J. Memorial Day - Last Monday in May

ag4440A

JOB-RELATED EXPENSES

4440A - **JOB-RELATED EXPENSES**

Expenses which are incurred by support staff members as a result of authorized travel in and outside of the Corporation will be reimbursed to the extent provided for in these guidelines. Reimbursement is intended to provide for transportation, lodging, and food of reasonable and adequate quality. When traveling on school business, a support staff member is expected to use the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

Authorization

Travel within or outside the Corporation is to be authorized by the Superintendent.

Travel to conventions or conferences away from the Corporation which involve overnight stay will be authorized by the Superintendent for approval by the Board. All such requests must be received in the Central Office at least three (3) days prior to the date a decision is needed. Forms are available in each school office.

Procedure

Travel should be by the most direct and economical route.

For official travel other than by automobile, tickets may be purchased by the Corporation in advance, upon request of the individual involved.

In all instances of travel reimbursement, full itemization of expenditures is required.

Reimbursement

Reimbursement will be at the current rates approved by the Board. Requests for reimbursement will be submitted on Form 4243 F2 provided for that purpose.

Lodging will be reimbursed at a reasonable per diem rate. All claims must be supported by original receipted bills.

Meals will be reimbursed at a rate not to exceed $25.00 per day. Exceptions will be made where conference sponsors have agreed to a flat fee for all participants; i.e., American Plan.

Reimbursement for reasonable charges for tolls, lodging, parking, taxis, official telephone calls, and tips will be made upon presentation of supporting receipts.

Registration fees are reimbursable.

Claim Forms

All claims for reimbursement will be submitted on travel voucher forms or on standardized voucher forms available in the principal's office. Wherever possible, expenditures must be substantiated by receipted bills.

ag4440B

USE OF PRIVATE CAR FOR SCHOOL BUSINESS

4440B - **USE OF PRIVATE CAR FOR SCHOOL BUSINESS**

The Corporation has established the following means for providing reimbursement for the use of privately-owned vehicles used in the performance of assigned duties.

When an individual's duties require his/her presence at other stations or places within or out of the Corporation, reimbursement for travel may be requested. Such requests will be approved when the travel is scheduled or authorized by the Superintendent.

Regularly scheduled travel will be authorized when requisitioned in compliance with a printed schedule; e.g.: special support staff members are required to go from school to school on a regular schedule.

Payments for authorized travel will be made provided itemized daily records are submitted on the proper forms. Persons who travel are advised to keep a daily log of their required business trips.

ag5110

STUDENT HANDBOOKS

5110 - **STUDENT HANDBOOKS**

The guidelines and procedures by which students are to function while attending school in the Corporation are to be contained in one (1) or more student handbooks. The principals at the elementary and secondary levels are to develop appropriate handbooks which are consistent in content with relevant School Board policies and with these guidelines. Each is to provide the following types of information and aids:

A. One (1) or more sections containing essential rules, procedures, and/or guidelines needed for students to function properly in the school environment so as to better accomplish their educational goals and the goals of the school. Such sections should include the following areas:

1. Attendance

2. Academics

3. Co-curricular/Extra-curricular Activities

4. Athletics

5. Emergency procedures

For each section, there should be an explanation indicating how the rules, procedures, and/or guidelines contribute to the effective operation of the school.

B. A section describing, in detail, the Code of Conduct. The Code should describe the behaviors, including dress and grooming, expected of the students on a day-to-day basis. It should also

provide an explanation as to why those behaviors are important to the proper development of the student, the productive interactions among the people in the school, and the effective operation of the school.

The Code should also describe those behaviors that will not be tolerated and why they are unacceptable. Such behaviors shall include but not be limited to:

1. use, possession, or distribution of drug items defined in Board Policy 5530 and any paraphernalia associated with them;

2. any illegal activity such as theft, gambling, forgery, extortion, possession of dangerous weapons, etc.;

3. unethical actions such as lying or cheating;

4. any form of violence, rowdyism, or harassment;

5. any action that disrupts the school operation or environment;

6. any action that defaces, damages, or destroys personal or public property;

7. any form of littering or damage to the school environment;

8. any violation of Board policies, Corporation guidelines, or school rules.

The section should also provide a description of the consequences and disciplinary actions up to and including expulsion for noncompliance with school rules and for unacceptable behavior. Included in this description must be a complete and accurate statement of the student's rights to due- process.

The information contained in each handbook should be clear and logically organized, accurate, and sufficient enough so that, when students and their parents refer to it, they can meet the intent of what has been stated.

Each handbook is to be a model of proper use of the English language both substantively and grammatically.

Prior to the final publication and distribution of a handbook, the copy and proposed format are to be submitted to the Board of Education for final review and approval by no later than April.

ag5111

ADMISSION TO THE CORPORATION

5111 - **ADMISSION TO THE CORPORATION**

Students who qualify for provisional enrollment in the Corporation's schools and programs in accord with Board Policy 5111 shall be accepted for enrollment when one or more of the following documents confirms the student's right to attend school in the Corporation:

A. a birth certificate or other appropriate documentary evidence

B. a court order establishing child custody or appointing a legal guardian

C. proof of legal settlement consisting of a deed, building permit, rental agreement, property tax statement, voter registration card, or completion of Form 5111 F2b

If a birth certificate is not available, the parent is to complete Form 5111 F1 and submit the documentary evidence called for therein. If custody has been established by the courts, a copy of the court order must be submitted. If such verification is not received within thirty (30) days or the document appears to be inaccurate or suspicious, the principal shall notify the city police.

Students without appropriate records will be provisionally enrolled for a period of thirty (30) days, unless extended by the principal. Parents, a legal guardian, or an eligible student shall be advised what is required for full enrollment at the time of the student's provisional enrollment.

A. The last school attended by the student shall be contacted at the time of the student's provisional enrollment and placement and requested to send all appropriate records.

B. If the last school attended indicates no record of the student's attendance, or the records are not received within fourteen (14) days of the date of request, or if the student does not present a certification of birth or other documentary evidence, the building principal shall immediately

notify the law enforcement agency where the student resided and the city police that s/he may be a missing child.

Immunization requirements are to be in accordance with AG 5320.

High school students transferring from another school corporation must submit an official transcript from the sending school in order for the student to receive credit for course work. Report cards will not be considered sufficient evidence for granting credit toward graduation.

If there is a dispute concerning residency or legal guardianship, the student will be provisionally enrolled pending resolution of the dispute.

Special considerations apply to enrollment of homeless students. Refer to Policy 5111.01 and AG 5111.01 for information.

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ag5111.01

HOMELESS STUDENTS

5111.01 - **HOMELESS STUDENTS**

A student shall be considered homeless under State statute (I.C. 20-50) or Federal law (42 U.S.C. 11431 et seq) if s/he is an individual who:

A. lacks a fixed, regular, and adequate nighttime residence and is living:

1. in "doubled-up" accommodations, such as sharing housing with other families or individuals due to a loss of housing, economic hardship, or a similar reason;

2. in hotels, motels, trailer parks or camping areas because of a lack of alternative adequate accommodations;

3. temporarily in a foster home because of lack of shelter space;

4. in run-away shelters or abandoned buildings, on the streets, or with friends;

5. as an unwed mother or expectant mother in a home for unwed mothers and with no other available living accommodations;

B. lives in an emergency or transitional shelter, is abandoned in a hospital or other place not intended for general habitation, or is awaiting foster care placement;

C. has a primary nighttime residence that is:

1. a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, or transitional housing for the mentally ill;

2. an institution that provides temporary residence for individuals intended to be institutionalized; or

3. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Such students are eligible for free textbooks and school meals which should be noted on the enrollment form at the time of enrollment.

Transportation of Homeless Students

Homeless students must be provided transportation in accordance with I.C. 20-27-12-5.

Liaison for Homeless Children

The Superintendent will appoint a Liaison for Homeless Children whose general duty will be to safeguard the rights of homeless children attending school in this Corporation and act as one of the primary contacts between homeless families and school staff, Corporation personnel, shelter workers, and other service providers.

The name and contact information for the Liaison for Homeless Children shall be reported to the Indiana Department of Education by August 1st of each year.

The Corporation shall post the contact information of the Corporation's Liaison for Homeless Children on its Internet website. The Corporation also shall post the following information on its Internet website:

A. A list of homeless students' rights.

B. A resource link to the State Department of Education's Internet website.

C. A directory of State and Federal resources concerning the McKinney-Vento Act.

D. The contact information for the State coordinator.

E. Relevant newsletters and bulletins concerning the McKinney-Vento Act.

The Liaison must be notified immediately upon the enrollment or assignment of a homeless child. The Liaison will coordinate Corporation operations and services so that:

A. homeless children are identified, and youths are identified by school personnel through outreach and coordination activities with other entities and agencies pursuant to the McKinney-Vento Act;

B. homeless children and youths are immediately enrolled regardless of disputed residency;

C. homeless children and youths have a full and fair opportunity to succeed in school;

D. homeless families and homeless children and youths receive education services for which they are eligible, including Head Start, early intervention services under the Individuals with Disabilities Act, any Corporation preschool programs, and referrals to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;

E. parents or guardians of homeless children and youths are informed of the educational and related opportunities available, including the opportunity to attend the child’s school of origin, and are provided with meaningful opportunities to participate in the education of their children;

F. public notice of the educational rights of homeless students is disseminated at locations where homeless families, homeless children and youths, and unaccompanied youths receive services,

such as schools, shelters, soup kitchens, public aid offices, city hall, food pantries, public libraries, courthouses, and police stations, in a manner and form understandable to the parents and guardians of homeless children and youths and unaccompanied youths;

G. enrollment/assignment disputes are mediated/handled in accordance; the McKinney-Vento Act and the Appeal Procedures below;

H. the parents and guardians of homeless children and youths and ~~any~~ unaccompanied youths are fully informed of all transportation services, including transportation to and from the school of origin and are assisted in accessing transportation services.

I. school personnel receive professional development and other support.

J. unaccompanied youths are enrolled in school, have opportunities to meet the same state academic standards as established for other children and youths, are informed of the status of unaccompanied youths as independent students under section 40 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), and the rights of unaccompanied youths to receive verification of this status from the local liaison;

Upon enrollment of a homeless child, the Liaison will coordinate with appropriate administrative staff to assure that the school last attended by a homeless child is immediately contacted to provide academic or other relevant records. If upon enrollment, the student does not have any immunization required for enrollment by State law or any medical records, the Liaison will assist the family or student in obtaining the immunizations or necessary, medical records. The Liaison will also contact the administrator in charge of transportation to assure transportation of the homeless student is provided.

As part of his/her assigned duties, the Liaison will coordinate and collaborate with the community and school personnel responsible for providing education to homeless children, including but not limited to:

1. local social service agencies and other agencies or programs providing services to homeless children and their families;

2. other school corporations regarding inter-district issues, such as transportation or the transfer of school records.

Such coordination should be designed to:

1. facilitate homeless children having access and reasonable proximity to available education and related support services;

2. raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

As part of his/her assigned duties, the Liaison for Homeless Children will inform school personnel, services providers and advocates working with homeless families about his/her duties.

Appeal Procedures

Should there be a dispute regarding the enrollment or assignment of a homeless student, the student will be enrolled immediately and the dispute will be referred to the Liaison for expeditious resolution. The Liaison should attempt to resolve disputes within five (5) school days. Any dispute which cannot be resolved by the Liaison should be reported to the State Coordinator for the Education of Homeless Children at the Indiana Department of Education. According to State guidelines, the State Coordinator has an additional five (5) school days from the time of notification to bring about resolution. Individuals not satisfied with the State Coordinator's proposed resolution can appeal such decision to the Superintendent of Public Instruction within five (5) school days for final resolution of the dispute.

Staff Training

The Corporation shall provide professional development training to school staff, including teachers, paraprofessionals, and school support staff, at least one (1) time per year. The development training shall include:

A. the definition of homelessness;

B. signs of homelessness; and

C. steps to take when a homeless student is identified.

The Corporation shall provide professional development training to specialized instructional support personnel that is designed to heighten the understanding and sensitivity of the personnel to:

A. the needs of homeless children and youths;

B. the rights of homeless children and youths under the McKinney-Vento Act; and

C. the specific educational needs of homeless children and youths.

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ag5111.02

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

5111.02 - **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

In accordance with the Interstate Compact on Educational Opportunities for Military Children ("Compact"), the following procedures will be followed when such children are students within the Corporation.

APPLICABILITY

These guidelines apply to the children of:

A. active duty members of the uniformed services as defined in the Compact, including members of the National Guard and Reserve on active duty orders;

B. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

C. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

These guidelines do not apply to the children of:

A. inactive members of the National Guard and military reserves;

B. members of the uniformed services now retired, except as provided above;

C. veterans of the uniformed services, except as provided above; or

D. other United States Department of Defense personnel and other Federal agency civilian and contract employees not defined as active duty member of the uniformed services.

EDUCATIONAL RECORDS AND ENROLLMENT

A. **Unofficial or "Hand-Carried" Education Records** - In the event that official education records cannot be released to the parents for the purpose of transfer, the building administrator shall prepare and furnish to the parent of an eligible student a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission.

Upon receipt of the unofficial education records for an eligible student, the Corporation shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. **Official Education Records/Transcripts** - Simultaneously with the enrollment and conditional placement of the student, the Corporation shall request the student's official education record from the sending school. Likewise, upon receipt of such a request from a receiving school, the Corporation will process and furnish the official education records to the school within ten (10) days or within such time as is established by the Interstate Commission.

C. **Immunizations** - Eligible students have thirty (30) days from the date of enrollment or within such time as promulgated by the Interstate Commission, to obtain or provide proof of State-required immunization(s). For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time promulgated by the Interstate Commission.

D. **Grade Level Placement** - Eligible students shall be enrolled at the grade level in the Corporation commensurate with their grade level (including Kindergarten) from their school in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in their prior school shall be eligible for enrollment in the next highest grade level in the Corporation, regardless of age. A student transferring after the start of the school year shall enter the school on their validated level from an accredited school in the sending state.

PLACEMENT AND ATTENDANCE

A. **Course Placement** - When an eligible student transfers before or during the school year, the receiving corporation will initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the sending school if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, Vocational, Technical and Career Pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. The Corporation may perform subsequent evaluations to verify appropriate placement and continued enrollment of the student in the course(s).

B. **Educational Program Placement** - The Corporation will initially honor placement of the student in educational programs based on current educational assessments conducted at the sending school or the student's participation/placement in like programs at the sending school. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). The Corporation may perform subsequent evaluations to verify appropriate placement of the student.

C. **Special Education Services** - In compliance with the Federal requirements of the Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. Section 1400 et seq., the Corporation will initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP).

In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794, (as amended) and with Title II of the Americans with Disabilities Act, 42 U.S.C. Sections 12131-12165, (as amended), the Corporation will make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. The Corporation may perform subsequent evaluations to verify appropriate placement of the student.

D. **Placement Flexibility** - The Corporation may, when determined appropriate, waive course/program prerequisites, or other preconditions for placement in courses/programs offered by the Corporation to allow eligible students to participate.

E. **Absence Related to Deployment Activities** - A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be

granted additional excused absences at the discretion of the Superintendent to visit with his/her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ELIGIBILITY

A. **Eligibility for Enrollment**

1. A special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. The Corporation will not charge tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a corporation or jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a corporation or jurisdiction other than that of the custodial parent, may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

B. **Eligibility for Extra-Curricular Participation** - The Corporation will facilitate the opportunity for transitioning military children's inclusion in extra-curricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

GRADUATION

To facilitate the on-time graduation of children of military families, the Corporation will adhere to the following procedures:

A. **Waiver Requirements** - The Corporation will waive specific courses required for graduation if similar course work has been satisfactorily completed in another corporation or provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify

to graduate from his/her sending school, the Corporation will provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. **Exit Exams -** The Corporation will accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm- referenced achievement tests; or 3) alternative testing, in lieu of testing requirements for graduation in Indiana. In the event the above alternatives cannot be accommodated by Indiana for a student transferring in his/her Senior year, then the provisions of Section C below shall apply.

C. **Transfers During Senior Year** - Should a military student transferring at the beginning or during his/her Senior year be ineligible to graduate from the Corporation after all alternatives have been considered, the Corporation and the sending corporation shall ensure the receipt of a diploma from the sending corporation if the student meets the graduation requirements of the sending corporation. In the event that the sending corporation is in a state that is not a member of the Compact, the Corporation will use its best efforts to facilitate the on-time graduation of the student in accordance with A and B above in this Section.

DEFINITIONS

The following definitions apply in this guideline, unless the context clearly requires a different construction:

A. "Active Duty" means full-time status in the active uniformed service of the United States, including members of the National Guard and Reserves on active duty orders.

B. "Children of Military Families" means a school-aged child(ren), enrolled in Kindergarten through Twelfth grade, in the household of an active duty member.

C. "Deployment" means the period one (1) month prior to the service members' departure from their home station on military orders through six (6) months after return to their home station.

D. "Education(al) Records" means those official records, files, and data directly related to a student and maintained by the school or Corporation, including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of

attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

E. "Extra-Curricular Activities" means a voluntary activity sponsored by the school or Corporation or an organization sanctioned by the Corporation. Extra-Curricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

F. "Member State" means a state that has enacted the Compact.

G. "Receiving State" means the state to which a military family is sent, brought, or caused to be sent or brought.

H. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

I. "Sending State" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

J. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory.

K. "Student" means the child of a military family for whom the Corporation receives public funding and who is formally enrolled in Kindergarten through Twelfth grade.

L. "Transition" means 1) formal and physical process of transferring from school to school, or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

M. "Uniformed Service(s)" means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

N. "Veteran" means a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

To the extent there is any inconsistency between this guideline and the current Rules implementing this Compact, the current Rules will prevail.

ag5112A

ADMISSION TO KINDERGARTEN

5112A - **ADMISSION TO KINDERGARTEN**

Kindergarten Registration

The following guidelines shall be followed for the registration of all kindergarten students.

A. Children must be registered by their parent(s) or guardian(s). Guardians must present proper certification of legal guardianship and, when applicable, a parent is to provide a copy of the court order establishing any custody arrangements.

B. If a birth certificate is not provided, the parent(s) or guardian(s) is/are to complete Form 5111 F1 and submit it with the documentary evidence that is indicated on the form.

C. Parent(s) or guardian(s) shall provide documentation that proper immunizations have been completed or are in process.

D. Children transferring from another public or private kindergarten who do not meet the age requirements shall not be admitted

E. All registrants shall receive a kindergarten screening as determined by the principal.

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ag5112B

YOUNG KINDERGARTEN PROGRAMS

5112B - **YOUNG KINDERGARTEN PROGRAMS**

The Corporation recognizes the importance of a program designed for kindergarten-eligible children that addresses the individual needs of each child. The program allows children an opportunity to develop self-esteem, confidence, and emotional stability by providing a proper placement in a comfortable atmosphere that fosters success.

Kindergarten placement shall encompass the following:

A. Parents of kindergarten-eligible children shall be notified of an informational meeting to be held in the spring prior to anticipated fall admission.

B. Kindergarten-eligible children shall be registered prior to fall admission. At the time of registration parents must present a birth certificate, proof of residency and any custodial arrangements, and must complete all required forms.

C. Kindergarten-eligible children will be tested by school personnel prior to admission.

Upon completion, the test results will be reviewed by the principal and a placement decision made by the principal and shared with parents.

D. In the event parents are not in agreement with the placement decision, they may make a written request to the Superintendent for a review of the findings. The Superintendent's decision shall be final.

E. Individual student classroom assignments are made by the principal.

The administrative staff shall:

A. ensure that parents are informed about the kindergarten program and placement criteria;

B. oversee the in-service requirements of teachers and support staff involved in the kindergarten program;

C. supervise the kindergarten curriculum to ensure that the goals and objectives of the various levels are achieved.

SCHOOL TRANSFER OPTIONS

5113.02 - **SCHOOL TRANSFER OPTIONS**

Definitions

Corrective Action Plan: a written plan developed by the School Corporation and adopted by the School Board for a school that is identified as a persistently dangerous school for the purpose of remedying the causes that result in this school being identified as persistently dangerous.

Jurisdiction of the school: events that are sponsored by a school and occur away from the property of the school over which the school has direct control or authority.

Persistently dangerous school: a school that for each of three (3) consecutive years meets the condition of Persistently Dangerous School described in the following section.

Property of a school: any building, land, school bus, or other vehicular equipment owned or leased by the Corporation.

Victim: a person against whom a violent, criminal offense has been committed and whose perpetrator has been found by official action to be in violation of a school rule related to violent criminal offense.

Violent Criminal Offense: includes the following felony transgressions of law as defined by Indiana law: murder, kidnapping, criminal confinement, rape, criminal deviate conduct, child molesting, child exploitation, vicarious sexual gratification, sexual battery, child solicitation, child seduction, sexual misconduct with a minor, incest, homicide, voluntary manslaughter, reckless homicide, battery, aggravated battery, robbery, carjacking, arson, burglary, or human trafficking; violence against a school staff member; attempt to commit one of the offenses listed; or conspiracy to commit an offense listed.

Persistently Dangerous Schools

A public elementary or secondary school is “persistently dangerous” if, in each of three (3) consecutive school years, one of the following criteria has been met according to the Discipline Report (ES) collection:

A. The number of incidents committed by non-student(s) or current student(s) on school grounds during school hours or during a school-sponsored activity plus the number of student expulsions for any of the offenses listed in the definition of violent criminal offense above is greater than one per 100 enrolled students.

OR

B. Two percent (2%) or more of the student population or ten students, whichever is greater, are found by official action to have committed an offense in violation of a school rule that involved one or more of the following:

1. Non-Felony Drugs
2. Felony Drugs
3. Felony Weapons
4. Terroristic Threats
5. Violence Against a Teacher.

Transfer Option

A student who is attending a school within the Corporation that has been designated as "persistently dangerous" or is the victim of a violent criminal offense, as determined by Indiana law, while in or on the property of the school that the student is assigned to attend or while attending an event under the jurisdiction of the school, shall be allowed to attend another school within the Corporation that is not persistently dangerous, provided there is a school in the Corporation that offers instruction at the student’s grade level and such school has not been identified as being in the process of school improvement, corrective action, or restructuring.

If a student who is attending a school within the Corporation that has been designated as "persistently dangerous" elects to be transferred to a safe school, the transfer shall occur within thirty (30) school days. Such transfer will be in effect as long as the student’s original school is designated as persistently dangerous. If a student is a victim of a violent criminal offense, as determined by Indiana law, while in or on the property of the school that the student is assigned to attend or while attending an event under

the jurisdiction of the school, the transfer shall occur within ten (10) school days of the commission of the offense, provided the Corporation has knowledge that the criminal offense occurred.

A student may be permitted to complete his/her education through the highest grade level at the receiving school. In making the decision to permit the student to remain at the receiving school, Corporation administrators will consider the educational needs of the student, including the student's ability to succeed if returned to the original school.

Notice

Within ten (10) school days after a school in the Corporation has been designated as "persistently dangerous" by the Indiana Department of Education (IDOE), the Board will provide students and parents with notice of such designation and offer students the opportunity,

to request a transfer to a safe school. This notice shall include the process the Board has adopted to allow students to request a transfer to a safe public school. Student transfers to a safe school within the Corporation or to a safe school in a neighboring school corporation with which the Corporation has developed an agreement shall be completed within thirty (30) school days of receipt of the request.

Annual Reporting

The Corporation shall report annually to the IDOE, as specified by the IDOE, the data regarding students found by official action to be in violation of a school rule related to a criminal offense as defined above through the Discipline Report (ES).

Corrective Action Plan

If the Superintendent is notified by the IDOE that a school has been identified as a persistently dangerous school, the Superintendent will prepare a corrective action plan. The plan shall be based on an analysis of the problems faced by the school and address the issues that resulted in the school being identified as a persistently dangerous school. The corrective action plan must have input from the following parties:

A. school safety officials from at least two (2) other school corporations;

B. at least four teachers and at least four parents or guardians if the school has 300 or more students

C. the local police or school resource officer;

D. the school administrators (principal and assistant principal, preferably); and

E. school counselor or school social worker, when possible.

The corrective action plan will be presented to the Board for adoption. After the plan is adopted by the Board, it shall be submitted to the IDOE. The plan must be submitted to the IDOE no later than twenty (20) days after the Corporation receives the notification that a school has met the IDOE criteria of being a persistently dangerous school.

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ag5114

STUDENT AND EXCHANGE VISITOR PROGRAM

5114 - **STUDENT AND EXCHANGE VISITOR PROGRAM**

The Corporation shall use the following procedures established for the Student and Exchange Visitor Program (SEVP) by the United States Department of State (DOS) and the Department of Homeland Security (DHS) when selecting and enrolling all Foreign National students with a J-1 Visa as Foreign Exchange Students.

The Superintendent is responsible for petitioning the U.S. Immigration and Customs Enforcement (ICE) for certification of the school as an SEVP-certified school.

The Superintendent is responsible for submitting the information requested by the U.S. Immigration and Customs Enforcement (ICE), the principal investigative arm of the DHS, so that District's status as a SEVP-certified school can be maintained. This required information will be submitted via the Student and Exchange Visitor Information System (SEVIS), which is maintained by ICE).

The Superintendent is responsible for filing Form I-17 with ICE to secure recertification for the school every two (2) years.

Sponsoring Exchange Organizations

The District will authorize those non-profit organizations that are designated as sponsoring exchange organizations by the U.S. State Department, or affiliates thereof, as sponsors of foreign exchange students. Documentation of the non-profit organization's status as a current DOS-designated sponsoring exchange organization should be submitted annually, but will be required in any year when the organization seeks to place a foreign national student in one of the District's schools.

Selection

A. The sponsoring exchange organization shall be responsible for issuing certificates of eligibility to participants for use in securing their U.S. nonimmigrant J-1 Visa.

B. The sponsoring exchange organization shall provide assurance that student participants selected shall have sufficient knowledge of English to enable them to benefit from instruction in an English-speaking educational environment without the use of an interpreter or the need for LEP services.

C. The sponsoring exchange organization shall submit requests to admit foreign exchange students to the principal of the school in which the student would enroll not later than June 1st.

D. No more than two (2) students from any designated sponsoring exchange program shall be enrolled in a District secondary school.

E. The sponsoring organization shall be responsible for the selection of the host family(s) and shall document, prior to enrollment, that a host family has been established.

F. Agreements between the sponsoring organization, the student's parents, and the student must clearly delineate the sponsoring organization's rules as well as costs and refund policies and must be submitted at the time of enrollment. The District shall provide copies of the Student Handbook which shall be a part of such agreements.

G. The principal shall send written acceptance of the student to the sponsoring exchange organization and the student by the date agreed upon by the sponsoring exchange organization and the District.

Enrollment and Other Conditions

A. The sponsor shall provide evidence of proper immunization and medical insurance coverage for the student.

B. The principal shall designate a member of the faculty or school administration as the student's advisor during his/her stay at the school. The advisor shall serve as liaison between the school and host family, school and sponsor, student and student body, and the school and community.

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ag5120

ASSIGNMENT OF STUDENTS TO SCHOOLS, CLASSES, GRADES, AND PROGRAMS WITHIN THE SCHOOL DISTRICT

5120 - **ASSIGNMENT OF STUDENTS TO SCHOOLS, CLASSES, GRADES, AND PROGRAMS WITHIN THE SCHOOL DISTRICT**

Article 8, Section 1 of the Indiana Constitution establishes an Indiana student's right to a tuition free education in an Indiana public school district. The Indiana Legal Settlement statute, I.C. 20-26-11, establishes which Indiana public school district(s) a student has a right to attend. Attendance at a particular school or program is established by Board Policy 5120 and this administrative guideline that implements that Board policy. All inquiries regarding student assignment shall initially be directed to the Principal of the school the student is assigned to attend.

School, Grade Level, and Program Assignment/Transfer

Student assignment to a school shall be determined by the attendance areas established by the Board. Changes in attendance areas may be made by the Board as needed.

Whenever possible, written commitments to a parent/guardian in earlier years will be given priority in the process of assigning students. Placement policies and procedures will be reviewed each school year by principals and recommendations for adjustments to these policies shall be submitted in writing to the Superintendent when necessary.

When a parent/guardian requests that their student attend a school other than the one their student is assigned to attend, they will be required to agree to the Student Transfer Agreement, Form 5120 F1, in which they agree that their student may have to be transferred back to his/her original attendance area school if class size, teacher-student ratio, or practical considerations make it impractical to continue the assignment of the student outside their designated attendance area. If the transfer is approved, the principal shall complete Form 5120 F2 – Transfer Notification, and send it to the parents with a copy to the Superintendent.

When a household relocates within the School District during the school year, the students from that household may continue their education at their original school for the balance of the school year in

which they relocate if the parent/guardian provides transportation to/from school.

Such determinations will be made individually by the building principals of the schools.

Class and Grade Assignment/Transfer

Assignment of students to classes and grade level within a school or program shall be initiated by the principal after consultation with relevant staff.

Placement of a student will be based on factors including the academic, physical, social, and emotional development of the student as identified by the use of data and observations of the student by staff.

The Superintendent shall establish the criteria, including the academic, social, and emotional standards by which students are assigned to classes and/or teachers or are transferred after initial assignment. A copy of each principal's proposed criteria shall be submitted to the Superintendent if a change is made.

The following procedures shall be followed in a transfer of a student between classes or programs within a school:

A. A written request shall be initiated by the principal, or submitted to the principal by the parent/guardian of the student, staff member, or by a student.

B. If a transfer between buildings or programs is initiated by a principal, the student's parent/guardian or a student eighteen (18) years of age or older shall be advised of the proposed transfer and the reason for the proposed change.

A parent/guardian or a student eighteen (18) years of age or older may appeal a change to the Superintendent whose decision shall be final unless the Superintendent elects to submit the proposed change for consideration by the Board. Revised 7/10/12

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ag5130

WITHDRAWAL FROM SCHOOL

5130 - **WITHDRAWAL FROM SCHOOL**

Withdrawal from School Prior to the Eighteenth Birthday

Both State law and Board policy require that before a student sixteen to eighteen (16 to 18) may withdraw, the principal is to conduct an exit interview with the student and his/her parents. At least five (5) days prior to the interview, the student and his/her parents are to be notified of the following: (see Form 5130 F2)

A. The exit interview will include a determination of whether or not the student is withdrawing for reason of financial hardship, requiring the student to be employed to support the student's family or a dependent, illness, or an order by a court that has jurisdiction over the student. (I.C. 20-33-2-9 and 28.5)

B. If the student does not receive consent to withdraw from school and fails to return to school, the principal of the school the student last attended will notify in writing by certified mail or personal delivery the Bureau of Motor Vehicles and the Bureau of Child Labor of the student's failure to return to school.

The principal shall be present at the meeting and arrange to have the student's guidance counselor; one (1) or more of the student's teachers; and/or a member of the staff who has personal knowledge of the student's experience in the school participate in the meeting.

It is the goal of this Corporation to make it possible for every student to obtain an education that meets his/her goals and long-term needs. It is essential, therefore, that prior to the exit interview, the principal and staff have analyzed the student's school and personal situation to ascertain what they think the reasons are for the student's wish to drop out of school.

During the interview, before sharing their ideas as to the causes, staff should ask the student/parents what they think are the reasons the student wants to withdraw from school. It will be important for the staff not to comment on the statements the student/parents make but to try to obtain as clear and

complete a picture as possible of their ideas. At this point, the focus should be kept on reasons for dropping out and not the consequences. That discussion will come later when and if there is no apparent likelihood that the causes cannot be addressed to everyone's satisfaction. When the student's/parents' reasons have been identified, they should be compared with those the staff has identified and attempts made to reach agreement on the main factors.

During the interview, the principal will provide the student and the student's parent a copy of statistics compiled by the Department of Education concerning the likely consequences of life without a high school diploma. The principal also will advise the student and his/her parent that the student's withdrawal from school may prevent the student from receiving or result in the revocation of the student's employment certificate and driver's license or learner's permit.

If the situation appears to be one in which there is a willingness to explore means of eliminating or ameliorating some of the main factors, a plan should be developed with the student/parents whereby such exploration can take place. The plan should be pursued until either the student decides to stay in school or s/he insists upon withdrawing.

If there appears to be no willingness to participate in such an exploration, the student should be asked what s/he thinks will be some of the short-term and long-range consequences of living in the adult world without a high school education. If there seems to be little or no concern or understanding, they should be informed of the notification requirement to the Bureau of Motor Vehicles and the need for an employment certificate. One more attempt should be made to involve them in finding an educational alternative.

Even if both the student and the parents insist on withdrawal, the principal may withhold consent to withdraw. If the principal agrees to provide consent, Acknowledgement/Consent Form 5130 F4 should be completed and arrangements made for the student's withdrawal using, to the extent possible, a procedure similar to that described below for a student transfer from the Corporation. A written acknowledgment of withdrawal must include a statement that the student and the student's parent understand that withdrawing from school is likely to: 1.) reduce the student's future earnings; and 2.) increase the student's likelihood of being unemployed in the future.

The following information is to be submitted to the Superintendent:

A. the completed Consent/Acknowledgement Form 5130 F4

B. date and school

C. reasons for withdrawal

D. alternatives recommended to the student

E. verification of last address and anticipated address

F. follow-up actions, if any, by Corporation staff

G. notification of the Bureau of Motor Vehicles and the Bureau of Child Labor, if consent to withdraw is not provided and the student fails to return to school.

If the student insists on withdrawing but the parents will not acquiesce, the student may not withdraw from school until s/he is eighteen (18) years of age.

Withdrawal from the Corporation Due to Change in Residence

Upon notification by the parent that a student is withdrawing from the Corporation, the school shall use a procedure that ensures the items on the appropriate Check-Out Form 5130 F1, Form 5130 F2, or Form 5130 F3 are properly completed.

A. A parent signs the necessary release forms and a copy is placed in the student's cumulative record.

B. The student's name is taken off the class list, and a memo is sent to appropriate personnel notifying them of the withdrawal.

C. The student's cumulative record is completed by teachers and counselors and sent to the principal.

D. The principal arranges for the proper delivery of the student's records to the receiving school as specified in AG 8330.

E. In the case of a special education student, the Cooperative also will be notified of the withdrawal, date of withdrawal, and the receiving school or agency.

F. If the student withdraws when school is not in session, the building principal must complete the process as soon as possible.

Revised 10/11/05

ag5136

PERSONAL COMMUNICATION DEVICES

5136 - **PERSONAL COMMUNICATION DEVICES**

Possession and/or use of a personal communication device (PCD) by a student while at school during the school day is a privilege that may be forfeited by any student who fails to abide by the terms of Policy 5136 or this guideline, or otherwise engages in abuse of this privilege. Strict adherence to Policy 5136 and this guideline is required.

"Personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g. mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], and/or other web-enabled devices of any type.

Unless approved by a supervising teacher, an administrator or an IEP team, students are prohibited from using PCDs or having them "On" (i.e., the device must be powered completely off and not just placed into vibrate or silent mode; a device will be considered "On" if it is ready to receive, send, capture or record any communication, visual image, sound, text message or other information) during the school day- 8:00 a.m. to 3:00 p.m. during the regularly scheduled school day (i.e. from the moment the individual student arrives on school grounds during a day that students are in attendance for instructional purposes, until the last class of the day has ended for all students). This includes lunch periods, passing periods, as well as on school-sponsored trips. Students may use PCDs before and after school, as long as they do not create a distraction, disruption or otherwise interfere with the educational environment. "Using" refers to, not only the making and/or receiving of calls, but also using the PCD for any other purpose (e.g., sending e-mails, text messages or instant messages, taking pictures, making recordings/videos, etc.). Students also may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet Web sites that are otherwise blocked to students at school. Students may use PCDs while riding to and from school on a school bus or other Board-provided vehicle or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher, sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

PCDs must be stored out of sight during the school day.

PCDs, including but not limited to devices with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to classrooms, gymnasiums, locker rooms, shower facilities,

rest/bathrooms, swimming pool, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes, whether here or at another school corporation where a school activity or athletic event is occurring. The building principal has authority to make determinations as to other specific locations and situations where use of a PCD is absolutely prohibited.

A student may keep his/her PCD "On" under the following circumstances with prior approval of the building principal:

A. The student is a member of a volunteer fire company/department, ambulance, or rescue squad.

B. The student has a special health/medical circumstance (e.g. an ill family member, or his/her own special health/medical condition).

C. The student is using the PCD for an educational or instructional purpose (e.g. taking notes, recording a class lecture, writing papers) with the teacher's permission and supervision. However, the use of a PCD to engage in non-education-related communications is expressly prohibited.

D. The student is involved in an extra-curricular activity after school hours and needs to communicate with his/her parent/guardian when the activity is ending so the student can be picked up.

Students participating in extra-curricular activities and athletics must contact their coach, advisor, or sponsor for his/her rules involving the use of PCDs after school hours or on after-school bus trips. Coaches and sponsors will set their rules and enforce consequences involving the use and/or misuse of these devices.

The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property. Students and parents are strongly encouraged to take appropriate precautions, if students possess PCDs at school, to make sure the devices are not left unattended or unsecured.

Using a PCD in an unauthorized manner or in violation of Policy 5136 or this guideline may result in loss of this privilege, additional disciplinary action (e.g., warnings, parental notification and conferences,

suspension, expulsion), confiscation of the PCD (in which case, the device will only be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned-over to law enforcement), and/or referral to law enforcement if the violation involves an illegal activity (e.g., child pornography).

If a school teacher or administrator observes a violation of this guideline, s/he is required to confiscate the device and bring it to the building principal's office and provide the name of the student from whom the PCD was taken. Any confiscated device will be held in a secure location in the building's central office until the item is retrieved by the student's parent/guardian or turned-over to law enforcement. Students whose PCDs are confiscated may be required to contact their parents/guardians to inform them that the item was confiscated and that it will only be returned to the parents/guardians.

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ag5200

STUDENT ATTENDANCE

5200- **STUDENT ATTENDANCE**

The School Board requires all students enrolled in the schools and programs it offers to attend school regularly in accordance with the laws of the State. The Board's educational program is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose.

Attendance, as used in this guideline, means being physically present in a school or at another location where the school's educational program is being conducted during regular school hours on a day on which the educational program in which the student is enrolled is being offered.

Exceptions to Compulsory Attendance

Exceptions to compulsory attendance recognized by the School Corporation are contained in Board Policy 5200 - Attendance. Students not in attendance at school for one (1) of the exceptions contained in Board Policy 5200 will be recorded as having an excused absence from school.

Excused Absences

Each student absence will be explained verbally by the student if over eighteen (18) or an emancipated minor or by the student's parents if the student is not yet eighteen (18) or an emancipated minor.

An excuse for absence from school may be approved for one (1) or more of the reasons contained in Board Policy 5200.

If a student over eighteen (18), an emancipated minor, or the student's parent, if the student is not yet eighteen (18) or an emancipated minor presents a certificate of incapacity appropriately completed and signed by an Indiana physician, an individual holding a license to practice osteopathy or chiropractic in

Indiana, or a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal, the absence(s) covered by the dates provided in the certificate of incapacity will be excused.

Other excused absences include college visits.

Excused absences must be categorized based on the reason for the absence in accordance with the categorization framework established by the Indiana Department of Education pursuant to I.C. 20-19-3-12.4.

Unexcused Absences

Any absence that is not an excused absence or an exception to compulsory attendance contained in Board Policy 5200 is an unexcused absence. An out-of-school suspension is not considered an unexcused absence.

Student Vacations During the School Year

Students are permitted to go on vacation during the school year without penalty (except the last week in each semester). The purpose of this administrative guideline is to establish standards to accommodate parents who want to take their vacations during the school year and the desire to enjoy that time as a family.

Whenever a proposed absence for vacation is requested, parents must discuss it with the Principal. The length of absence must be made clear, and those involved should have an opportunity to express their views on the potential effects of the absence.

A. A student may be given approximate assignments and materials for completion during an excused absence. Assignments will not be given or graded for credit for an unexcused absence.

B. Separate daily assignments may be given.

Chronically Absent

Chronically absent means missing ten percent (10%) or more of a school year for any reason.

Truancy

A student is "truant" each day or part of the day the student has an absence from school that is not an excused absence as provided in Board Policy 5200 or that is not an absence under a parental request that has been filed with the school. "Absence" means not present at the assigned location any time beyond the tardiness limit. A student will be "tardy" rather than absent if the student is in the assigned location within fifteen (15) minutes after the official start of the school day, class, or assignment.

Truancy is a serious barrier to student achievement and represents a waste of scarce resources by failing to utilize instruction and curricular resources reserved for the truant student. To attempt to better utilize instructional resources on students willing to attempt to benefit from those resources, administrative action will be as follows:

A. Investigation into the cause of the truancy.

B. When appropriate, modification of the student's educational program to meet particular needs that may be causing the truancy.

C. Student discipline in accordance with the Corporation's policies and administrative guidelines on student discipline.

D. If a physical or mental impairment is suspected, initiation of an evaluation to determine the student's eligibility under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504), as appropriate.

E. A parent conference may be held if the parent/guardian is willing and able to be an effective participant in addressing the truancy.

F. A record of the truancy will be maintained in the student's educational records.

The building principal and/or attendance officer may keep the Bureau of Motor Vehicles informed of each student who has been suspended for the second time in a school year, is expelled, or is considered a dropout under I.C. 20-33-2-28.5.

Truancy Prevention

The Corporation has established a truancy prevention policy for absent students. An "absent student" is a student in Kindergarten through Grade 6 who is absent from school five (5) days within a ten (10) week period without a valid excuse. (See Board Policy 5200 - Attendance)

In accordance with that policy, the school will hold an attendance conference to establish a plan for the absent student to prevent future absences. The attendance conference must be held not more than ten (10) instructional days after the student's fifth absence in a ten (10) week period regardless of whether the parent or the parent's chosen representative is able to attend the conference. The school will make all reasonable efforts to hold the attendance conference on a date and at a time that works with the schedule of the student's parent.

The truancy prevention plan may include the following:

A. Any wraparound services that are able to be provided to the absent student to enable the absent student to attend school.

B. A specific description of the behavior that is required or prohibited for the absent student.

C. The period for which the plan will be effective, not to exceed forty-five (45) instructional days after the date it is established.

D. Any additional disciplinary action the school will take if the absent student does not comply with the plan.

E. If applicable, a referral to counseling, mentoring, or other services for the absent student.

F. If applicable, whether a parent is expected to attend the counseling, mentoring, or other services with the absent student.

G. Additional counseling or services to an absent student if the school determines that the student's absences are related to any of the following:

1. The student's pregnancy.

2. The student is in foster care (I.C. 31-9-2-46.7)

3. The student is homeless.

4. The student has a severe or life-threatening illness or related treatment.

The school will ask the parent to sign the plan indicating the parent's agreement to comply with its terms.

Habitual Truant

A student will be considered a "habitual truant" when the student has been absent from school more than ten (10) days within a school year without being excused or without being absent under a parental request that has been filed with the school.

Notice to Indiana Bureau of Motor Vehicles

The Building Principal and/or attendance officer will report each student who is a habitual truant to the Indiana Bureau of Motor Vehicles.

Truant students will be disciplined in accordance with Board policies and due process described in the Student Code of Conduct and Board Policy 5600 - Student Discipline. However, no student will be suspended or expelled solely because the student is chronically absent or a habitual truant.

Students Leaving School During School Day

No student will leave school during the school day established by the class schedule for that student without authorization by a staff member. No staff member will permit or cause any student to leave the school prior to the regular dismissal time set by the schedule established for that student except with the approval of the Principal and with notice to the student's parent/guardian.

Encouraging Attendance

Promoting and fostering desired student attendance habits requires a commitment from the administration, faculty, and parents. No single individual or group can - in and of itself - successfully accomplish this task.

A professional staff member's responsibility includes but is not limited to:

A. providing meaningful learning experiences every day;

   Therefore, a student who is absent from any given class period would be missing a significant component of the course.

B. keeping accurate attendance records (i.e., excused vs. unexcused);

C. requiring an admittance slip from a student when the student returns from an absence and invoking a consequence if the student does not have one;

D. requiring students to make up missed quizzes, tests, and other pertinent assignments before or after the regular school day and not permitting students to use instructional time to do make-up work, unless otherwise permitted by the student's individualized education program (IEP) or Section 504 plan.

Make-Up Opportunities

A student may make up units of study with a properly certificated teacher if prior approval has been granted by the Principal or if required by the student's individualized education program (IEP) or Section 504 plan.

A. Students will be given the opportunity for completing work missed due to approved/excused absences. The length of time for completion of missed work will be commensurate with the length of the absence unless more time is required by the student's IEP or Section 504 plan or the teacher allows additional time.

B. Students will be given the opportunity to make-up work missed due to suspension. The make-up work must be completed and presented to the teacher upon their return to school. Tests missed during the period of suspension may be made up by the students by contacting the teacher on the day of their return to school. The teacher, at the teacher's convenience, may administer the test or assign alternate written work in lieu of the test missed.

C. A student wishing to make-up work must call their counselor to obtain assignments.

Tardiness

A. Students not in homeroom or in class when the late bell rings are considered tardy.

B. Students who attend any part of the class shall be recorded as present.

C. When a teacher detains a student after class, they will issue a late pass for the student's next class.

D. Teachers are to refer cases of chronic tardiness to the Principal.

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T.C. 11/12/24
Revised 9/9/25

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ag5215

MISSING CHILDREN

5215 - **MISSING CHILDREN**

Each school should make a concerted effort to assist in identifying missing children using the following guidelines.

A. **Student Absence:**

A parent must notify the school by 9:00 a.m. on the day a student is to be absent unless previous notification has been given in accordance with school procedure for reporting absences. If such notification is not received, the principal should notify by telephone or in writing the student's parents, guardian, or legal custodian of a child's absence. The parent is responsible for providing the school with current home and/or work telephone numbers and to notify the school of any change in the above information.

B. **Attendance by Periods:**

Student attendance is to be recorded during each class period for Junior High and/or High School students by classroom teachers to ascertain the absence of students. Absence reports are to be delivered to the office at the beginning of each period.

C. **Voluntary Fingerprinting:**

Fingerprinting programs, conducted by law enforcement agencies, shall be encouraged to help with the identification of missing children.

1. No student will be required to participate.

2. Written parental consent will be required prior to fingerprinting any student.

3. Fingerprinting will be done by law enforcement agencies.

4. All fingerprinting cards are to be given to the parents and not retained by the school.

5. The program will be offered on a periodic basis and parents and residents will be notified periodically about the program and its purpose.

6. Fingerprinting of students will be for the sole purpose of aiding in the identification and location of missing children.

7. The parent must be present at the fingerprinting to sign the permission form and to receive the completed fingerprint record.

D. **Missing Child Investigations:**

School personnel are required by law to provide law enforcement officials access to a student's record when conducting a missing child investigation, providing they have proper authorization from the parents.

E. **Pictures For Identification:**

Corporation personnel, authorized to enter into contracts for the taking of student pictures, will request the photographer to provide, free of cost to the school, a photograph of each student for identification purposes in school records.

F. **Enrollment Of New Students:**

A student seeking entry into a Corporation school must comply with admission requirements specified in AG 5111.

Upon entry, the principal should send a request, in writing, to the sending school as soon as possible. If the records are not received within two (2) weeks, the principal shall call the school. If the sending school indicates no history of the student attending that school, the principal shall contact the Superintendent, who, in turn, shall notify the Greensburg Police Department.

ag5230

EARLY DISMISSAL

5230 **- EARLY DISMISSAL**

School Board policy requires that the following guidelines be followed for early dismissal of any student.

A. Only principals may release a student from school before the end of the school day.

B. Principals may release students before the end of a school day only upon presentation of a (written) (face-to-face) request from the child's parent or for emergency reasons.

C. Requests for early dismissal should be submitted to the principal as early in the school day as possible.

D. Students may be released only to a parent, or to a properly-identified person authorized to act on their behalf.

E. A student may be released "on his/her own" only with verified parental permission.

When a parent telephones a request that a child be released early from school, the identity of the caller and any custodial arrangements should be confirmed before the child is permitted to leave. If the parent is calling from home, the school can verify the request by a return telephone call. In the event the telephone call is not being made from the child's residence, the caller should be asked detailed questions about the child. These questions might include the child's date of birth, the courses s/he is studying, names of teachers and classmates, and similar facts which should be known to his/her parents.

ag5320

IMMUNIZATION OF STUDENTS IN SCHOOL

5320 - **IMMUNIZATION OF STUDENTS IN SCHOOL**

Principals are to use the following guidelines in addition to those provided in AG 5111. - Admission to the Corporation.

Minimum Requirements for Entry (Effective beginning school year 2024-2025)

Pre-Kindergarten

Required:

A. 3 Hep B (Hepatitis B)

B. 4 DTaP (Diphtheria, Tetanus, and Pertussis)

C. 3 Polio (Inactivated Polio)

D. 1 MMR (Measles, Mumps, and Rubella)

E. 1 Varicella (Chickenpox)

F. 2 Hepatitis A

Recommended:

A. Annual Influenza

B. COVID-19

Kindergarten through Grade 5

Required:

A. 3 Hep B (Hepatitis B)

B. 5 DTaP (Diphtheria, Tetanus and Pertussis)

C. 4 Polio (Inactivated Polio)

D. 2 MMR (Measles, Mumps and Rubella)

E. 2 Varicella (Chickenpox)

F. 2 Hep A (Hepatitis A)

Recommended:

A. Annual Influenza

B. COVID-19

Grades 6 through 11

Required:

A. 3 Hep B (Hepatitis B)

B. 5 DTaP (Diphtheria, Tetanus and Pertussis)

C. 4 Polio (Inactivated Polio)

D. 2 MMR (Measles, Mumps and Rubella)

E. 2 Varicella (Chickenpox)

F. 2 Hep A (Hepatitis A)

G. 1 Tdap (Tetanus, Diptheria, and Pertussis)

H. 1 MCV4 (Meningococcal conjugate)

Recommended:

A. Annual Influenza

B. 2 or 3 HPV (Human papillomavirus)

C. COVID-19

Grade 12

Required:

A. 3 Hep B (Hepatitis B)

B. 5 DTap (Diphtheria, Tetanus and Pertussis)

C. 4 Polio (Inactivated Polio)

D. 2 MMR (Measles, Mumps and Rubella)

E. 2 Hep A (hepatitis A)

F. 2 Varicella (Chickenpox)

G. 1 Tdap (Tetanus, Diptheria, and Pertussis)

H. 2 MCV4 (Meningococcal conjugate)

Recommended:

A. Annual Influenza

B. 2 or 3 HPV (Human papillomavirus)

C. 2 MenB (Meningococcal)

D. COVID-19

Hep B: The minimum age for the third dose of Hepatitis B is twenty-four (24) weeks of age.

DTap: Four (4) doses of DTaP/DTP/DT are acceptable if the 4th dose was administered on or after the child's fourth birthday.

Polio: Three (3) doses of polio vaccine are acceptable for all grade levels if the third dose was administered on or after the child's fourth birthday and at least six (6) months after the previous dose.

For students in grades kindergarten through 12, the final dose must be administered on or after the fourth birthday, and be administered at least six (6) months after the previous dose.

Varicella: Physician documentation of disease history, including month and year, is proof of immunity for children entering preschool through 12th grade. Parent report of disease history is not acceptable.

Tdap: There is no minimum interval from the last Td dose.

MCV4: Individuals who receive dose 1 on or after their sixteenth birthday only need one (1) dose of MCV4.

Hepatitis A: The minimum interval between the first and second dose is six (6) calendar months. Two (2) doses are required for all grade levels.

* For children who have delayed immunizations, please refer to the 2025 CDC "Catch-up Vaccination Schedule" to determine adequately immunizing doses. All minimum intervals and ages for each vaccination, as specified per the 2025 CDC guidelines, must be met for a dose to be valid. These guidelines can be found at https://www.cdc.gov/vaccines/hcp/imz-schedules/child-adolescent-age.html#table-1.

Statem**ent of Immunization History**

Each school shall require the parent of a student who has enrolled in the school to furnish, not later than the first day of school attendance, proof of the student's immunization status, either as a written document from the health care provider who administered the immunization or documentation provided from the State immunization data registry.

The statement must show, except for a student to whom I.C. 20-34-3-2 or I.C. 20-34-3-3 applies, that the student has been immunized as required under I.C. 20-34-4-2. The statement must include the student's date of birth and the date of each immunization.

A student may not be permitted to attend school beyond the first day of school without furnishing the documentation described above unless:

A. the school gives the parent of the student a waiver; or

B. the local health department or a health care provider determines that the student's immunization schedule has been delayed due to extreme circumstances and that the required immunizations will not be completed before the first day of school.

The waiver may not be granted for a period that exceeds twenty (20) school days. If the student's immunization schedule has been delayed due to extreme circumstances, the parent of the student shall furnish the written statement and a schedule, approved by a health care provider who is authorized to administer the immunizations or the local health department for the completion of the remainder of the immunizations.

Exemptions

If a physician certifies that a particular immunization required by I.C. 02-34-3 or I.C. 20-34-4 is or may be detrimental to a student's health, the requirements of I.C. 20-34-3 or I.C. 20-34-4 for that particular immunization is inapplicable for the student until the immunization is found no longer detrimental to the student's health.

Provisional Admission to School

A student may be admitted to school on a provisional basis if a health care provider or the local health department indicates that immunization of the student has been initiated and that the student is in the process of complying with all immunization requirements. A schedule of proposed immunizations must be on record at the school office.

Documents Accepted as Evidence of Immunization

The following documents will be accepted as evidence of a student's immunization history provided they comply with State requirements and contain the date when each immunization was administered:

A. a written document from the health care provider who administered the immunization

B. documentation provided from the State immunization data registry

Required Records

A. If a student transfers to another school, this record or a copy thereof shall be sent to the new school within twenty (20) days.

B. If a student enrolls in a State education institution, the student's immunization record shall be sent to the State educational institution.

C. If a student is enrolled in a State educational institution while still attending a secondary-level school, the student's immunization record shall be sent to the State educational institution.

Information concerning meningococcal disease shall be provided to students and parents at the beginning of the school year.

Materials concerning immunizations and immunization preventable diseases shall be provided to parents and guardians of students by the principal of each school, who shall obtain these materials from the State Department of Education. Posting the materials on the school building's website shall satisfy the distribution requirement.

Information concerning the link between cancer and the human papillomavirus (HPV) infection, and that an immunization against the human papillomavirus (HPV) infection is available as prescribed by the State Department of Health shall be provided to the parent of each student who is entering grade 6.

Annual Review of Immunization Data in State Registry

The principal of each school shall submit complete immunization data for the students in their school using the Indiana State Department of Health's immunization data registry by the first Friday in February each year, notify the Superintendent that they have completed this task, and provide the Superintendent with a copy of the immunization data submitted. The Superintendent shall review all of the immunization data for the School Corporation in the state immunization registry to ensure it is complete not later than the first Friday in February each year.

Records Available for Inspection

The principal shall make immunization records available for inspection by authorized representatives of the State Department of Health.

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Revised 10/11/05
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Revised 5/11/10
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Revised 8/2/14
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ag5330

USE OF MEDICATION

5330 - **USE OF MEDICATION**

The medication which may be administered is defined in Policy 5330 - Use of Medication. In those circumstances where a student must take prescribed medication during the school day, the following guidelines are to be observed:

A. Parents should determine with their physician's counsel whether the medication schedule can be adjusted to avoid administering medication during school hours.

B. The Medication Request and Authorization Form 5330 F1, Authorization for Prescribed Medication or Treatment, must be filed with the respective building principal before the student will be allowed to begin taking any medication during school hours. This written and signed request form is to be submitted on an annual basis and will include:

1. student's name;

2. medication and dosage or procedure required;

3. times required;

4. special instructions including storage and sterility requirements;

5. date prescribed medication will be started;

6. date prescribed medication will no longer be needed;

7. physician's name, address, and telephone number;

8. probable side effects;

9. authorization by both the physician and the parent for a student to self-administer the medication but only in the presence of an authorized staff member or parent;

10. authorization for school personnel to administer the prescribed medication, if necessary;

11. agreement/satisfactory arrangement to deliver medication to/from school;

12. agreement to notify the school in writing if the medication, dosage, schedule, or procedure is changed or eliminated. A new request form must be submitted each school year or for each new medication.

C. All medication to be administered during school hours must be registered with the principal's office. Upon receipt of the medication, the SCHOOL NURSE shall verify the amount of medication brought to the school and indicate that amount on the student medication log sheet. Medication should be kept in a locked cabinet in the clinic or nurse's office, when possible.

D. Medication that is brought to the office will be properly secured. Medication may be conveyed to school directly by the parent or transported by transportation personnel (bus driver and/or bus aide) at parental request. This should be arranged in advance. A two to four (2-4) weeks' supply of medication is recommended. Medication MAY NOT be sent to school in the student's lunch box, pocket, or other means on or about his/her person. An exception to this would be prescriptions for emergency medications for allergies and/or reactions.

E. For each prescribed medication, the container shall have a pharmacist's label with the following information:

1. student's name

2. physician's name

3. date

4. pharmacy name and telephone

5. name of medication

6. prescribed dosage and frequency

7. special handling and storage directions

F. The staff member administering the medication shall ensure that the student takes the medication properly.

G. Any unused medication unclaimed by the parent will be destroyed by the administrative personnel when a prescription is no longer to be administered or at the end of a school year.

H. At no time shall medication be administered in a dosage that exceeds that listed in the current Physician’s Desk Reference.

I. If a student does not take the medication at the proper time, the staff member responsible for administering the medication shall take appropriate steps to locate the student and administer the medication and to then notify the parents of the importance of the child reporting on time for his/her medication.

J. All medication is to be administered in such a way as to not unduly embarrass the student.

K. A log for each prescribed medication shall be maintained which will note the personnel giving the medication, the date, and the time of day. This log will be maintained along with the physician's

written request and the parent's written release.

L. A count of each student's medication is to be made every week and the amount reconciled with the original amount indicated on the log sheet and the number administered since the last count.

M. If, for supportable reasons, the principal wishes to discontinue the privilege of a student self-administering a medication, s/he shall notify the parent of this decision in sufficient time for an alternative administration to be established.

N. Auto-Injectable Epinephrine

The school principal may fill a prescription for auto-injectable epinephrine to be stored at school if an Indiana licensed health care provider with authority to issue a prescription writes a prescription for auto-injectable epinephrine for the school. The school must store the auto-injectable epinephrine in a safe location to which only school personnel have access.

A school nurse may administer auto-injectable epinephrine to any of the following individuals if the individual is demonstrating signs or symptoms of life-threatening anaphylaxis and the individual does not have epinephrine at the school or the individual's prescription is not available:

1. students at the school

2. school personnel

3. visitors at the school

O. School employees may administer auto-injectable epinephrine that is stored at school pursuant to this guideline if:

1. the school employee has received training in:

a. recognizing anaphylaxis; and

b. the proper administration of auto-injectable epinephrine

by a health care provider who is licensed or certified in Indiana, whose practice includes the administration of auto-injectable epinephrine, who has received training in the administration of auto-injectable epinephrine, and who is knowledgeable in recognizing the symptoms of anaphylaxis and the administration of auto-injectable epinephrine; and

2. the individual to whom the epinephrine is being administered is:

a. a student at the school;

b. a member of school personnel; or

c. a visitor at the school.

Auto-injectable epinephrine must be administered in accordance with the manufacturer's guidelines and the above provisions.

P. Narcan or Other Overdose Administration Drug

The school principal may fill a prescription for an overdose administration drug to be stored at school if an Indiana licensed health care provider with authority to issue a prescription writes a prescription for an overdose administration drug for the school. The school must store the overdose administration drug in a safe location to which only school personnel have access.

A school nurse or School Corporation employee who has received training on drug overdose response and treatment, including the administration of an overdose intervention drug, may administer an overdose administration drug obtained via a prescription written for the

Corporation by a prescriber described above to an individual who is experiencing an apparent opioid-related overdose while

1. on school property

2. during school hours

3. at a school event

if the school nurse or Corporation employee is acting in good faith and attempts to summon emergency services either immediately before or immediately after administering the overdose intervention drug.

The Superintendent shall delegate or assume the responsibility for annually registering with either the State Department or local health department in the county where the Corporation is located in a manner prescribed by the State Department of Health.

The Superintendent shall ensure that education and training on drug overdose response and treatment, including the administration of an overdose intervention drug is provided at least every two (2) year(s) to all school nurses and all Corporation employees who may administer an overdose administration drug.

A student may possess and use a topical, non-aerosol sunscreen product while on school property or at a school sponsored event or activity. The student does not have to have a physician's note or prescription for the product nor is the student required to store the product in a specific location if the product is regulated by the U.S. Food and Drug Administration.

Corporation personnel shall not assist with the application of a topical sunscreen product.

Errors in Administering Medications

In the event of a medication error, the individual responsible for administering the medication at the time the error occurred must file the proper incident report (5330 F4) as documentation of the error and follow procedures outlined for medication errors.

The correct medication must be administered to the correct student at the correct time (within thirty [30] minutes before or after the prescribed dose is specified), in the correct dosage, by the correct method of administration, with accurate documentation. Deviation from this standard constitutes a medication error. A dose that is missed (omitted) for whatever reason may also be considered a medication error.

Examples of medication errors include but are not limited to the following:

A. administering the wrong medication

B. administering the wrong dose of the medication

C. administering the medication at the wrong time

D. administering the medication in the wrong way (e.g. ear drops placed in the eye)

E. administering the medication to the wrong student

If the individual administering the medication is not the school nurse, upon realization that an error has occurred shall notify the school nurse, supervisor, and school principal. If the individual administering the medication was not the school nurse, the individual administering the medication shall find the student and, if necessary, accompany the student back to the nurse's office for observation until the school nurse has arrived.

The school nurse shall:

A. assess the student;

B. notify the student's parents;

C. contact the Poison Control Center, if necessary;

D. contact the student's physician, if necessary;

E. take remedial actions, as necessary;

F. review the medication errors incident report form for completeness and accuracy of information provided;

G. provide additional education to staff involved in the medication error incident, as needed.

The principal shall:

A. contact the student's parents, if the school nurse has not already done so;

B. review the medication errors incident report form;

C. report the incident to the Superintendent.

A student refusing to take a medication does not constitute a medication error. The refusal shall be documented on the daily medication long and the parents shall be notified of the refusal.

The principal in conjunction with the school nurse shall review all incident reports at least annually to determine factors that contribute to errors in administering medications and if changes should be made to the procedures for administering medications or to the process of responding to medication errors.

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ag5330A

EMERGENCY MEDICATION

5330A - **EMERGENCY MEDICATION**

Board Policy 5330 and the procedures on the administration of medication in AG 5330 must be observed at all times.

School personnel should administer only physician prescribed kits, or equivalent.

Schools are to be notified, in writing, of a student who may need emergency medication by his/her parents or physician. In all cases, this information should be conveyed to the school nurse who will be responsible for ensuring that selected staff members receive appropriate instruction in the administration of such medication.

In addition, a notation should be made on the student's emergency medical authorization Form 5341 F1 for use on field trips. The medication should be available to the trip leader who should be trained in its proper application.

Parents are responsible for providing the school with the proper medication with an adequate expiration date at the beginning of each school year.

Medication procedures should be reviewed with appropriate staff at the beginning of school each year.

ag5330.02

CARE OF STUDENTS WITH DIABETES

5330.02 - **CARE OF STUDENTS WITH DIABETES**

A diabetes management and treatment plan must be prepared and implemented for a student with diabetes for use during school hours or at a school-related event or activity. An individualized health plan shall be developed and shall incorporate the components of the student's management and treatment plan.

The principal at each school in which a student with diabetes is enrolled, after consultation with the school nurse, shall:

A. seek school employees to serve as volunteer health aides; and

B. make efforts to provide that the school has an adequate number of volunteer health aides to care for the students.

A volunteer health aide, while providing health care services, serves under the supervision and authorization of the principal and the school nurse. A volunteer health aide must have access to the school nurse, in person or by telephone, during the hours that the volunteer serves as a health aide.

A school employee may not be subject to any disciplinary action for refusing to serve as a volunteer health aide. The principal shall inform school employees that participation as a health aide is voluntary. A school employee who volunteers as a health aide may elect to perform only those functions that the school employee chooses to perform and is trained to perform.

The school nurse shall coordinate the training of school employees serving as volunteer health aides and the record keeping and monitoring of the volunteer health aides.

Training for volunteer health aides must be provided by a health care professional with expertise in the care of individuals with diabetes or by the school nurse. The training must be provided before the

beginning of the school year or as soon as practicable following the enrollment or the diagnosis of a student with diabetes at the school.

The school nurse shall maintain a copy of the training program and the records of training completed by school employees.

The school nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan. When necessary, a volunteer health aide may perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

A volunteer health aide may act only if the parent/legal guardian of the student signs an agreement that:

A. authorizes a volunteer health aide to assist the student; and

B. states that the parent/legal guardian understands that a volunteer health aide is not liable for civil damages for assisting in the student's care.

A volunteer health aide who assists a student is not considered to be engaged in the practice of nursing, and is exempt from applicable laws and rules that restrict activities that may be performed by an individual who is not an individual licensed or authorized to provide health care services.

The School Corporation shall not restrict the assignment of a student to a particular school on the sole basis of whether the school has volunteer health aides.

Except in an emergency, the school shall allow the student to attend to the management and care of his/her diabetes, as provided in the individualized health plan, if the student has been evaluated and determined to be capable of doing so, as reflected in the diabetes management and treatment plan. Management and care activities may include:

A. performing blood glucose level checks;

B. administering insulin through the insulin delivery system the student uses;

C. treating hypoglycemia and hyperglycemia;

D. possessing on the student's person at anytime the supplies or equipment necessary to monitor and care for the student's diabetes;

E. otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity or event.

The school nurse shall establish a procedure through which a student is cared for in an emergency.

The school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school-related activity an information sheet that:

A. identifies the student with diabetes;

B. identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency; and

C. provides the telephone number of a contact in case an emergency occurs.

ag5340A

STUDENT ACCIDENT/ILLNESS

5340A - **STUDENT ACCIDENT/ILLNESS**

In the event of a student accident or illness, staff members shall:

A. and, **if properly trained**, administer first aid;

B. report the accident to the appropriate administrator;

C. summon professional medical assistance, if needed;

D. notify the parents as soon as possible by telephone or written notice;

E. contact parents immediately if the accident indicates professional medical care is required;

F. record on the Student Accident Form 5340 F1, as soon as possible, all pertinent facts concerning the accident and submit it to the principal's office for transmission to the Superintendent's office.

School personnel shall not diagnose illness or administer medication of any kind except in accordance with AG 5330.

Records are to be kept on all injuries requiring medical attention which occur while students are on school property, in school buildings, on the way to or from school, or at school-sponsored activities.

Each principal shall prepare in-building procedures for dealing with illness at school which ensure prompt attention to the child and proper communication with the parents.

ag5340B

HEALTH EMERGENCIES AND FIRST AID CARE

5340B - **HEALTH EMERGENCIES AND FIRST AID CARE**

Internal medication cannot be administered even in emergencies to any student by school personnel other than a physician. Any treatment beyond first aid of any condition, is prohibited.

TRANSPORTATION FOR ILL OR INJURED STUDENTS

5340D - **TRANSPORTATION FOR ILL OR INJURED STUDENTS**

When a student becomes ill or injured at school, it may be necessary for the student to be taken home, to a doctor, or to a hospital. This responsibility should be assumed by the parent, except in an emergency when it is apparent that an ambulance or emergency medical service should be called immediately. (See AG 5340A for calling procedure.)

The final responsibility for the safe transportation of a sick or injured student from school to home, hospital, or to emergency medical care rests with the principal.

No seriously sick or injured student should be allowed to go home unless there is a responsible adult (see student's Emergency Medical Authorization Form 5341 F1) to provide for his/her care. The student will remain in school when all measures available to locate a responsible adult have failed. When school is dismissed and no adult is available, contact the appropriate local law enforcement agency.

Ambulance and emergency medical service cost is the parent's responsibility but should never be a deterrent in providing this emergency service.

Emergency Situations

For critically injured or ill students who may warrant an ambulance or emergency medical service, the following procedures should be taken:

A. Determine how severe the emergency is.

B. Call ambulance or emergency medical service.

C. Administer necessary first aid, if trained or if prudence requires.

D. Contact the principal.

E. Complete an accident report Form 5340 F1.

STUDENT CONCUSSIONS AND SUDDEN CARDIAC ARREST

5340.01 - **STUDENT CONCUSSIONS AND SUDDEN CARDIAC ARREST**

Student Concussions

A concussion is a type of traumatic brain injury. Concussions occur when there is a forceful blow to the head or body that results in rapid movement of the head and causes any change in behavior, thinking, or physical functioning. Concussions are not limited to situations involving loss of consciousness. Some symptoms of a concussion include headache, nausea, confusion, memory difficulties, dizziness, blurred vision, anxiety, difficulty concentrating, and difficulty sleeping.

Parents who inform coaches and teachers that their child is being treated by a healthcare professional for a concussion must provide written clearance from that healthcare professional for full or limited participation in class, practice, activity, or competition. Prior to receiving written clearance from a healthcare professional, students who have sustained a concussion may not participate in any school-related physical activities.

If a concussion is suspected by a teacher or coach, the student will be removed from the class, practice, activity, or game. The student will not be permitted to return to full participation until he or she is evaluated by a healthcare professional experienced in concussion management and receives written clearance for full participation from that professional. Limited physical activity in the physical education context may eventually be permitted, depending on the recommendation of the healthcare professional.

Teachers or coaches who suspect a student has been concussed will record on the Student Accident Form 5340 F1, as soon as possible, all pertinent facts concerning the incident and submit it to the principal's office.

Parents or guardians will be notified about the possible concussion and given information on concussions and the need for medical attention.

Prior to the beginning of each season and pre-season training, coaches shall notify parents, guardians, and student athletes of the fact that written clearance for full participation will be required from a

healthcare professional when a concussion is suspected or diagnosed. Information about this guideline will be included in the student handbook.

Coaches and physical education staff will be trained in concussion recognition and response. Specifically, training will include information on how to recognize the signs and symptoms of a concussion, how to obtain proper medical treatment in cases of suspected concussions, and return-to-play standards.

Student Sudden Cardiac Arrest

A student participating in an interscholastic sports activity, cheerleading, marching band, a drama or musical event, or other extracurricular competitive or noncompetitive activity in which students have an increased risk of sudden cardiac arrest, as determined by the Indiana Department of Education, who is suspected of experiencing a symptom of sudden cardiac arrest, as determined by a game official, coach of the student's team, licensed athletic trainer, physician assistant, advanced practiced registered nurse, licensed physician, marching band leader, a drama or musical leader or other official designated by the applicable student's school, while engaged in a sports activity, a performance, a drama or musical event, or a practice for such an activity will be removed from practice, performance or play at the time that the symptom is identified, and the parent or legal guardian of the student will be notified of the student's symptoms (unless the student is at least age eighteen (18) or is an emancipated minor).

A student who has been removed from practice, performance or play may not return to practice, performance or play until the coach/sponsor, marching band leader, drama or musical leader, or other official designated by the applicable student's school has received verbal permission from a parent or legal guardian of the student (or from the student if the student is at least age eighteen (18) or is an emancipated minor) for the student to return to practice, performance and/or play. Within twenty-four (24) hours after giving verbal permission for the student to return to practice, performance and/or play, the parent or legal guardian (or the student if the student is at least age eighteen (18) or is an emancipated minor) must provide the coach, marching band leader, drama or musical leader or other official designated by the school with a written statement that the student has permission to return to practice, performance and/or play. The coach/sponsor, marching band leader, drama or musical leader, or other official designated by the applicable student's school will retain the written permission presented as confirmation of the student's ability to return to the activity.

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ag5341

PROCEDURE FOR DNR AND POST ORDERS

5341 - **PROCEDURE FOR DNR AND POST ORDERS**

This guideline addresses the procedures for emergency management of students who have a Do Not Resuscitate ("DNR") Agreement or a Physician Order for Scope of Treatment ("POST") form.

Pursuant to I.C. 16-36-5-11, a DNR order must be executed by either a person who is at least eighteen (18) years old and is competent or by a representative of a person who is at least eighteen (18) years old and has been determined incompetent. A DNR order may not be executed for a person who is less than eighteen (18) years old. If the student meets the criteria for the execution of a DNR order and the DNR order has been provided to the school or an out of hospital DNR identification device is worn by the student or in the student's possession, staff members shall comply with the terms of the order and shall not administer cardiopulmonary resuscitation ("CPR") in the event of a medical emergency. Instead, staff members shall call 911 to report the medical emergency and shall advise the emergency management personnel who respond of the existence of the DNR order. In addition to calling 911, staff members shall notify the student's parent or guardian of the medical emergency as soon as practicable.

The following individuals may complete a POST form:

A. A qualified person who is either at least eighteen (18) years of age or less than eighteen (18) years of age but authorized to provide consent under I.C. 16-36-1-3(a)(2) and of sound mind.

B. A qualified person's representative, if the qualified person is less than eighteen (18) years of age and is not authorized to consent under I.C. 16-36-1-3(a)(2) or has been determined to be incapable of making decisions about the qualified person's health care by a treating physician acting in good faith and the representative has been:

1. appointed by the individual under I.C. 16-36-1-7 to serve as the individual's health care representative;

2. authorized to act under I.C. 30-5-5-16 and I.C. 30-5-5-17 as the individual's attorney in fact with authority to consent to or refuse health care for the individual;

3. appointed by a court as the individual's health care representative under I.C. 16-36-1-8; or

4. appointed by a court as the guardian of the person with the authority to make health care decisions under I.C. 29-3.

A "qualified person" is an individual who has at least one (1) of the following:

A. An advanced chronic progressive illness.

B. An advanced chronic progressive frailty.

C. A condition caused by injury, disease, or illness from which, to a reasonable degree of medical certainty:

1. there can be no recovery; and

2. death will occur from the condition within a short period without the provision of life-prolonging procedures.

D. A medical condition that, if the person were to suffer cardiac or pulmonary failure, resuscitation would be unsuccessful or within a short period the person would experience repeated cardiac or pulmonary failure resulting in death.

The treating physician and qualified person or representative must sign and date the POST form for the POST form to be effective. The POST form must include the following:

A. A medical order specifying whether CPR should be performed if the qualified person is in cardiopulmonary arrest.

B. A medical order concerning the level of medical intervention that should be provided to the qualified person, including the following:

1. Comfort measures.

2. Limited additional interventions.

3. Full intervention.

C. A medical order specifying whether antibiotics should be provided to the qualified person.

D. A medical order specifying whether artificially administered nutrition should be provided to the qualified person.

E. A signature line for the treating physician, including the following information:

1. The physician's printed name.

2. The physician's telephone number.

3. The physician's medical license number.

4. The date of the physician's signature.

"Signature" includes an electronic or physician controlled stamp signature.

F. A signature line for the qualified person or representative, including the following information:

1. The qualified person's or representative's printed name.

2. The relationship of the representative signing the POST form to the qualified person covered by the POST form.

3. The date of the signature.

G. A section presenting the option to allow a declarant to appoint a representative (as defined in I.C. 16-36-1-2) under I.C. 16-36-1-7 to serve as the declarant's health care representative.

If the POST form has properly been executed and presented to the school, staff members, including the school nurse, shall comply with the terms of that order unless the staff member:

A. believes the POST form was not validly executed;

B. believes in good faith that the declarant, the representative, or another individual at the request of the declarant or representative has revoked the POST form;

C. believes in good faith that the declarant or representative has made a request for alternative treatment;

D. believes it would be medically inappropriate to provide the intervention included in the declarant's POST form; or

E. has religious or moral beliefs that conflict with the POST form.

In the case of a religious or moral objection, a health care provider, including the school nurse, must transfer care of the student to another health care provider who is able to implement or carry out the orders. In all cases, staff members shall call 911 to report the medical emergency and shall advise the emergency management personnel who respond of the existence of the POST form. In addition to calling 911, staff members shall notify the student's parent or guardian of the medical emergency as soon as practicable.

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ag5350

SUICIDE AWARENESS AND PREVENTION

5350 - **SUICIDE AWARENESS AND PREVENTION**

The Superintendent should ensure every building in the Corporation has access to a plan that covers suicide prevention, awareness, access to training/learning resources, referrals, intervention (counseling resources) and postvention (support after an attempt or suicide). The plan should be reviewed and promoted annually.

Research has shown that talking about suicide or asking students if they are thinking about suicide will not put the idea in their heads or cause them to kill themselves. Given the widespread stigma around suicide, most people who are contemplating suicide do not know with whom to speak. By talking openly and being available to students, school personnel may be able to help an individual see that there are other options and/or give the student time to rethink his/her decision, thereby preventing suicide. The Superintendent should designate which licensed employees are qualified to talk to an individual who displays risk factors for suicide and/or self-harm. These designated licensed employees should be accessible, and their contact information should be available.

Risk Factors

A student who is defined as high risk for suicide is one who has made a previous suicide attempt, has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset or deterioration of a mental health condition. The student may have thought about suicide including potential means of death and may have a plan. In addition, the student may exhibit feelings of isolation, hopelessness, helplessness, and the inability to tolerate any more pain. This situation would necessitate a referral, as documented in the following procedures. *Another important risk factor to note is if a student has had a parent/guardian die by suicide.

Suicide is preventable; therefore, we can take steps toward decreasing the odds of a suicide attempt.

Increasing student and community awareness might include posting resources in locations around the school, on social media, in student handbooks, etc. Ease of access and reducing the stigma of reaching out for help are important steps towards preventing suicide. Resources might include the following:

A. National Suicide Prevention Lifeline (1-800-273-8255);

B. Text options, such as Families First (text CSIS to 839863) or Mental Health America of Tippecanoe (call or text Safe2Talk to 765-742-0244), and

C. Any additional supportive resources within the school and local community.

Assessments

A corporation-approved suicide assessment may be utilized by trained mental health staff, such as School Counselors, School Social Workers, or School Psychologists. It is recommended that at least three school personnel are trained to screen for the level of risk for imminent harm. It is important to ensure that all School Counselors, School Social Workers, School Nurses, and School Psychologists have the necessary training in suicide risk assessment and screening before assigning this responsibility to their role.

Suicide Screening vs. Suicide Assessment

Suicide prevention experts usually use the term suicide screening to refer to a procedure in which a standardized instrument or protocol is used to identify individuals who may be at risk for suicide. Suicide screening can be done independently or as a part of a more comprehensive health or behavioral health screening. Screening may be done orally (with the screener asking questions), with paper and pencil, or using a computer. Suicide assessment usually refers to a more comprehensive evaluation done by a School Counselor/School Social Worker/mental health counselor to confirm suspected suicide risk, estimate the immediate danger to the student, and decide on a course of action. Although assessments can involve structured questionnaires, they also can include a more open-ended conversation with a student, friends, teachers, and/or family to gain insight into the student's thoughts and behaviors, risk factors (e.g. 11 access to lethal means or a history of suicide attempts), protective factors (e.g., immediate family support), and medical and mental health history.

Suicide Intervention Process

The School Board directs that any time a staff member encounters a situation in which a student appears to be contemplating committing suicide, the following process should be followed carefully.

Step One - Stabilize the Situation

A. Under no circumstances is a suicidal student to be left alone.

B. Converse with the student immediately to determine if they have any dangerous instrumentalities (weapon, substance, or other material capable of inflicting a mortal wound) on or near their person.

C. If the student will allow, immediately remove any dangerous instrumentalities from the student and the student's environment.

D. If the student will agree, accompany them to a prearranged, non-threatening place away from other students and other people but where there is another adult and a telephone nearby. If the principal can be notified without leaving the student, do so as quickly as possible. If the student will not agree, stay calm and remain with them until someone comes by.

Either the Principal (if available) or the staff member should proceed to Step Two without delay.

Step Two - Assess the Risk

A. Stay relaxed and talk calmly to the student to assess the risk of the student harming themselves. Listen intently to what the student is saying and avoid giving advice. Keep questions nonjudgmental.

B. If the student will not relinquish a dangerous instrumentality, use EXTREME RISK PROCEDURE (Step Three A).

C. If the student is in imminent danger of harming themselves, but is not in possession of a dangerous instrumentality, use SEVERE RISK PROCEDURE (Step Three B).

D. If the student is not in imminent danger of harming themselves, use MODERATE RISK PROCEDURE (Step Three C).

Step Three - Take Appropriate Action Based on the Risk

A. EXTREME RISK PROCEDURE

1. Contact the police or Department of Child Services (DCS).

2. Keep the student engaged in conversation and reassure them until the police arrive.

3. After the police arrive, and if good rapport has been established with the student, remain present to provide continuity and support as the police attempt to get the student to relinquish the dangerous instrumentality.

4. Contact the student's parents and inform them of what has transpired and the actions being taken.

B. SEVERE RISK PROCEDURE

1. Contact the school counselor, social worker, special education teacher (if applicable) or School Resource Officer.

2. Keep the student engaged in conversation and reassure them until the above individual arrives.

3. Determine if the student's distress is the result of parental abuse, neglect, or exploitation. If so, notify the Department of Child Services (DCS) immediately, give them the facts, request them to intervene, and follow their instructions. If a crime has been committed, also contact the local police.

4. Contact the student's parents.

5. If DCS does not intervene or the parents do not arrive to pick up the student before the end of the school day and the student remains agitated despite discussion with the school counselor, social worker, special education teacher or other individual listed above, call the local emergency medical responders.

C. MODERATE RISK PROCEDURE

1. Try to determine the reason(s) for the student's distress. Contact the parents, give them the facts, and ask them to come to the school right away.

2. Assist the parents in making contact with an agency or resource person who can provide appropriate intervention.

Step Four – Communicate with Appropriate Parties

A. Inform the appropriate members of the Corporation staff such as the Counseling Team, of the facts and the actions being taken. Alert them that they may need to observe the Corporation's confidentiality requirements (AG 2411 - Guidance and Counseling), although the occurrence was not something that developed during counseling.

B. **If the parents request**, inform the student's close friends of the facts and the actions being taken.

Step Five - Follow-Up

A. Determine the extent to which emergency or short-term procedures were completed properly.

B. Find out if arrangements have been made for long-term clinical and/or support services.

C. If neither short-term procedures nor long-term services were conducted or pursued properly, consult with the Superintendent to determine appropriate action.

D. Maintain continuing contact with the student to communicate interest in their welfare and support of the long-term services being provided.

E. Remain alert to the possibility of "copy-cat" suicide attempts by other students.

F. Evaluate steps A - E.

Re-Entry Procedure

For students returning to school after a mental health crisis (e.g., suicide attempt or psychiatric hospitalization), a school employed mental health professional, if the School Corporation employs one, or a contracted mental health professional and the Principal will meet with the student's parent or guardian, and if appropriate, meet with the student to discuss re-entry and appropriate next steps to assess the student's readiness for and facilitate their return to school.

A. A school-employed mental health professional or other designee will be identified to coordinate with the student, their parent or guardian, and any outside mental health care providers.

B. The parent or guardian will provide documentation from a mental health care provider that the student has undergone examination and that they are no longer a danger to themselves or others.

C. The designated staff person will periodically check in with student to help the student readjust to the school community and address any ongoing concerns.

(See the following related policies: Policy 5531 - Student Assistance Programs and Policy 8410 - Crisis Intervention)

SUICIDE POSTVENTION PROCESS

If, in spite of all intervention efforts, a suicide should occur, implement the Corporation's Crisis Intervention Plan.

If additional guidance is needed, contact the American Association of Suicidology, 5221 Wisconsin Avenue N.W., 2nd Floor, Washington, D.C. 20015. (202) 237-2280.

Suicide Awareness and Prevention and Violence Prevention

Evidence-based programs in suicide awareness and prevention and violence prevention should address the following:

A. how to instruct school personnel to identify the signs and symptoms of depression, suicide and self-harm in students;

B. how to instruct students to identify the signs and symptoms of depression, suicide and self-harm in their peers;

C. how to identify appropriate mental health services within schools and larger communities and when and how to refer youth and their families to those services;

D. how to teach students about mental health and depression, warning signs of suicide and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors;

E. how to identify observable warning signs and signals of individuals who may be a threat to themselves or others;

F. the importance of taking threats seriously and seeking help; and

G. how students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the Corporation's chosen anonymous reporting program.

Social Inclusion

Evidence-based programs in social inclusion to address the following:

A. what social isolation is and how to identify it in others;

B. what social inclusion is and the importance of establishing connections with peers;

C. when and how to seek help for peers who may be socially isolated; and

D. how to utilize strategies for more social inclusion in classrooms and the school.

Threat Assessment Teams and Training

The Corporation has a threat assessment team for each school building in the Corporation serving grades 6 through 12 see Policy 8400 - School Safety). Upon appointment and once every three years thereafter, each team member must complete an approved threat assessment training program. Each team must be multidisciplinary, when possible, and may include school administrators, mental health professionals, school resource officers and other necessary personnel.

Resources

Several organizations provide resources in developing and implementing suicide prevention and response protocols.

Indiana Department of Education-Suicide Prevention Training

https://www.in.gov/doe/educators/educator-licensing/suicide-prevention-training/

American Foundation for Suicide Prevention

https://aftsp.org

Indiana's State Suicide Prevention Plan

https://www.in.gov/issp/files/5721-Suicide-Prevention-Tool_Fillable.pdf

Indiana Suicide Prevention Resources Toolkit

https://www.in.gov/health/safesleep/fatality-review/overdose-fatality-review/indiana-suicide-prevention-resources-toolkit/

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ag5360

RECESS GUIDELINE FOR HARSH WEATHER

5360 **- RECESS GUIDELINE FOR HARSH WEATHER**

Each principal, is to establish the criteria (weather conditions) for determining, on a day-by-day basis, when recess will be held. The decision may vary from grade to grade.

Conditions that should be considered are:

A. temperature

B. wind chill (see next page)

C. humidity

D. age

E. length of time outdoors

F. adequacy of clothing of the children

G. condition of the playground

Exercise outdoors is healthy and is strongly encouraged. If conditions preclude the full recess time, even a five (5) minute break can revitalize children and prepare them for more sitting and academic learning.

The school's recess guidelines should be placed in the student/parent handbook and/or included in parent orientation meetings.

IMPORTANT - Children with special health conditions, in particular, asthmatic children, may need special accommodation of their needs during cold weather or periods of high pollen or inversion. The parents of these children are to be consulted in creating a workable system for determining when other arrangements are necessary and for the child's supervision.

Hot Weather Guidelines:

A. Provide for frequent water breaks or have plastic water bottles easily accessible.

B. Watch carefully for possible heat exhaustion or over-exertion but do not give salt tablets, unless authorized.

C. Plan for less vigorous physical activity after mid-day.

Cold Weather Guidelines

WIND CHILL TEMPERATURES

How cold it feels on a winter day is a complex function of several factors, of which the most important are air temperature and wind speed. The wind moving past the skin during cold weather increases heat loss from the body. As the heat is lost, the body continues to pump new, warm blood to the outer extremities in an attempt to maintain the proper body temperature. If the air temperature is quite low and the wind strong, the body, in some cases cannot keep up with the heat loss and, therefore, the skin temperature decreases. The freezing of exposed portions of the body can result. However, the usual effect of the wind chill is plain old discomfort. Feeling colder than it really is, so to speak.

Following is a chart which gives the wind chill temperatures. For example, if the temperature is 25 degrees and the wind 20 mph, the wind chill temperature is -4 degrees. In other words, the above

mentioned condition of 25 degrees and a wind of 20 mph will have the same effect on the human body as no wind and a temperature of 4 degrees below zero.

It should be noted that water will not freeze until the actual air temperature is 32o F or less, regardless of what the wind chill temperature is.

ag5360B

GUIDELINES FOR PREVENTING HEAT-RELATED PROBLEMS

5360B - **GUIDELINES FOR PREVENTING HEAT-RELATED PROBLEMS**

Heat illnesses are due to a disturbance in the body's mechanism of heat control. Simply by increasing physical activity, one can increase the body's heat production by ten (10) to fifteen (15) times the resting rate of heat production.

Radiation, conduction, and convection account for sixty-five percent (65%) through seventy-five percent (75%) of body heat losses. Perspiration and evaporation account for only fifteen percent (15%) through twenty percent (20%) of heat dispersed, depending upon the air temperature and humidity.

As the air temperature approaches body temperature, less heat can be transferred by radiation, conduction, and convection. Sweating then becomes paramount to cooling. High humidity impedes evaporation, limiting the cooling potential of sweat. Thus, the result is a limited spectrum of heat-related problems with higher heat and humidity.

HEAT ILLNESS

Athletes are at higher risk of developing heat illnesses – ranging from mild heat cramps to the catastrophic heat stroke. Preventative measures and early recognition can save lives.

A. **Heat Cramps and Heat Syncope**

Heat cramps strike the unconditioned athlete most commonly. In the early season, unconditioned football players develop painful cramps as a result of dehydration. Usually, the large muscles of the lower extremities are involved. Rest, fluids, and ice packs usually bring immediate relief. Exercise can be resumed at a lower rate after recovery.

There is no evidence that salt deficiency is the etiology of these cramps; therefore, salt tablets are unnecessary. The normal diet contains sufficient salt to replace that lost in sweat.

B. Most heat cramps are due to unaccustomed exercise in hot, humid conditions. Simply by reducing exercise over the next ten (10) through fourteen (14) days (after heat cramps develop) the body acclimatizes itself to the heat by more efficient sweating. Then a gradual increase to peak exercise can be accomplished without ever over-taxing the athlete and risking illness.

Heat syncope is the sudden fainting spell seen on hot days when one stands at attention for long periods of time. This is commonly seen at military parades or band contests. The fainting spell is due to a lowered blood pressure caused by pooling of the blood to the legs, brought on by a reflex to the heat. This is **not** a dehydration problem; it is best treated by laying the participant in the shade, offering cool water or cold compresses, and loosening tight garments.

C. **Heat Exhaustion**

Heat exhaustion is the state where prolonged sweating leads to dehydration and subsequently to symptoms such as muscle weakness and cramps, fatigue and nausea, and cold, clammy skin.

Treatment is rest in the shade along with water. Fluid replacement usually results in rapid improvement. These individuals require more monitoring to ensure fluids are being replaced. Any vomiting is a sign that further therapy is necessary and may require intravenous fluids (IV's).

D. **Heat Stroke**

When heat generation exceeds the rate of perspiration, the body temperature rises dangerously. The temperature-regulating area of the brain succumbs to the high temperatures resulting in heat stroke or neurologic abnormalities. Symptoms are hot dry skin, elevated temperature with delirium, seizures, and eventual coma. Treatment consists of cooling the body immediately with ice packs or cool water. Often large quantities of intravenous fluids are necessary.

Heat stroke can result in death unless treatment is initiated immediately. The longer the delay in treatment, the greater the chance for mortality. Thus, the rule - treat immediately with ice and cooling water whenever heat stroke is suspected. An ambulance can be called while cooling measures are initiated. The easiest method to cool an overheated participant is to pack ice cubes

around him/her, while rubbing the skin with cool, moist compresses. Shivering is a signal to stop the cooling, in that hypothermia can result from excessive icing. Any patient exhibiting central nervous signs should be observed by a physician for heat-induced damage to the brain, heart, or kidneys.

Once an athlete has survived an episode of heat stroke, s/he should be monitored carefully due to increased risk for development of further heat-induced illness.

E. **Prevention**

1. Gradual conditioning two (2) through three (3) weeks before exercising at peak level- "report in shape."

2. Frequent water breaks during exercise.

3. Appropriate clothing.

4. Avoid exercising when heat and humidity signal dangerous conditions.

F. **Recommendations for Football**

1. Water load one (1) quart before exertion and drink eight (8) through sixteen (16) ounces every fifteen (15) minutes.

2. Unlimited ice water on fields.

3. Extend official time-outs for supervised water breaks.

4. Helmets off on side-lines when not playing, and at all time outs.

5. Electric fans in locker rooms at half-time to increase evaporation.

6. Emergency medical personnel at games when heat and humidity are in the danger zone.

7. Change practices and games to cooler times of day when heat and humidity are excessive.

8. Move season back approximately two (2) weeks. Allow three (3) weeks preseason practice.

9. Institute Psychrometer (Wet-Globe Thermometer) readings to determine heat humidity danger zones.

The Indiana High School Athletic Association establishes rules and regulations for all sanctioned sports for participating in high schools.

G. **Recommendations for Band**

1. Acclimatization.

2. Increase water before with frequent water breaks.

3. Less bulky clothes.

4. Not participating in extreme heat.

5. When standing for extended lengths of time, unlock knees; and use *muscle pump mechanism*: alternately press and release toes, causing calf muscles to contract and relax (three (3) sets of ten (10)). This technique helps prevent pooling of blood in the muscles.

H. **Recommendation for Classrooms**

1. Lightweight, light colored, loose clothing.

2. Well ventilated areas.

3. Frequent fluids (water) breaks.

4. If outside, cautious physical activity.

5. Contact local physicians or local health department for specific concerns.

ag5410

PROMOTION, PLACEMENT, AND RETENTION

5410 - **PROMOTION, PLACEMENT, AND RETENTION**

Optimal school achievement is obtained when students experience success in their daily activities and build upon successful experiences as they encounter new learning situations. All aspects of the student must be considered as grade placements are made.

DEFINITIONS

A. **Promotion:**

Occurs when a student is doing the caliber of work (grade level) that indicates the student has met the criteria established in Policy 5410 and restated below.

B. **Placement:**

Occurs when a student is not doing the caliber of work that indicates the student should be promoted to the next grade. However, the student placement team recommends and the building administrator concurs, that it is in the student's best interest to move to the next grade.

C. **Retention:**

Occurs when a student is not doing the caliber of work that indicates the student should be promoted to the next grade, based on the recommendation of the Student Intervention Team with the concurrence of the building administrator.

D. **Student Intervention:**

A Student Intervention Team is to be appointed by the principal each year to consider situations in which students may not be promoted to the next grade or may not graduate. Such a team

should include:

1. classroom teachers,

2. counselors and other support staff,

3. building principal.

Final decisions on student promotion, placement, or retention rest with the building principal.

To implement Board policy, the following guidelines are to be utilized:

Elementary Level

A. Criteria for Consideration

When the Student Intervention Team is convened, the following criteria shall be considered:

1. current level of achievement

2. potential for success at the next level

3. emotional, physical, social maturity

B. Time Line for Elementary Grade Placement Changes

1. October-January: Teacher should inform parents of student progress.

2. Early March: Teacher will notify principal if an alternative grade placement is being considered. The Student Intervention Team may be convened by the principal.

3. Early April: If placement or retention is still being considered, parents should have been notified by this time, and commitment to the decision secured.

4. May-June: Decision on placement or retention is made, and student Grade Placement Recommendation is completed.

Third Grade: IREAD-3

A student who does not pass the IREAD-3 assessment administered in third grade either during the assessment period in the school year or during the summer assessment window will first be considered for a good cause exemption.

Good cause exemptions that may be considered are:

A. a student who has been previously retained two times prior to the fourth grade;

B. the student was subject to retention and previously has been retained in grade 3 for one (1) school year;

C. the student has an intellectual disability or the student's IEP specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate;

D. the student is an English learner student who has received services for fewer than two (2) years and whose Individual Learning Plan (ILP) Committee including the parent, a building level administrator or designee, a classroom teacher of service, an English learner teacher of record (if one exists), and an English learner Corporation administrator (if one exists) has determined that promotion is appropriate based on the implementation of research-based instructional practices outlined in the student's ILP;

E. the student received a score of proficient or above proficient in grade 3 math on the Statewide summative assessment;

F. the student has received intensive intervention as determined by the Indiana Department of Education in reading for two (2) or more years and was retained more than one (1) time throughout kindergarten, grade 1, or grade 2.

If the student does not qualify for a good cause exemption, the school shall make one (1) of the following determinations based on the overall academic performance of the student in all subject areas.

Retention is necessary based on the overall academic performance of the student in all subject areas. The student should be retained in third grade, reported to the state as a third grader in the subsequent school year, and the student should receive third grade instruction in all subject areas, including reading, and will participate in the IREAD-3 assessment during the school year.

Middle School Level

A. Criteria

To be promoted the student must successfully complete a majority of the required academic subjects.

B. Time Line for Middle School Grade Placement

1. October-January: Teacher should indicate concern to parents and should initiate documentation. Any concerns should be reflected on report card.

2. Early March: Teacher will notify principal, if an alternative grade placement is being considered. The Student Intervention Team may be convened by the principal.

3. Early April: If placement or retention is still being considered, parents should have been notified by this time, and commitment to the decision secured.

4. May-June: Decision on placement or retention is made, and student Grade Placement Recommendation is completed.

High School Level

Criteria

For the official records, student class placement will be determined in the following manner:

Less than 14 credits = Freshman

15 credits to less than 28 credits = Sophomore

29 credits to less than 42 credits = Junior

43 credits to less than 56 credits = Senior

A. Students enrolling from schools having different graduation requirements will have their credits pro-rated for class placement.

B. All incoming students will be informed of these requirements at the time of admission.

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ag5420A

REPORTING STUDENT PROGRESS

5420A - **REPORTING STUDENT PROGRESS**

Reporting student progress serves many purposes, the most important of which is helping students and their parents understand how well the student is achieving program objectives and accomplishing the educational goals of the Corporation.

To comply with School Board Policy 5420, each principal, in cooperation with the school's professional staff, is to prepare for the Superintendent's approval a plan for progress reporting that includes how:

A. report cards will be prepared, reviewed, and then delivered to parents;

B. follow-up will occur whenever a parent conference produces a plan of action for helping a student improve or maintain current performance.

Also, to comply with School Board Policy 5420, each principal, after receipt of statewide results, shall arrange for a teacher who currently teaches a student who completed the most recent statewide assessment to discuss the results with the student's parent. This may take place through arranged parent-teacher conferences or through notices sent by the teacher offering to meet with the parent to discuss the results.

Included in the plan should be a mechanism for ensuring that any written communication to the parents is concise, accurate, understandable, in proper grammatical form, and correctly spelled.

Each school's plan should be presented to the Superintendent for review, possible revision, and approval by May 1 of each year.

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ag5420B

PARENT-TEACHER CONFERENCES

5420B - **PARENT-TEACHER CONFERENCES**

The parent-teacher conference can play a significant role in the education of our students in three (3) important ways:

A. providing the teacher with vital information from parents that will strengthen the plans and strategies the teacher uses with a student

B. helping parents understand more clearly what the school and the teacher are trying to accomplish with a student, what is required for students to accomplish such results, and what the parent can do to facilitate the process

C. building a strong home-school partnership that has implications for support of school programs beyond particular classroom or grade

In a parent-teacher conference following the school's receipt of the statewide assessment results, a teacher of a student who has taken a statewide assessment shall discuss with the parent the child's individual results on the statewide assessment.

Each principal, in collaboration with the school staff, should incorporate a parent-teacher conference plan as part of the educational plan that each building is to design and implement each year. Among the strategies contained in such a conference plan should be:

A. creating an environment in which the interaction with parents is based on a partnership mindset rather than one which communicates "we know and tell, you don't know, so listen";

B. beginning an open-house or initial conference with a clear, concise description for each academic area of:

1. what the desired learning outcomes are for the year;

2. why it is important that the student both acquires and then applies those learnings;

3. what learning processes and strategies the student will need to be able to use to achieve such outcomes;

4. what techniques, strategies, and other actions the teacher will be using to help the student achieve the outcomes;

C. providing opportunities for parents to ask questions regarding both the ends and the means and to suggest additions and modifications to both;

D. ensuring that at any special conferences with parents, the parents leave with:

1. one (1) or more action plans for helping their child which the teacher and parent have developed and agreed upon;

2. a clear understanding of what progress reports and report cards will contain; how they should be interpreted and how they should be used by parents in supporting their child's learning efforts.

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ag5460

GRADUATION REQUIREMENTS

5460 - **GRADUATION REQUIREMENTS**

Graduation must be earned by passing all mandated subjects and earning total credits required for the specific diploma sought. A minimum of forty (40) credits is necessary for high school graduation. If the School Corporation offers Cambridge International courses, the successful completion of a Cambridge International course shall count as high school credit towards completing Indiana graduation requirements.

Free Application for Federal Student Aid (FAFSA) Requirement

Each student must complete and submit the FAFSA by April 15th of the student's senior school year, unless:

A. the parent/guardian or the student, if the student is an adult or emancipated minor, submits a signed waiver certifying that the student understands what the FAFSA is and declines to complete it (see fm5460F1 - Free Application for Federal Student [FAFSA] Completion Waiver); or

B. the student's principal or school counselor waives this requirement for a student or group of students due to the principal or school counselor being unable to reach the parents of the students by April 15 of the school year after documenting at least two (2) reasonable attempts to contact the parents.

GRADUATION PATHWAYS

In order to earn an Indiana diploma with a designation of general, CORE 40, CORE 40 with technical honors or CORE 40 with academic honors, a student must satisfy all three (3) of the Graduation Pathway Requirements:

A. Requirement 1: High School Diploma - A student must meet statutorily defined diploma credit and curricular requirements.

B. Requirement 2: Learn and Demonstrate Employability Skills - A student must complete at least one of the options below.

Options:

1. Project-based learning - The student is to gain knowledge and skills by working for an extended period of time investigating and responding to an authentic, engaging, and complex question, problem, or challenge. The student engages in a rigorous, extended process of asking questions, finding resources, and applying information. The students often will make their project work public by explaining, displaying, and/or presenting it to people beyond the classroom. The demonstration of to the acquired knowledge/skills must be validated locally by the student work product and school validation; including one of the following:

    a. completion of a course capstone;

    b. completion of a research project;

    c. completion of Cambridge International Global Perspectives and Research;

    d. completion of the AP Capstone Assessment; or

    e. other with approval of the State Board of Education.

2. Service-based learning - The student engages in meaningful service to enrich and apply academic knowledge, learn civic and personal responsibility and other employability skills, and to strengthen the community. The demonstration of the acquired knowledge must be validated locally by the student work product and school validation through:

    1. participation in a meaningful volunteer or civic engagement experience;

    2. engagement in a school-based activity, such as a co-curricular or extracurricular activity or sport for at least one academic year; or

    3. other with the approval of the State Board of Education.

3. Work-based learning - The student will reinforce academic, technical, and social skills learned in the classroom through collaborative activities with an employer partner. The student will apply classroom theories to practical problems, to explore career options and pursue personal and professional goals. The demonstration of the acquired knowledge/skills must be validated locally by the student work product and

school validation b through:

1. completion of a course capstone;

2. completion of an internship;

3. obtaining the Governor's Work Ethic Certificate;

4. employment outside the school day; or

5. other with approval of the State Board of Education.

C. Requirement 3: Postsecondary-Ready Competencies - A student must complete at least one of the options below:

1. Honors Diploma - Fulfill all requirements of either the academic or technical honors diploma;

2. ACT - achieve the college-ready benchmarks;

3. SAT - achieve the college-ready benchmarks;

4. ASVAB - earn at least a minimum AFQT score to qualify for placement into one of the branches of the United States military;

5. State - and Industry- recognized Credential or Certification - earn a certification or credential approved by Indiana's Department of Workforce Development;

6. Federally-recognized Apprenticeship - successfully complete a federally-recognized internship under a program registered under the Federal National Apprenticeship Act (29 U.S.C. 50 et seq.) or administered by the United States Department of Labor;

7. Career Technical Education Concentrator - must earn a C average or higher in at least two non-duplicative advanced courses (beyond an introductory course) within a Next Level Program of Study Sequence;

8. AP/IB/Dual Credit/Cambridge International courses or CLEP Exams - must earn a C average or higher in at least three courses one of which must be in a core content area;

9. Locally created pathway - locally determined competencies and/or assessments beyond the current Postsecondary-Ready Competencies (PRCs) that demonstrate a student has the necessary knowledge and skills to be successful after high school when the created pathway meets the framework from and earns the approval of the State Board of Education.

Each Indiana diploma awarded shall include one of the following designations and require earning the credits listed for each designation:

GENERAL

The following are the requirements for the General designation (minimum of forty [40] credits required):

Language Arts	eight (8) credits (including six (6) credits in literature, composition, and speech; two (2) credits may be from business technology, family and consumer sciences, technology education, or career-technical courses having a predominately language arts content; two (2) credits may be waived if student completes a Level III world language course)
Social Studies	four (4) credits (including two (2) credits in U.S. History, one (1) credit in U.S. Government, including taking the naturalization examination provided by the United States Citizenship and Immigration Services, and two (2) credits in another social studies, global economics, or consumer economics course) The passing score on the naturalization examination is a score of not less than sixty percent (60%). The School Corporation will provide to the Indiana Department of Education the number of students who took the naturalization test in a school year and the number of students who received a passing score.
Mathematics	four (4) credits (including two (2) credits Algebra I or Integrated Mathematics unless the student has completed Algebra I or Integrated Mathematics before entering high

	school; two (2) credits may be from business technology, family and consumer sciences, technology education, or career-technical courses having a predominately mathematics content; students must earn at least two (2) credits in mathematics or quantitative reasoning during their junior or senior year)
Science	four (4) credits (including two (2) credits in Biology I; all science credits must include content from more than one of the major science discipline categories of life science, physical science, and Earth and space science; two (2) credits may be from family and consumer sciences or career-technical courses having predominately science content)
Health and Wellness	one (1) credit (may be waived if the student has earned three (3) credits from courses in child development and parenting, human development and family wellness, interpersonal relationships, nutrition and wellness, or preparing for college and/or careers or two (2) credits in Integrated Health Sciences I and Integrated Health Sciences II courses; one (1) credit substitution of either a science, family and consumer sciences, or health and physical education credit may be allowed for a student who qualifies under the religious objection provision in I.C. 20-30-5-9)
Physical Education I & II, as adapted as necessary	two (2) credits in physical education I and II
College and Career Pathway	six (6) credits – electives selected in a deliberate manner to take full advantage of career exploration and preparation opportunities (the college and career pathway is recommended but not required if a student, after completing grade 11, transfers to a school accredited by the State Board of Education from a school not accredited by the State Board of Education, including a school outside Indiana, or initially begins coursework under the Core 40 diploma and changes to the requirements of this section; however, a student still must earn a minimum of 40 credits)

Flex Credit	five (5) credits as follows: • additional courses to extend the college and career pathway • courses involving workplace learning such as career exploration internship, preparing for college and/or careers, business cooperative experiences, cooperative family and consumer sciences, industrial cooperative training, interdisciplinary cooperative education, and marketing field experience • advanced career-technical education, college credit • additional courses in language arts, social studies, mathematics, science, world languages, fine arts
Electives	six (6) credits

CORE 40

The following are the requirements for the Core 40 designation (minimum of forty (40) credits required)

Language Arts	eight (8) credits (including a balance of literature, composition and speech)

Mathematics	six (6) credits (must include one of the following course sequences: Algebra I, Geometry, and Algebra II or Integrated Mathematics I, Integrated Mathematics II, and Integrated Mathematics III; must earn either two (2) mathematics credits or two (2) physics credits during the last two (2) years in high school; must earn six (6) mathematics credits after entering high school; must be enrolled in a mathematics or quantitative reasoning course each year of high school)
Social Studies	six (6) credits (including two (2) credits in U.S. History, two (2) credits World History/Civilization or Geography/History of the World, one (1) credit in U.S. Government, including taking the naturalization examination provided by the United States Citizenship and Immigration Services, and one (1) credit in Economics The passing score on the naturalization examination is a score of not less than sixty percent (60%). The Corporation will provide to the Indiana Department of Education the number of students who took the naturalization test in a school year and the number of students who received a passing score.
Science	six (6) credits (including two (2) credits in biology, two (2) credits chemistry, physics, or integrated chemistry-physics, and two (2) credits in any additional Core 40 science course)
Physical Education I and II, adapted as necessary	two (2) credits in physical education I and II
Health and Wellness	one (1) credit
World Language	Recommended

Directed Electives	five (5) credits (World Languages, Fine Arts, and/or Career-Technical courses)
Electives	six (6) credits (College and Career Pathway recommended)

CORE 40 WITH ACADEMIC HONORS

The following are the requirements for the Core 40 with Academic Honors designation (minimum of forty-seven (47) credits required):

Language Arts	eight (8) credits (including a balance of literature, composition, and speech)
Mathematics	eight (8) credits (credits must include one of the following course sequences: Algebra I, Geometry, and Algebra II and two (2) additional credits in Core 40 mathematics courses or Integrated Mathematics I, Integrated Mathematics II, and Integrated Mathematics III and two (2) additional credits in Core 40 mathematics courses; student must earn either two (2) mathematics credits or two (2) physics credits during the student's last two (2) years in high school; student must earn six (6) mathematics credits after entering high school; student must be enrolled in a mathematics or quantitative reasoning course each year of high school)
Social Studies	six (6) credits (including two (2) credits in U.S. History, two (2) credits in World History/Civilization or in Geography/History of the World, one (1) credit in U.S. Government, including taking the naturalization examination provided by the United States Citizenship and Immigration Services, and one (1) credit in Economics) The passing score on the naturalization examination is a score of not less than sixty percent (60%). The Corporation will provide to the IDOE the number of

	students who took the naturalization test in a school year and the number of students who received a passing score.
Science	six (6) credits (including two (2) credits in biology, two (2) credits chemistry, physics, or integrated chemistry-physics, and two (2) credits in any additional Core 40 science course)
Electives	six (6) or eight (8) credits, depending on the number of credits earned for World Languages (College and Career Pathway recommended)

A student must earn a grade of "C" or higher for credit to count towards the minimum credits required. A student must have a cumulative grade point average (GPA) of "B" or above in all courses.

Additional Requirements - Complete one (1) of the following:

A. Advanced Placement AP courses (four (4) credits) and corresponding AP exam

B. dual high school/college credit courses from the priority course list resulting in six (6) verifiable transcripted college credits

C. two (2) of the following: 1) a minimum of three (3) verifiable transcripted college credits from the priority course list; 2) two (2) credits in one or more AP course(s) and the corresponding AP exam(s); and 3) two (2) credits in an International Baccalaureate IB standard level course and the corresponding exam

D. the SAT test with a composite score of 1250 or higher and a minimum score of 560 on the math section and 590 on the evidence-based reading and writing section

E. The ACT test with a composite score of 26 or higher and completion of the written section

F. four (4) credits in IB courses and complete corresponding IB exams

A student who has earned an international baccalaureate diploma is eligible to receive a Core 40 designation with academic honors designation.

CORE 40 WITH TECHNICAL HONORS

The following are the requirements for the Core 40 with Technical Honors designation (minimum of forty-seven (47) credits required):

Language Arts	eight (8) credits (including a balance of literature, composition, and speech)
Social Studies	six (6) credits (including two [2] credits in U.S. History, two [2] credits in World History/Civilization or in Geography/History of the World, one [1] credit in U.S. Government, including taking the naturalization examination provided by the United States Citizenship and Immigration Services, and one [1] credit in Economics) The passing score on the naturalization examination is a score of not less than sixty percent (60%). The Corporation will provide to the IDOE the number of students who took the naturalization test in a school year and the number of students who received a passing score.
Mathematics	six (6) credits (credits must include one of the following course sequences: Algebra I, Geometry, and Algebra II or Integrated Mathematics I, Integrated Mathematics II, and Integrated Mathematics III; student must earn either two (2) mathematics credits or two (2) physics credits during the student's last two (2) years in high school; student must earn six (6) mathematics credits after entering high school; student must be enrolled in a mathematics or quantitative reasoning course each year of high school)

Science	six (6) credits (including two (2) credits in biology, two (2) credits in chemistry, physics, or integrated chemistry–physics, and two (2) credits in any additional Core 40 science course)
Physical Education, I and II, adapted as necessary	two (2) credits in physical education I & II
Health and Wellness	one (1) credit
World Language	Recommended
College and Career Pathway	six (6) credits
Electives	twelve (12) credits

Additional Requirements for the Core 40 with Technical Honors Designation

Must earn:

A. a minimum of six (6) credits in the college and career preparation courses in a state-approved college and career pathway, and

B. either a Pathway designated industry-based certification/credential or Pathway designated dual high school and college credit courses from the priority course list resulting in six (6) verifiable transcripted college credits

Must complete one (1) of the following:

A. Any of the options listed under 511 IAC 6-7.1-6(g) for the Core 40 with academic honors diploma

B. Earn the following minimum scores on WorkKeys: Reading for information, Level 6; Applied Mathematics, Level 6; and Locating Information, Level 5

C. Earn the following minimum scores on Accuplacer: Writing, 80; Reading, 90; and Math, 75

D. Earn the following minimum scores on Compass: Algebra, 66; Writing, 70; and Reading, 80

GPA Requirements – Only courses in which the student earns a grade of "C" or higher count towards the required credits listed above and the student must earn a cumulative GPA of "B" or higher.

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ag5460A

WAIVER OPTIONS FOR THE GRADUATION EXAMINATION OR POSTSECONDARY READINESS COMPETENCIES FOR THE GRADUATION PATHWAYS

5460A - **WAIVER OPTIONS FOR THE GRADUATION EXAMINATION OR POSTSECONDARY READINESS COMPETENCIES FOR THE GRADUATION PATHWAYS**

Students in Graduating Class of 2023 and Beyond

Students in the graduating class of 2023 and beyond are required to demonstrate postsecondary readiness through completion of the Graduation Pathways. (See policy 5460 and administrative guideline 5460.) The Graduation Pathways requirement takes the place of the Graduation Examination, which was required for graduating classes from 2002 through 2022.

If a student is unsuccessful in completing a postsecondary readiness competency requirement by the end of the student's senior year, including a student who was in the process of completing a competency at one school that was not offered by the school to which the student transferred, and the student attempted to achieve at least three separate postsecondary readiness competencies, the student may seek a waiver of the requirement.

Also, if a student transfers to a school in the Corporation during the senior year from a non-accredited non-public school or an out-of-state school and the student attempted to achieve at least one postsecondary readiness competency but was unsuccessful, the student is eligible to seek a waiver.

In order to receive a waiver, the student must:

A. maintain at least a "C" average, or its equivalent, throughout the student's high school career in courses comprising credits required to graduate (courses required are listed in the administrative guideline 5460 under the designation of "General" diploma);

B. maintain a school attendance rate of at least 95% with excused absences not counting against the student's attendance;

C. satisfy all other state and local graduation requirements beyond the postsecondary readiness competency requirement;

D. demonstrate postsecondary planning which is approved by the principal, including college acceptance, acceptance in an occupational training program, workforce entry, or military enlistment.

Students with Disabilities

A student with a disability (as defined in I. C. 20-35-1-8) not achieving a passing score on the graduation examination or failing to meet a postsecondary readiness competency requirement may have the student's Case Conference Committee (CCC) determine if the student is eligible to graduate. The CCC must find the following:

A. the student's teacher of record, in consultation with a teacher of the student in each subject area in which the student did not achieve a passing score on the graduation examination (before July 1, 2022) or has not successfully completed a postsecondary readiness competency, makes a written recommendation to the CCC. The recommendation must be aligned with the School Board's relevant policy; agreed upon by the principal of the student's school; and supported by documentation that the student has attained the academic standard in the subject area based on:

1. tests or competencies other than the graduation examination (before July 1, 2022) or postsecondary readiness competencies established by the State Board of Education or

2. classroom work.

B. the student meets all of the following requirements:

1. completes remediation opportunities provided to the student by the student's school to the extent required by the student's IEP.

2. maintains a school attendance rate of 95% or better over the course of the high school experience to the extent required by the student's IEP. Excused absences do not count against the student's attendance rate.

3. maintains a grade point average of "C" or better in the courses required for graduation (courses required are listed in administrative guideline 5460 under the designation of "General" Indiana diploma).

4. satisfies all State and local graduation requirements. (Note: According to I.C. 20-26-5-37, a school corporation may not require a student with disabilities to complete locally required credits that exceed state credit requirements to receive a diploma unless otherwise required as a part of the student's IEP)

Students in Graduating Classes before 2023

Students in graduating classes prior to 2023 who fail to achieve a passing score on the graduation examination may opt to satisfy the Graduation Pathways to complete their graduation requirements.

A student who has not received a passing score on the graduation examination and does not choose to meet the Graduation Pathways Requirements may be eligible to graduate through either the Evidence-Based Waiver or the Work Readiness Waiver. To obtain either waiver, the student must:

A. take the graduation examination in the subject area or subject areas in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the examination. The student may take the examination once every semester beginning with the school year after in which the student first takes the examination. However, the student is not required to take the graduation examination in each subject area in which the student did not achieve a passing score during the 2020-2021 school year if the student could not take the graduation examination due to the coronavirus disease (COVID-19).

B. complete remediation opportunities provided by the school.

C. maintain a minimum attendance rate of ninety-five percent (95%), with excused absences not counting against the student's attendance.

D. maintain a "C" average in the courses comprising the credits specifically required for graduation.

E. satisfy local graduation requirements.

To complete the Evidence-Based waiver, in addition to the five (5) requirements listed above, the student must obtain a written recommendation from a teacher of the student in the subject area(s) in which the student failed to achieve a passing score on the graduation examination. The recommendation must provide documentation that the academic standards have been met, either through other tests or classroom work, be aligned with the Board's relevant policy, and be agreed upon by the principal of the student's school.

To complete the Work Readiness Waiver, in addition to the five (5) requirements listed above, the student must complete all of the following:

A. meet the course and credit requirements for an Indiana General Diploma, including the career academic sequence;

B. complete a workforce readiness assessment; and

C. complete at least one industry certification from the State Board of Education's approved industry certification list.

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ag5463

ADMISSION OF STUDENTS FROM NONACCREDITED SCHOOLS

5463 - **ADMISSION OF STUDENTS FROM NONACCREDITED SCHOOLS**

The following guideline applies to students who are transferring from a home school, non-accredited school, or foreign school (hereafter "unaccredited schools"). It does not apply to academic credit from a school that has been accredited or licensed by a State education agency.

General Procedures:

A. The parent is to submit to the High School Principal written notification of the intent to enroll in a school in the School Corporation not later than ten (10) days prior to the expected date of enrollment.

B. The Director of Guidance shall provide for a thorough placement study including an assessment of current learnings relative to each course of study (see Policy 5463). The placement study should also include a review of information provided by the parent and any nonaccredited school the student has attended. This may include student achievement data, standardized test scores, topics studied, resources used, and samples of student work and accomplishments. No student is to be placed in any school or grade without a written placement review.

C. A final meeting with the parent and student shall be scheduled to review the assessment results, establish credits (if applicable), and proposed placement.

D. Prior to placement, the parent must complete normal enrollment procedures as outlined in AG 5111.

Admission to Kindergarten Through Grade Eight

Placement into a grade shall be made in accord with the following:

A. age appropriateness

B. data resulting from the assessment procedure described in Policy 5463 - Credits and Placement from Nonaccredited Schools;

C. results of the examination of the student's most recent annual academic assessment report which shall include one (1) of the following:

1. data resulting from the assessment procedure described in Policy 5463 - Credits and Placement from Nonaccredited Schools

2. results of a nationally-normed, standardized achievement tests

D. review of previous regular education program records, if any, to check last grade placement

E. results of the State-mandated assessment program at the appropriate grade level(s) to measure achievement of performance objectives in each applicable subject

Admission to Grades Nine Through Twelve

Placement into grades nine through twelve shall be made on the basis of credits earned.

Placement into each subject (e.g., English) shall be made based on:

A. data resulting from the assessment procedure described in Policy 5463 - Credits and Placement from Nonaccredited Schools

B. results of examination of the student's most recent annual academic assessment report which shall include results of a nationally normed, standardized achievement test in the subject area; a portfolio of the student's work that demonstrates that the student has developed the knowledge and skills at the previous grade level as a foundation for the proposed placement;

C. review of previous regular education program records, if any, to check last grade placement;

D. results on the appropriate State-mandated assessment program or normed, criterion-referenced test in the subject area, if applicable to the grade placement.

Athletic eligibility will be determined by IHSAA guidelines and the Corporation's athletic policy.

Procedures for Receiving Credits/Grades

Students shall receive credit for their academic work based upon the following standards:

A. to receive credit in Language Arts, Social Studies, Mathematics, and/or Science, the student must receive a passing grade in the final examination in the subject, plus satisfactory completion of any academic projects a student must complete to demonstrate competence in the subject area.

B. to receive credit in courses other than Language Arts, Social Studies, Mathematics, and/or Science, the student must demonstrate proficiency as determined by Indiana proficiency standards, the building administrator, and/or the Director of Guidance.

The grade entered on the transcript shall be in accordance with the provisions of Policy 5463.

Graduation and Commencement Exercises

Before a diploma will be presented, the student must meet all of the School Board's graduation requirements. Revised 12/10

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ag5500A

STUDENT CONDUCT IN SCHOOL

5500A - **STUDENT CONDUCT IN SCHOOL**

The Student Code of Conduct contained in the student handbooks define in detail how the School Board expects students to conduct themselves while under the Board's jurisdiction. (See AG 5110 and AG 5600)

All professional staff members are requested to be on the alert for any student behavior which is in violation of school regulations. Students should behave in a manner that will be a credit to our schools.

A record of a student's suspensions and expulsions are to be made a part of the student's permanent record until s/he leaves the school and such record(s) are to be released in accordance with AG 8330 - Student Records.

Classroom Behavior

Generally, standards throughout the schools should be the same. However, each teacher is expected to specify particular rules and procedures suited to the specific needs of the class.

Disturbances which interrupt the learning process cannot be permitted by any teacher. When a student feels an issue is very important and a difference of opinion has come about, the student should wait until the end of the period or seek a mutually convenient time to discuss the problem with the teacher unless it pertains to the lesson.

The teacher has the responsibility and authority to maintain order anywhere in the school, particularly, of course, in the classroom. When a student repeatedly disrupts a class or refuses to accept the teacher's authority, that student should be referred to an administrator for appropriate action.

A rule of reason, restraint, and understanding applied to any difficult situation will go furthest in resolving existing differences.

If a teacher finds it necessary to send a student from a classroom for any reason, the student is to report immediately to the office.

ag5511

DRESS AND GROOMING

5511 - **DRESS AND GROOMING**

Each principal, in consultation with his/her building staff, shall develop a dress code which complies with School Board Policy 5511. The code should delineate what types of clothing or manner of clothing does **do not** comply with Board policy and **why** such clothing or manner of wear is not permitted.

It is essential that any such restriction on students also applies to central office administrators, building administrators, and all professional staff so that School Corporation leadership of students is by example rather than fiat.

The dress code shall be enforced in a nondiscriminatory and uniform manner.

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ag5512

TOBACCO-FREE ENVIRONMENT

5512 - **TOBACCO-FREE ENVIRONMENT**

Curriculum and Resources

The Superintendent is tasked with the responsibility to evaluate the Corporation's efforts to discourage the use of tobacco by students and staff and formulate recommendations annually to the Superintendent regarding improvements to the in-school and after-school programs.

The Superintendent shall be responsible for the annual evaluation of resources available to support the Corporation's curricula whereby students are educated about the health hazards inherent in the use of tobacco and tobacco products. Resources selected for this purpose shall be evidence-based and, as such, shall be endorsed by the U.S. Department of Health and Human Services, the United States Centers for Disease Control and Prevention (CDC), the National Institute of Health, the National Cancer Institute, the American Cancer Society, or similar organizations.

Tobacco-Free Environment Communications Plan

The Superintendent is responsible for posting signs that display the international symbol for "No Smoking" as well as the phrase "No Smoking" at the entrances to all facilities owned or leased or contracted for by the Board and at other locations within those facilities that are deemed appropriate by the Superintendent, and on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas on those campuses or grounds.

Each principal or site administrator shall include a link to the Board's policies that prohibit smoking by students, staff, and visitors on the home page of the website for their school or ancillary facility, and shall include either a link to the policies or the policies verbatim in handbooks that are published for students, parents, and staff. Copies of the policies shall be provided by staff in the office of that facility upon request of visitors, vendors, or parents.

The Superintendent shall include a link to the Board's policies that prohibit smoking by students, staff, and visitors on the home page of the Corporation's website and shall include the link where these policies can be accessed in any publication that includes reference to the Board's prohibition of smoking by students, parents, staff, visitors, and vendors.

The Superintendent shall post signs that display the international symbol for "No Smoking" as well as the phrase "No Smoking" in school buses owned or leased by the Corporation and in other Corporation vehicles of any type.

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ag5513

CARE OF PROPERTY

5513 - **CARE OF PROPERTY**

The following guidelines shall be followed to ensure proper implementation of School Board policy.

A. **Furniture and Equipment**

1. Furniture or equipment is not to be moved from its assigned location without the permission of the principal.

2. Students shall operate school equipment only when authorized by the principal or supervising staff member and only if the student has been properly trained in both the operating and safety procedures associated with the equipment.

B. **Personal Property**

From time-to-time students and teachers use personal equipment to enrich the educational program. It is the teacher's responsibility to inform his/her principal so that arrangements can be made for safekeeping such property. The Corporation is not responsible and cannot obtain insurance to cover such property. All such equipment shall be inspected to ensure its safety for classroom use.

C. **Textbooks**

1. Teachers shall keep a written account of all textbooks issued to students. The accounting shall include the following:

    a. name and number of book

b. condition

c. student's name

When textbooks are returned at the end of the school year, they shall be checked against the record.

In the case of the students being graduated, no student may participate in graduation activities until all obligations are met.

Parents and adult students shall be liable for any damages to or loss of school property caused by the student.

ag5515

USE OF MOTOR VEHICLES

5515 - **USE OF MOTOR VEHICLES**

A detailed description of the rights and responsibilities concerning student use of motor vehicles should be contained in the high school student handbook. (See AG 5110).

The following guidelines should be followed before a student is allowed to drive to and from school:

A. Students shall complete the Student Vehicle Form 5515 F1 and provide:

1. driver's license;

2. valid insurance;

3. vehicle registration.

B. Driving to school, if approved, is a privilege. If abused in any way, it may be revoked at any time.

C. When transportation is available through the Corporation, participating students shall not drive to school-sponsored activities.

D. Parking lot speed limit is fifteen (15) mph.

ag5517

ANTI-HARASSMENT

5517 - **ANTI-HARASSMENT**

These guidelines are established to assist in the proper implementation of Policy 5517.

Notice of the School Board's anti-harassment policy and the identity of the Compliance Officers (COs) shall be posted throughout the School Corporation, published in any Corporation statement regarding the availability of educational services, in all student handbooks, in general information publications of the Corporation as required by Federal and State law and this guideline, and on the Corporation website.

Prohibited Behavior

Sexual Harassment covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this administrative guideline Allegations of such conduct shall be addressed solely by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Conduct constituting harassment on the basis of race, color, national origin, religion, or disability may take different forms, includingbut not limited to the following:

A. **Verbal:**

The making of offensive written or oral innuendos, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, religious beliefs, or disability.

B. **Nonverbal:**

Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, religious beliefs, or disability.

C. **Physical:**

Any intimidating or disparaging action, such as hitting, pushing, shoving, hissing at, or spitting on a student by a staff member, another student, other member ofthe Corporation community, or Third Parties, based upon the person's race, color, national origin, religious beliefs, or disability.

Investigation and Complaint Procedure

In determining whether alleged conduct constitutes a violation of Policy 5517, the following factors will be considered:

A. the nature of the behavior;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the race, color, national origin, religion, age and/or disability of the victim;

F. the identity of the Respondent, including whether the Respondent was in a position of power over the person allegedly subjected to harassment;

G. the number of Respondent(s);

H. the age of the Respondent(s);

I. where the harassment occurred;

J. whether there have been other incidents in the school involving the same or other individuals;

K. whether the conduct adversely affected the person's work or educational performance or environment;

L. the context in which the alleged incidents occurred; and

M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution.

Whether a particular action or incident constitutes a violation of Policy 5517 requires a determination based on all the facts and surrounding circumstances.

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ag5517.01

BULLYING

5517.01 - **BULLYING**

The following procedures will be used for reporting, investigating, and resolving complaints of bullying.

Staff Responsibilities

All staff members are responsible for implementation of Policy 5517.01 - Bullying. Employees are prohibited from engaging in bullying behavior. Additionally, employees must intervene when they observe bullying behavior unless it is unsafe for the employee to intervene. Employees also must report all incidents of bullying behavior. An employee who fails to comply with these duties is subject to disciplinary action, ranging from training to discharge, based on the severity of the noncompliance, any history of noncompliance, and the effect of noncompliance on the targeted student.

Building principals, assistant principals, and the Superintendent are responsible for conducting investigations concerning claims of bullying. The investigator(s) must be a neutral party having had no involvement in the complaint presented. An administrator responsible for conducting an investigation who fails to initiate or complete an investigation according to the timelines below is subject to disciplinary action, ranging from training to discharge, based on the degree of noncompliance, any history of noncompliance, and the effect of a failure or delay in the investigation on the targeted student.

Complaint Procedures

Any student or third party who has knowledge of conduct in violation of Policy 5517.01 - Bullying or student who believes they have been a victim of bullying in violation of Policy 5517.01 - Bullying is encouraged to immediately report these concerns. A parent may file a complaint on behalf of a student. All employees are required to report any situation that they believe to be bullying behavior directed toward a student. Complaints may be made as indicated in Step I below.

All complaints will be investigated and documented promptly in accordance with the following procedure:

Step I

Any complaints, allegations, or rumors of bullying may be presented to the building principal or assistant principal or to the Superintendent. Students also may report their concerns to teachers or counselors, who will be responsible for notifying the appropriate administrator or School Board official on the same day that the teacher or counselor receives the complaint or, if the teacher or counselor receives the complaint after the end of the instructional day, no later than the next instructional day. This report may be made anonymously. Complaints against the building principal must be filed with the Superintendent. Complaints against the Superintendent must be filed with the Board President. Complaints submitted anonymously also must be investigated. All such information will be reduced to writing and will include the specific nature of the offense, corresponding dates, location of the offense, the identity of the alleged perpetrator, and the identity of any witnesses. If the person filing the complaint is an adult, the person must sign the charge affirming its veracity. If the person filing the complaint is a minor, the minor either may sign the charge or affirm its veracity before two (2) administrators. If a student refuses to complete the written complaint form or sign a complaint, the staff member taking the complaint will complete the written complaint using the information the student has provided verbally.

Step II

The administrator/Board official receiving the complaint must promptly investigate. Parents of the targeted student and the alleged perpetrator will be notified of the nature of any complaint involving their child within five (5) instructional days of the administrator's or Board official's receipt of the complaint. The administrator/Board official will arrange such meetings as may be necessary with the targeted student and alleged perpetrator within two (2) instructional days after receipt of the complaint. The targeted student and alleged perpetrator will have an opportunity to submit evidence and a list of witnesses, if not already included in the complaint, at those meetings. The entire investigation, including interviews of the targeted student, the alleged perpetrator, and all witnesses, must be completed within ten (10) instructional days after receipt of the information or complaint. All findings related to the complaint will be reduced to writing, including any discipline to be imposed or other remedial action to be taken, within fourteen (14) business days of the receipt of the complaint.

Consequences for the verified perpetrator may range from positive behavioral interventions to expulsion. Consequences will depend on the severity of the offense, the developmental ages of the targeted student and the verified perpetrator the verified perpetrator's disciplinary history, and any other relevant factors. Remedial action may include but is not limited to counseling for the targeted student and/or the verified perpetrator, training of the bully and/or school staff, assignment of a contact person who will provide support to the targeted studeverified perpetrator, and a change of placement, as appropriate for the targeted student and/or theverified perpetrator. No change of placement will be imposed on the targeted student unless that remedy has been requested by the targeted student. The

development of a behavioral intervention plan and any consideration of a change of placement for a student who has been identified as a student with a disability protected by Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Individuals with Disabilities Education Act (IDEA) will be made by the student's Section 504 or IEP Team, respectively. In all cases where counseling is deemed appropriate for the targeted student to remediate past harassment, arrangements will be made with an appropriately qualified provider of such services to provide the counseling.

The administrator/Board official conducting the investigation must notify the reporting party, targeted student, alleged perpetrator, and the parents of the targeted student andalleged perpetrator in writing of a summary of the investigation findings upon conclusion of the investigation and, if the investigator finds that bullying has occurred, an explanation of what remedial action will be taken, including the decision to impose discipline on the verified perpetrator. When permitted by law, the disciplinary action taken against a student found to have engaged in bullying will be reported to the parents of the targeted student. Typically, however, the Family Educational Rights and Privacy Act (FERPA) prohibits the disclosure of such information without the written consent of the parents of the verified perpetrator. The written summary of the investigation must be provided to the complainant, targeted student, verified perpetrator, and the parents of the targeted student and reported bully on the same day that the written findings are reduced to writing if possible but no later than the next business day.

A copy of the written notification, including notes detailing the date and circumstances of notification, together with any other documentation related to the incident, including the written findings, any disciplinary action, and any other remedial action taken or recommended, must be forwarded to the Superintendent or to the Board, if the investigator is a Board official.

Step III

If the targeted student or alleged perpetrator is not satisfied with the decision at Step II, the targeted student or alleged perpetrator may submit a written appeal to the Superintendent or designee. Such appeal must be filed within five (5) business days after receipt of the Step II decision. The Superintendent or designee will arrange such meetings with the targeted student alleged perpetrator, and other affected parties as deemed necessary to review and discuss the appeal. The Superintendent or designee must provide a written decision to the targeted student's or reported bully's appeal within five (5) business days after receipt of the appeal. Step III is inapplicable in cases where the investigator is the Superintendent or a Board official. In such cases, the targeted student or alleged perpetrator may proceed directly to Step IV to appeal the decision.

Step IV

If the targeted student or alleged perpetrator is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within five (5) business days after receipt of the Step III decision or within five (5) business days after receipt of the Superintendent's or the Board official's decision when Step III is inapplicable. The Board shall conduct a hearing at which time the targeted student or reported bully shall be given an opportunity to present the appeal. The Board shall provide a written decision to the targeted student or reported bully within twenty (20) business days meet to review the written complaint and the written findings and decisions at Step II and Step III, and, as determined appropriate by the Board, to interview the targeted student and the reported bully.

If, during an investigation of reported acts of bullying and/or harassment, the investigator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the investigator will report the act of bullying and/or harassment to one of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (Title IX) or Policy 5517 - Anti-Harassment, as applicable.

Remediation

The administrator/Board official who investigates the complaint will be responsible for working with the school counselors and other community resources to provide information and/or follow-up services to support the targeted student and to educate the student engaging in bullying behavior on the effects of bullying and the prevention of bullying. In addition, the school administrator and school counselors will be responsible for determining if the bullying behavior is a violation of law required to be reported to law enforcement under Indiana law based upon their reasonable belief. Such determination should be made as soon as possible, and once this determination is made, the report must be made immediately to law enforcement. A staff person, who may be a school counselor, will be assigned to serve as the contact person for the targeted student. The contact person will follow up with the targeted student by checking in with the targeted student at least monthly for the nine (9) week period following the completion of the investigation to determine if any further incidents of harassment have occurred or if there have been any acts of retaliation. The contact person also will meet with the targeted student on request to discuss any concerns and address any allegations of retaliation.

Recordkeeping

The School Corporation must document acts of bullying and abusive behaviors against a victim committed by a verified perpetrator. Documentation related to the incident, other than any discipline imposed or other remedial action taken, will be maintained in a file separate from the student's education records or the employee's personnel file.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry related to a complaint of bullying is prohibited. Such retaliation will be considered a serious violation of Board policy independent of whether a complaint is substantiated. False charges also will be regarded as a serious offense and, if intentionally made, will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as bullying.

Prevention and Instruction

Not later than October 15 of each school year, the Corporation must provide age-appropriate research-based instruction at the building level which is focused on bullying prevention for all students in grades 1 through 12. The instruction will utilize outlines or materials prepared by the Indiana Department of Education, in consultation with school safety specialists and school counselors. A parent of a child in the Corporation must be permitted to review any materials used in any bullying prevention or suicide prevention program. Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

Discipline Rules

The definitions and parameters contained in Policy 5517.01 will be incorporated into the discipline rules for students.

Annual Reports

By July 1 of each year, the Corporation must submit a report to the Indiana Department of Education that details information for the current school year for each school building in the Corporation and for the entire Corporation, including the number of reported bullying incidents in the following categories: verbal bullying, physical bullying, social/relational bullying, and electronic or written communication bullying. All assistant principals shall report the results of their investigations to the building principal upon completion of the investigation, and all building principals shall report the data for each category listed above in their building to the Superintendent no later than the end of each school year so that these reports can be generated. The Superintendent will gather the data from each building principal and prepare and file the Corporation's report with the State.

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ag5530

SYMPTOMS OF OVERDOSE WITH DRUGS

5530 - **SYMPTOMS OF OVERDOSE WITH DRUGS**

The descriptions listed below may be useful in detecting drug use through observation of student behavior and physical/mental condition.

INHALANTS

Effects

Immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates, and impair judgement. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain hemorrhage.

Deeply inhaling the vapors, or using large amounts over a short period of time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops. Long-term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

Type	Street Names	Appearances	How Used
Nitrous Oxide	Laughing gas Whippets	Propellant for whipped cream in aerosol spray can Small 8 gram metal cylinder sold with a balloon or pipe (buzz bomb)	Vapors inhaled

Amyl Nitrite	Poppers	Clear yellowish liquid in ampules	Vapors inhaled
Butyl Nitrite	Rush Bolt Locker room Bullet Climax	Packaged in small bottles	Vapors inhaled
Chlorohydro-carbons	Aerosol sprays	Aerosol paint cans Containers of cleaning fluid	Vapors inhaled
Hydrocarbons	Solvents	Cans of aerosol propellants gasoline, glue, paint thinner	Vapors inhaled

CANNABIS

Effects

All forms of cannabis have negative physical and mental effects. Several regularly observed physical effects of cannabis are a substantial decrease in the heart rate, bloodshot eyes, dry mouth and throat, and increased appetite.

Use of cannabis may impair or reduce short term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination such as driving a car. Research also shows that students do not retain knowledge when they are "high". Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis.

Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco.

Long-term users of cannabis may develop psychological dependency and require more of the drug to get the same effect. The drug can become the center of their lives.

Type	**Street Name**	**Appearance**	**How Used**
Marijuana	Pot Grass Weed Reefer Dope Mary Jane Sinsemilla Acapulco Gold Thai Sticks	Dried parsley mixed with stems that may include seeds	Eaten Smoked
Tetrahydro-cannabinol	THC	Soft gelatin capsules	Taken orally Smoked
Hashish	Hash	Brown or black cakes or balls	Eaten Smoked
Hashish Oil	Hash Oil	Concentrated syrupy liquid varying in color from clear to black	Smoked-mixed with tobacco

STIMULANT: COCAINE

Effects

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Injecting cocaine with unsterile equipment can cause AIDS, hepatitis, and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly.

Crack or freebase rock is extremely addictive, and its effects are felt within ten (10) seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizure.

The use of cocaine can cause death by disrupting the brain's control of the heart and respiration.

Type	Street Name	Appearance	How Used
Cocaine	Coke Snow Flake White Blow Nose Candy Big C Snowbirds Lady	White crystalline powder, often diluted with other ingredients	Inhaled through nasal passages Injected Smoked

Crack or Cocaine	Crack Freebase rocks Rock	Light brown or beige pellets - or crystalline rocks that resemble coagulated soap; often packaged in small vials	Smoked

OTHER STIMULANTS

Effects

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils and decreased appetite. In addition, users may experience sweating, headache, blurred vision, dizziness sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure.

In addition to the physical effects, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions, and paranoia. These symptoms usually disappear when drug use ceases.

Type	**Street Names**	**Appearance**	**How Used**
Amphetamines	Speed Uppers Ups Black Beauties Pep Pills Copilots Bumblebees Hearts Benzedrine Dexedrine	Capsules Pills Tablets	Taken orally Injected Inhaled through nasal passages

	Footballs Biphetamine		
Methamphet-amines	Crank Crystal Meth Crystal Methedrine Speed	White powder Pills A rock which resembles a block of paraffin	Taken orally Injected Inhaled through nasal passages
Additional Stimulants	Ritalin Cylert Preludin Didres Pre-State Voranil Tenuate Tepanil Pondimin Sandres Plegine Ionamin	Pills Capsules Tablets	Taken orally Injected

DEPRESSANTS

Effects

The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks.

The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular

users suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death.

Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.

Type	Street Name	Appearance	How Used
Barbiturates	Downers Barbs Blue Devils Red Devils Yellow Jackets Yellows Nembutal Seconal Amytal Tuinals	Red, yellow, blue, or red and blue	Taken orally
Methaqualone	Quaaludes Ludes Sopors	Tablets	Taken orally
Tranquilizers	Valium Lubrium Equanil Miltown Serax Tranzene	Tablets Capsules	Taken orally

HALLUCINOGENS

Effects

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

The effects of PCP vary, but users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent.

Chronic users of PCP report persistent memory problems and speech difficulties. Some of these effects may last six (6) months to a year following prolonged daily use. Mood disorders - depression anxiety, and violent behavior - also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart and lung failure, or ruptured blood vessels in the brain.

Lysergic acid (LSD), mescaline, and psilocybin cause delusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors.

Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.

Type	Street Name	Appearance	How Used

Phencyclidine	PCP Angel Dust Loveboat Lovely Hog Killer Weed	Liquid Capsules White crystalline powder Pill	Taken orally Injected Smoked - can be sprayed on cigarettes parsley, and marijuana
Lysergic Acid Diethylamide	LSD Acid Dragon White Lightning	Brightly colored tablets Impregnated blotter paper Thin squares of gelatine Green or Red Clear liquid	Taken orally Licked off paper Gelatine and liquid can be put in the eyes
Mescaline and Peyote	Mesc Buttons Cactus	Hard brown discs Tablets Capsules	Discs; chewed, swallowed, or smoked Tablets and capsules taken orally

NARCOTICS

Effects

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users also may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possibly death.

Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as AIDS, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

Type	Street Name	Appearance	How Used
Heroin	Smack Horse Brown Sugar Jounk Mud Big H Black Tar	Power, white to dark brown, Tar-like substance	Injected Inhaled through nasal passages
Methadone	Dolophine Methadone Amidone	Solution	Taken orally Injected
Codeine	Empirine, compound with Codeine Tylenol with Codeine Cough medicines with codeine Codeine	Dark liquid varying in thickness Capsules	Taken orally Injected
Morphine	Pectoral Syrup	White crystal Hypodermic tablets Injectable solutions	Injected Taken orally Smoked
Meperidine	Pethidine Demerol Solution Mepergan	White powder Tablets	Taken orally Injected

Opium	Paregoric Dover's Powder Parepectolia	Dark brown chunks Powder	Smoked Eaten
Other Narcotics	Percocet Percodan Tussionex Fentanyl Darvon Talwin Lomotil	Tablets Capsules Liquid	Taken orally Injected

DESIGNER DRUGS

Effects

Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate.

The narcotics analogs can cause symptoms such as those seen in Parkinson's disease - uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause illusions, hallucinations, and impaired perception.

Type	**Street Names**	**Appearance**	**How Used**
Analogs of Fentanyl (narcotic)	Synthetic Heroin China White	White powder resembling heroin	Inhaled through nasal

			passages Injected
Analogs of Meperidine (narcotic)	Synthetic Heroin MPTP (New Heroin) MPPP PEAP	White powder	Inhaled through nasal passages
Analogs of Amphetamines and Metham- phetamines (hallucinogens)	MDMA (Ecstacy, XTC, Adam, Essence) MDM STP PMA 2.5-DMA TMA DOM DOB	White powder Tablets Capsules	Taken orally Injected Inhaled through nasal passages
Analogs of Phencyclidine (PCP) (hallucinogens)	PCP PCE TCP	White powder	Taken orally Injected Smoked

ag5530A

GLUE SNIFFING

5530A **- GLUE SNIFFING**

The following information should be helpful in identifying students who may be using glue as a stimulant.

Glue contains Toluene, Xylene, Acetone, Methyl, Isobutyl Ketone, Isopropyl Alcohol, Ethyl Acetate, Methyl Cellulose Acetate, and/or Trichlorethylene.

The "sniffer" may inhale the fumes directly from the glue tube or from a saturated rag, or s/he may squeeze the substances into a hollowed-out piece of hard-crusted bread and inhale through a straw, or s/he may hold a bag containing the chemical over his/her mouth. The effect s/he seeks is euphoria, temporary ego satisfaction, status hallucinations (others of his/her group do this), sexual gratification.

The chemicals inhaled are essentially nervous system depressants which act without producing loss of consciousness. They cause cellular tissue damage to all main organs, particularly to kidneys, brain, lungs, and bone marrow.

The symptoms are:

A. **odor of glue**

B. **blue-green-grayish** facial color

C. irritability, listlessness, slow reflexes, poor appetite, headaches, dizziness, buzzing sensation, double vision, dilated pupils, tremors, muscle spasms, chest pains, coughing, and sneezing

D. weight loss

ag5540

RELATIONSHIP WITH GOVERNMENTAL AGENCIES

5540 - THE SCHOOLS AND LAW ENFORCEMENT AGENCIES

On occasion, principals will need police assistance but should avoid unnecessary and inappropriate police involvement. They are expected to be proactive in calling the police when necessary and not to leave the decision to the discretion of other staff members, except by delegation in their temporary absence. The situations listed below are examples of situations in which it is appropriate to call the police, and their support should be expected. The Superintendent should be advised of any such situation as soon as feasible.

A. refusal of a person to leave school property after being requested to do so by the appropriate school authority

B. willful destruction of school property--particularly if the Corporation is likely to seek restitution

C. theft--particularly if items are of value and insurance claims will be filed

D. obvious crime

E. arson

F. assaults or serious fighting--if not controlled or if serious injury results

G. sexual violence

H. forgery--if assistance is needed in determining whether it is forgery

I. possession of a dangerous weapon

J. possession of alcohol or drugs

K. sale or distribution of controlled substances

L. bona fide threat against a person's life or threats of terrorist acts, bomb scares, etc.

M. child abuse or molestation

N. illegal or inappropriate operation of a motor vehicle

O. blackmail, threatening, or extortion of students or staff members

Interrogation Procedures

School officials enforce discipline in schools but are not law enforcement agents. School officials shall not participate in an investigation conducted by a law enforcement agency, including any interrogation of the student by a law enforcement official. However, if a student is interrogated by a law enforcement officer on school property, the Principal immediately must make an effort to notify the student's parent of the interrogation. If immediate notification is not possible, the Principal must notify the student's parent not later than twenty-four (24) hours after the interrogation occurs. Additionally, the following procedures apply when a law enforcement agency requests to interrogate a student on school property.

A. All attempts to notify the parents should be documented.

B. Police and other authorities should investigate alleged law violations off of school property if at all possible. The principal may ask if the police can interview the student after school at their home instead. The investigation can take place immediately on school property at the request of the principal if the alleged law violation took place on school property.

C. When police or other authorities arrive at the school and wish to interview a student or investigate an alleged law violation, they will contact the principal indicating the nature of their investigation and their desire to question a student or students. If the police or other authorities indicate that the interview cannot wait until after school, the principal will send for the student. The law enforcement agent should interrogate the student without school officials present.

D. Should a student be taken into custody or removed from the school premises by authorities, the principal must make every effort to notify the student's parents at the earliest possible moment after the removal and by the time the student normally would arrive home on that day, except in situations in which the authorities involved advise against such notification.

Involvement of School Resource Officer

A School Resource Officer (SRO) may be present during a disciplinary interview of a student by Corporation/school administrators or other Corporation/school personnel. Any time a SRO is present during a disciplinary interview of a student by Corporation/school administrators or other Corporation/school personnel in connection with behavior that may constitute a crime, the SRO must comply with I.C. 31-30.5-1 and notify the student of his/her rights under Miranda v. Arizona, 384 U.S. 346 (1966) prior to questioning the student. Compliance with I.C. 31-30.5-1 may be accomplished by either:

A. making an Electronic Recording of the statement in compliance with Indiana Evidence Rule 617, which means an audio-video recording that includes at least not only the visible images of the person being interviewed but also the voices of said person and the interrogating officers; or

B. making a recording using audio equipment that complies with every requirement of Indiana Evidence Rule 617 except for the requirement that an Electronic Recording be an audio-visual recording.

Under Indiana Evidence Rule 617, the Electronic Recording must be a complete, authentic, accurate, unaltered, and continuous record of a Custodial Interrogation.

The SRO must read the student his/her *Miranda* rights before any questioning commences and document notification on the Electronic Recording.

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ag5540.01

INVESTIGATIONS BY THE DEPARTMENT OF CHILD SERVICES (DCS)

5540.01 - **INVESTIGATIONS BY THE DEPARTMENT OF CHILD SERVICES (DCS)**

Principals are expected to comply with the law regarding access to School Corporation premises and its students by the Department of Child Services (DCS). This applies to both requests for education records and interviews of students.

Requests for Education Records

When DCS requests copies of a student's education records, the Principal will ask DCS for a copy of: (1) written parental consent to release the education records to DCS; or (2) the court order or lawfully issued subpoena that requires the School to produce the student's education records. If the DCS employee presents a release signed by the parent that authorizes the Corporation to release the student's education records to DCS, the Principal will provide access to (and, if requested, copies of) the Student's education records. If the DCS employee presents a court order of lawfully issued subpoena, the Principal may disclose the student's education records only if the school makes a reasonable effort to notify the parent or eligible student (that is, a student who is emancipated or at least 18 years of age) of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:

A. a Federal grand jury subpoena, and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

B. any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

C. an *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

The Principal must document the release of education records to DCS as required by po8330 – Student Records and any administrative guidelines, including the exception that permits release of the records

without parent consent, as applicable.

Interviews by DCS

When DCS requests permission to interview a student at school, the Principal will attempt to inform the student's parents, unless directed not to do so by the DCS representative request that the DCS representative inform the student's parents unless one or both of the parents is/are the target of the investigation.

When DCS states a legitimate purpose for questioning or examining a student while the student is entrusted to the Corporation, such as exigent circumstances as defined by State law, the Principal will be present throughout the proceedings unless ordered not to be present by a DCS representative or a court of law.

One legitimate purpose would be exigent circumstances as follows:

A. DCS has definite and articulable evidence giving rise to a reasonable suspicion that the student or another child residing in the home with the student:

1. has been or is in imminent danger of being physically or sexually abused; or

2. has been or is in imminent danger of being neglected in a manner that would lead a reasonable person to believe the student's physical safety is seriously endangered.

B. There is no less intrusive alternative that would reasonably and sufficiently protect the student's imminent health and safety or that of the other child in the home with the student; and

C. One (1) or more of the following applies:

1. the parent, guardian, or custodian of the student or other child in the home with the student:

a. is the alleged perpetrator of the abuse or neglect of the student or other child in the home with the student; or

b. is allegedly aware of the abuse or neglect of the student or other child in the home with the student and allegedly has not ensured the safety of the student or other child in the home with the student.

2. There is reason to believe that, if DCS action is delayed or if the student's parent, guardian or custodian is notified before the DCS's action:

    a. the safety of the student or other child in the home with the student might be jeopardized; or

    b. essential evidence regarding signs or symptoms of abuse or neglect might not be available; or

    c. the student or other child in the home with the student is a homeless unaccompanied minor and is voluntarily receiving services at an emergency shelter or shelter care facility without the presence or consent of the student's parent, guardian custodian or that of the other child in the home with the student.

An allegation of educational neglect does not qualify as an exigent circumstance.

Except in the case of an emergency or where DCS has a warrant, all DCS representatives must follow the procedures for school visitors as established by the Superintendent pursuant to po9150 – School Visitors and ag9150 – School Visitors.

The Principal will not interfere with the interview or examination if present during the interview or examination but will only observe.

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RELATIONSHIP WITH GOVERNMENTAL AGENCIES

5540.02 - **RELATIONSHIP WITH GOVERNMENTAL AGENCIES**

Principals are expected to comply with the law regarding access to School Corporation premises and its students by Federal, State and local governmental agencies. This applies to both requests for education records and interviews of students.

Requests for Education Records

When a governmental agency requests copies of a student's education records, the Principal will determine whether (1) the governmental agency has written parental consent to release the education records to the governmental agency; (2) the governmental agency has a court order or lawfully issued subpoena; or (3) one of the other following exceptions contained in 34 C.F.R. 99.31 applies:

A. The disclosure is, subject to the requirements of §99.35, to authorized representatives of—

1. The Comptroller General of the United States;

2. The Attorney General of the United States;

3. The Secretary of the U.S. Department of Education; or

4. State and local educational authorities.

B. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

1. Determine eligibility for the aid;

2. Determine the amount of the aid;

3. Determine the conditions for the aid; or

4. Enforce the terms and conditions of the aid.

"Financial aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

C. The disclosure is to State and local officials or authorities to whom this information is specifically —

1. Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

2. Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of 34 C.F.R. 99.38.

   This exception does not prevent the State from further limiting the number or type of State or local officials to whom disclosures may be made under this exception.

D. The disclosure is to accrediting organizations to carry out their accrediting functions.

E. The disclosure is in connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36.

F. The disclosure is information the Corporation has designated as "directory information" under the conditions described in 34 C.F.R. 99.37.

G. The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable Federal guidelines.

The Principal will ask governmental agency for a copy of: (1) the written parental consent to release the education records to the governmental agency; or (2) the court order or lawfully issued subpoena that requires the School to produce the student's education records. If the governmental agency employee presents a release signed by the parent that authorizes the Corporation to release the student's education records to the governmental agency, the Principal will provide access to (and, if requested, copies of) the Student's education records. If the governmental agency employee presents a court order

of lawfully issued subpoena, the Principal may disclose the student's education records only if the school makes a reasonable effort to notify the parent or eligible student (that is, a student who is emancipated or at least 18 years of age) of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:

A. A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

B. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

C. An ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

If one of the other exceptions to the release of education records without parental consent in 34 C.F.R. 99.31 listed above applies, the Principal will provide access to (and, if requested, copies of) the Student's education records.

The Principal must document the release of education records to the governmental agency as required by PO 8330 – Student Records and any administrative guidelines, including the exception that permits release of the records without parent consent, as applicable.

Interviews by a Governmental Agency

When a governmental agency requests permission to interview a student at school, the Principal will ask the agency employee to present their official credentials or other proof of employment with the governmental agency. Unless it already has been provided, the Principal also will ask the agency employee to provide the written parental consent to interview the student or the court order to interview the student at school. If written parental consent or a court order is produced regarding the need for an agency employee to interview a student at school, it shall be maintained in the student's education records in compliance with po8330 - Student Records.

When a governmental agency requests permission to interview a student at school, the Principal will attempt to inform the student's parents, unless directed not to do so by the representative of the agency request that the agency inform a parent unless the parent is the target of the investigation.

When the governmental agency states a legitimate purpose for questioning or examining a student while the student is entrusted to the Corporation, the Principal will be present throughout the proceedings, unless ordered not to be present by a representative of the governmental agency or a court of law.

Except in the case of an emergency or where the governmental agency has a warrant, all governmental agency employees must follow the procedures for school visitors as established by the Superintendent pursuant to PO 9150 – School Visitors and AG 9150 – School Visitors.

The Principal will not interfere with the interview or examination if present during the interview or examination but will only observe.

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ag5600A

STUDENT DISCIPLINE

5600A - **STUDENT DISCIPLINE**

Guidelines for Building Administrators

The administration will take a shared role in the establishment and maintenance of appropriate discipline in the school and in the enforcement of the Code of Conduct in accordance with the following guidelines.

Each Principal will review the building Code of Conduct prior to the start of the year, make any changes required by revision of the School Corporation's Code of Conduct by the School Board, establish a plan which will ensure that all members of the staff understand what it says, and develop to a common approach for supervising and disciplining students to be applied by all building personnel.

The Principal will devise and implement a plan whereby students receive a copy of the Student Handbook and confirm that they understand how to use it and what each of the major sections says and means.

Since it is in everyone's best interests to have parental understanding and support for appropriate student behavior, the plan also should ensure that parents are aware of:

A. the Code of Conduct;

B. the school's disciplinary procedures;

C. the process for communicating their concerns to the school;

D. the actions they can take to provide support for proper student behavior and attitudes.

Parents must be sent Form 5500 F1 for their signature.

Each Principal also should:

A. plan and conduct in-service activities on classroom management, discipline procedures, follow-up, and any other strategies which will help the staff use effective discipline;

B. provide for supervision for all school-sponsored activities;

C. refer any parent concerns about student conduct and discipline to the appropriate teacher as the first step in resolving the situation.

A copy of the supervisory guidelines, communication plans, and proposed in-service activities and all subsequent revisions to each should be sent to the Superintendent for review and approval as they are completed. They should be submitted for approval and modification prior to the start of each school year.

Guidelines for Teachers

Teacher effectiveness and purposeful, well-planned activities are prerequisites to good discipline. Most students will exhibit "good" behavior when they perceive the teacher is competent, consistent, fair, and supportive of school policies.

The following guidelines should contribute to effective discipline:

A. Establish fair, workable, consistent, and educationally-productive procedures by which the classroom and other areas of learning will operate, based on an analysis of the program, the maturity level of the students, and their needs, abilities, and interests.

B. Help set the tone for good discipline by modeling the behaviors expected of students.

C. Initiate parental contact where appropriate and necessary.

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DISCIPLINING SPECIAL EDUCATION STUDENTS

5605A - **DISCIPLINING SPECIAL EDUCATION STUDENTS**

When the behavior of a student eligible under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq. (IDEA) and Title 511, Article 7 of the Indiana Administrative Code, 511 IAC 7-32-1 et seq. (Article 7) is such to justify serious disciplinary action, six (6) possible courses of action may be available depending upon the nature and severity of the behavioral problem.1 The first is an in-school suspension that does not constitute a change of placement. The second is an out-of-school suspension for less than ten (10) consecutive school days that does not constitute a change of placement. The third is an out-of-school suspension for less than ten (10) consecutive school days that constitutes a change of placement. The fourth is placement in an Interim Alternative Education Setting (IAES) for forty-five (45) school days for carrying or possessing a weapon, possessing, using, selling or soliciting the sale of illegal drugs or a controlled substance, or inflicting serious bodily injury (SBI) on another person at school, on school premises, or at a school function. The fifth is a forty-five school day IAES imposed by an Independent Hearing Officer (IHO) when a student is substantially likely to injure themselves or others. The sixth is expulsion from school. Each will be dealt with in the following guideline.

General Rules

A. Short-term removal of a student from their current placement pursuant to the student's individualized education program (IEP) is nota suspension.

B. Part of a day suspension is considered a full day of suspension.

C. A suspension is a removal.

D. No services are required unless the student already has been suspended for ten (10) cumulative days in that school year.

E. No manifestation determination conference required if ten (10) cumulative days or less of removal.

F. No functional behavioral assessment (FBA) or behavioral intervention plan (BIP) required for disciplinary purposes if ten (10) cumulative days or less of removal.

In-School Suspension

The Principal may remove a student from their current placement to an in-school suspension room. The in-school suspension is not counted as a day of removal if the following apply:

A. Services are provided to allow the student to make progress in the general education curriculum.

B. The student receives the special education services in their IEP.

C. The student participates with non-disabled students to the same extent that they would in their current placement.

The third criterion means that if the student's placement ordinarily is in the general education classroom, then the in-school suspension room must be open to both students with disabilities and non-disabled students.

Out-of-School Suspension That is Not a Change of Placement

The Principal may remove a student from their current placement for an out-of-school suspension up to a cumulative total of ten (10) school days during a school year without convening a manifestation determination case conference or providing educational services. Such short-term suspensions from a program are not considered a change of placement, and the procedural safeguards associated with a change of placement are not required.

Once a student has been removed for a total of ten (10) cumulative school days of suspension in any school year, for any subsequent suspensions of ten (10) days or less, the Principal must determine whether a change of placement has occurred. It is advisable to seek input from the Director of Special Education or the student's Teacher of Record in making this determination. The Principal makes this

determination on a case-by-case basis. In determining whether a change of placement has occurred, the Principal must determine whether the series of removals constitutes a pattern because:

A. the series of removals total more than ten (10) school days in a school year;

B. the student's behavior in this instance is substantially similar to the student's behavior in previous incidents that resulted in removals; and

C. of such additional factors as the:

1. length of each removal;

2. cumulative amount of time the student has been removed; and

3. proximity of the removals to one another.

If the Principal determines that a change of placement has not occurred, then no manifestation determination case conference is required. However, the student must receive educational services for each day of removal beyond ten (10) cumulative school days in any school year. School personnel, in consultation with at least one of the student's teachers, must determine the extent to which services are needed to allow the student to:

A. continue to participate in the general curriculum, although in another setting; and

B. progress toward meeting the goals set forth in the student's IEP.

These services may be provided in an interim alternative educational setting (IAES), which is not the same as a forty-five (45) school day IAES for drugs, weapons or SBI. Services must be provided for each day of removal beyond ten (10) school days in a school year.

Out-of-School Suspension That Is a Change of Placement

An out-of-school suspension that is determined by the Principal to result in a change in placement will trigger the need to provide a copy of the Notice of Procedural Safeguards to the student's parents. That notice must be provided on the date of the decision to make a removal that will result in a change of placement, if possible, but no later than by mail the next business day. It also will trigger the need to convene a manifestation determination case conference within ten (10) school days of the decision to remove the student to determine if the student's behavior that led to the removal is a manifestation of the student's disability. At the manifestation determination case conference, the case conference committee (CCC) must review:

A. all relevant information in the student's file (including educational evaluations and reevaluations);

B. the student's IEP;

C. any teacher observations; and

D. any relevant information provided by parent.

Based on that review, the CCC must determine if the conduct was:

A. caused by or had a direct and substantial relationship to the student's disability; or

B. the direct result of the school's failure to implement the IEP.

If the answer to either question is yes, then the conduct is a manifestation of the student's disability. If the student's conduct was the result of the school's failure to implement the IEP, the school must take immediate steps to remedy those deficiencies.

If the conduct is a manifestation of the student's disability, the CCC must:

A. conduct an FBA, unless an FBA previously was conducted, and develop a BIP for the student or, if a BIP has been developed, review and modify the BIP, as necessary, to address the behavior; and

B. return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the BIP. The parent must provide written consent for any change of placement.

If the conduct is **not** a manifestation of the student's disability, then school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as non-disabled students. However, during any period of removal, the student must receive services. The CCC must determine the appropriate services to be provided during the period of removal to enable the student to:

A. continue to participate in the general education curriculum, although in another setting;

B. progress toward meeting the goals in the student's IEP; and

C. receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

These services may be provided in an interim alternative educational setting as decided by the CCC.

Interim Alternative Educational Setting for Drugs, Weapons or SBI

The Principal or designee may remove the student to an IAES for not more than forty-five (45) school days without regard to whether the behavior is a manifestation of the student's disability if the student:

A. carries a weapon to school or possesses a weapon; or

B. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or

C. has inflicted serious bodily injury upon another person

at school, on school premises, or at a school function under the jurisdiction of the Indiana Department of Education or a school corporation. On the day that the Principal or designee makes the decision to place the student in a forty-five (45) school day IAES, if possible, but no later than the next business day by mail, a copy of the Notice of Procedural Safeguards must be provided to the student's parents. A CCC must be convened as soon as possible but no later than ten (10) school days after the decision to place the student in an IAES to determine whether the student's behavior is a manifestation of the student's disability. However, regardless of the outcome of the manifestation determination, the student will remain in the forty-five (45) school day IAES. The CCC must determine the IAES and appropriate services to allow the student to:

A. continue to participate in the general curriculum, although in another setting;

B. progress toward the goals in the student's IEP; and

C. receive an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

"Weapon" means:

A. "dangerous weapon" under 18 U.S.C. 930(g)(2), which means:

1. a weapon;

2. a device;

3. an instrument;

4. a material; or

5. a substance;

animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that the term does not include a pocketknife with a blade of less than two and one-half (2 1/2) inches in length;

B. "deadly weapon" under I.C. 35-31.5-2-86; and

C. "firearm" under I.C. 35-47-1-5.

"Illegal drug" means a controlled substance, but does not include a substance that is legally possessed or used under:

A. the supervision of a licensed health care professional; or

B. any other authority under the Controlled Substances Act (21 U.S.C. 812(c)) or under any other provision of Federal law.

"Controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V in subsection 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or I.C. 35-48-2.

"Serious bodily injury" (SBI) has the meaning given the term "serious bodily injury" under 18 U.S.C. 1365(h)(3). The term means bodily injury that involves:

A. a substantial risk of death;

B. extreme physical pain;

C. protracted and obvious disfigurement; or

D. protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

IAES for Students Who Are Substantially Likely To Injure Themselves or Others

A student who is considered to be substantially likely to injure themselves or others may be placed in a forty-five (45) school-day IAES by an Independent Hearing Officer (IHO) pursuant to 511 IAC 7-44-7, but only after an expedited special education due process hearing has been held to determine whether maintaining the current placement of the student is substantially likely to result in injury to the student or to others. If the IHO decides that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, the IHO may order a change of placement to an appropriate forty-five (45) school-day IAES. Such an expedited hearing should be requested by the Director of Special Education.

Expulsion

If the Principal decides to recommend to the Superintendent that the student should be expelled from school, the decision to recommend expulsion automatically results in a change of placement because an expulsion is a removal for more than ten (10) consecutive school days. Therefore, it will trigger the need to provide a copy of the Notice of Procedural Safeguards to the student's parents. That notice must be provided on the date of the decision to recommend expulsion of the student, if possible, but no later than by mail the next business day. It also will trigger the need to convene a manifestation determination case conference within ten (10) school days of the decision to recommend expulsion of the student to determine if the student's behavior that led to the recommendation for expulsion is a manifestation of the student's disability. At the manifestation determination case conference, the CCC must review:

A. all relevant information in the student's file (including educational evaluations and reevaluations);

B. the student's IEP;

C. any teacher observations; and

D. any relevant information provided by the parent.

Based on that review, the CCC must determine if the conduct was:

A. caused by or had a direct and substantial relationship to the student's disability; or

B. the direct result of the school's failure to implement the IEP.

If the answer to either question is yes, then the conduct is a manifestation of the student's disability. If the student's conduct was the result of the school's failure to implement the IEP, the school must take immediate steps to remedy those deficiencies.

If the conduct is a manifestation of the student's disability, the CCC must:

A. conduct an FBA, unless an FBA previously was conducted, and develop a BIP for the student or if a BIP has been developed, review and modify the BIP, as necessary, to address the behavior; and

B. return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the BIP. The parent must provide written consent for any change of placement.

If the conduct is **not** a manifestation of the student's disability, then school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as non-disabled students. However, during any period of removal the student must receive services. The CCC

must determine the appropriate services to be provided during the period of removal to enable the student to:

A. continue to participate in the general education curriculum, although in another setting;

B. progress toward meeting the goals in the student's IEP; and

C. receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

These services may be provided in an interim alternative educational setting as decided by the CCC.

The Principal will then submit the recommendation for expulsion to the Superintendent, who will decide whether to appoint an expulsion examiner. (An expulsion examiner will be appointed if the Superintendent decides the student should be expelled unless the Superintendent chooses to conduct the expulsion meeting. The legal counsel or member of the administrative staff appointed as the expulsion examiner must not have expelled the student during the current school year and must not have been involved in the events giving rise to the expulsion.) If an expulsion examiner is appointed, they must be provided copies of the student's special education and discipline records. The expulsion examiner will notify the student and their parents of the right to an expulsion meeting. The normal procedure for an expulsion will then continue. If the parent challenges the manifestation determination, the student does not return to their previous placement. Rather, the student will continue to receive the services that were determined appropriate by the CCC at the manifestation determination case conference in the interim alternative educational setting as decided by the CCC.

_____

[1]Other forms of discipline also may be imposed, such as a disciplinary conference, verbal warning, after-school or weekend detention, etc. Furthermore, nothing in the IDEA or Article 7 prohibits the school from seeking injunctive relief from a State court to:
(1) remove a student with a disability from school; or
(2) change a student's current educational placement;
if the school believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or others.

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ag5605B

DISCIPLINING A SECTION 504 STUDENT

5605B - **DISCIPLINING A SECTION 504 STUDENT**

If a student with a disability who has a Section 504 Plan violates the Code of Conduct and is subject to suspension that results in a disciplinary change of placement or expulsion, a meeting of the student's Section 504 Team will be convened to determine whether the student's behavior is a manifestation of the student's disability.

Prior to such a meeting, the Director of Special Education shall ensure that a reevaluation of the student is completed prior to the manifestation determination. The scope of the reevaluation will depend on the length of time since the most recent evaluation and whether there has been a change in the student's academic, behavioral or functional needs since the most recent evaluation. The results of the reevaluation will be considered by the Team to help them make a manifestation determination. The reevaluation must be completed and the meeting convened prior to removal of the student for 10 school days or, if that is not feasible, the Team must consider whether the student is entitled to compensatory educational services if it determines that the student's behavior is a manifestation of the student's disability.

If the Section 504 Team determines that the student's behavior is a manifestation of the student's disability, then the student's suspension must end, the student may not be expelled, and the student must be returned to the student's last placement prior to the disciplinary removal.

Emergency removal of a Section 504 student from their current placement may take place through parental agreement to an interim placement or through injunctive relief from a court when in the current placement is substantially likely to result in injury to the student or others.

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ag5610

SUSPENSION AND EXPULSION OF STUDENTS

5610 - **SUSPENSION AND EXPULSION OF STUDENTS**

The following administrative guidelines should be followed to provide due process for each student charged with an offense leading to suspension or expulsion.

A. **Suspension**

The Principal may impose a suspension of no more than ten (10) school days and must notify the student's parents or guardians of the suspension by a written statement which includes the student's conduct and the action taken by the Principal. A secondary teacher may remove a student from a classroom or activity for no more than five (5) class periods and an elementary teacher may remove a student from class for an entire school day for no more than five (5) school days in order to carry out or prevent interference with an educational function which the teacher supervises. If a teacher removes a student from a class, the teacher must notify the Principal. The Principal may place the student in another appropriate class or an in-school suspension. The Principal may not return the student to the class from which the student was removed until the Principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student (or, in the case of a student with a disability, a case conference has been convened to discuss the need for the development or revision of a behavioral intervention plan). If the student's parents do not meet with the Principal and the student's teacher (or a case conference committee does not convene) within a reasonable amount of time, the student may be moved to another class at the Principal's discretion, provided it does not constitute a change of placement. All such removals of students with disabilities remain subject to the Federal and State laws and regulations governing students with disabilities.

No student may be suspended without a meeting. If a student's misconduct requires immediate removal, the meeting will take place as soon as possible after the suspension. At the meeting, the Principal must provide the student with: 1) a written or oral statement of the charges; 2) a summary of the evidence against the student if the student denies the charges; and 3) an opportunity to explain the student's conduct.

1. **Sending a Student Home**

Unless the student is an immediate threat to the safety of the school, the student should remain in school until class is dismissed for the day.

If the situation requires the student to be removed from the premises, the Principal will attempt to reach the student's parents to request they pick up their child. If they are unable to do so, the student should remain under supervision until school is dismissed. In the case of violent behavior, the Principal may summon local law enforcement to remove the student from the premises.

2. **Responsibility for School Work**

If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The Principal will make sure that the student receives: (a) notice of any assignments or school work due; (b) teacher contact information in the event the student has questions regarding the assignments or school work; and (c) credit, in the same manner that a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes. The student will be allowed to make up missed tests or quizzes when the student returns to school.

3. **Loss of Driving Privileges**

If a student has withdrawn or seeks to withdraw from school in an effort to circumvent the second suspension or expulsion in order to avoid the loss of the student's driver’s license or learner’s permit, the Principal will notify the Bureau of Motor Vehicles.

The Principal may notify the Bureau of Motor Vehicles when a student has had at least two (2) suspensions or an expulsion from school.

If a student has withdrawn or seeks to withdraw from school in an effort to circumvent the second suspension or expulsion in order to avoid the loss of the student's driver's license or learner's permit, the Principal may notify the Bureau of Motor Vehicles.

If a student has withdrawn or seeks to withdraw from school in an effort to circumvent the second suspension or expulsion in order to avoid the loss of the student's driver's license or learner's permit, the Principal will not notify the Bureau of Motor Vehicles.

4. **Suspension Pending Expulsion**

The Superintendent or expulsion examiner may continue the suspension of a student for more than the ten (10)-school-day period of the Principal's suspension and until the time of the expulsion decision if the Superintendent or expulsion examiner determines that the student’s continued suspension will prevent or substantially reduce the risk of:

a. interference with an educational function or school purposes;

b. a physical injury to the student, other students, school employees, or visitors to the school.

B. **Expulsion**

If in the Principal's opinion, the alleged infraction warrants expulsion, the Principal will refer the

case to the Superintendent and submit the following documentation:

1. the rule(s) alleged to have been violated
2. the charges against the student
3. approximate date of the violation
4. recommendation(s) for expulsion
5. copy of suspension
6. the Case Conference Committee or Section 504 Committee manifestation determination, if applicable

Upon request, the Principal also will submit:

1. transcript of grades
2. attendance records
3. letter to parents

The Superintendent will review the case and may appoint a designee to serve as the expulsion examiner who is either an attorney or an administrator who did not expel the student during the current school year and was not involved in the circumstances leading to the expulsion.

C. **Firearms, Destructive Devices, and Deadly Weapons**

A student must be expelled from school for not less than one (1) calendar year whenever the student has brought a firearm, as defined in I.C. 35-47-1-5, or a destructive device, as defined in I.C. 35-47.5-2-4 to school or onto school property or is in possession of a firearm or destructive device on school property, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period. The term of that expulsion may be reduced to less than one (1) year by the Superintendent for reasons justified by the particular circumstances

of the incident so long as the modification is made in writing. A student will be expelled from school for not more than one (1) calendar year if the student has brought a deadly weapon, as defined in I.C. 35-31.5-2-86, to school or onto school property or is in possession of a deadly weapon on school property.

D. **Notice of Right to an Expulsion Meeting**

Notice indicating the parents' right to appear at an expulsion meeting must contain:

1. the reason(s) for the expulsion, which should include both:

    a. the rule(s) alleged to have been violated; and

    b. the charges against the student;

2. the length of the proposed expulsion;

3. the right to request an expulsion meeting and the procedure for such a request;

4. the date, time, and location of the expulsion meeting if one is requested;

For a student who is eligible for special education and related services under the IDEA and Article 7, a copy of the Notice of Procedural Safeguards must be provided to the parent on the day the decision is made to make a disciplinary change of placement or, if that is not possible, mailed to the parent no later than the next business day (see also AG 5605A - Disciplining Special Education Students).

The notice must be sent via:

1. certified mail or personal delivery; or

2. email if the parent has provided their email address to the school as a means of communication, and in the case of an adult or emancipated minor student, the email communication is sent to the student's school email address, and the school is able to confirm the email was opened and acknowledged by the parent or adult or emancipated minor student within forty-eight (48) hours; provided, however, if the email is not opened or acknowledged within forty-eight (48) hours, the notice must be sent via certified mail or personal delivery.

E. **Expulsion Meeting**

If the student or the student's parent requests an expulsion meeting, an expulsion meeting must be held prior to expulsion. The Superintendent or person designated as the expulsion examiner must notify the student and the student's parent, in writing, of the date, time, and location of the expulsion meeting unless the initial notice of right to an expulsion meeting provided that information.

The Superintendent or person designated as the expulsion examiner may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

In addition to the Superintendent or person designated as the expulsion examiner, the only individuals who may attend the expulsion meeting are the following:

1. The student who is the subject of the expulsion meeting.

2. The parent(s) of the student who is the subject of the expulsion meeting.

3. The Principal or other school representative.

4. Any witnesses who may testify only during the time of the witness' testimony.

If the school does not permit the student's attorney to attend the expulsion meeting, the student's attorney may be present outside the expulsion meeting room, and the student or the student's parent(s) may consult with the student's attorney as needed during the expulsion meeting by requesting that the expulsion examiner provide a break in the expulsion meeting proceedings.

Both the administration and the student/parent(s) will have the opportunity to present oral testimony and submit evidence and the opportunity to cross-examine witnesses called by the other party.

At the expulsion meeting, the Superintendent or person designated as the expulsion examiner must provide the student or the student's parent(s) a list of:

1. alternative education programs in the same county in which the School Corporation is located or a county immediately adjacent to the county in which the Corporation is located; and

2. virtual charter schools

in which a student may enroll if the student is expelled. The list must contain contact information for the entities listed and must provide the student and the student's parent(s) notice that the student may be required to comply with I.C. 20-33-2 or any statute relating to compulsory school attendance in accordance with I.C. 20-33-8-31. If the student or student's parent fails to attend an expulsion meeting, a copy of the list must be mailed to the student's residence.

The Superintendent or person designated as the expulsion examiner must make a written summary of the evidence heard at the expulsion meeting and take action that the Superintendent or person designated as the expulsion examiner finds appropriate. The Superintendent or person designated as the expulsion examiner must provide notice, in writing, of the action taken to the student and the student's parent.

If the School Board has voted to hear all expulsion appeals, the notice must include the student's and parent's right to make a written appeal to the Board. Any such appeal must be made not later than ten (10) days of the student's or parent's receipt of the notice of action taken. If the Board has voted not to hear expulsion appeals, the notice must include the student's and parent's right to appeal the expulsion by filing an action in the circuit or superior court of the county in which the student resides.

A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion.

F. **Appeal of an Expulsion**

If the Board has voted not to hear any expulsion appeals:

The student or the student's parent(s) may appeal the Superintendent's or expulsion examiner's decision only to the circuit or superior court of the county in which the student resides.

G. **Length of Expulsion**

Except in the case of firearms, destructive devices, and deadly weapons, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester.

An expulsion during the second semester may extend through summer school and/or through the end of the first semester of the next school year unless otherwise modified or terminated by the Board.

An expulsion that takes effect more than three (3) weeks before the beginning of the second semester or that will remain in effect into the first semester of the next school year must be reviewed by the Superintendent or the person designated as the expulsion examiner before the beginning of the second semester or before the beginning of the next school year, as applicable, after notice of the review has been given to the student and the student's parent, to determine if there is newly discovered evidence or evidence of a change in the student's circumstances occurring since the original meeting. If so, the Superintendent or the person designated as the expulsion examiner may recommend that the student be readmitted for the second semester or at the beginning of the next school year, as applicable.

H. **Students with Disabilities**

In accordance with Board Policy 5605 - Suspension and Expulsion of Students with Disabilities and State and Federal law, before the expulsion, a student who is eligible for special education and related services under the IDEA and Article 7 must be referred to the Case Conference Committee (CCC) and a student with a disability who is eligible under Section 504 must be referred to the Section 504 Committee for a manifestation determination to determine if the behavior for which expulsion has been recommended is related to the student's disability.

I. **Waiver**

The student and the student's parent(s) may waive any of the rights described in this guideline or the student/parent handbook if the waiver is submitted, in writing, and signed by both the student and the student's parent(s). (**NOTE:** Rights under the IDEA and Article 7 or Section 504 cannot be waived.) The signatures should be witnessed. The waiver must be made with knowledge of the due process procedure described in the student/parent handbook and the consequences of the waiver. Additionally, the student can constructively waive the right to an expulsion meeting by simply not requesting or attending the expulsion meeting.

J. **Permanent Record**

A record of the student's suspension or expulsion will be made a part of the student's permanent record.

K. **Alternatives to Suspension or Expulsion**

Based on the evidence presented at the expulsion meeting one (1) of the following alternatives may be implemented by the expulsion examiner: assignment to an alternative program (this is not an option for a student with a disability who has an IEP or Section 504 Plan as the CCC/Section 504 Committee must determine the services and placement for such students)

Referral to Juvenile Court

A student may be referred to the juvenile court authority having jurisdiction over the student instead of or in addition to suspension or expulsion when necessary to ensure a safe, orderly, and effective educational environment. Referrals are to be made by the Principal.

The Superintendent or an attendance officer must report a student who is a habitual truant to an intake officer of the juvenile court or the Department of Child Services. A student will be considered a habitual truant when the student has been absent from school for more than ten (10) school days within a school year without being excused or without being absent under a parental request that has been filed with the school.

The Principal of the school where the student is enrolled must refer the student to the juvenile court having jurisdiction over the student when the student physically assaults a person having authority over the student. If the student is a student with a disability, information should be provided to the juvenile court authority regarding the student's disability, consistent with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g and its implementing regulations (34 C.F.R. Part 99).

L. **Referral to Law Enforcement**

A student must be referred to local law enforcement immediately if the misconduct involved any of the following:

1. a student physically assaulting a person having authority over the student;

2. a threat to a Corporation employee within the meaning of I.C. 20-33-9-4;

3. intimidation of a Corporation employee within the meaning of I.C. 20-33-9-2;

4. battery of a Corporation employee within the meaning of I.C. 20-33-9-1.3;

5. harassment of a Corporation employee within the meaning of I.C. 20-33-9-1.5;

6. possession of a firearm, deadly weapon, or destructive device;

7. any crime involving sexual violence;

8. assault resulting in personal injury;

9. a controlled substance violation under I.C. 35-48-4 or a violation of I.C. 7.1-5-7 (concerning minors and alcoholic beverages); or

10. suspected criminal organization activity, criminal organization intimidation, or criminal organization recruitment.

M. **Compulsory Attendance**

If a student is expelled from school or from any educational function, the student's absence from school because of the expulsion is a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in

1. an alternative education program in the county where or in a county immediately adjacent to the county where the Corporation from which the student was expelled is located; or

2. a virtual charter school

and the student does not enroll in an alternative education program or a virtual charter school during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend, the student's expulsion is not a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance.

N. **Retention of Public Records, Student Records, and Investigatory Records and Materials**

All individuals charged with imposing discipline under this administrative guideline must retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management) created and received as part of an investigation of student misconduct and disciplinary action taken, including but not limited to reports, admissions, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, emails related to the allegations, investigation and disciplinary action, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation of student misconduct or disciplinary

action taken must be retained in accordance with Policy 8310 - Public Records, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

Revised 10/12/04
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Revised 2/11/25
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ag5610A

EXPULSION OF STUDENTS NOT YET IDENTIFIED AS ELIGIBLE FOR SPECIAL EDUCATION

5610A - **EXPULSION OF STUDENTS NOT YET IDENTIFIED AS ELIGIBLE FOR SPECIAL EDUCATION**

School Corporation requests expulsion

Student claims disability (not previously identified) and that school had knowledge

School is deemed to have knowledge if the:

A. parent has expressed concern in writing (unless the parent is illiterate in English or has a disability that prevents a written statement) to licensed school personnel that the student is in need of special education and related services; or

B. parent/school has requested an evaluation of the student; or

C. student's teacher or other school personnel has expressed specific concern about a pattern of behavior demonstrated by the student directly to school supervisory personnel.

Student may exercise all Article 7 rights relative to expulsion, beginning with the right to an evaluation. School must hold a case conference to conduct a manifestation determination prior to proceeding with

expulsion. This case conference must be held within ten (10) school days of removal, even if the initial educational evaluation of the student has not been completed.

However, the school is deemed not to have knowledge if the:

A. parent has not allowed an evaluation; or

B. parent has refused services; or

C. school conducted an evaluation, determined the student was not eligible, and provided prior written notice of its determination to parent; or

D. parent has revoked consent for special education and related services pursuant to 511 IAC 7-42-15.

If the school does not have knowledge, the student may be subjected to the same disciplinary measures as those applied to students without disabilities who have engaged in comparable behaviors, including expulsion.

If a request for evaluation is made during the expulsion period, the school must conduct an expedited evaluation (i.e., it must be completed and a case conference held to determine eligibility within twenty (20) instructional days from the school's receipt of the written parent consent to conduct the evaluation).

An expedited evaluation is performed while the student stays in the educational placement determined by school authorities, which may include suspension or expulsion without educational services.

Revised 8/11/15

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ag5610.02

IN-SCHOOL DISCIPLINE

5610.02 - **IN-SCHOOL DISCIPLINE**

In-school suspension, detention are progressive discipline options that the Principal may use to improve attendance and/or to modify student behavior and to monitor the student's behavior during the disciplinary process.

Students who have violated any section of the Code of Conduct may be assigned to in-school suspension, detention.

Detention

A. Lunch-Time Detention

The Principal (or faculty member) may designate an area in which the student must remain during the lunch period. Failure to report to or remain in the area may lead to in-school suspension, Saturday school, or out-of-school suspension.

B. After-School Detention

The Principal (or faculty member) may require a student to come to school early or remain after school providing the parents have been given at least one (1) day's notice and have agreed to be responsible for their child's transportation at the end of the detention period. If the student is a bus rider and the Principal cannot verify that the parents agree to be responsible for the student's transportation, after-school detention should not be used. Early arrival and after-school detention should not be used for students who have transportation listed as a related service in their individualized education program (IEP) unless alternative transportation is provided. The Principal also shall ensure that there is adequate supervision of the student until such time as transportation arrives and during an early arrival. The student is to be given definite assignments or duties to complete during the detention period.

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ag5611

DUE PROCESS

5611 - **DUE PROCESS**

The following administrative guidelines should be followed to safeguard a student's constitutional rights:

A. **Procedural Due Process**

In any disciplinary situation, a student must be afforded minimum procedural due process in the disciplinary procedure. This means that a student, at a minimum, has the right to notice of the charge(s) made against them, a summary of the evidence supporting the charge(s), and an opportunity to present their case, including the opportunity to be heard.

Procedural due process shall be provided before any student is suspended or expelled from school. Please refer to AG 5610 - Suspension and Expulsion of Students for specific procedures that are required prior to the suspension or expulsion of students.

B. **Search and Seizure**

Within certain limits, all students have a constitutional right to be free from unreasonable search and seizure, both of their person and property. In order for a search to be reasonable, it must be reasonable both at its inception and in its scope. Generally, schools must have a "reasonable suspicion" that a student may be in possession of illegal contraband, whether drugs, weapons, stolen property, and the like before it can begin a search of a student's property, such as a backpack. This could be based on observations by a teacher or information provided by a student who witnessed the contraband being hidden. School officials cannot initiate a search to find "reasonable suspicion." It must be present before the search begins. For example, it may be reasonable to seize a cell phone if students are not permitted to carry them to class. But it may not be reasonable to look through the text messages sent to the student.

Likewise, the extent of a search must be reasonable in its scope. A search cannot go beyond what is reasonable. For example, conducting a strip search of a student generally is considered to be unreasonable in terms of maintaining order in the schools. It exceeds what is required for school officials to fulfill their responsibility of maintaining order. It may be reasonable to search a student's coat or backpack but not their car.

Because school officials are not expected to be constitutional law scholars, any time a school official is uncertain about the legality of a search or seizure, they should seek the advice of the School Corporation's legal counsel before proceeding.

T.C. 9/9/25

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ag5630A

PROHIBITION OF CORPORAL PUNISHMENT AND ALTERNATIVES TO CORPORAL PUNISHMENT

5630A - **PROHIBITION OF CORPORAL PUNISHMENT AND ALTERNATIVES TO CORPORAL PUNISHMENT**

Board Policy 5630 prohibits corporal punishment of students by Board employees. That policy defines corporal punishment as the intentional infliction of mild temporary physical discomfort on a student for the purpose of addressing misconduct.

Board employees shall not use corporal punishment in the performance of their duties with students, but this does not prohibit a Board employee from using physical force to protect himself or another person, or to prevent substantial damage to property.

Staff members shall not:

A. intentionally hit, strike, grab, punch, or inflict other bodily pain on a student by any method;

B. restrict a student's movement by binding or tying him/her, unless specified in an I.E.P.;

C. deprive a student of meals, snack, rest, or necessary toilet use;

D. confine a student in an enclosed area such as a closet, locked room, box, or similar cubicle, but a Board employee may assign a student to a "time- out" area as a disciplinary penalty;

E. permit any of the above to occur in their presence without ending or promptly reporting the act to an administrator.

The following alternatives to the use of corporal punishment are available to the Board's employee's when other student management practices have not been effective. The principal has the authority to:

A. deny a student participation in extra-curricular and/or noncurricular activities;

B. assign a student to an alternative program or remedial activity;

C. require a student to attend detention before or after school provided that there is no less than twenty-four (24) hours advance notice to the student's parent/guardian;

D. assign the student to an in-school suspension or before, after, or Saturday school program;

E. impose an out-of-school suspension in compliance with the procedure implemented by the Board pursuant to I.C. 20-33-8;

F. confer with a student's parent/guardian on sanctions which will be implemented in a correlated way at school and at home;

G. refer the student to a counselor, social worker, psychologist, psychiatrist, or clinical specialists;

H. arrange for an evaluation or re-evaluation of the student pursuant to IDEA, if there is reason to believe the student's behavior is related to a disability. If the student does not qualify for services under IDEA, an evaluation or re-evaluation of the student pursuant to Section 504 may be appropriate.

Any of the alternatives listed above that result in denial of student attendance must be implemented in compliance with the due process procedure for denial of student attendance in school (See Policy 5611).

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ag5630B

USE OF PHYSICAL FORCE

5630B - **USE OF PHYSICAL FORCE**

Corporation personnel may use reasonable physical force upon a student necessary to maintain a safe learning environment. They may also use reasonable physical force upon a student necessary to protect:

A. a staff member's personal safety;

B. the safety of another staff member or visitor;

C. the safety of the student or other students;

D. school property from damage or destruction;

E. themselves and others from danger arising from a dangerous weapon or object which is in the possession of or control of a student.

If such physical action by a staff member is not effective, the police should be contacted at once.

USE OF SECLUSION AND RESTRAINT WITH STUDENTS

5630.01 - **USE OF SECLUSION AND RESTRAINT WITH STUDENTS**

Board Policy 5630.01 sets forth the School Corporation's plan for the use of seclusion and restraint with students. These administrative guidelines detail the responsibilities for implementing Board Policy 5630.01 and the Corporation's seclusion and restraint plan.

Implementation of PBIS and Staff Training:

The Superintendent directs that:

A. Except in the case of an emergency, only individuals who have been trained in crisis prevention and intervention may initiate the use of seclusion or restraint with students.

B. The Director of Human Resources or Director of Special Education is responsible for providing all staff members with basic training about conflict de-escalation procedures, the dangers of seclusion and restraint, and procedures for contacting fully trained and certified staff when behavioral crises occur. This training must occur at least annually and will be provided upon hire to staff hired mid-school year.

C. The Director of Human Resources or Director of Special Education is responsible for determining a specific curriculum and method of providing training related to seclusion and restraint.

D. Each building principal is responsible for selecting a core group of appropriate personnel to be trained in each building in crisis intervention techniques, which will include the use of seclusion and restraint procedures. This group shall be known as the building crisis intervention team.

Appointment of Coordinator and Committee:

The Superintendent appoints the Director of Special Education as the Coordinator of data, planning and oversight of the use of seclusion or restraint procedures in the Corporation. The coordinator must maintain records of the use of seclusion or restraint in the Corporation and serve as chair of the committee referenced below or, if a standing committee is used, as co-chair along with the chair of the standing committee.

The Superintendent directs that the following committee is charged with conducting an annual review of all individual and program- wide data associated with this policy: a standing committee, which shall be the Crisis Intervention committee, which shall include the aforementioned Coordinator, who will serve as co-chair along with the chair of the standing committee.

Following the annual review of data, the Superintendent directs the committee to identify any issues or practices that require further attention and provide written recommendations to the Superintendent for changes in Corporation policies or practices. This may include recommendations for changes to the Corporation's training program.

Documentation of Seclusion and Restraint:

The Superintendent directs the building principal (or designee) to:

A. assign a member of the building crisis intervention team who responded to the incident to complete a Seclusion and Restraint Incident Report form and to provide copies of the completed form to the Coordinator referenced above, the parent of the student involved, and the student's file.

B. monitor the building areas used for seclusion to ensure the seclusion environment meets the criteria listed in Board Policy 5630.01.

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ag5722

SCHOOL PUBLICATIONS/PRODUCTIONS

5722 **- SCHOOL PUBLICATIONS/PRODUCTIONS**

The objectives of school publications/productions in general are to:

A. communicate to those who are actively interested in the school - the students, the teachers, the parents, the administration, the alumni, and other members of the school community;

B. provide vehicles for the expression of student thought and action and to act as catalysts for helping students realize goals and objectives;

C. create a wholesome school spirit and to support the best traditions of the school;

D. promote and encourage school-sponsored activities;

E. provide training in useful and purposeful writing, speaking, artwork, photography, and layout;

F. create a desire for the best forms of journalism or theatrical production, both in and out of school;

G. promote cooperation among taxpayers, parents, the school, and its students.

In implementing Board Policy 5722, the following guidelines will be applicable:

A. Excellence in writing and/or speaking will be sought and the ethics of responsible journalism and/or literary merit will determine what will be produced. Presentation of facts or ideas is to be

based on careful research.

B. Students shall have the right to express their views and attitudes on all issues with the proviso that the tenor of the statements shall not encourage disruption of normal educational processes.

C. Language, pictures, music, or symbols that are obscene, libelous, or offensive to good taste are prohibited.

D. Constructive criticism of the school, the Corporation, other institutions, and/or social groups or practices is encouraged.

E. A by-line shall accompany every printed article, story, or presentation and only signed letters will be printed in school publications.

F. Advertisements shall reflect the spirit of these guidelines. Advertisements shall not be accepted that encourage or advocate violence or disregard of the law; promote the sale of any substance the use of which is prohibited, such as drugs and alcohol; any paraphernalia associated with sex or drugs; any item that would be offensive to a significant minority or the majority of the community; or items not in keeping with school purposes.

G. All material to be printed or produced is subject to review by the advisors and/or principal. Those who are denied approval for inclusion of materials in school publications/productions may appeal to the principal, whose decision will be final.

The duties of the faculty advisor and assistant advisors shall be to:

A. serve in a liaison capacity between the staffs of the publications and the faculty and administration;

B. advise, suggest, and edit when necessary;

C. interpret the foregoing guidelines.

ag5723

STUDENT RIGHTS OF EXPRESSION

5723 - **STUDENT RIGHTS OF EXPRESSION**

In accordance with School Board Policy 5722 and Policy 9700, students have the right, protected by the First Amendment to the U.S. Constitution, to exercise freedom of speech. This includes the right to distribute or display, at reasonable times and places, written material, petitions, buttons, badges, or other insignia, except expression which:

A. is obscene to minors;

B. is libelous;

C. is pervasively indecent or vulgar;

D. advertises any product or service not permitted to minors by law;

E. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion, or ethnic origin);

F. presents a clear and present likelihood that, either because of its content or the manner of distribution or display, it will cause a material and substantial disruption of school or school activities, a violation of school regulations, or the commission of an unlawful act.

Distribution or display of material in any of the above categories is prohibited on school premises or at any school-related event.

Procedures

Any student wishing to distribute or display nonschool material must first submit for approval a copy of the material to the principal twenty-four (24) hours in advance of desired distribution/display time, together with the following information:

A. name of the student or organization

B. date(s) and time(s) of day of intended display or distribution

C. location where material will be displayed or distributed

D. the grade(s) of students to whom the display or distribution is intended

The principal should either approve the material or indicate how it violates the guidelines listed above or the time, place, and manner restrictions listed below. If permission to distribute or display the material is denied, the student shall have the opportunity to make necessary revisions and/or deletions.

Permission to distribute or display material does not imply approval of its contents by either the School, the administration of the School, or the Board.

The student submitting the request shall have the right to appear and present the reasons, supported by relevant witnesses and material, as to why distribution/display of the written material is appropriate.

If the student is dissatisfied with the decision of the principal, s/he may submit a written request for appeal to the Superintendent. The Superintendent will render a decision within forty-eight (48) hours. The student may appeal the decision to the School Board by notifying the Superintendent in writing. The Board or a committee of the Board will meet within five (5) days to review the

Superintendent's decision. If the committee of the Board makes a recommendation to the Board, the Board shall review the recommendation at its next regularly-scheduled meeting and issue a decision prior to the close of that meeting. If the Superintendent or Board fails to make a decision in the time

required, the student may resume display/distribution and continue to display/distribute the information until a decision is made.

Time, Place, and Manner of Distribution or Display

The distribution or display of written material shall be limited to a reasonable time, place, and manner as follows:

A. No material may be distributed or displayed during the time or at the place of a school activity if it is likely to cause a substantial disruption of that activity.

B. No material may be distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school.

Definitions

The following definitions shall apply:

A. "Obscene to minors" is defined as:

1. the average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to the prurient interest of minors;

2. the material depicts or describes conduct that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors;

B. "Minor" means any person under eighteen (18) years of age.

Disciplinary Action

Distribution or display by any student of nonschool-sponsored material prohibited by these guidelines will be halted and disciplinary action will be taken in accordance with the procedures contained in AG 5600 and AG 5610.

Any other party violating this guideline will be requested to leave the school property immediately and, if necessary, the police will be called.

A version of this administrative guideline is to be published in student handbooks at the secondary level.

ag5751

PREGNANCY

5751 - **PREGNANCY**

The counseling of any pregnant student is primarily a counselor's responsibility.

The counselor, on becoming aware of the condition, should notify the principal, establish a relationship with the student, and function as liaison between the student, the staff, and outside resource people throughout the term of the pregnancy.

A statement from the doctor shall be submitted verifying the condition of pregnancy and indicating any limits to be placed on the student's program. If possible, arrangements for the resumption of education will be worked out when she is required to leave.

Appropriate referral procedures should be offered to the parents and to the girl and, if possible, to the prospective father, if a student of this Corporation.

Upon request of the parents and a statement from the doctor, the girl may be placed in home instruction.

ag5771

SEARCH AND SEIZURE

5771 - **SEARCH AND SEIZURE**

Pursuant to School Board Policy 5771 - Search and Seizure, the following guidelines shall be used when School Corporation administrators have reason to suspect that an illegal or dangerous substance or object or stolen property may be in the possession of a student:

A. All requests or suggestions for the search of a student or their possessions shall be directed to the Principal or the person in charge of the students while out of the Corporation.

B. Wherever possible, before conducting the search, the building administrator shall notify the student, request their consent to the inspection if other than their locker, and inform the student that they may withhold consent. Such consent, if offered, shall be given voluntarily and with the knowledge that it could have been withheld. The Principal shall conduct the search, however, with or without the student's consent.

C. Wherever possible, an adult third party will be present at any search of a student or their possessions. If there is a search of the student's person, an adult of the same gender as the student should conduct the search, and another adult of the same gender as the student should be present as a witness.

D. The Principal may conduct a student search upon reasonable suspicion to suspect the presence of an illegal or dangerous substance or object or any contraband under school rules.

E. The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student, whether during a student search or otherwise.

F. Wherever possible, the student shall be present at any search of their possessions.

G. The Principal shall be responsible for the prompt recording of each student search. The record shall be in writing and shall include the reasons for the search, the persons present, the objects found, and the disposition made of them and shall be kept in a secure location in their office.

H. Whenever the search is prompted by the reasonable suspicion that possession of a substance or object immediately threatens the safety and health of the student or others, the Principal shall act with as much speed and dispatch as is required to protect persons and property in the school while keeping clearly in mind the student's rights and the potential consequences of inappropriate or hasty action.

Reasonable Suspicion

As used in this section, "reasonable suspicion for a search" means grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student:

A. has violated or is violating a rule or behavioral norm contained in the student handbook;

B. has violated or is violating a particular law;

C. possesses an item or substance which presents an immediate danger of physical harm or illness to students and staff or Corporation property.

Lockers and Other Storage Areas Provided for Student Use

All lockers and other storage areas provided for student use remain the property of the Corporation. These lockers and storage areas are subject to inspection, access for maintenance, and search pursuant to these guidelines. A student using the locker or storage area has, by statute, no expectation of privacy in that locker or storage area or the contents contained therein (See Form 5771 F1). No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the Principal. Unapproved locks will be removed and destroyed.

The Principal may search student lockers and storage areas and the contents contained therein at any time for any justifiable reason.

The Principal may, at any time, request assistance of the School Resource Officer with Greensburg Police Department having jurisdiction over the facilities of the Corporation. The law enforcement officer must

have probable cause, however, to conduct a search of the lockers and storage areas and the contents contained therein.

Desks and Other Storage Areas

A desk or any other storage area in the school provided for student use as well as its contents may be searched when the Principal has reasonable suspicion for a search.

Vehicles

Any vehicle brought on Corporation premises by a student may be searched when the Principal has reasonable suspicion to justify the search.

One of the conditions for granting permission for a student to bring a student-operated vehicle onto school premises is written consent by the student driver, the owner of the vehicle, and the parent of the student to allow the search of that vehicle. Refusal by any of the parties to provide or allow access to a vehicle at the time of a search request shall be cause for terminating the privilege without further hearing.

Searches of vehicles of staff members or visitors shall be conducted by law enforcement personnel.

Student

A. The personal search of a student may be conducted by the Principal when there is reasonable suspicion for a search of that student. Authorized searches of the student's person are:

    1. the student's pockets;

    2. purses, briefcases, or any other object in the possession of the student;

    3. removal of an article of exterior clothing such as a jacket.

B. Strip searches are not to be conducted by Corporation personnel. Any such search is not authorized by the Corporation, and any Corporation employee who conducts such a search is subject to discipline, up to and including termination of employment.

C. At the request of the student to be searched, an additional person of the same gender as the student designated by the student, and who is then reasonably available on school premises, shall witness the search. The student's parents shall be notified of the search as soon as practicable.

Disposition of Student Property

If a student has died, transferred, dropped out, or otherwise withdrawn from enrollment in the Corporation, the school will not remove the student's property without first providing the parents an opportunity to collect the property. The term "student property" refers to property belonging to a student that the student has stored in a locker, desk, or personal cubby that is located on school property and has been assigned to the student for the student's use. Provided, however, that this requirement does not restrict or otherwise limit the authority of a law enforcement agency to search an area containing student property or seize student property pursuant to a law enforcement investigation.

Use of Breath-Test Instruments

The Principal may arrange for a breath test for blood-alcohol to be conducted on the student whenever there is individualized reasonable suspicion to believe the student has consumed an alcoholic beverage.

The Principal shall attempt to contact the School Resource Officer with Greensburg Police Department and arrange for it to conduct the test. The following procedure should be used:

A. Take the student(s) to a private administrative or instructional area on school property and have at least one other member of the teaching or administrative staff present as a witness to the test. If a student refuses to take the test, they will be advised that such refusal is a violation of school rules and will subject the student to disciplinary action. The student will then be given a second opportunity to take the test.

B. The purpose of the test is to determine whether or not the student has consumed an alcoholic beverage. The amount of consumption is not relevant, except where the student may need

medical attention.

C. Make a written record of: the instrument's serial number or identifier; the test result; the date, time, place of the test; the students' names; and the names of the witnesses.

D. If the instrument provides printed evidence, attach a print-out to the written record.

E. If the result indicates a violation of school rules as described in the student handbook, follow the disciplinary procedure described in the handbook.

F. If a staff member accompanying students on a school-related activity off school grounds has individualized reasonable suspicion to believe that a student has consumed an alcoholic beverage and no test instrument is available, they should make a written record of all facts upon which an opinion that the student has consumed an alcoholic beverage is based. Since the staff member is responsible for the welfare of a student who may be intoxicated, they should supervise the student until the student is returned to the custody of their parents or a law enforcement official.

Use of Dogs

The Board has authorized the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

A. The presence of the dogs on school property must be authorized, in advance, by the Superintendent or be pursuant to a court order or warrant.

B. The dog must be handled by a law enforcement officer or a contracted person specially trained to safely and competently work with the dog.

C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.

D. The dog will be allowed to examine a student's possessions, including vehicles.

E. The dog may be allowed to examine school property, such as lockers, as permitted by the Principal. Any limitation as to areas of school property to be examined by the dog shall be established by the Principal at the time the use of dogs is authorized.

Method of Search

The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, correlated items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search based on simple curiosity.

Items Found

Anything found in the course of a search which is evidence of a student violation of school rules or Federal/State laws may be seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the Principal until it is presented at the hearing. It also may be turned over to any law enforcement officer after proper notation and receipt.

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ag5772

WEAPONS

5772 - **WEAPONS**

The Board prohibits students, staff, and visitors from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Corporation for the purpose of school activities approved and authorized by the Corporation including, but not limited to, property leased, owned, or contracted for by the Corporation, a school-sponsored event, or in a Corporation vehicle; provided, however, that a staff member is not prohibited from possessing a firearm or ammunition that is locked in the trunk of the staff member's vehicle, kept in the glove compartment of the staff member's locked vehicle, or stored out of plain sight in the staff member's locked vehicle.

Generally, the possession of a firearm in or on school property, in or on property that is being used by a school for a school function, or on a school bus is a felony (I.C. 35-47-9-2) and is prohibited by Board policy. However, State law permits a person who may legally possess a firearm to maintain that firearm if it is locked in the person's trunk, kept in the glove compartment of the person's locked vehicle, or stored out of plain sight in the person's locked vehicle. This exception does not apply to students unless it is a high school student who is a member of a shooting sports team and the principal has approved the student keeping a firearm concealed in the student's motor vehicle on days the student is competing or practicing as a member of a shooting sports team. This exception also does not apply to former students if the person is no longer enrolled in school due to a disciplinary action within the previous twenty- four (24) months.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, tasers, handguns, stun guns, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, chemical weapons, metallic knuckles, martial arts weapons, ammunition, and destructive devices (bomb, incendiary, grenade, Molotov cocktail, rocket, with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as "an instrument that: 1) consists of a sharp edge or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and 2) is intended to be used as a weapon." I.C. 35-47-5-2.5(a)

Any student who has reason to believe that a person has or will violate this guideline shall report to the school principal or the supervisor of the activity immediately. The report should include as much detail as possible concerning the person(s) involved, the weapon, the location of the person(s), and how this information was obtained.

The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the law enforcement agency having jurisdiction over the property where the offense occurs. The student may also be subject to disciplinary action, up to and including expulsion.

If authorized by the Board, exceptions will be permitted for:

A. items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)

B. theatrical props used in appropriate settings;

C. starter pistols used in appropriate school related sporting events.

No student is to confront the person possessing the weapon, but a staff member has the option of confronting the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

A principal or activity supervisor receiving a report of weapons possession shall have the option of conducting a search for the weapon in accordance with AG 5771, Search and Seizure, or contacting the Greensburg Police Department for assistance.

Any interaction with the person should have as its primary objective the safety and welfare of people in the area rather than the obtaining possession of the weapon.

Revised 12/10

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ag5820

STUDENT GOVERNMENT

5820 - **STUDENT GOVERNMENT**

School Board Policy 5820 authorizes and encourages the formation of student government organizations subject to the following guidelines:

A. The organization, operation, and scope of the student government body shall be defined in a written constitution developed through effective student participation with selected school advisors, and approved by the principal.

B. Student government organizations shall function with respect to the provisions of their constitution and bylaws.

C. The principal shall ensure that all students have the right to vote and hold office in their student government organization.

D. The decisions of the student government organization shall not be influenced by the faculty and administration but should be subject to review by the principal to assure compliance with the purpose of the student organization.

ag5830

STUDENT FUNDRAISING

5830 - **STUDENT FUNDRAISING**

The following guidelines are to be followed for any activity that involves fundraising by students and from students.

In any fundraising activity involving students, the following conditions must be met:

A. For any fundraiser by student groups or organizations that involves the sale to students of food items and/or beverages to be consumed on campus, the food and/or beverages items to be sold must comply with the current USDA Dietary Guidelines for Americans.

B. Any fundraiser by student groups or organizations that involves the sale to students of food items and/or beverages to be consumed on campus must be conducted only from thirty (30) minutes following the close of the last lunch period until thirty (30) minutes after the end of the school day.

C. Minimal instructional time is to be used to plan, conduct, assess, or manage a fundraising activity unless such an activity is part of an approved course of study.

D. Fundraising activities conducted in a school or on School Corporation premises are not to interfere with the conduct of any co-curricular or extra- curricular activity. Students involved in the fundraiser are not to interfere with students participating in other activities in order to solicit funds.

E. Student participation in fundraising activities conducted by school-related groups of which they are not members must be voluntary and must be approved by the student's teacher or counselor to ensure that participation will not affect adversely his/her school work and other school responsibilities.

F. No student of any age may participate in off-Corporation fundraising activities without proper supervision by approved staff or other adults.

G. In accordance with Board policy, each fundraising activity must be approved by the principal if occurring on Corporation premises and by the Superintendent if occurring off Corporation property. (See Form 5830 F1). In order to be approved, the group leader or advisor is to submit a proposal in advance of the event so that all fundraising efforts may be coordinated so as not to burden or be a nuisance to students, faculty, parents, or the community.

H. Contracts with outside suppliers for merchandise to be sold in a fundraising activity are to be reviewed by the principal and signed by the staff member in charge who is personally responsible for the merchandise and monies collected. The contract must specify that any merchandise which is unsold and is resaleable can be returned for full credit. The Corporation will not be responsible for any unsold merchandise that cannot be returned to a supplier for credit for any reason.

I. The staff member in charge should establish procedures to ensure that all merchandise is stored, distributed, and accounted for properly.

J. Upon completion of a fundraiser, a final report is to be submitted to the Principal within thirty (30) days. (See Form 5830 F3) The report should state:

1. cost of items or merchandise;

2. amount of money projected and amount of money raised;

3. when and where funds were deposited;

4. if merchandise was involved, how many items were offered for sale, how many sold, the amount of money collected, and the disposition of any unsold items.

K. No staff member is to accept any special gifts or bonuses of more than nominal value offered by an outside supplier or vendor for any reason or purpose.

L. Fundraising activities will not be permitted if they interfere with the Corporation's educational program on nutrition.

M. If an activity involves the students providing a service in return for money, such as a car wash, a member of the professional staff shall supervise the activity at all times. His/Her responsibility is to ensure the service is provided in a proper manner and also the safety and well-being of the students and the property of both the purchaser and the owner of the site.

N. Any fundraisers that require students to exert themselves physically beyond their normal pattern of activity, such as "runs for ", must be monitored by a staff member who has the necessary knowledge and training to recognize and deal appropriately with a situation in which one or more students may be over-extending themselves to the point of potential harm.

All crowdfunding activities are subject to Policy 6605 and any administrative guidelines adopted by the Superintendent to implement Policy 6605.

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ag5850

STUDENT SOCIAL EVENTS

5850 - **STUDENT SOCIAL EVENTS**

The following guidelines shall be used to conduct all social events.

A. Faculty advisors to school organizations will ensure that social events are adequately chaperoned in keeping with School Board policy. Other members of the staff shall cooperate with the advisors.

B. Chaperones must be present at social events sponsored by school organizations. The number needed shall be determined by the principal. In addition, the police, student-community relations persons, and security aides may be present.

C. Social events are restricted to current Corporation students and their guests if prior approval has been given by the principal.

D. It is essential that chaperones be present at the designated time so that students are not gathering without adult supervision.

E. Any police officers should be instructed by the advisors to maintain watch of the outside and to be available especially in the entrance area.

F. Students who leave the event are not to be readmitted, unless granted permission by the person in charge.

G. Chaperones will circulate among the people present at the event to be sure that they behave properly and to locate any persons under the influence of alcohol and/or drugs who may have gained entrance.

Intoxicated students or students causing trouble should be dealt with using the following procedure:

1. Identify any or all of the students involved.

2. Obtain one (1) or two (2) witnesses.

3. Telephone parents at once and tell them that it **appears** their son/daughter is either drinking or causing trouble, or is associating with those who are. Ask the parents to come to the social event at once to take custody of their son/daughter.

4. If the conditions persist and parents do not appear in a reasonable time, call the police.

5. If trouble or drinking is caused by people not of our Corporation, call the police at once.

6. If possible, **DO NOT:**

    a. get involved in arguments;

    b. challenge anyone to prove that s/he is not drinking.

7. Definitely **DO NOT:**

    make any positive statements such as, "He **is** drunk", "She **is** a troublemaker", or "You **are** under the influence of _____".

8. **DO SAY:**

a. "It would appear that _____";

b. "It seems that _____".

9. Students should be suspended only if they are guilty through admission or observation. The principal should use discretion in all cases.

ag5880

PUBLIC PERFORMANCES BY STUDENTS

5880 - **PUBLIC PERFORMANCES BY STUDENTS**

The Board of Education in its Policy 5880 has recognized the value to students, the School Corporation, and the community of students sharing their talents and skills with the community through participation and performances in public events.

General Guidelines

At the beginning of each school year, staff members in charge of student groups who wish to perform out of the Corporation at local events as an integral part of the instructional program shall submit the plan to the principal for approval. If the performance involves an overnight or extended trip, the request shall be submitted to the Superintendent by the principal in accord with AG 2340.

The plan for local performances should indicate the following information requested in the Student Performance Report Form 5880 F1:

A. date submitted

B. school organization

C. instructor

D. sponsoring organization

E. location of the performance

F. purpose of the performance

G. fee (if any) and reimbursement costs

H. estimated loss of instructional time

I. benefits to the students, the student organizations, and the Corporation

Any outside group may also request a performance by an individual student, by a group of students not established as an approved school organization, or by an approved school organization when the performance is not part of the approved performance plan described above.

In such cases, a student or staff member shall submit the request to the principal for approval. Each request is to be submitted on the Student Performance Request Form 5880 F1.

When public performances are scheduled as a regular part of a course of study taken for credit, students shall be informed in advance of the obligation to participate and will be excused from participation only in accordance with the rules and administrative guidelines governing school attendance.

No student, group of students, or employees of this Board may receive personal compensation for the performance in public of students organized for a school activity but may collect a donation to an approved student activity fund.

All noncorporation performances shall be under the supervision of the professional staff of the Corporation.

All costs and expenses directly associated with the performance shall be borne by the sponsoring organizations other than transportation.

Participation in noncorporation activities where admission fees are charged is allowable only if the proceeds are for charitable, educational, or civic purposes.

ag5895

STUDENT EMPLOYMENT

5895 - **STUDENT EMPLOYMENT**

Issuing Officer

The School Corporation issuing officer shall be:

A. a guidance counselor;

B. a social worker; or

C. an attendance officer for the Corporation who is a licensed teacher; and

D. designated in writing by the school principal.

When school is not in session or an individual meeting the above criteria is not employed by the Corporation, there shall be an issuing officer available who is a licensed teacher and whose identity and hours of work shall be determined by the principal.

Employment Certificate

Any minor person at least fourteen (14) years of age and less than eighteen (18) years of age must secure an employment certificate issued by the Corporation issuing officer prior to being employed in all jobs except those excluded by State statute, which generally are farm labor, domestic service, caddie, newspaper carrier, youth athletic program referee umpire or official, actor/performer or enrolled in a career and technical education program approved by the State. Also excluded are minors who are not Indiana residents.

The employment certificate is to be secured from the issuing officer of the accredited school the minor attends or the school corporation in which the minor resides. The issuing officer may issue an employment certificate only to a minor whose employment is necessary and only after the receipt of the following documents:

A. proof of age; and

B. proof of prospective employment.

Proof of age documents include, in order of preference:

A. A birth certificate or duly attested transcript of a birth certificate issued by the registrar of vital statistics or any other officer charged with the duty of recording births (school records of age that have been verified by a birth certificate may be substituted by the issuing officer for a birth certificate);

B. A baptismal certificate or a certified transcript of the record of baptism showing the minor's date of birth and place of baptism;

C. Other documentation in existence for at least one (1) year, including:

1. a bona fide contemporary record of the minor's birth, comprising a part of the family record of births in the Bible;

2. other documentary evidence satisfactory to the Department of Labor, including a certificate of arrival in the United States issued by United States immigration officers and showing the minor's age; or

3. a life insurance policy;

D. A sworn statement by a public health physician, a public school physician, or the superintendent that states, in the opinion of the signatory, the minor's physical age. This statement shall show the minor's height and weight and other facts upon which the signatory's opinion is based. The physician's or superintendent's statement shall be accompanied by a statement of the minor's age signed by the minor's parent and by available school records.

The issuing officer shall require the document of age under subsection (1) in preference to a document under subsection (2), (3), or (4). To avoid delay, the documents under subsection (2), (3), or (4) may be accepted if the issuing officer files a written statement that verification of date of birth has been requested from the appropriate governmental agency but has not been received.

Proof of prospective employment is a written statement signed by the person for whom the minor is to work, setting forth the nature of the work to be performed by the minor and the maximum hours per week that the minor will work.

Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the Department of Labor. The employment certificate shall state the maximum number of hours that the minor may be employed by the employer. The issuing officer shall maintain a record in his/her office of each employment certificate issued. The issuing officer shall maintain a record of the maximum hours the minor may work for each week for all employers for each minor who has been issued more than one (1) employment certificate.

The issuing officer may deny an employment certificate to a minor whose attendance is not in good standing or whose academic performance does not meet the Corporation's standards. A student may appeal the denial of an employment certificate to the principal.

The issuing officer should be guided by the following when issuing an employment certificate:

A. **Academic Performance**

Students academic and attendance record is examined to make a decision for approval.

B. **Attendance**

Each student's attendance is examined.

Revocation of an Employment Certificate

An employment certificate may be revoked by the Department of Labor following an investigation by the Department. Should the Department revoke an employment certificate both the issuing officer and the employer will be notified by the Department.

An employment certificate may be revoked by the issuing officer if it is determined that there has been a significant decrease in the student's grade point average or the student's attendance at school since the employment certificate was issued. If a student's employment certificate is revoked, the student is entitled to a periodic review of the student's grade point average or attendance record or both to determine whether the revocation should continue. The periodic review may not occur less than one (1) time each school year. A student may appeal the revocation of an employment certificate to the school principal.

The issuing officer is to send a written notice of revocation to the student's employer immediately upon revocation.

Should the employment certificate be revoked at the end of the school year, the student may be allowed to work during the summer while school is not in session. However, such student will lose the employment certificate at the start of the new school year until s/he meets the attendance and grade standards established by the Corporation for receiving the employment certificate.

The Department of Labor should be informed when a student is issued an employment certificate and of any change in his/her employability status.

Although many students have a need to work after school and in the evening, these activities can have significant effects on their ability to function effectively during the school day and garner the most from the school program. All members of the professional staff need to be alert to students who may be over-extending themselves because of too much work and not enough rest.

If the student fails to attend an exit interview or fails to return to school if his/her request to withdraw in accordance with Policy 5130 is denied, then the student's employment certificate and driver's license may be revoked or the application may be denied.

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GRANT WRITING - RESPONDING TO RFP'S

6111A - **GRANT WRITING - RESPONDING TO RFP'S**

Grants of funds to develop or enhance a program can be obtained in one (1) of two (2) ways.

The first is to respond to requests for proposals (RFP's) put out from time to time by Federal and State agencies and sometimes private organizations. The second is to seek out funds from public or private sources through submission of a grant request.

This guideline provides a strategy for preparing responses to Requests for Proposals (RFP's). AG 6111B provides a guideline for preparing grant requests for a Corporation project or program. Some elements are the same or similar to both processes such as in preparing the proposal or the plan itself. Many factors are different, thus requiring a different strategy.

Step One - Preliminary Approval

Prior to undertaking any response to an RFP, the project is to be discussed with the principal and then given preliminary approval by the Superintendent.

Step Two - Project Abstract

Summarize the need, objectives, activities and timelines, evaluation plan and project personnel so the reader could determine the merits/conformity of the proposal with just this statement. (See Form 6111 F2)

Step Three - Statement of Need

A. Describe the need(s) the project addresses.

B. Describe the methods used to identify the need(s).

C. Indicate how the need(s) relate to the need identified in the RFP.

D. Document the need(s) by presenting and interpreting data that indicates the current status of the need.

Step Four - Objectives

Describe in specific terms the expected or desired changes/outcomes related to both implementing the project and affecting the status of individuals.

All objectives for which progress is expected could be **performance** objectives or **facilitating** objectives.

Performance objectives describe specific observable changes (e.g., knowledge, attitudes and abilities) in individuals as a result of the project, either during the grant period or as implemented in the future.

Facilitating objectives describe major tasks related to changes (e.g., development, implementation, evaluation of products or processes) which will facilitate achievement or realization of some aspect of a goal(s).

Elements of each type of objective include:

PERFORMANCE OBJECTIVES
FACILITATING OBJECTIVES

-What change will occur in person's knowledge, attitudes or abilities because of experiencing the project
-What has to be done

-Who is to change -
Who is responsible

-Condition, if applicable

-Standard(s) -- quality and/or quantity aspects to be demonstrated in an observable fashion
-Standards – quality and/or quantity aspects a process or product must possess or exhibit

-Measurement means -
Verification methods

-Measurement date(s) -
Starting and completion dates

Step Five - Strategies/Activities and Timeline

Describe the specific activities related to accomplishing the objectives: i.e. person(s) responsible for seeing that each activity is completed; and other persons who will be involved in each activity and how they will be involved. Attach a timeline which shows the starting and completion dates of each activity. (See Form 6111 F4)

At this point you may want also to indicate the evaluation or verification needed to determine that the objectives are met. (See attached form. The form will be useful throughout the term of the grant to organize and follow the project).

Step Six - Evaluation Plan

Using the Evaluation Plan (Form 6111 F3), develop an evaluation plan for RFP related objectives which will supply useful information. The following items should be addressed in the plan for each objective or group of related objectives:

A. Evaluation Data/Information Needed - specify determinants of the status and/or attainment/achievement of each objective.

B. Purpose(s) of Information - specify usefulness and applicability of evaluation data.

C. Means and Source of Acquiring Information - include appropriate evaluation techniques and instrumentation; indicate who and/or what will supply the information.

D. Means of Analyzing and Reporting Information - indicate how the information will be analyzed and reported.

E. Date(s) of Information Collection - indicate date(s) on which information is to be obtained.

F. Person(s) Responsible for Analyzing and/or Reporting Information - identify personnel responsible for reviewing and presenting the information obtained.

Step Seven - Project Personnel

Delineate all personnel who will be directly involved in project activities. Include the relationship between project staff members and other staff members; previous and/or current RFP-related experiences; and present availability to complete project activities.

Step Eight - Budget Worksheet

Complete the Budget Worksheet (See Form 6111 F5).

The proposed itemized budget must be prepared for expenditures directly related to the requirements of the RFP.

Step Nine - Proposal Review

Review the draft proposal against each of the criteria found on Form 6111 F1.

Step Ten - Final Check

After the proposal has been reviewed and revised (Step 6), submit it to staff members/administrators whose input is needed to confirm that Corporation commitments can be fulfilled if the grant is received.

Step Eleven - Final Approval

Prior to submission, present the proposal to the Superintendent for written authorization.

Step Twelve - Proposal Submission

Submit the requested number of copies of the proposal in an envelope or container that is strong enough to withstand rough handling in transit. Check to make sure the label is complete and accurate so the proposal is being sent to the proper person or department.

GRANT WRITING - REQUESTING A GRANT

6111B - **GRANT WRITING - REQUESTING A GRANT**

Step One

Prepare a preliminary proposal which describes in two (2) or three (3) paragraphs:

A. the purpose of the project (what problem is to be solved or what learning is to take place);

B. the desired outcomes (what will have been accomplished if the project is successful);

C. how the project will function (main activities that will produce the desired outcomes).

Ask key staff members to review the draft for clarity and accuracy since it will serve as the in-Corporation "communication" while the proposal is being prepared and ultimately as the abstract for the fiscal proposal.

Submit the preliminary proposal to the Superintendent for approval prior to proceeding with creating the proposal.

Step Two - Statement of Need

A. Describe the need(s) the project addresses.

B. Describe the methods used to identify the need(s).

C. Document the need(s) by presenting and interpreting data that indicates the current status of the need.

Step Three - Objectives

Describe in specific terms the expected or desired changes/outcomes related to both implementing the project and affecting the status of individuals.

All objectives for which progress is expected could be **performance** objectives or **facilitating** objectives.

Performance objectives describe specific observable changes (e.g., knowledge, attitudes and abilities) in individuals as a result of the project, either during the grant period or as implemented in the future.

Facilitating objectives describe major tasks related to changes (e.g., development, implementation, evaluation of products or processes) which will facilitate achievement or realization of some aspect of a goal(s).

Elements of each type of objective include:

PERFORMANCE OBJECTIVES
FACILITATING OBJECTIVES

-What change will occur in person's knowledge, attitudes or abilities because of experiencing the project
-What has to be done

-Who is to change -
Who is responsible

-Condition, if applicable

-Standard(s) -- quality and/or quantity aspects to be demonstrated in an observable fashion
-Standards – quality and/or quantity aspects a process or product must possess or exhibit

-Measurement means -
Verification methods

-Measurement date(s) -
Starting and completion dates

Step Four - Strategies/Activities and Timeline

Describe the specific activities related to accomplishing the objectives: i.e. person(s) responsible for seeing that each activity is completed; and other persons who will be involved in each activity and how they will be involved. Attach a timeline which shows the starting and completion dates of each activity.

At this point you may want also to indicate the evaluation or verification needed to determine that the objectives are met. (See attached Form 6111 F4. The form will be useful throughout the term of the grant to organize and follow the project).

Step Five - Evaluation Plan

Using the Evaluation Plan Form (6111 F3), develop a plan which will supply information needed to assess how closely the results the project actually achieves with those proposed in the grant request. The following items should be addressed in the plan for each objective or group of related objectives:

A. Evaluation Data/Information Needed - specify determinants of the status and/or attainment/achievement of each objective.

B. Purpose(s) of Information - specify usefulness and applicability of evaluation data.

C. Means and Source of Acquiring Information - include appropriate evaluation techniques and instrumentation: indicate who and/or what will supply the information.

D. Means of Analyzing and Reporting Information - indicate how the information will be analyzed and reported.

E. Date(s) of Information Collection - indicate date(s) on which information is to be obtained.

F. Person(s) Responsible for Analyzing and/or Reporting Information - identify personnel responsible for reviewing and presenting the information obtained.

Step Six - Project Personnel

Delineate all personnel who will be directly involved in project activities. Include the relationship between project staff members and other staff members; previous and/or current experiences related to the proposed project; and present availability to complete project activities.

Step Seven - Budget Worksheet

Complete the Budget Worksheet (See Form 6111 F5).

The proposed itemized budget should detail all expenditures for each activity described in Step Four.

Step Eight - Proposal Review

Review the draft proposal against each of the criteria found on Form 6111 F1.

Step Nine - Location of Funding Sources

A. Locate possible funding sources by identifying private foundations and/or government agencies which provide funds for the type of project being planned. The public library has reference books which list all types of foundations and the types of programs each will support. Also, there is a Foundation Center in New York which will provide assistance in linking the project to foundations. Call 1-800-424-9836.

B. For government agencies, contact the State Department of Education, the Federal Department of Education, or the office of Management and Budget. The latter will provide a document entitled Catalog of Domestic Assistance. Also, don't overlook local funding sources such as family or civic foundations, businesses, and industries, or individuals who would see the project as a significant program for local students.

Step Ten - Final Approval

Prior to submission, present the proposal to the Superintendent for written authorization.

Step Eleven - Submission of Proposal

Submit the requested number of copies of the proposal in an envelope or container that is strong enough to withstand rough handling in transit. Check to make sure the label is complete and accurate so the proposal is being sent to the proper person or department.

Step Twelve - Follow-Through

If the proposal is rejected by one or more of those to whom it was submitted, try to find out the reasons for the rejection to determine if the proposal needs to be revised. If it appears the proposal is still valid as is, submit it to other groups who have similar concerns. Reviewing committees differ in perspective, interests, and priorities, so don't give up after one (1) or two (2) rejections.

ag6145

SHORT-TERM INDEBTEDNESS

6145 - **SHORT-TERM INDEBTEDNESS**

The School Board has directed that the Superintendent monitor the financial status of each fund established in the School Corporation. A monthly written financial report shall be given to the Board at an official meeting at which time the Board will be informed of any emergencies that may exist in any of the funds.

The Superintendent, when directed by the Board, shall initiate procedures to alleviate the emergency by obtaining revenue from advance draws, emergency loans and tax anticipation warrants.

Advance Draws

The Superintendent shall apply to the County Treasurer to obtain advances in revenue which may be available from the tax levied by the School Corporation and collected by the County Treasurer. The request shall be made monthly.

Emergency Loans

An emergency loan may be made by the issuance of a note(s) by the School Corporation. To initiate the procedure the Superintendent shall prepare a resolution for consideration by the Board to establish that an unbudgeted emergency exists in a particular fund(s). The procedure for the issuance of a note(s) is the same as for issuance of bonds.

If the Board authorizes an emergency loan, the Board shall, at the time for making the next annual budget and tax levy for the Corporation, make a levy to the credit of the fund for which the expenditure is made sufficient to pay the loan and the interest on the loan. However, the interest on the loan may be paid from the debt service fund.

Tax Anticipation Warrants

When a Corporation determines that the current expenses within a fund(s) will exceed the available revenue in that fund, the Board may declare that an emergency exists and authorize the Superintendent to borrow money in anticipation of the receipt of known tax revenue. The Superintendent shall prepare a resolution declaring the emergency for consideration by the Board.

If the Board authorizes a tax anticipation warrant, the principal of warrants issued is payable solely from the fund for which the taxes are levied or from the Corporation's education fund in the case of anticipated state tuition support distributions. However, the interest on the warrants shall be paid from the debt service fund. The amount of principal of temporary loans maturing on or before June 30 for any fund may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the June settlement. The amount of principal of temporary loans maturing after June 30 and on or before December 31 may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the December settlement.

If the amount of the warrants exceeds $20,000.00, the procedure for the sale of the warrants shall follow the required procedure for the selling of bonds, except that the notice of sale need not be published outside the county nor for more than ten (10) days before the date of the sale.

Any emergency loans, advance draws, or tax anticipation warrants authorized by the Board must be issued in compliance with I.C. 20-48-1 and Federal law.

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ag6151

INSUFFICIENT FUNDS CHECKS

6151 - **INSUFFICIENT FUNDS CHECKS**

The following will occur when a check made payable to the School Corporation is not honored upon presentation to the respective bank or other depository institution for any reason:

A. Once a check has been dishonored and returned to the Corporation's office or school office, the Treasurer/CFO will send a certified letter, with a return receipt requested, to the payer requesting payment plus an additional returned check fee for insufficient funds (NSF fee), not to exceed $25.00. The individual will have thirty (30) days in which to make payment or to arrange a satisfactory payment schedule. A check may be presented for payment not more than three (3) times. However, only one NSF fee may be charged.

B. Once collection efforts have been exhausted after 180 days, a determination will be made by the Treasurer/CFO, depending on value, whether to write off the check or to pursue further action.

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ag6250

REQUIRED ADM COUNTS FOR THE PURPOSES OF STATE FUNDING

6250 - **REQUIRED ADM COUNTS FOR THE PURPOSE OF STATE FUNDING AND VERIFICATION OF RESIDENCY FOR MEMBERSHIP**

The Superintendent assigns the duty and responsibility of compiling the ADM counts for each school building to the building principal. The Principal may enlist the assistance of other staff members in compiling the list of names of enrolled students, the unique student number assigned to each individual student, and the grade of each student.

The Principal will distribute a class list of students assigned to each classroom teacher for each class the teacher teaches. The classroom teacher will verify on the date the ADM count is to be taken that the class list contains only names of "eligible students" and that the student actually has been in attendance in the classroom. An "eligible student" is a student who is enrolled in the School Corporation on the day of the ADM count. The classroom teacher will return the class list with any additions or deletions of students that should be counted on that day as an "eligible student." The classroom teacher will sign the class list to verify the names are correct and the count is accurate and return the class list to the Principal.

The Principal will compile the classroom teachers' class lists into an unduplicated list of names of each student with the student's unique student number and grade level of each student in the school, creating the ADM list of students for that school building. The total of this list represents the ADM count for the school.

The building principal will review the school's ADM list of students to verify that each student is an "eligible student"; that is, the student actually is enrolled on the ADM count day. The building principal will also review the school attendance record to verify that each student on the list is actually in attendance on the ADM count day or has been in attendance but is absent on the ADM count day. Students absent on the day of the ADM count must be expected to attend school subsequent to the ADM count day to qualify as an "eligible student" to include in the ADM count. The building principal must sign and date the school ADM list, certifying that each student name on the list is an "eligible student." This list must be submitted to the person in the Corporation assigned the duty and responsibility of compiling the Corporation ADM count. The building principal also must retain the supporting documentation of the ADM enrollment count, the returned signed class lists, and the attendance information for audit purposes to substantiate the ADM claimed for the school building.

Each high school principal in the School Corporation will be responsible to prepare a count of students enrolled in the first semester and were counted in the fall ADM count and who:

A. successfully completed graduation requirements to earn a diploma before the Spring ADM count; and

B. were not enrolled on the day in February fixed by the State Board of Education for the spring ADM count.

This count shall be reported to the Indiana Department of Education (IDOE) along with other information the IDOE may request that is necessary to verify the number reported.

The Superintendent assigns the duty and responsibility of compiling and verifying the Corporation ADM count to the Business Manager. Using each school's ADM list of students submitted by the building principals, the Director of Finance shall develop an unduplicated count of "eligible students." This unduplicated count of "eligible students" shall be the Corporation's ADM count. The Director of Finance will sign and date the Corporation's ADM count verifying the accuracy and truth of the count. The Corporation's ADM count and the supporting documentation of each individual school building's ADM list shall be reviewed by the Superintendent. The Superintendent must sign and date the Corporation's ADM count to verify the accuracy and truth of the count. The Director of Finance shall be responsible for submitting the ADM count to the IDOE in a timely manner. The Director of Fiance will follow the IDOE Membership Layout Instructions.

All staff members participating in the development of the ADM count are expected to be ethical in counting only those students who meet the definition of "eligible student" in the ADM count. Any staff member who fails to follow Board Policy 6250 Required ADM Counts for the Purpose of State Funding and Verification of Residency for Membership and this administrative guideline while participating in the ADM count procedures shall be subject to disciplinary action, up to and including termination.

Cross References
po6250 - REQUIRED ADM COUNTS FOR THE PURPOSE OF STATE FUNDING AND VERIFICATION OF RESIDENCY FOR MEMBERSHIP

Revised 12/13/22

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PURCHASING

6320A - **PURCHASING**

Purchasing - General Provisions

A. All purchases shall be by purchase order processed through the Central Office.

B. The Superintendent shall be the contracting agent for all financial obligations.

C. The Director of Finance shall be responsible for encumbering the funds as soon as the purchase order has been issued.

D. A verbal financial commitment may be made only for emergencies or when it is impossible or impractical to precede the purchase with a purchase order. Before such a commitment is made, the Superintendent shall be contacted for prior approval and for a purchase order number. In all such cases, a purchase order shall be issued as soon as possible after the commitment is made.

E. Employees are forbidden to use the name of the Corporation, any discounts provided the Corporation, or any other means for associating a personal purchase with the Corporation. They are to make clear to any Corporation supplier from whom they are purchasing an item that it is a personal purchase by the employee and is not associated with the Corporation. Failure to abide by this provision could lead to disciplinary action.

F. Ongoing commitments such as service contracts and leases should be renewed annually, in writing, at the renewal date.

G. The Superintendent will determine the most appropriate method of obtaining prices for items or groups of items which are not subject to formal bidding procedures.

H. Quotes will be requested for any item or group of items in a single transaction costing between $5,000 and $150,000.

I. Purchases of supplies costing more than the amount stipulated in Board policy must be obtained through competitive, sealed bids and be approved by the Board. (See Board Policy 6320)

J. Annual purchase order cut-off dates shall be as follows:

Purchase orders must be received in the Central Office on or before the first day prior to the close of the fiscal or project year, unless the services or supplies are essential to continue the daily operation of the department or building for the remainder of the current year, or unless an emergency exists.

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BIDDING

6320C1 - **BIDDING**

The following procedures will be followed:

A. **Preparation**

1. The Superintendent shall have the responsibility for preparing bid documents and advertising for solicitation of bids.

2. The technical specifications for the purchase of special equipment, materials and/or services shall be prepared by the person or department requesting the purchase and submitted to the Superintendent. Specifications must be complete and accurate to ensure that goods received conform to standards desired.

3. All bids of $25,000 or more must be publicly advertised and shall carry the name and title of the secretary of the Board.

4. The advertisement for bids will generally be placed in local newspapers in accordance with statute. Advertisements for bids should also be placed in other appropriate publications when bidding construction projects and specialized equipment. For bonds or other borrowings, State laws relating to publication shall govern public advertisements.

B. **Bid Opening**

1. All bids whether invitational or publicly advertised shall be opened publicly at a specified time and place.

2. Generally, bids shall be opened and read at a pre-determined, advertised site by the Superintendent.

3. The Board shall determine who, along with the person directly involved in the purchase, shall evaluate the bids and recommend purchases.

C. **Bid Awards**

Award of bids shall be that all bids shall be awarded by the Board.

D. **Cooperative Bids**

Participation in cooperative purchasing/bidding arrangements with other schools and/or governmental units is permitted providing they satisfy the Corporation's bidding requirements.

MILEAGE REIMBURSEMENT

6320H - **MILEAGE REIMBURSEMENT**

Complete Form 6320H F1 as follows:

** Date	Type date of mileage requesting reimbursement took place.
** From/To	From what location to what destination.
** Mileage	Miles driven.
** Total Mileage	Total all miles driven.
** Total Mileage Reimbursement	Total miles x $0.33 per mile.
** Employee Signature	Must have signature or will be returned.
** Principal/Supervisor Signature	Must have signature or will be returned.
** Account Number	Principal or supervisor will assign account number.

When completed, submit two (2) copies of the form to accounts payable.

ag6325

PROCUREMENT - FEDERAL GRANTS/FUNDS

6325 - **PROCUREMENT - FEDERAL GRANTS/FUNDS**

Contracting with Small and Minority Businesses and Women's Business Enterprises

The Corporation shall take affirmative steps to provide that minority businesses and women's business enterprises are used when possible.

Such affirmative steps shall include:

A. placing qualified small and minority businesses and women's business enterprises on solicitation lists;

B. assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

C. dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

D. establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

E. using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

F. requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in this guideline.

Definitions

Small Business - A small business is a privately owned company in the legal form of a corporation, partnership, or sole proprietorship. The Small Business Administration (SBA) defines a small business as

one that typically makes a maximum of $750,000 – $38.5 million in annual revenue and has less than 100 – 1,500 employees, depending on industry.

Minority and Women's Business Enterprises - A Minority Business Enterprise (MBE) is an American term which is defined as a business which is at least fifty-one percent (51%) owned, operated and controlled on a daily basis by one (1) or more (in combination) American citizens of the following ethnic minority and/or gender (e.g. woman-owned) and/or military veteran classifications:

A. African American

B. Asian American or Pacific Islander (includes West Asian Americans (India, etc.) and East Asian Americans (Japan, Korea, etc.))

C. Hispanic American - Persons with origins from Latin America, South America, Portugal and Spain (SBA.gov)

D. Native American, including Aleuts

E. Hasidic Jew

F. Service – Disabled Veteran Owned a.k.a. SDVBE (Service-Disabled Veteran Business Enterprise), a.k.a. DVBE (Disabled Veteran Business Enterprise) which became a Federally certified classification in 1999, subsequent to the passage of legislation by the United States Congress through the enactment of The Veterans Entrepreneurship and Small Business Act of 1999 (The Act); legislation that was further expanded by Congress in 2001.

MBE's can self-identify, but are typically certified by a city, State or Federal agency.

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ag6423

USE OF CREDIT CARDS

6423 - **USE OF CREDIT CARDS**

Please abide by the following guidelines when using a Corporation credit card.

A. All credit cards issued to and in the name of the Greensburg Community Schools shall be held and supervised by the Business Manager.

B. After use, school credit cards are to be returned to the Business Manager along with appropriate receipt copies (not credit card billing statement) of all charges.

C. Credit cards are not to be used for personal expenses not related to Corporation activities.

ag6510A

TIME SHEETS

6510A - **TIME SHEETS**

Time sheets for temporary, nonsalaried personnel, or per diem substitutes, and overtime work by all nonmanagement personnel, using the appropriate form, are to be completed and submitted by supervisors to the central office by no later than 4:00 p.m. on the Friday prior to payday.

General Instructions:

A. Place information requested in proper area.

B. Work location and Social Security number must be filled in on each time sheet submitted.

C. A separate time sheet is not to be submitted for each different job at the same location. Place all needed information on one (1) time sheet.

D. Dates must be filled in for each day worked.

E. Hourly employees must show the number of hours worked each day.

ag6550

TRAVEL PAYMENT AND REIMBURSEMENT

6550 - **TRAVEL PAYMENT AND REIMBURSEMENT**

Reimbursement for approved professional travel will be based on expenses incurred solely by the employee upon submission of a properly completed and approved professional travel reimbursement form.

The Superintendent approves all professional travel reimbursement forms.

The following are reimbursable upon submission of receipts and documentation:

A. conference registration fees

B. transportation - plane, train or automobile, including buses, taxis and limousines

C. mileage at the Board approved rate and documented by the approved State Board of Accounts mileage claim form

D. toll charges and parking

E. lodging (In most instances reimbursement will be limited to the conference rate, however, exceptions may be made in extenuating circumstances as determined by the Treasurer.)

F. meals

1. The maximum per-day/per-meal allowance/stipend (includes a twenty percent (20%) gratuity) for all travel (except for travel to the major cities listed below) is

   Brunch/Breakfast $TBD
   Lunch $TBD
   Dinner $TBD

   The maximum per-day/per-meal allowance/stipend for travel to Atlanta, Boston, Chicago, Los Angeles, Miami, New Orleans, New York, Orlando, Philadelphia, San Diego, or San Francisco (includes a twenty percent (20%) gratuity) is:

   Brunch/Breakfast $TBD
   Lunch $TBD
   Dinner $TBD

2. Official conference banquets will be reimbursed at actual cost.

G. phone calls for Corporation business and calls home

Emergency and/or unanticipated trips involving Board expense(s) may be approved by the Superintendent and/or the Treasurer.

The Board will not pay personal expenses beyond the cost of the convention.

The expenses will be reimbursed within the budgetary appropriation.

Advance payments may be paid only for the following: conference registration fees, plane, train, car rental, meal stipend (receipts not required), and lodging. Cancellation fees will be covered if beyond the employee's control.

Actual expenses are approved by the Superintendent for professional and classified staff. The Treasurer approves expenses incurred by the Superintendent. The Superintendent approves expenses incurred by the Treasurer.

Business-related mileage for the Corporation is reimbursable under the following conditions:

A. Requests for reimbursement are to be submitted on the Monthly Mileage Report. The report must be approved by the Department Head or Principal. Parking receipts are required for reimbursement. Incomplete reports will be returned.

B. Mileage will be reimbursed at the Board approved rate according to the published Internal Revenue Service rate per mile.

C. Mileage will be reimbursed during the fiscal year it was incurred. Forms must be submitted to the Business Office within sixty (60) days of travel. All travel during the months of May and June must be submitted by June 30th to be reimbursed within the current fiscal year.

D. Monthly Mileage Reports submitted after the deadlines stated above will not be reimbursed.

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ag6605

CROWDFUNDING

6605 - **CROWDFUNDING**

The following procedures must be complied with for all crowdfunding campaigns that are conducted or overseen by School Corporation employees for activities that relate to or are undertaken as a part of their job assignments. These procedures do not apply to crowdfunding campaigns that a staff member may pursue for non-Corporation related activities, in which case the employee's affiliation with the Corporation may not be referenced and Corporation resources may not be used. Staff members are prohibited from using the Corporation's or school's name or any identifying features unless the staff member fully complies with the procedures outlined below. Corporation employees acting as private individuals shall not represent themselves as agents of the Corporation.

These crowdfunding guidelines also apply to parents, Corporation-affiliated organizations (e.g. PTA/PTO, Athletic/Band Booster Groups) and/or students who wish to raise funds for a specific classroom, school, or school activity through a crowdfunding campaign.

Crowdfunding Platform Approval

Crowdfunding websites or services that a staff member intends to use for a Corporation-affiliated crowdfunding campaign must be approved in advance of such use by the Superintendent. Such websites must contain terms and conditions that are acceptable to the School Board and consistent with Board policy and applicable laws and regulations. In determining whether to approve a specific crowdfunding service, the Superintendent shall take into consideration whether the website specializes in or has special expertise or experience in managing crowdfunding campaigns involving educational institutions. The Superintendent may also consider the amount of fees charged by the service to host/run the crowdfunding campaign, including any penalties associated with the failure of the campaign to reach its established target. For services that have 501(c)(3) designation, the underlying organization must affirm that it files all appropriate reports, including required registrations, with applicable governmental entities in states where donors reside. Staff members may use only websites/services that send the donated funds and/or purchased items directly to the Corporation/School, and not the staff member.

An approved crowdfunding site/service shall:

A. prohibit cash or equivalent payments to Corporation personnel;

B. protect the privacy of students and staff members in accordance with State and Federal law and Board policy;

C. provide individual unit/item cost and inventory reporting on the materials and supplies shipped to the Corporation;

D. track the shipment and delivery of materials to verified public schools with notification to the principal;

E. require the materials and supplies to become property of the Corporation or school, in accordance with Corporation policy;

F. provide dedicated reporting for Corporation officials regarding the funds raised by, and the materials delivered to, verified public schools.

Applications & Pre-Approval of Content: Responsibilities of Staff

Prior to beginning a campaign and making the initial posting of the project on an approved crowdfunding site, the staff member must submit to and obtain approval of an application by the Principal that includes the following information:

A. A budget for the project for which the campaign will be raising the funds or supplies and equipment and a description of how the project will be administered. If salaries are included, applicable fringe benefits also must be listed.

B. A copy of any narratives that will be utilized in order to solicit the funds or as testimonials on the website along with any photos that the staff member wants to use on the crowdfunding site. When describing the purpose of the crowdfunding project, staff members are prohibited from identifying specific students and/or their areas of disability or need. Additionally, postings should in no way state or imply that the funds and/or equipment/supplies received through the crowdfunding campaign are necessary in order for students to be appropriately served and educated. Any photos and any information contained in the narratives must protect student privacy and comply with FERPA.

   As such, in order for students' names and/or images to be utilized (which is discouraged), the staff member must obtain written authorization from the students' parents/guardians. Such authorization must be included with the application.

C. Postings that describe the purpose and rationale for conducting the crowdfunding campaign may not negatively reflect upon the Corporation, its programs and services, its staff, or its students.

D. All postings – including any photos and information contained in the narratives must comply with applicable State and Federal student privacy laws, including the FERPA and IDEA.

E. Postings may not include identifiable student images; staff should limit pictures to empty classrooms, the staff member, and/or photos of students when the students are not identifiable (e.g. the back of their heads or hands).

F. A copy of the biographical information or personal profile that will be utilized by the staff member on the crowdfunding site.

G. Confirmation that the funds raised and/or the items purchased by the crowdfunding site will go directly from the crowdfunding site to the Principal of the school that will be benefitted by the funds/items.

H. Staff shall confirm that sought after technology resources align with the Corporation's/school's technology plan and requirements.

I. A description of any rewards, perks, or thank you gifts that will be provided to donors, including the cost and source of the reward, perk or thank you gift. Students may not participate in the creation/production of rewards, perks or thank you gifts during the school day.

J. If feasible, the staff member shall include in the posting a link to this Board policy/guideline.

The Principal will review the application along with the text that will be utilized in any crowdfunding materials to verify the proposed project and posting 1) will not create any legal liabilities, 2) complies with Board policy and guidelines, and 3) does not violate State and Federal laws and regulations. The Principal should pay particular attention to verify the posting does not infringe on student privacy rights and intellectual property laws.

If a Principal identifies an issue that may have legal implications, s/he is required to notify the Superintendent so that the Corporation's legal counsel may be consulted prior to the Principal rendering a decision on the proposal or posting.

The Board shall have final decision-making authority on granting permission for a crowdfunding proposal or posting.

Once the project and its materials are approved, the posting may be submitted to the crowdfunding site and the campaign commenced.

Staff members may use Corporation Technology Resources to carry out approved crowdfunding activities.

Unless required by the Fair Labor Standards Act, staff members are not entitled to additional compensation for their work on crowdfunding campaigns.

Campaigns will be limited in duration, as set forth in the application.

When the project is approved, the staff member/sponsor will provide the Superintendent with any information needed for the Corporation to receive donated funds directly from the crowdfunding site. The staff member is responsible for verifying that the crowdfunding site is a charitable organization (i.e., a 501(c)(3) entity listed on Charity Navigator and have a 3-star rating or better) so that contributions to it are tax-deductible to the donors. If the entity selected is not a 501(c)(3) organization, the staff member must include in the posting a clear statement that donations to the fundraising project are not guaranteed to be tax-deductible and that donors should take individual action, including consulting with a tax professional, to determine their tax obligations and/or consequences of their donation.

The Corporation is not responsible for the tax benefits and/or consequence of the donation. Under no circumstances will the Corporation issue documentation to donors to the crowdfunding site concerning the tax implications of any donations to the site.

The staff member must keep the Principal informed of the status of the campaign as it progresses and at its conclusion.

The staff member is responsible for then making sure any awards, and/or appropriate recognition are sent to the appropriate donors.

Once the funds or supplies/equipment purchased by the crowdfunding site with the proceeds of the campaign are received, they will be made available to the staff member for the express purpose of fulfilling the stated purpose of the project. The staff member, in conjunction with the Principal, is responsible for making sure any funds received are used for the express purpose for which they were raised; the employee must submit to the Principal documentation of any expenditures of the funds, including any purchases made with those funds. Such documentation must be submitted within one (1) of the expenditure. All funds raised and materials donated are considered the property of the Corporation and shall remain in the Corporation in the event the staff member who ran the crowdfunding campaign terminates his/her employment with the Corporation.

Cash or equivalent payment to Corporation personnel is prohibited. All fiscal transactions shall comply with appropriate Corporation policies.

The staff member must submit a final report on the project to the Principal and Superintendent. Failure to produce a final report will jeopardize the employee's ability to engage in crowdfunding in the future. A copy of the report may be sent to the donors via email and the results of the campaign on the crowdfunding site may be posted if approved by the Principal.

A staff member who violates Policy 6605 or this guideline is subject to disciplinary action.

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ag6610A

STUDENT ACTIVITY FUNDS

6610A - **STUDENT ACTIVITY FUNDS**

All student activity funds will be managed by the bonded School Treasurer in accordance with the guidelines established by the State Board of Accounts in its Handbook of Instruction for extra-curricular accounts. The Business Manager shall be responsible for ensuring that the Corporation has the current edition of this handbook.

ag6611

TICKET SALES

6611 - **TICKET SALES**

The following guidelines apply to all school events at which tickets are sold.

Responsibilities of the Activity Sponsor

A. Establish the price and make arrangements for the printing of the tickets.

B. Obtain approval from the Superintendent for any complimentary tickets to be given away.

C. Select the ticket sellers and provide them with the appropriate number of tickets, the forms needed to account for the sales, and the currency and coins needed for making change. Make sure they understand the sales and accounting procedure.

D. Make a record of the number of tickets given to each seller.

E. Receive the money, ticket-sales accounting form, and unsold tickets from each seller and reconcile the money collected with the ticket-sales accounting record. Maintain a record of unsold tickets.

Identify any discrepancies in ticket sales from each seller. Secure written explanation of such a discrepancy from the seller and report all findings to the Treasurer.

F. Prepare the deposit record and deposit the funds in the depository designated by the Treasurer.

G. Make note of any changes in procedure that should be incorporated into the next ticket sale.

Responsibilities of the Ticket Seller

A. If tickets are numbered, make a record of the first and last numbers to verify the number of tickets received from the activity supervisor. Verify the prices, particularly if there are price differentials.

B. Complete the information called for on the form heading.

C. Collect the money from the purchaser, verify that the amount is correct, and provide the purchaser with the ticket(s).

D. At the end of the sale, record the number of the first unsold ticket and count the number of tickets sold. If tickets have been sold at different prices, record the number sold at each price.

E. Organize the money collected by denomination and then count each denomination. For each price category, compare the actual total with the total obtained by multiplying the number of tickets sold by the price of each ticket.

F. Provide the activity supervisor with the money, ticket-sales accounting record, and the unsold tickets.

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ag6620

PETTY CASH FUNDS

6620 - **PETTY CASH FUNDS**

To govern the use and control of petty cash funds, petty cash may be used to pay for materials, supplies, and expenses that are needed immediately, considered to be usual and legitimate expenses of the Corporation, and involve less than $500 for any one (1) item.

ag6630

FLOWER AND GIFT FUND

6630 **- FLOWER AND GIFT FUND**

The purpose of this fund is to provide flowers or cash contribution upon the death of a staff member or his/her immediate family member. Immediate family is limited to father, mother, spouse, children, parent-in-law, grandparent, brother, or sister. The amount of the contribution is not to exceed $4.00 per person.

This fund is to be instituted on a voluntary basis. Suggested contributions to the fund by each staff member will be determined.

FAIR LABOR STANDARDS ACT ("FLSA") EXEMPTIONS

6700 - **FAIR LABOR STANDARDS ACT ("FLSA") EXEMPTIONS**

The Fair Labor Standards Act ("FLSA") provides that certain employees are exempt from the overtime and minimum wage provisions of the law. The following guidelines will be utilized to ensure compliance with the FLSA.

Exemptions

The following tests must be met in order for a school employee to be considered exempt from the overtime and minimum wage provisions of the FLSA in each listed category and therefore considered an exempt employee for the purposes of Board Policy 6700:

A. **Executive**

To qualify for the executive employee exemption, all of the following tests must be met:

1. The employee must be compensated on a salary basis (as defined in the regulations) at a rate not less than $455 per week;

2. The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;

3. The employee must customarily and regularly direct the work of at least two (2) or more other full-time employees or their equivalent; and

4. The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any

other change of status of other employees must be given particular weight.

Generally, "management" includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

The phrase "a customarily recognized department or subdivision" is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function.

B. **Administrative**

To qualify for the administrative employee exemption, all of the following tests must be met:

1. The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than $455 per week;

2. The employee’s primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers; and

3. The employee’s primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

The administrative exemption shall apply to employees earning the minimum salary noted above whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment. Academic administrative functions include operations directly in the field of education, and do not include jobs relating to areas outside the educational field.

Employees engaged in academic administrative functions include: the Superintendent or other head of an elementary or secondary school system, and any assistants responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the various subject matter departments; academic counselors and other employees with similar responsibilities.

C. **Learned Professionals**

To qualify for the learned professional employee exemption, all of the following tests must be met:

1. The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than $455 per week;

2. The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;

3. The advanced knowledge must be in a field of science or learning; and

4. The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

"Work requiring advanced knowledge" means work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment. Professional work is therefore distinguished from work involving routine mental, manual,

mechanical, or physical work. A professional employee generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level.

Teachers are exempt if their primary duty is teaching, tutoring, instructing or lecturing in the activity of imparting knowledge, and if they are employed and engaged in this activity as a teacher in an educational establishment. Exempt teachers include, but are not limited to, regular academic teachers; kindergarten or nursery school teachers; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music teachers. The salary and salary basis requirements do not apply to bona fide teachers.

D. **Computer Employees**

To qualify for the computer employee exemption, the following tests must be met:

1. the employee must be compensated either on a salary or fee basis at a rate not less than $455 per week;

2. the employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below; and

3. The employee's primary duty must consist of:

    a. the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

    b. the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

c. the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

d. a combination of the aforementioned duties, the performance of which requires the same level of skills.

The computer employee exemption does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters, and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in the primary duties test described above, are also not exempt under the computer employee exemption.

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ag7230

PUBLIC GIFTS TO THE CORPORATION

7230 - **PUBLIC GIFTS TO THE CORPORATION**

Gifts or donations presented to the Corporation must be accompanied by a letter from the donor for official action and recognition by the School Board.

To be acceptable, a gift or donation must have a purpose consistent with those of the Corporation, be offered by a donor acceptable to the Board, and become Corporation property.

In addition, a gift or donation must not:

A. begin a program which the Board would be unwilling to take over when gift and grant funds are exhausted;

B. bring undesirable or hidden costs to the Corporation;

C. place restrictions on the Corporation;

D. be inappropriate or harmful to the educational program of the Corporation or to students;

E. imply endorsement of any business or product;

F. be in conflict with any provision of the General School Laws or public laws.

A letter of appreciation, signed by the Superintendent shall be sent to the donor, including the estimated value of the gift.

COMMEMORATION OF SCHOOL FACILITIES

7250 - **COMMEMORATION OF SCHOOL FACILITIES**

Commemoration of any School Corporation facility by means of a plaque, naming a facility for a person, or some similar recognition is a significant honor. Such recognition by the Board shall be made upon thoughtful consideration of any such nominations and/or recommendations provided, and based upon the significant contribution to the enhancement of education in general, to the Corporation in particular, or the overall well-being of the Corporation, community, State, or nation.

Commemoration by the Corporation may include posting of a plaque, dedication of a seat, collection, or section of a school or facility (auditorium, library/resource center, etc.), proclamation, naming of a specific "annual" activity or tournament, the naming of a facility, or other such recognition.

A facility may be named for an individual if the following conditions apply:

A. The facility has not been named for any other individual.

B. The current name does not have any historical significance.

C. The facility is new or substantially renovated or, if existing, there is a substantial tie or association with the person to be honored.

The following shall be considered examples justifying the naming of facilities: The individual has provided general long-term support for the Corporation.

The following additional circumstances should be considered regarding the naming of any facility:

A. The naming of the facility is a fitting memorial for the individual.

B. The fame of the individual is not faddish.

Nominations for such recognition shall be submitted in writing to the Superintendent and shall contain the following information:

A. name of the nominee

B. relationship/contribution of the nominee to the School Corporation

C. detailed explanation of the reasons warranting such consideration

D. specific action/commemoration requested on behalf of the nominee

E. name/contact information of nominator

The Board shall consider nominations/recommendations it receives in the context of the impact of the individual so nominated/recommended and the magnitude and long-term impact of such commemoration.

ag7310

DISPOSAL OF CORPORATION PROPERTY

7310 - **DISPOSAL OF CORPORATION PROPERTY**

The Superintendent shall have the authority to approve the disposal of property (materials, equipment, furnishings, et al) having a market value of $500.00 or less.

The person in charge of each facility or program shall be responsible for the identification of property which is no longer needed for the proper operation of the Corporation. Each is to develop a plan for the proper disposal of such obsolete property.

A record is to be maintained of all property disposed of under the provisions of this administrative guideline, including the fair market value of the property. A summary of such transactions shall be made available to the Board on a quarterly basis.

ag7430

SAFETY IN SCHOOLS

7430 - **SAFETY IN SCHOOLS**

The desired outcomes of the Corporation's safety program are:

A. regularly-scheduled inspections of building and grounds to identify/correct potential hazardous conditions;

B. quality tools, implements, machines, and vehicles that meet safety standards in normal usage;

C. equipment that is in compliance with State safety standards in all respects;

D. regularly-scheduled equipment servicing and maintenance to ensure safe and efficient operation;

E. provision of approved protective devices to minimize personal injuries.

Responsibility

The Supervisor of Maintenance shall be responsible for compliance with the Federal/State regulations and for maintaining communication with the Division of Occupational Safety and Health (IOSHA). Each principal is to assist by developing and administering such measures and practices as are necessary to adequately monitor safety conditions in the school and to prevent accidents.

The plan should be in accordance with recommendations provided by the State and should include the following:

A. **Hazard Inspection**

A hazard inspection of all areas in which employees work or participate (See Form 7410 F4). If a hazard is identified, the principal shall select the appropriate Personal Protection Equipment (PPE) for the employee, communicate the selection to the employee, and ensure the employee wears the PPE after receiving the proper instruction. (See Form 7430 F4).

B. **Fire and Tornado**

(see AG 8420 – Emergency Procedures and AG 8420A – Severe Weather and Tornado Warnings) Fire exits are inspected daily to ensure each is ready for prompt and orderly egress.

Fire extinguishers are inspected annually and tagged when inspected. The principal shall be notified when fire extinguishers have been discharged and need to be recharged or replaced.

The systems for giving fire and tornado alarms are to be checked at least yearly to ensure that each is functioning properly.

C. **Protective Devices and/or Clothing**

Personal Protective Equipment (PPE's) shall be used by all students, teachers, and visitors when participating or observing courses involving the use of hazardous substances.

For purposes of these guidelines hazardous substances are those likely to cause physical injury to the eye, face, head, foot, or hand. This includes materials which are flammable, toxic, or corrosive to living tissue, irritating, strongly sensitizing, radioactive, or those which generate pressure through heat, decomposition, or other means.

D. **Safety Education**

Tools and equipment shall be used for instructional purposes only, and the teacher shall be fully responsible for ensuring that each is used safely and is kept in proper working order, including any safety features.

IDENTIFICATION BADGES

7430A - **IDENTIFICATION BADGES**

A. Employees

The protection of students, staff and facilities of the School Corporation are of paramount concern. In order to maximize security and personnel safety, all staff members are required to wear a corporation identification badge at all times when on duty. The identification badge must be visibly displayed on a lanyard or a clip on the person's front between the neck and the waist.

The initial badge is provided by the Corporation at no cost to the employee. Any staff member desiring a second identification badge or needing to replace the original identification badge will be required to purchase the badge through the Corporation. At the cessation of employment with the Corporation identification badges, keys, and other similar items of a security nature are to be returned to the Corporation.

B. Visitors

All visitors will report to the office.

Each school shall establish a check-in, check-out procedure for visitors.

All visitors will be issued a temporary identification to be worn while on school premises. This identification shall be returned to the school office when checking-out.

ag7440

FACILITY SECURITY

7440 - **FACILITY SECURITY**

In order to be properly protected against theft:

A. staff members are expected to obtain room, desk, and closet keys from the school office at the beginning of the school term;

B. no money or valuables are to be left in the room;

C. at **no time** shall students be given keys for their use;

D. staff members **must** keep possession of their keys;

E. staff members should secure valuables at all times;

F. classroom doors should be kept locked when the classroom is empty;

G. prior to leaving school each day, staff members must close windows and lock doors to their rooms;

H. staff members are responsible for the equipment and supplies in their classrooms or offices. Should any items "disappear", the Principal must be notified immediately.

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ag7510A

USE OF CORPORATION FACILITIES

7510A - **USE OF CORPORATION FACILITIES**

Applications

Any organization or individual desiring to use Corporation facilities shall complete an application (Form 7510 F1) and submit it to the Superintendent for approval.

A. The Principal shall clear each application with respect to date, time, and other arrangements and will provisionally approve or deny the use of school facilities on the basis of Board policy.

B. Charges for school personnel shall be based on the appropriate rate of pay for persons in the respective job classification (custodian, cook, lifeguard, etc.) whenever extra pay for school employees is required as a result of the use.

C. In no case will those who have been granted permits assign, transfer, sublet, or charge a fee to others for the use of school property.

Ineligible Users

Groups or persons will not be granted permits when the request is for activities that are in conflict or competition with Corporation programs or not authorized by Board policy.

Regulations

A. Users must take reasonable steps to ensure orderly behavior and will be responsible for paying for all damage associated with their use of the facility or equipment.

B. Use of tobacco is prohibited in the building. All users are responsible for complying with this regulation.

C. Alcoholic beverages and controlled substances will not be permitted on Corporation property at any time, nor shall any betting occur.

D. Corporation-related organizations may be permitted to have raffles and similar forms of fundraising only when specifically authorized in advance by the Superintendent pursuant to Policy 9211 – Corporation Support Organizations and Policy 9700 – Relations with Special Interest Groups.

E. Except for "service animals" required for use by a person with a disability, no other animals may be on school premises at any time.

F. The Corporation may have a service animal removed from the school premises if the animal is out of control and the animal's handler does not take effective action to control it or the animal is not housebroken. The Corporation is not responsible for the care or supervision of a service animal. The service animal is allowed to accompany its human in all areas the human is permitted to go.

G. Decorations must be fireproof and shall be erected and taken down in a manner not destructive to Corporation property. Decorations are subject to the approval of the building administrator. The use of open flames, such as candles, is permitted only with written permission from the fire marshal.

H. The user shall be fully responsible for all loss or damage to Corporation property, including property of students and employees.

I. Requests for Corporation-owned equipment are not included in the direct or indirect costs and shall be charged based on request and type of equipment.

J. The use of any materials on floors or other parts of the building is strictly prohibited without specific approval in writing from the building administrator.

K. Use of stages, furniture, and equipment must be arranged for in advance. Set-up and clean-up may be performed by members of the group using the facility, provided the responsible persons are listed on the application. Additional custodial services required for work not done satisfactorily will be paid for by the using group. Arrangements must be made with the building administrator for use of any special or extra equipment. Extra compensation paid employees for moving, operating, or supervising special or extra equipment will be charged to the using group.

L. Use during summer vacation, on holidays, or during other vacation periods shall not conflict with building cleaning and renovating programs and will depend on the availability of building service personnel for supervision.

M. No unauthorized methods of obtaining funds, including any form of gambling, is permitted in Corporation buildings or on Corporation grounds.

N. A school custodian shall be on duty whenever a facility is being used except as exempted by the Superintendent. The custodian will render custodial assistance in handling furniture and equipment and will be responsible for seeing that the facility or facilities are left in good order after the activity is over. The custodian's overtime, including clean-up time, will be charged at the appropriate hourly rate. Food-service personnel shall be required, in addition, when kitchen facilities are requested.

O. Responsibility for enforcement of rules and regulations concerning use of Corporation facilities rests with the user group, and any infractions of the above regulations may be grounds for refusing to grant subsequent requests for the use of Corporation facilities.

P. Corridors, exits, and stairways must be free of obstructions at all times. Exits are to be lighted when facilities are in use. Members of the audience or spectators must never stand or sit so they block exits, stairways, or aisleways.

Q. The Corporation will not be responsible for any loss of valuables or personal property.

R. No flyers, booklets, or other printed or audio-visual materials may be distributed unless they relate directly to the activity for which the school facilities are being used.

FEE FOR USE OF CORPORATION BUILDINGS

A schedule of fees for the use of Corporation facilities is determined annually.

The use of Corporation facilities for any nonprofit community use shall be without cost to the users, except that the users shall be responsible for any extra custodial and cafeteria fees and police fees.

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ag7510C

SUPERVISION OF RENTED FACILITIES

7510C - **SUPERVISION OF RENTED FACILITIES**

Each group requesting the use of Corporation facilities must use the services of a Corporation custodian and must pay for such services.

Each group requesting the use of Corporation facilities must indicate an individual, satisfactory to the administrator in charge of the building, who will serve in a supervisory capacity during the use of the Corporation facilities.

Supervisors are responsible for the enforcement of all rules and procedures regarding the use of Corporation facilities.

The custodian on duty is directed not to open the facility until the supervisor for the sponsoring group is on duty.

ag7540

COMPUTER TECHNOLOGY AND NETWORKS

7540 - **COMPUTER TECHNOLOGY AND NETWORKS**

The Director of Technology is responsible for managing the Corporation's technology system and making arrangements for any networks that may be used to enhance the educational program and/or operations of the Corporation.

S/He also is responsible for implementing the guidelines established for program development (AG 2210A through AG 2252), the selection of materials and equipment (AG 2520A), and verifying that the Corporation's purchasing guidelines (AG 6320A) are followed. In addition, the Director of Technology shall verify that each staff member and student who will have access to Corporation technology and any networks completes the appropriate agreement Form 7540.03 F1 (students) or Form 7540.04 F1 (staff).

All tentative agreements with networks or technology agencies are to be submitted to the Superintendent for review and approval.

Staff members and/or students are to be provided the following information concerning the use of the Internet:

A. Use of the Internet must be related to one or more courses of study and is not to be used by staff or students for discriminatory or unlawful purposes.

B. Because of the vast amount of information that can be retrieved from the world-wide network, teachers are responsible for training students to use proper research skills when retrieving information. It is inappropriate, costly, and a waste of valuable instructional time for staff and/or students to download large quantities of information that has not been checked ahead of time for accuracy, relevancy, and probable usage. It may be helpful, therefore, for teachers to conduct some controlled exercises with students on how to differentiate between websites that are "attractive but superficial or irrelevant" from those that are attractive, substantive, and relevant.

C. Staff members need to have back-up plans or contingency procedures in place for times when the Internet may not be accessible. Since the Internet is primarily a data-gathering mechanism,

alternative sources for needed data should be available so that students can accomplish the purpose of the instruction within the established time period.

D. The Student and Staff Network and Internet Acceptable Use and Safety Agreements, Form 7540.03 F1 and Form 7540.04 F1, that students and staff members must sign prohibit the use of the Internet for illegal, unethical, or harassing purposes or to obtain information that could be considered obscene, pornographic, or unsuitable for children. If a question of interpretation arises concerning the definition of these terms, the building principal has the authority to determine whether the website is appropriate or the use is permissible. Prior to accessing or allowing access to information that the staff member is unsure about, s/he should consult with the Director of Technology.

E. As students and/or staff members complete projects which reflect unusual and creative applications of technology, the projects should be shared with the principal so that proper publicity can be created as appropriate to the project. It is essential that the Student and Staff Network and Internet Acceptable Use and Safety Agreements, Form 7540.03 F1 and Form 7540.04 F1, address the issue of the proprietary rights related to website design concerning websites and/or pages hosted on the Corporation's servers and/or created during work time as part of an employee's job responsibilities (staff) or as a class assignment (students).

This information can be provided through written guidelines, professional development seminars, faculty and student meetings, and introductory remarks at the beginning of a course in which the Internet may be used.

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ag7540A

STAFF AND STUDENT TRAINING REGARDING THE INTERNET

7540A - **STAFF AND STUDENT TRAINING REGARDING THE INTERNET**

As set forth in Policy 7540.03 – Student Technology Acceptable Use and Safety and Policy 7540.04 – Staff Technology Acceptable Use and Safety, the School Corporation will provide students and staff members with the training required by Federal and State law.

In addition, staff members and/or students shall be provided the following information/training concerning the use of the Internet:

A. Use of the Internet is to be related to one (1) or more courses of study and is not to be used by staff or students for discriminatory or unlawful purposes. All student use is to be supervised by a staff member or approved volunteer who has signed the Staff Technology Acceptable Use and Safety Agreement Form 7540.04 F1.

B. Staff members need to have back-up plans or contingency procedures in place for times when the Internet may not be accessible. Since the Internet is primarily a data-gathering mechanism, alternative sources for needed data should be available so that students can accomplish the purpose of the instruction within the established class period.

C. The Student and Staff Technology Acceptable Use and Safety Agreements, Form 7540.03 F1 and Form 7540.04 F1, prohibit the use of the Internet for illegal, unethical, or harassing purposes or to obtain information that could be considered obscene, pornographic, or unsuitable for children. If a question of interpretation arises concerning the definition of these terms, the Superintendent shall have the authority to determine whether the website is appropriate or the use is permissible. Prior to accessing or allowing access to information that the staff member is unsure about, s/he should consult with the Director of Technology.

This information can be provided through written guidelines, professional development seminars, faculty and student meetings, and introductory remarks at the beginning of a course.

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STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.03 - **STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Students shall use School Corporation Technology Resources (see definition in Bylaw 0100) for educational purposes only. Corporation Technology Resources shall not be used for personal, non-school related purposes. Use of Corporation Technology Resources is a privilege, not a right. When using Corporation Technology Resources, students must conduct themselves in a responsible, efficient, ethical, and legal manner. Students found to have engaged in unauthorized or inappropriate use of Corporation Technology Resources, including any violation of these guidelines, may have their privilege limited or revoked, and may face further disciplinary action consistent with the Student Handbook, and/or civil or criminal liability. Prior to accessing or using Corporation Technology Resources, students and parents of minor students must sign the Student Technology Acceptable Use and Safety Agreement (Form 7540.03 F1). Parents should discuss their values with their children and encourage students to make decisions regarding their use of Corporation Technology Resources that is in accord with their personal and family values, in addition to the School Board's standards. Students must complete a mandatory training session/program before being permitted to access or use Corporation Technology Resources and/or being assigned a school e-mail address.

This guideline also governs students' use of their personal communication devices (see definition in Bylaw 0100) when they are connected to Corporation Technology Resources or while the student is on Corporation-owned property or at a Corporation-sponsored activity.

Below is a non-exhaustive list of unauthorized uses and prohibited behaviors. This guideline further provides a general overview of the responsibilities users assume when using Corporation Technology Resources.

A. All use of Corporation Technology Resources must be consistent with the educational mission and goals of the Corporation.

B. Students may access Corporation Technology Resources only by using their assigned account and may send only school-related electronic communications using their Corporation-assigned e-mail addresses. Use of another person's account/e-mail address is prohibited. Students shall not allow other users to utilize their passwords. Students may not go beyond their authorized access. Students should take steps to prevent unauthorized access to their accounts by logging off or "locking" their computers, laptops, tablets, and personal communication devices when leaving them unattended.

C. No user may have access to another's private files. Any attempt by users to access another user's or the Corporation's non-public files, or voicemail or e-mail messages is considered theft. Attempts to gain access to unauthorized resources or information either on the Corporation's computer or telephone systems or any systems to which the Corporation has access are prohibited. Similarly, students shall not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, or misrepresent other users on the network.

D. Students shall not intentionally disable any security features used on Corporation Technology Resources.

E. Students shall not use Corporation Technology Resources or their personal communication devices to engage in vandalism, "hacking," or other illegal activities (e.g., software pirating; intellectual property violations; engaging in slander, libel, or harassment; threatening the life or safety of another; stalking; transmission of obscene materials or child pornography, including sexting; fraud; sale of illegal substances and goods).

1. Slander and libel – - In short, slander is "oral communication of false statements injurious to a person's reputation," and libel is "a false publication in writing, printing, or typewriting or in signs or pictures that maliciously damages a person's reputation or the act or an instance of presenting such a statement to the public." (The American Heritage Dictionary of the English Language. Third Edition is licensed from Houghton Mifflin Company. Copyright © 1992 by Houghton Mifflin Company. All rights reserved.) Students shall not knowingly or recklessly post false or defamatory information about a person or organization. Students are reminded that material distributed over the Internet is "public" to a degree no other school publication or utterance is. As such, any remark may be seen by literally millions of people and harmful and false statements will be viewed in that light.

2. Students shall not use Corporation Technology Resources to transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex, sexual orientation or transgender identity, age, disability, religion, or political beliefs. Sending, sharing, viewing or possessing pictures, text messages, e-mails or other materials of a sexual nature (i.e. sexting) in electronic or any other form, including the contents of a personal communication device or other electronic equipment is grounds for discipline. Such actions will be reported to local law enforcement and child services as required by law.

3. Vandalism and Hacking – Deliberate attempts to damage the hardware, software, or information residing in Corporation Technology Resources or any computer system attached through the Internet is strictly prohibited. In particular, malicious use of Corporation Technology Resources to develop programs that harass other users or infiltrate a computer/laptop/tablet or computer system and/or damage the software components of a computer or computing system is prohibited.

   Attempts to violate the integrity of private accounts, files or programs, the deliberate

infecting of the network or computers, laptops, tablets, etc., attached to the network with a "virus", and attempts at hacking into any internal or external computer systems using any method will not be tolerated.

Students shall not engage in vandalism or use Corporation Technology Resources or their personal communication devices in such a way that would disrupt others' use of Corporation Technology Resources.

Vandalism is defined as any malicious or intentional attempt to harm, steal, or destroy data of another user, school networks, or technology hardware. This includes but is not limited to uploading or creating computer viruses, installing unapproved software, changing equipment configurations, deliberately destroying or stealing hardware and its components, or seeking to circumvent or bypass network security and/or the Board's technology protection measures. Students also must avoid intentionally wasting limited resources. Students must notify the teacher, building principal, or Director of Technology immediately if they identify a possible security problem. Students should not go looking for security problems, because this may be construed as an unlawful attempt to gain access.

4. Use of Corporation Technology Resources to access, process, download, view, send, receive, distribute, display or print child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors is prohibited as defined by the Children's Internet Protection Act and I.C. 35-49-2-2. As such, the following material is prohibited: material that appeals to a prurient interest in nudity, sex, and excretion; material that depicts, describes or represents in a patently offensive way (with respect to what is suitable for minors) an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. If a student inadvertently accesses material that is prohibited by this paragraph, s/he must disclose the inadvertent access to the teacher or building principal immediately. This will protect the user against an allegation that s/he intentionally violated this provision.

5. Unauthorized Use of Software or Other Intellectual Property from Any Source – All communications and information accessible via the Internet should be assumed to be private property (i.e., copyrighted and/or trademarked). Laws and ethics require proper handling of intellectual property. All copyright issues regarding software, information, and attributions/acknowledgement of authorship must be respected.

   Software is intellectual property, and, with the exception of freeware, is illegal to use without legitimate license or permission from its creator or licensor. All software loaded on Corporation computers must be approved by the Technology Director, and the Corporation must own, maintain, and retain the licenses for all copyrighted software loaded on Corporation computers. Students are prohibited from using Corporation Technology Resources for the purpose of illegally copying another person's software. Illegal peer-to-peer file trafficking of copyrighted works is prohibited.

   Online articles, blog posts, podcasts, videos, and wiki entries are also intellectual property. Students should treat information found electronically in the same way they treat

information found in printed sources – i.e., properly citing sources of information and refraining from plagiarism. Rules against plagiarism will be enforced.

F. Transmission of any material in violation of any State or Federal law or regulation or Board policy is prohibited.

G. Corporation Technology Resources may not be used for private gain or commercial purposes (e.g., purchasing or offering for sale personal products or services by students), advertising, or political lobbying. This provision shall not limit the use of Corporation Technology Resources for the purpose of communicating with elected representatives or expressing views on political issues.

H. Use of Corporation Technology Resources to engage in cyberbullying is prohibited. "Cyberbullying" involves the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, which is intended to harm others. [Bill Belsey (http//www.cyberbullying.org)] Cyberbullying may occur through e-mail, instant messaging (IM), chat room/Bash Boards, small text-messages (SMS), websites, and voting booths.

Cyberbullying includes, but is not limited to the following:

1. posting slurs or rumors or other disparaging remarks about a student on a website or on weblog;

2. sending e-mail or instant messages that are mean or threatening or so numerous as to negatively impact the victim's use of that method of communication and/or drive up the victim's cell phone bill;

3. using a camera phone to take and send embarrassing and/or sexually explicit photographs/recordings of students;

4. posting misleading or fake photographs of students on websites.

I. Students are expected to abide by the following generally-accepted rules of network etiquette:

1. Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through or utilizing Corporation Technology Resources. Do not use obscene, profane, vulgar, sexually explicit, defamatory, threatening, abusive or disrespectful language in communications made through or utilizing Corporation Technology Resources.

2. Do not engage in personal attacks, including prejudicial or discriminatory attacks.

3. Do not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a student is told by a person to stop sending him/her messages, the student must stop.

4. Do not post information that, if acted upon, could cause damage or a danger of disruption.

5. Never reveal names, addresses, phone numbers, or passwords of yourself or other students, family members, teachers, administrators, or other staff members while communicating on the Internet. This prohibition includes, but is not limited to, disclosing personally identifiable information on commercial websites.

6. Do not transmit pictures or other information that could be used to establish your identity without prior approval of a teacher.

7. Never agree to get together with someone you "meet" on-line without prior parent approval and participation.

8. Check e-mail frequently, and delete e-mail promptly.

9. Students should disclose promptly to a teacher or administrator any messages they receive that are inappropriate or make them feel uncomfortable, especially any e-mail that contains sexually explicit content (e.g. pornography). Students should not delete such messages until instructed to do so by an administrator.

J. Downloading of files onto school-owned equipment or contracted online educational services is prohibited, without prior approval from the Director of Technology; all downloads must be to an external storage device. If a student transfers files from information services and electronic bulletin board services, the student must check the file with a virus detection program before opening the file for use. Only public domain software may be downloaded. If a student transfers a file or software program that infects Corporation Technology Resources with a virus and causes damage, the student will be liable for any and all repair costs to make the Corporation Technology Resources once again fully operational.

K. Students must secure prior approval from a teacher or the Director of Technology before joining a Listserv (electronic mailing lists) and should not post personal messages on bulletin boards or "Listservs."

L. Students are prohibited from accessing or participating in online "chat rooms" or other forms of direct electronic communication (e.g., instant messaging) (other than e-mail) without prior approval from a teacher or the Director of Technology . All such authorized communications must comply with these guidelines. Students may use their school-assigned accounts/email addresses

only when accessing, using or participating in real-time electronic communications for education purposes.

M. Users have no right or expectation to privacy when using the Corporation Technology Resources. The Board reserves the right to access and inspect any facet of its Technology Resources, including, but not limited to, computers, laptops, tablets, and other web-enabled devices, networks, Internet connections or online educational apps or services, e mail or other messaging or communication systems or any other electronic media within its technology systems or that otherwise constitutes its property and any data, information, e-mail, communication, transmission, upload, download, message or material of any nature or medium that may be contained therein. A student's use of Corporation Technology Resources constitutes his/her waiver of any right to privacy in anything s/he creates, stores, sends, transmits, uploads, downloads or receives on or through the Technology Resources and related storage medium and equipment. Routine maintenance and monitoring, utilizing both technology monitoring systems and staff monitoring, may lead to discovery that a user has violated Board policy and/or the law. An individual search will be conducted if there is reasonable suspicion that a user has violated Board policy and/or the law or if requested by local, State or Federal law enforcement officials. Students' parents have the right to request to see the contents of their children's files, e-mails and records.

The following notice will be included as part of the computer log-on screen:

"Corporation Technology Resources (as defined in Bylaw 0100) are to be used for educational and professional purposes only. Users are reminded that all use of Corporation Technology Resources, including Internet use, is monitored by the Corporation and individual users have no expectation of privacy."

N. Use of the Internet and any information procured from the Internet is at the student's own risk. The Corporation makes no warranties of any kind, either express or implied, that the functions or the services provided by or through Corporation Technology Resources will be error-free or without defect. The Corporation is not responsible for any damage a user may suffer, including, but not limited to, loss of data, service interruptions, or exposure to inappropriate material or people. The Corporation is not responsible for the accuracy or quality of information obtained through the Internet. Information (including text, graphics, audio, video, etc.) from Internet sources used in student papers, reports, and projects must be cited the same as references to printed materials. The Corporation is not responsible for financial obligations arising through the unauthorized use of its Technology Resources. Students or parents of students will indemnify and hold the Corporation harmless from any losses sustained as the result of a student's misuse of Corporation Technology Resources.

O. Disclosure, use and/or dissemination of personally identifiable information of minors via the Internet is prohibited except as expressly authorized by the minor student's parent/guardian on the "Student Technology Acceptable Use and Safety Agreement Form."

P. File-sharing is strictly prohibited. Students are prohibited from downloading and/or installing file-sharing software or programs on Corporation Technology Resources.

Q. Since there is no central authority on the Internet, each site is responsible for its own users. Complaints received from other sites regarding any of the Corporation's users will be investigated fully and disciplinary action will be taken as appropriate.

R. Preservation of Resources and Priorities of Use: Corporation Technology Resources are limited. Because space on disk drives and bandwidth across the lines that connect Corporation Technology Resources (both internally and externally) are limited, neither programs nor information may be stored on the system without the permission of the Director of Technology. Each student is permitted reasonable space to store e-mail, web, and personal school-related files. The Board reserves the right to require the purging of files in order to regain disk space. Students who require access to Corporation Technology Resources for class- or instruction-related activities have priority over other users. Students not using Corporation Technology Resources for class-related activities may be "bumped" by any student requiring access for class- or instruction-related activities. The following hierarchy will prevail in governing access to Corporation Technology Resources:

1. Class work, assigned and supervised by a staff member.

2. Class work, specifically assigned but independently conducted.

3. Personal correspondence (e-mail – checking, composing, and sending).

4. Training (use of such programs as typing tutors, etc.).

5. Personal discovery ("surfing the Internet").

6. Other uses – access to resources for "other uses" may be further limited during the school day at the discretion of the building principal or Director of Technology.

Game playing is not permitted unless under the supervision of a teacher.

Abuse of Network Resources

Peer-to-peer file sharing, mass mailings, downloading of unauthorized games, videos, and music are wasteful of limited network resources and are forbidden. In addition, the acquisition and sharing of copyrighted materials is illegal and unethical.

Unauthorized Printing

Corporation printers may be used to print only school-related documents and assignments. Printers, like other school resources, are to be used in a responsible manner. Ink cartridges and paper, along with printer repairs and replacement are very expensive. The Corporation monitors printing by user. Print jobs deemed excessive and abusive of this privilege may result in charges being assessed to the student. Users are prohibited from replacing ink cartridges and performing any other service or repairs to printers. Users should ask, as appropriate, for assistance to clear paper that is jamming a printer.

Any questions and concerns regarding these guidelines may be directed to the Director of Technology.

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STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

7540.04 - **STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY**

Staff members shall use School Corporation Technology Resources (see definition in Bylaw 0100) for educational and professional purposes only.

Corporation Technology Resources (see definition Bylaw 0100) may be used for incidental personal, non-work related purposes that do not interfere with the employee's performance of the employee's job responsibilities, do not result in direct costs to the Corporation, do not affect other users use of the resources for education and work-related purposes, do not expose the Corporation to unnecessary risks, and do not violate applicable School Board policies, administrative guidelines, or applicable laws/regulations.

Use of Corporation Technology Resources is a privilege, not a right. When using Corporation Technology Resources, staff members must conduct themselves in a responsible, efficient, ethical, and legal manner. Staff members found to have engaged in unauthorized or inappropriate use of Corporation Technology Resources and/or Information Resources, including any violation of these guidelines, may have their privilege limited or revoked and may face further disciplinary action consistent with Board policy, and/or civil or criminal liability. Prior to accessing or using Corporation Technology Resources and/or Information Resources, staff members must sign the Staff Technology Acceptable Use and Safety Agreement (Form 7540.04 F1) Staff members must complete a mandatory training session/program before being permitted to access or use Corporation Technology Resources and/or Information Resources and/or being assigned a school email address.

This guideline also governs staff members' use of their personal communication devices (PCDs) (as defined in Bylaw 0100) when they are connected to the Corporation's Technology Resources, creating, using or transmitting Corporation Information Resources, or while the staff member is on Corporation-owned property or at a Corporation-sponsored activity. Staff are reminded that use of PCDs (including the sending of text messages) may generate a public record or an education record that needs to be maintained in accordance with the Board's record retention schedule and/or Federal and State law.

Below is a non-exhaustive list of unauthorized uses and prohibited behaviors. This guideline further provides a general overview of the responsibilities users assume when using Corporation Technology and/or Information Resources.

A. All use of Corporation Technology and/or Information Resources must be consistent with the educational mission and goals of the Corporation.

B. Staff members may access and use Corporation Technology and/or Information Resources only by using their assigned account and may send only school-related electronic communications using their Corporation-assigned email addresses. Use of another person's account/email address is prohibited. Staff members shall not allow other users to utilize their account/email address and shall not share their password with other users. Staff members may not go beyond their authorized access. Staff members are expected to take steps to prevent unauthorized access to their accounts by logging off or "locking" their computers, laptops, tablets, and PCDs when leaving them unattended.

C. No user may have access to another's private files. Any attempt by users to access another user's or the Corporation's non-public files, or voicemail or e-mail messages is considered theft. Attempts to gain access to unauthorized resources or data/information either on the Corporation's computer or telephone systems or any systems to which the Corporation has access are prohibited. Similarly, staff members shall not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, or misrepresent other users on the Corporation's network.

D. Staff members shall not intentionally disable any security features used on Corporation Technology Resources.

E. Staff members shall not use Corporation Technology Resources or their PCDs to engage in vandalism, "hacking," or other illegal activities (e.g., software pirating; intellectual property violations; engaging in slander, libel or harassment; threatening the life or safety of another; stalking; transmission of obscene materials or child pornography, including sexting; fraud; and the sale of illegal substances or goods).

1. Slander and libel. In short, slander is "oral communication of false statements injurious to a person's reputation," and libel is "a false publication in writing, printing, or typewriting or in signs or pictures that maliciously damages a person's reputation or the act or an instance of presenting such a statement to the public." (The American Heritage Dictionary of the English Language Third Edition is licensed from Houghton Mifflin Company. Copyright © 1992 by Houghton Mifflin Company. All rights reserved.) Staff members shall not knowingly or recklessly post false or defamatory information about a person or organization. Staff members are reminded that material distributed over the Internet is "public" to a degree no other school publication or utterance is. As such, any remark may

be seen by literally millions of people, and harmful and false statements will be viewed in that light.

2. Staff members shall not use Corporation Technology Resources to transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex, sexual orientation or transgender identity, age, disability, religion or political beliefs. Sending, sharing, viewing or possessing pictures, text messages, e-mails or other materials of a sexual nature (i.e. sexting) in electronic or any other form, including the contents of a PCD or other electronic equipment is grounds for discipline, up to and including termination. Such actions will be reported to local law enforcement and the Department of Child Services as required by law.

3. Vandalism and Hacking – Deliberate attempts to damage the hardware, software, or data/information residing in Corporation Technology Resources or any computer system attached through the Internet is strictly prohibited. In particular, malicious use of Corporation Technology Resources to develop programs that harass other users or infiltrate a computer/laptop/tablet or computer system and/or damage the software components of a computer or computing system is prohibited.

   Attempts to violate the integrity of private accounts, files or programs, deliberately infect the network or computers, laptops, tablets, etc., attached to the network with a "virus", and hack into any internal or external computer systems using any method will not be tolerated.

   Staff members shall not engage in vandalism or use Corporation Technology Resources or their personal communication devices in such a way that would disrupt others' use of Corporation technology resources.

   Vandalism is defined as any malicious or intentional attempt to harm, steal, or destroy data of another user, school networks, or technology hardware. This includes but is not limited to uploading or creating computer viruses, installing unapproved software, changing equipment configurations, deliberately destroying or stealing hardware and its components, or seeking to circumvent or bypass network security and/or the Board's technology protection measures. Staff members also must avoid intentionally wasting limited resources. Staff members must notify the building principal or Director of Technology immediately if they identify a possible security problem. Staff members should not go looking for security problems, because this may be construed as an unlawful attempt to gain access.

4. Use of Corporation Technology Resources to access, process, download, view, send, receive, distribute, display or print child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors, as defined by the Children's Internet Protection Act and I.C. 35-49-2-2, is prohibited. As such, the following material is prohibited: material that appeals to a prurient interest in nudity, sex, and excretion; material that depicts, describes or represents in a patently offensive way (with respect to what is suitable for minors) an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. If a staff member inadvertently accesses material that is prohibited by this paragraph, the staff member shall disclose the inadvertent access to the building principal or Director of Technology immediately. This will protect the user against an allegation that the staff member intentionally violated this provision.

Unauthorized Use of Software or Other Intellectual Property from Any Source – Laws and ethics require proper handling of intellectual property. Software is intellectual property, and, with the exception of freeware, is illegal to use without legitimate license or permission from its creator or licensor. All software loaded on Corporation computers must be approved by the Director of Technology, and the Corporation must own, maintain, and retain the licenses for all copyrighted software loaded on Corporation computers. Staff members are prohibited from using Corporation Technology Resources for the purpose of illegally copying another person’s software. Illegal peer-to-peer file trafficking of copyrighted works is prohibited.

Online articles, blog posts, podcasts, videos, and wiki entries are also intellectual property. Staff members should treat information found electronically in the same way they treat information found in printed sources – i.e., properly citing sources of information and refraining from plagiarism.

F. Transmission of any material in violation of any State or Federal law regulation or Board policy is prohibited.

G. Corporation Technology Resources shall not be used for private gain or commercial purposes (e.g., purchasing or offering for sale personal products or services by staff members). Advertising, political lobbying, or campaigning is prohibited.

H. Staff members are expected to abide by the following generally accepted rules of network etiquette:

1. Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through or utilizing Corporation Technology Resources. Do not use obscene, profane, lewd, vulgar, rude, inflammatory, sexually explicit, defamatory, threatening, abusive or disrespectful language in communications made through or utilizing Corporation Technology Resources (including, but not limited to, public messages, private messages, and material posted on web pages).

2. Do not engage in personal attacks, including prejudicial or discriminatory attacks.

3. Do not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a staff member is told by a person to stop sending him/her messages, the staff member must stop.

4. Do not post information that, if acted upon, could cause damage or a danger of disruption.

5. Never reveal names, addresses, phone numbers, or passwords of students while communicating on the Internet, unless there is prior written parental approval or it is otherwise permitted by Federal and/or State law.

6. Check e-mail frequently and delete e-mail promptly. Nothing herein alters the staff member's responsibility to preserve e-mail and other electronically stored information that constitutes a public record, student education record and/or a record subject to a Litigation Hold.

I. All communications and information accessible via the Internet should be assumed to be private property (i.e, copyrighted and/or trademarked). All copyright issues regarding software, information, and attributions/acknowledgment of authorship must be respected.

J. Downloading of information onto school-owned equipment or contracted online educational services is prohibited, without prior approval from Director of Technology; all downloads must be to floppy disk. If a staff member transfers files from information services and electronic bulletin board services, the staff member must check the file with a virus-detection program before opening the file for use. Only public domain software may be downloaded. If a staff member transfers a file or software program that infects Corporation Technology Resources with a virus and causes damage, the staff member will be liable for any and all repair costs to make the Technology Resource once again fully operational.

K. Privacy in communication over the Internet and through the Corporation’s computer network is not guaranteed. To ensure compliance with these guidelines, the Corporation reserves the right to monitor, review and inspect any directories, files and/or messages stored on or sent/received using the Corporation's Technology Resources. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

The following Notice will be included as part of the computer log-on screen:

"Corporation Technology Resources (including computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, other web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy

machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational apps and services) are to be used for educational and professional purposes only. Users are reminded that all use of Corporation Technology Resources, including Internet use, is monitored by the Corporation and individual users have no expectation of privacy."

L. Use of the Internet and any information procured from the Internet is at the staff member's own risk. The Corporation makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through Corporation Technology Resources will be error-free or without defect. The Corporation is not responsible for any damage a user may suffer, including, but not limited to, loss of data, service interruptions, or exposure to inappropriate material or people. The Corporation is not responsible for the accuracy or quality of information obtained through the Internet. Information (including text, graphics, audio, video, etc.) from Internet sources used in class must be cited the same as references to printed materials. The Corporation is not responsible for financial obligations arising through the unauthorized use of its Technology Resources. Staff members will indemnify and hold the Corporation harmless from any losses sustained as a result of the staff member's misuse of Corporation Technology Resources.

M. Disclosure, use and/or dissemination of personally identifiable information of minors via the Internet is prohibited, except as expressly authorized by the minor student's parent/guardian on the "Student Technology Acceptable Use and Safety Agreement Form."

N. Proprietary rights in the design of websites, apps and services hosted on the Corporation's servers remain at all times with the Corporation without prior written authorization.

O. Staff members are reminded that student personally identifiable information is confidential and may not be disclosed without prior written parental permission.

P. File-sharing is strictly prohibited. Staff members are prohibited from downloading and/or installing file-sharing software or programs on Corporation Technology Resources.

Q. Staff members shall not use Corporation Technology Resources to establish or access web-based e-mail accounts on commercial services (e.g., Gmail, iCloud, Yahoo mail, etc.).

R. Since there is no central authority on the Internet, each site is responsible for its own users. Complaints received from other sites regarding any of the Corporation's users will be fully investigated and disciplinary action will be taken as appropriate.

S. Preservation of Resources: Corporation Technology Resources are limited. Because space on disk drives and bandwidth across the wires that connect Corporation Technology Resources (both internally and externally) are limited, neither programs nor information may be stored on the system without the permission of the Director of Technology. Each staff member is permitted reasonable space to store e-mail, web, and school/work-related files. The Board reserves the right to require the purging of files in order to regain disk space.

T. Staff members are encouraged to limit student exposure to commercial advertising and product promotion when selecting/developing the Corporation or classroom websites, apps, and services or giving other assignments that utilize the Internet. Under all circumstances, staff members must comply with COPPA.

1. Websites with extensive commercial advertising may be included on the Corporation or classroom websites, apps, and services or designated as a required or recommended site only if there is a compelling educational reason for such selection.

2. Staff members may make use of high-quality, unbiased online educational materials that have been produced with corporate sponsorship. Staff members shall not make use of educational materials that have been developed primarily for the purpose of promoting a company and/or its products or services.

Abuse of Network Resources

Peer-to-peer file sharing, mass mailings, downloading of unauthorized games, videos, and music are wasteful of limited network resources and are forbidden. In addition, the acquisition and sharing of copyrighted materials is illegal and unethical.

Unauthorized Printing

Corporation printers may be used to print only school/work-related documents. Printers, like other school resources, are to be used in a responsible manner. Ink cartridges and paper, along with printer repairs and replacement, are very expensive. The Corporation monitors printing by the user. Print jobs deemed excessive and abusive of this privilege may result in charges being assessed to the staff member.

Any questions and concerns regarding these guidelines may be directed to the Director of Technology.

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ag7544

USE OF SOCIAL MEDIA

7544 - **USE OF SOCIAL MEDIA**

Online social media platforms/sites serve as important methods of communication as well as vital e-learning tools. It is critical that students, parents/guardians, employees, volunteers, and other community stakeholders use social media in a safe and responsible manner. Social media is defined in Bylaw 0100.

This administrative guideline outlines requirements for employees' and School Corporation-approved volunteers' (hereinafter collectively referred to as "employees") use of social media for work purposes, including social media communication with students, parents/guardians, employees, volunteers, and the general public.

This administrative guideline also addresses recommended practices for Corporation employees' personal use of social media.

This administrative guideline is intended to supplement, not supersede, existing policies, guidelines, or laws. It should be read in conjunction with Policy 5136/AG 5136 - Personal Communication Devices; Policy 7530.02 – Staff Use of Wireless Communication Devices; Policy 7540 - Technology; Policy 7540.02 – Web Content, Apps, and Services; Policy 7540.03/AG 7540.03 – Student Technology Acceptable Use and Safety, Policy 7540.04/AG 7540.04 –Staff Technology Acceptable Use and Safety, Policy 7540.05 – Corporation-Issued Staff E-mail Account; AG 7540.05 – Proper Use of Corporation-Issued E-mail Account; and AG 7540.06 - Student's Proper Use of Corporation-Issued E-mail Account.

This administrative guideline does not address students' personal use of social media. Such communications that occur within the school setting, associated with school activities, or which start off-campus but carry over to the school setting and cause or threaten to cause a substantial disruption or material interference with school activities or the educational process are addressed pursuant to the Student Code of Conduct, Policy 7540.03/AG 7540.03 – Student Technology Acceptable Use and Safety; and Policy 5136/AG 5136 - Personal Communication Devices.

Use of Corporation-approved social media sites/networks for professional purposes must comply with all applicable Federal and State laws, including but not limited to the Children's Online Privacy Protection

Act ("COPPA"), the Children's Internet Protection Act ("CIPA"), the Family Educational Rights and Privacy Act ("FERPA"), State public records laws, and intellectual property laws.

General Provisions Governing Use of Social Media

The Corporation recognizes that employees use social media both professionally (i.e., for work) and personally. Employees are reminded that communications that violate State or Federal law, School Board policies, or administrative guidelines, or interfere with an employee's ability to effectively perform his/her job may provide the Corporation with grounds to impose disciplinary action and/or to refer the matter to appropriate law enforcement authorities. If an employee uses social media in a manner or for a purpose that affects his/her job, the Corporation may have a legitimate interest in the employee's activities. This is particularly true since educators are role models for students. For this reason, the Corporation regulates employees' use of social media with students; the specific purpose of such regulation is to prevent harassment, abuse, or bullying of a student by an employee, and to fulfill the Corporation's legal obligation to protect the confidentiality of students' personally identifiable information ("PII").

Students require instruction in how to safely and responsibly use social media. They further need to be taught to be critical consumers and creators of online content. For this reason, employees are permitted to communicate with current students only through Corporation-approved social media platforms/sites and only under specific circumstances. Only certificated/licensed employees, and those employees authorized in writing by the Superintendent or Principal may use Corporation-approved social media platforms/sites to communicate with students. Such employees in the school setting are, therefore, limited to communicating about matters pertaining to reasonable instructional, educational, or extra-curricular program matters. Teachers, in particular, are limited to communicating with students about matters pertaining to the students' classwork, homework, and tests/quizzes. Employees who have extra-curricular responsibilities are correspondingly limited to communicating about the team they coach or the school activity they advise.

The above-stated limitations on an employee's ability to communicate with students via social media are subject to the following two (2) exceptions:

A. these prohibitions apply only to communications with students currently enrolled in the Corporation; and

B. employees may communicate via social media with relatives, the children of friends, friends of the employee's children, and members or participants in the same civic, social, recreational, or religious organizations.

Employees who engage in social media activities must maintain a separation between professional and personal communications and specifically must avoid communicating regarding professional matters on personal social media accounts.

On Corporation-approved social media platforms/sites that allow for the creation of separate social media accounts, employees must create a separate, dedicated professional account using their Corporation-provided e-mail address if they intend to use their account for work purposes.

Employees' Use of Social Media for Professional Purposes

When establishing a professional social media account on a Corporation-approved social media platform/site, the employee's Principal must grant approval for the employee to set up the professional social media presence.

Professional social media sites must include language identifying the site as a professional social media site to differentiate it from personal social media sites maintained by the employee.

Use of social media for professional purposes is limited to matters that fall within the scope of employees' job responsibilities. Employees should treat social media like a classroom and/or a professional workspace.

Students must use their Corporation-issued e-mail account when joining professional social media platforms/sites maintained by employees.

Employees are required to maintain the confidentiality of students' PII at all times. Staff members shall not, under any circumstances, share confidential information or records – whether it is an internal school discussion, Corporation records, or specific information about students or other staff – in social media posts. Employees also must protect the confidentiality of health or personal information involving colleagues (unless such disclosure serves a lawful/professional purpose or is required by law). Employees further must abide by copyright laws and are prohibited from knowingly making false statements about a colleague or the school system.

Employees who use Corporation-approved social media with students also must grant, if requested, parents and administrators access to the social media site. Staff members' communications with students and parents via Corporation-approved social media must be professional, transparent, and of an appropriate nature, purpose, timing, and amount. Employees do not have a right to privacy with respect to school-related communications with students and parents.

Each school year employees are required to notify parents of their intent to use Corporation-approved social media site(s) in their classroom, including the name of the platforms/sites and their purpose.

Teachers who are authorized to post on Corporation-approved social media platforms/sites are cautioned not to allow such postings to interfere with the performance of their teaching responsibilities.

Oversight by Principal

Principals are responsible for monitoring and providing feedback regarding their employees' professional social media sites. Principals are expected to review their staff members' professional social media sites on a regular basis.

If a Principal discovers threatening content on a staff members' professional media site, the administrator must contact the appropriate law enforcement authorities for assistance. If the Principal decides that information on the site is inappropriate, s/he may direct the staff member to remove the material. The Principal has the right to remove postings and/or disable a page if the employee's professional social media site violates the law and/or this guideline.

If a staff member learns of an inappropriate post, s/he is required to follow existing Board policy and guidelines regarding incident reporting obligations. Additionally, if an employee sees an inappropriate post that involves pornography, the employee should not download or print the image(s); instead, the employee should notify his/her Principal so that law enforcement may be contacted in order to gather this type of evidence. With regard to all other inappropriate posts, the staff member should take and print a screenshot of or download the post to save as evidence. The resulting materials/files should be provided to the Principal, and the employee should complete any required incident report. The Principal should contact the Superintendent to determine how to proceed with regard to contacting appropriate law enforcement authorities.

Posts that include profanity, hate speech, or copyrighted material, are threatening, harassing, racist, biased, personally derogatory/disparaging to others, or involve off-topic remarks addressed to or about

other persons to the point that the comments amount to harassment or bullying may be removed, and the employee or student who posted the comment may be subject to discipline. Employees who post sexualized images of minors also may be subject to discipline.

In order for photos/images of a student to be posted online through an employee's professional social media site, the Corporation must have on file written consent completed by the student's parent authorizing the student's photos/image to be included in such pictures or videos.

In crisis situations, such as a school lockdown, secure mode, or other crisis, employees should not be posting or asking for information through social media or other forms of external communication such as texts and phone calls. During these situations, employees should focus their attention on making the safety of those in their charge and care their top priority. At such times, it is critical to avoid spreading rumors, and all communications should be handled through the administration.

To keep the page focused, we have set some common guidelines:

A. This page is moderated – all comments are subject to review by the staff member maintaining the page and/or the administration.

B. To ensure exchanges are informative, respectful of diverse viewpoints, and lawful, we will remove comments that are off-topic, spam, contain profanity or other inappropriate language, constitute hate speech, reproduce copyrighted materials without permission, violate Board policy on discrimination or harassment, or violate the platform/site's applicable terms of service."

Any modifications of these guidelines must be approved, in advance, by the Principal.

Employees' Use of Corporation-Approved Social Media Platforms/Sites for Extra-Curricular Programs

Employees who supervise athletic teams or extra-curricular activities may maintain a professional social media site on a Corporation-approved social media platform/site for the sole purpose of communicating with students and parents about the team or activity.

Authorized staff members who elect to use social media with respect to the teams they coach or the school activity they advise, must provide students and parents of students involved in the team or school activity with the ability to opt-out of using social media for communication purposes associated with the team or activity and must arrange for an alternative method of communicating concerning the team or school activity.

Besides the guidelines listed above under Employees' Use of Social Media for Professional Purposes, team or extra-curricular activity social media sites must abide by the following additional guidelines. Specifically, employees must:

A. send all posts to all members of the group (i.e., no private messaging);

B. provide the same access to all members of the group to view communications;

C. provide the Principal with full administrative access to the site to facilitate his/her supervision and monitoring of the site; and

D. use his/her Corporation-issued e-mail account when creating the team or extra-curricular activity's social media site.

The Corporation restricts the use of text messaging between staff and students to employees with responsibility over extra-curricular activities. Staff members who communicate with students using text messaging must comply with the following guidelines:

A. they must obtain written permission from each student's parent/guardian with whom the employee will be communicating via text messaging;

B. all communications must be professional and appropriate;

C. all communications must be limited to matters within the scope of the employee's professional responsibilities with respect to the extra-curricular activity.

Employees' Personal Use of Social Media

Staff members serve as role models in this community and are responsible for modeling and teaching high standards of decency and civic values. As such, they are expected to display model character both on and off the worksite; this includes any material they post on personal websites and other social media networks, such as Facebook and Instagram. Teachers are responsible for maintaining professional standards in their public use of social media just as they are any other public conduct. Public content on social media can affect and/or undermine an educator's effectiveness. Employees who use social media for personal purposes are responsible for the content on their personal pages, including content added by the employee, the employee's friends, or members of the public who can access and/or contribute to the employee's page. Employees are further responsible for website links on their pages. Employees are cautioned to maintain privacy settings that are appropriate to the content and intended audience.

Employees who maintain personal social networking sites should not share those sites with students.

Under all circumstances employees must comply with Federal and State law, Board policies, administrative guidelines, and the Ethical and Professional Guidelines for School Professionals recommended by the Indiana Department of Education, which include the Code of Ethics for each of the national school professional organizations. This is true regardless of whether the employee is using a personal or Corporation-issued device to communicate through social media.

If a staff member posts messages or pictures that diminish the employee's professionalism or discredit the employee’s capacity to maintain the respect of students and parents, the employee's ability to effectively perform his/her job may be impaired.

Staff members should be respectful and professional in all communications (by word, image, or other means).

Employees should avoid posting text, images, photos, or videos that involve hate speech, nudity, obscenity, or that encourage or depict bullying, discrimination, sexually explicit or violent conduct, or other illegal conduct/activity, including the inappropriate use of alcohol or drugs. They also should refrain from engaging in communication or conduct that is harassing, threatening, libelous, or defamatory.

An employee whose personal use of social media interferes with the employee's ability to effectively perform his/her job may be subject to disciplinary action, up to and including termination of employment.

Employees may not use their Corporation-issued e-mail address for communication on social media platforms/sites that are not approved by the Corporation or for creating and/or managing social media accounts/sites that are for personal use.

Employees are reminded that the Corporation may monitor the use of Corporation technology resources.

Employees may not use or post the Corporation’s logo or other copyrighted or trademarked materials without express written consent from the Superintendent; however, it is not a violation of this provision if the Corporation's logo auto-fills on sites such as Facebook or LinkedIn.

Teachers are prohibited from posting students' names, photographs and/or videos in which students appear on personal social media sites, except when the images of the students were taken in a public arena, such as at sporting events or fine arts public performances.

Staff members should not "friend" a current student on a staff member’s personal Facebook page. If an employee receives a request from a current student to communicate through a personal social media site, the employee should decline the request.

Except as provided above, teachers are prohibited from knowingly communicating with students through their personal social network page.

http://www.doe.in.gov/sites/default/files/student-services/ethical-guidelines-school-professionals-4-24-17.pdf

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ag8120

PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING - VOLUNTEERS

8120 - **PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING - VOLUNTEERS**

In accordance with School Board policy, the personal and volunteer history of each individual who is seriously being considered for a volunteer position who is likely to have direct, ongoing contact with students will be investigated throughly.

In addition to the information obtained through the volunteer procedure, a criminal history record check must be conducted.

The Superintendent's Secretary will be responsible for ensuring that the individual completes Form 8121 F1.

The Central Office shall submit the individual's name, address, social security number, and date of birth to the contracted service provider for a local, State, and National criminal history check, including an expanded criminal history check as defined by I.C. 20-26- 2-1.5.

If the School Corporation's investigation and/or criminal history check reveals that an individual has been involved in some unlawful behavior, such information should be examined in light of:

A. the nature of the unlawful behavior, e.g. was it a felony or a misdemeanor? Did it involve violence? Was it sex related? Was it child related? etc.;

B. did the behavior result in a conviction;

C. how recently the behavior occurred, and the behavior of the individual in the interim;

D. the relationship of the behavior to the duties the person would be assuming as a volunteer;

E. the likelihood that the individual would represent a potential threat of injury to or loss/damage to property;

F. the likelihood that the individual would present a potential threat of injury to or loss/damage to persons;

G. the extent that the position involves being an exemplar to students and the potential for the presentation of a negative exemplar;

H. the manner in which the information came to the Corporation's attention, i.e., offered by the individual or reported through an investigation.

The final decision concerning the volunteer (or possible removal if the information comes to light after volunteering) will be made by the Superintendent.

In addition to the criminal history check, the Superintendent/designee will conduct the following or contract with a private service provider to conduct the following:

A. an expanded child protection index check as defined by I.C. 20-26-2-1.3

B. a search of the national sex offender registry maintained by the United States Department of Justice

C. a search of the State child abuse registry

D. a detailed background history including all prior employment and volunteer positions

An "expanded child protection index check" means:

A. an inquiry with the Department of Child Services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under I.C. 31-33-26- 2;

B. an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and

C. for a certificated employee, an inquiry with the Department of Education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

Offenses Which Prohibit Volunteer Service

In accordance with Board policy, the Superintendent will prohibit volunteer service by any individual who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) or an offense lasted in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal.

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ag8120A

REPORTS OF ARREST, CRIMINAL CHARGES, CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT

8120A - **REPORTS OF ARREST, CRIMINAL CHARGES, CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT**

Volunteers shall report their arrest, the filing of criminal charges against them or conviction for a crime to the Superintendent within forty-eight (48) hours of the earlier of their arrest, the filing of criminal charges, or conviction. If the volunteer is held in custody for more than twenty-four (24) hours, the report shall be made within forty-eight (48) hours after the volunteer is released from custody.

Volunteers also shall report a substantiated report of child abuse or neglect of which the volunteer is the subject to the Superintendent within forty-eight (48) hours of the issuance of the report. If the volunteer does not receive notice of the issuance of the report until a later date, the volunteer must report the substantiated report of child abuse or neglect of which the volunteer is the subject to the Superintendent within forty-eight (48) hours of receiving notice of the report.

Arrest, the filing of criminal charges, or conviction need not automatically result in the removal of the volunteer. The Superintendent may evaluate the circumstances of the arrest or charge(s) based upon the factors listed below for the evaluation of criminal convictions, plus the presumption of innocence afforded every person charged with a crime prior to conviction.

As used here, "crime" means an action initiated by the State of Indiana, another state, or the United States with a penalty that includes the possibility of a term of imprisonment. The term includes all prosecutions denominated as a felony or misdemeanor. Infractions such as speeding and other minor traffic infractions are not covered unless the position includes operating a vehicle as an essential function. Any doubt about reporting a charge or arrest should be resolved in favor of reporting the offense.

If available, the evaluation of the charge(s), arrest, or conviction will be expedited if the volunteer provides the Superintendent a copy of:

A. the criminal charge(s), i.e., the information or indictment;

B. any probable cause affidavit filed with the charge;

C. the cause number and court in which the matter is pending;

D. any police report or accident report prepared by law enforcement; and

E. the court's entry of a criminal conviction against the volunteer.

In evaluating information surrounding the arrest, filing of criminal charges or conviction, the Superintendent will take into account:

A. the relevance of the circumstances of the arrest, charge(s), or conviction to the qualification standards and essential functions of the position held by the volunteer;

B. how recently the behavior occurred and the behavior of the volunteer since that time;

C. whether the volunteer admits or denies the facts of the allegation;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and others that would result from an error in assessing the facts of the arrest, charge(s), or conviction;

G. the extent to which the volunteer's duties involve being an exemplar and the potential for the presentation of a negative exemplar to students; and

H. how the information came to the attention of the School Corporation, i.e., was it reported by the volunteer or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the volunteer will be permitted to continue to volunteer while the charges are resolved in the trial court, and will recommend that the volunteer continue to volunteer or be removed.

A substantiated report of child abuse or neglect of which the volunteer is the subject need not automatically result in the removal of the volunteer. The Superintendent may evaluate the circumstances of the incident underlying the report based on the following factors:

A. the relevance of the circumstances of the incident underlying the report to the qualification standards and essential functions of the position held by the volunteer;

B. how recently the behavior occurred and the behavior of the volunteer since that time;

C. whether the volunteer admits or denies the facts of the report;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and other volunteers that would result from an error in assessing the facts of the incident underlying the report;

G. the extent to which the volunteer's duties involve being an exemplar and the potential for the presentation of a negative exemplar to students;

H. how the information came to the attention of the Corporation, i.e., was it reported by the volunteer or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the volunteer will be permitted to continue to volunteer while the Superintendent completes his/her investigation and will recommend that the volunteer continue to volunteer or be removed. A substantiated report of child abuse or neglect of which the volunteer is the subject may result in the removal of the volunteer.

Offenses Which Prohibit Volunteer Service

In accordance with Board policy, the Superintendent will prohibit volunteer service by any individual who is convicted of any of these offenses unless the conviction has been reversed, vacated, or set aside on appeal:

A. The following felonies:

1. A sex crime under I.C. 35-42-4 (including criminal deviate conduct (I.C. 35-42-4-2) (before its repeal)).
2. Kidnapping (I.C. 35-42-3-2).
3. Criminal confinement (I.C. 35-42-3-3).
4. Incest (I.C. 35-46-1-3).
5. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).
6. Dealing in methamphetamine (I.C. 35-48-4-1.1).
7. Manufacturing methamphetamine (I.C. 35-48-4-1.2).
8. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).
9. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).
10. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).
11. Dealing in a counterfeit substance (I.C. 35-48-4-5).
12. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).

13. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).

14. Homicide (I.C. 35-42-1).

15. Voluntary manslaughter (I.C. 35-42-1-3).

16. Reckless homicide (I.C. 35-42-1-5).

17. Battery as any of the following:

    a. A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

    b. A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

    c. A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

18. Aggravated battery (I.C. 35-42-2-1.5).

19. Robbery (I.C. 35-42-5-1).

20. Carjacking (I.C. 35-42-5-2) (before its repeal).

21. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).

22. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).

23. Human trafficking (I.C. 35-42-3.5).

24. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).

25. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.

26. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.

B. Public indecency (I.C. 35-45-4-1) committed:

1. after June 30, 2003; or

2. before July 1, 2003, if the person committed the offense by, in a public place:

a. engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5);

b. appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or

c. fondling the person's genitals or the genitals of another person.

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USE OF UNPAID VOLUNTEER AIDES

8120B - **USE OF UNPAID VOLUNTEER AIDES**

Unpaid volunteer aides may be used throughout the school system for:

A. one (1) day resource service projects such as a lecture, a demonstration, or assistance on a field trip;

B. continuing service projects extending over long periods or for the entire school year such as library aides, teacher aides, and office aides.

Procedures to be Followed

A. Volunteers for one (1) day and short term resource service projects may be contacted and scheduled by the individual school or department desiring the service without involving the Central Office in the arrangements and without any special conditions.

B. Volunteers for continuing projects are required to complete Form 8120 F1.

C. Volunteer aides may not be used to replace paid employees.

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ag8121

PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING - CONTRACTED SERVICES

8121 - **PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING - CONTRACTED SERVICES**

In accordance with School Board policy, the personal and volunteer history of each individual who is seriously being considered for a contracted position and each employee of an entity with which the School Corporation contracts for services who is likely to have direct, ongoing contact with children within the scope of the employee's employment will be investigated thoroughly.

For each individual contractor and each employee of an entity with which the Corporation contracts for services who is likely to have direct, ongoing contact with children within the scope of the employee's employment, a criminal history record check must be conducted. The Superintendent's Secretary will be responsible for ensuring that the individual completes Form 8121 F1.

The Superintendent's Secretary shall submit the individual's name, address, social security number, and date of birth to the Indiana State Place, contracted service provider for a local, State, and National criminal history check, including an expanded criminal history check as defined by I.C. 20-26- 2-1.5.

If the Corporation's investigation and/or criminal history check or the contracting entity's investigation and/or criminal history check reveals that the individual has been involved in some unlawful behavior, such information should be examined in light of:

A. the nature of the unlawful behavior, e.g., was it a felony or a misdemeanor? Did it involve violence? Was it sex related? Was it child related? etc.;

B. did the behavior result in a conviction;

C. how recently the behavior occurred, and the behavior of the individual in the interim;

D. the relationship of the behavior to the duties the person would be assuming;

E. the likelihood that the individual would represent a potential threat of injury to or loss/damage to property;

F. the likelihood that the individual would present a potential threat of injury to or loss/damage to persons;

G. the extent that the position held (or services provided by) the individual involves being an exemplar to students and the potential for the presentation of a negative exemplar;

H. the manner in which the information came to the Corporation's attention, i.e., offered by the individual or reported through an investigation.

The final decision concerning the status of an individual contractor or employee of an entity with which the Corporation contracts for services (or possible termination of the contract if the information comes to light after a contract is signed) will be made by the Superintendent.

In addition to the criminal history check, the Superintendent/designee will conduct the following or contract with a private service provider to conduct the following or will require that the contracting entity conduct the following for its employee:

A. an expanded child protection index check as defined by I.C. 20-26-2-1.3

B. a search of the national sex offender registry maintained by the United States Department of Justice

C. a search of the State child abuse registry

D. verification of the individual's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1

E. a detailed background history including all prior employment and volunteer positions

F. an Indiana Bureau of Motor Vehicles driver history if the position involves driving

An "expanded child protection index check" means:

A. an inquiry with the Department of Child Services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under I.C. 31-33-26- 2;

B. an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and

C. for a certificated employee, an inquiry with the Department of Education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

In accordance with policy, if a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one (1) type of expanded criminal history check, the Board will evaluate all available types of criminal history checks to select and employ the expanded criminal history check that would best protect the Corporation's students.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Superintendent has reason to believe that an individual contractor an employee of an entity with which the Corporation contracts for services:

A. is the subject of a substantiated report of child abuse or neglect; or

B. has been charged with or convicted of an offense requiring license revocation per I.C. 20-28-5-8(c), unless the conviction has been reversed, vacated, or set aside on appeal; or

C. has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal

If a contractor or subcontractor reports to the Superintendent that one of its employees:

A. has been arrested or had criminal charges filed against the employee;

B. has been convicted of a crime; or

C. is the subject of a substantiated report of child abuse or neglect;

the Superintendent shall require the Director of School Safety to obtain a review of each reported arrest or charge, conviction or substantiated report of abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued contractual relationship with the contractor or subcontractor whose employee was arrested or charged, convicted or the subject of a substantiated report of child abuse or neglect. It may be necessary to obtain the advice of local counsel regarding the Corporation's options with respect to the contract in such instances if the contractor or subcontractor will not agree to remove that employee from school property.

Offenses Which Prohibit Contracted Service

In accordance with Board policy, the Superintendent will prohibit contracted service by any individual who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) or an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal.

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REPORTS OF ARREST, CRIMINAL CHARGES, CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT

8121A - **REPORTS OF ARREST, CRIMINAL CHARGES, CONVICTIONS AND SUBSTANTIATED CHILD ABUSE OR NEGLECT**

Individual contractors and employees of an entity with which the School Corporation contracts for services who are likely to have direct, ongoing contact with children within the scope of the employee's employment shall report their arrest or the filing of criminal charges against them or their conviction for a crime to the Superintendent within forty-eight (48) hours of the arrest or filing of criminal charges or the conviction. If the individual contractor/employee of a contractor is held in custody for more than twenty-four (24) hours, the report shall be made within forty-eight (48) hours after the individual contractor/employee of a contractor is released from custody.

Individual contractors and employees of an entity with which the Corporation contracts for services who are likely to have direct, ongoing contact with children within the scope of the employee's employment also shall report a substantiated report of child abuse or neglect of which the individual contractor/employee of a contractor is the subject to the Superintendent within forty-eight (48) hours of the issuance of the report. If the individual contractor/employee of a contractor does not receive notice of the issuance of the report until a later date, the individual contractor/employee of a contractor must report the substantiated report of child abuse or neglect of which the individual contractor/employee of a contractor is the subject to the Superintendent within forty-eight (48) hours of receiving notice of the report.

The arrest or the filing of criminal charges or conviction need not automatically result in the suspension of the individual contractor/employee of a contractor or termination of the contract or removal of the contractor's employee unless it involves one of the offenses which prohibit contracted service listed below. The Superintendent may evaluate the circumstances of the arrest or charge(s) based upon the factors listed below for the evaluation of criminal convictions, plus the presumption of innocence afforded every person charged with a crime prior to conviction.

As used here, "crime" means an action initiated by the State of Indiana, another state, or the United States with a penalty that includes the possibility of a term of imprisonment. The term includes all prosecutions denominated as a felony or misdemeanor. Infractions such as speeding and other minor traffic infractions are not covered unless the position includes operating a vehicle as an essential function. Any doubt about reporting a charge or arrest should be resolved in favor of reporting the offense.

If available, the evaluation of the charge(s), arrest, or conviction will be expedited if the individual contractor/employee of a contractor provides the Superintendent a copy of:

A. the criminal charge(s), i.e., the information or indictment;

B. any probable cause affidavit filed with the charge;

C. the cause number and court in which the matter is pending;

D. any police report or accident report prepared by law enforcement; and

E. the court's entry of a criminal conviction against the individual contractor/employee of a contractor.

In evaluating information surrounding the arrest, filing of criminal charges or conviction, the Superintendent will take into account:

A. the relevance of the circumstances of the arrest, charge(s), or conviction to the qualification standards and essential functions of the position held (or services provided) by the individual contractor/employee of a contractor;

B. how recently the behavior occurred and the behavior of the individual contractor/employee of a contractor since that time;

C. whether the individual contractor/employee of a contractor admits or denies the facts of the allegation;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and others that would result from an error in assessing the facts of the arrest, charge(s), or conviction;

G. the extent to which the position held (or services provided) by the individual contractor/employee of a contractor involves being an exemplar and the potential for the presentation of a negative exemplar to students; and

H. how the information came to the attention of the Corporation, i.e., was it reported by the individual contractor/employee of a contractor or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the individual contractor/employee of a contractor will be permitted to continue to provide services while the charges are resolved in the trial court, and will recommend that the individual contractor/employee of a contractor continue to provide services, be suspended, or be removed or that the contract be terminated or recommended for termination.

A substantiated report of child abuse or neglect of which the individual contractor/employee of a contractor is the subject need not automatically result in the suspension or removal of the individual contractor/employee of a contractor or termination of the contract. The Superintendent may evaluate the circumstances of the incident underlying the report based on the following factors:

A. the relevance of the circumstances of the incident underlying the report to the qualification standards and essential functions of the position held (or services provided) by the individual contractor/employee of a contractor;

B. how recently the behavior occurred and the behavior of the individual contractor/employee of a contractor since that time;

C. whether the individual contractor/employee of a contractor admits or denies the facts of the report;

D. the relative reliability of the information and objectivity of the source of the information;

E. the certainty with which the facts have been or can be determined;

F. the nature and severity of any potential harm to students and others that would result from an error in assessing the facts of the incident underlying the report;

G. the extent to which the position held (or services provided) by the individual contractor/employee of a contractor involves being an exemplar and the potential for the presentation of a negative exemplar to students;

H. how the information came to the attention of the Corporation, i.e., was it reported by the individual contractor/employee of a contractor or discovered through other means.

The Superintendent will give the appropriate weight to each of these factors in determining whether the individual contractor/employee of a contractor will be permitted to continue to provide services while the Superintendent completes the investigation and will recommend that the individual contractor/employee of a contractor continue to provide services or be suspended. A substantiated report of child abuse or neglect of which the individual contractor/employee of a contractor is the subject may result in the termination of the contract and/or the removal of that contractor's employee.

Offenses Which Prohibit Contracted Service

In accordance with Board policy, the Superintendent will prohibit contracted service by any individual who is convicted of any of these offenses unless the conviction has been reversed, vacated, or set aside on appeal:

A. The following felonies:

1. A sex crime under I.C. 35-42-4 (including criminal deviate conduct (I.C. 35-42-4-2) (before its repeal)).

2. Kidnapping (I.C. 35-42-3-2).

3. Criminal confinement (I.C. 35-42-3-3).

4. Incest (I.C. 35-46-1-3).

5. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).

6. Dealing in methamphetamine (I.C. 35-48-4-1.1).

7. Manufacturing methamphetamine (I.C. 35-48-4-1.2).

8. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).

9. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).

10. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).

11. Dealing in a counterfeit substance (I.C. 35-48-4-5).

12. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).

13. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).

14. Homicide (I.C. 35-42-1).

15. Voluntary manslaughter (I.C. 35-42-1-3).

16. Reckless homicide (I.C. 35-42-1-5).

17. Battery as any of the following:

    a. A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

    b. A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

    c. A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

18. Aggravated battery (I.C. 35-42-2-1.5).

19. Robbery (I.C. 35-42-5-1).

20. Carjacking (I.C. 35-42-5-2) (before its repeal).

21. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).

22. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).

23. Human trafficking (I.C. 35-42-3.5).

24. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).

25. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.

26. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.

B. Public indecency (I.C. 35-45-4-1) committed:

1. after June 30, 2003; or

2. before July 1, 2003, if the person committed the offense by, in a public place:

a. engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5);

b. appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or

c. fondling the person's genitals or the genitals of another person.

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SCHOOL DAY

8220 - **SCHOOL DAY**

A. **Opening Exercises**

1. Each school day and special program may begin with the Pledge of Allegiance to the Flag.

2. Religious readings or exercises shall not be a part of opening, closing, or any other exercise for any school day.

B. **Announcements**

Principals may allow notices of general interest to be broadcast over the school loudspeaker at designated times in accordance with the following rules:

1. No announcement shall be read which has not been approved and initialed by the principal.

2. Announcements may be made for the following:

a. any school-sponsored activity

b. organizations using Corporation facilities for student activities

c. nonreligious, noncommercial, nonpolitical community groups

C. **Flag Display**

1. The American Flag is to be flown at all schools on days when schools are in session.

2. The principle and/or designee is responsible for raising and lowering the flag and for maintaining it in proper condition.

3. The flag is flown at half-staff on order of the President or the Governor. It may not be flown at half-staff as a form of political or other dissent.

D. **School Assemblies**

The principal is responsible for the scheduling and operation of all assemblies in his/her building. Each assembly should be directly related to accomplishing one or more of the Corporation's goals for students and should interfere as little as possible with the academic program.

E. **School Closings**

Whenever a school is closed due to a calamity such as hazardous weather, utility failure, and the like, all school- sponsored activities are to be considered cancelled until further notice or the resumption of school.

At the secondary level, if conditions improve later in the day, the principal will be responsible for recommending to the Superintendent which, if any, school-sponsored activities may take place. The determination is to be made using the following criteria:

1. The staff needed to conduct the activity properly is available and there are no unscheduled or unapproved costs to the Corporation.

2. Students have been informed that their participation is not required and they will not be penalized for nonparticipation.

3. Any necessary transportation is readily available and the road conditions have been deemed to be safe by the sheriff's department or the State police.

If the activity has been scheduled to take place at a noncorporation location, particularly at another school corporation, the athletic director should find out whether or not the activity is still scheduled and assess the weather and other conditions between the Corporation and the location and at the location.

CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN

8300 - **CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN**

Continuity planning is based on the assumption that the Cooperative will not necessarily receive warning of an impending emergency. As a result, a risk assessment is essential to continuity planning and is conducted to identify potential areas of risk and vulnerability and to put plans in place to mitigate by eliminating or reducing the potential impact of an event. Continuity management consists of the organizational decisions, processes, and tools that are put in place in advance to handle the aftermath of a disaster that impacts the Cooperative.

A crisis or emergency might affect the Cooperative only, or be part of a local, regional, or national event. This guideline provides structure to the continuity management strategy, but the overall plan should be much more comprehensive and include the following elements:

Plan Outline

A. Delineation of those functions that are essential for the Cooperative to perform critical operational, management, and administrative functions and that enable staff to provide access to curricular materials and other online resources for their students.

B. Assumptions and constraints from the planning process.

C. Communications plan both internal to Cooperative and with external agencies and constituents.

D. Decision process and authority for activation.

E. Staff roster.

F. Procedures to enable readiness – risk assessment, location of all critical documents, data and infrastructure resources.

G. Development and implementation of procedures and plans to mitigate risks.

H. Provisions for personnel training and accountability.

I. Reliable processes to acquire additional resources to sustain operations for thirty (30) days.

J. **Plan Contents**

1. Include purpose, objectives, applicability and scope and authorities and references.

2. Describe the concept of operations and contain:

a. key staff: incident management team, assessment teams

b. mission essential functions: communications, vital records, technology hardware/network connectivity/data, facilities/relocation sites

c. direction and control

d. alert and notification

e. procedures for documentation of impact for recovery of cost

3. List personnel responsibilities and procedures, team assignments.

4. Outline phases (activation, alternate operations, reconstitution and termination).

5. Provide detailed information on each of the essential elements.

6. Implementation mechanisms, depending upon the magnitude of the incident.

Plan Execution

Activation (zero (0) - twenty-four (24) hours)

A. Alert and notification procedures, call trees.

B. Initial actions.

C. Evacuation, shelter, lockdown procedures.

D. Activation procedures – during duty hours and during non-duty hours.

E. Deployment and department procedures for damage assessment - time- phased operations.

F. Transition to alternate operational sites and systems.

G. Site support responsibilities.

Alternate Operations Sites (twenty-four (24) hours to Termination – up to thirty (30) days)

A. Execution of mission essential functions.

B. Establishment of communications.

C. Contingency staff responsibilities.

D. Augmentation of staff.

E. Provision of guidance to essential and non-essential personnel.

F. Development of plans and schedules for reconstitution and termination (and return to normal operations).

G. Offsite recovery mechanisms for essential operational functions and Cooperative mission.

Reconstitution and Termination (Cessation of Disaster Recovery Alternative Site/Return to Normal Operations)

A. Overview.

B. Procedures.

C. After action review and remedial action plans.

Management and maintenance of the Cooperative's Continuity of Organizational Operations Plan (COOP) is a comprehensive task that depends on a multi-disciplinary team. The Cooperative's Continuity Management Team should be composed of upper-level managers in the Cooperative administration that represent all key functional areas and representatives from key departmental and school site faculty and staff. These areas may include but not be limited to the following departments/divisions:

A. Safety and Security

B. Technology

C. Maintenance/Construction

D. Personnel/Human Resources

E. Finance/Payroll

F. Transportation

G. Food Service

H. School Administration

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COLLECTION, CLASSIFICATION, RETENTION, ACCESS AND SECURITY OF CORPORATION DATA/INFORMATION

8305 - **COLLECTION, CLASSIFICATION, RETENTION, ACCESS AND SECURITY OF CORPORATION DATA/INFORMATION**

Corporation *Information Resources* (see definition in Bylaw 0100) are some of the most valuable assets owned by a Corporation. A Corporation produces, collects, and uses many different types of data/information in fulfilling its mission. Laws and Board policy mandate confidentiality and protection of certain types of data/information. Corporation data/information shall be classified as Confidential, Controlled, or Published. Data/information will be considered Controlled until identified otherwise.

This procedure will help Corporation employees to classify any data/information created, stored or transmitted by the Corporation for the purposes of determining the level of protection required and applicable policies and laws.

This procedure applies to all types of data/information:

A. Electronic data/information.

B. Data/information recorded on paper.

C. Data/information shared orally, visually, or by other means.

For purposes of this procedure, "Published Data/Information" means data/information made available to the public through posting to public websites, or distribution through e-mail, social media, print publications, or other media. This includes data/information that can be disclosed without restriction, such as unrestricted directory information, Corporation maps, syllabi and course materials, and meeting minutes.

"Controlled Data/Information" means data/information that is not generally created or made available for public consumption, but may be subject to release through a public records request or pursuant to another State or Federal law. This includes operational/business records, select personnel information (e.g., employees' salaries), Corporation expenditures, and internal communications that do not contain Confidential Data/Information.

"Confidential Data/Information" means data/information that is exempt or must be protected from unauthorized disclosure or public release based on State and/or Federal laws or regulations or applicable legal agreements. This includes "protected health information" covered by HIPAA, student records as defined by FERPA and State law, Social Security numbers, credit/debit card information, security records, personal employee information, critical infrastructure information (e.g., physical plant detail, IT systems information, system passwords, security plans, etc.) and documents protected by attorney-client privilege.

Below is a summary of the minimum standard protection requirements for each category of data/information when being used or handled in a specific context (e.g., Confidential Data/Information sent in an e-mail message). These protection standards are not intended to supersede any regulatory or contractual requirements for handling data/information. Some specific data/information sets, such as student records data/information, credit/debit card data/information, healthcare data/information, and financial accounting data/information may have stricter requirements in addition to the minimum standard requirements listed below.

Published Data/Information:

When it comes to Published Data/Information, there are no protection requirements when it comes to:

A. collecting/using it;

B. granting access or sharing it, including disclosing it, publicly posting it, or electronically displaying it;

C. exchanging it with third parties, services providers, cloud services, etc.;

D. storing it on removable media (e.g., thumb drives, CDs, tapes, etc.);

E. electronically transmitting it, including emailing it or sending it via other electronic messaging services/platforms;

F. printing, mailing or faxing it; and

G. disposing of it (subject to the Corporation's record retention policy, a litigation hold, and administrative guidelines).

With respect to public records requests, Published Data/Information can be readily provided upon request; however, individuals who receive a request must coordinate with Corporation administration before providing the information.

When Published Data/Information is stored or processed in a server environment, and the server is connected to the Corporation's network, the server must comply with Minimum Security Standards for Networked Devices.

When Published Data/Information is stored or processed in an endpoint environment (e.g., laptop, smartphone, desktop computer, tablet, etc.), the endpoint device if connected to the Corporation's network must comply with Minimum Security Standards for Networked Devices.

Controlled Data/Information:

When it comes to Controlled Data/Information, there are no protection requirements when it comes to:

A. collecting or using it;

B. storing it on removable media (e.g., thumb drives, CDs, tapes, etc.)

C. electronically transmitting it, including emailing it or sending it via other electronic messaging services/platforms, except reasonable methods shall be used to ensure Controlled Data/Information is only included in messages to authorized individuals or individuals with legitimate need to know;

D. disposing of it (subject to the Corporation's record retention policy, a litigation hold, and administrative guidelines).

Reasonable methods must be used to ensure only authorized individuals or individuals with a legitimate need to know access or share Controlled Data/Information. Further, reasonable methods must be used to ensure Controlled Data/Information is disclosed or electronically displayed only to authorized individuals or individuals with a legitimate need to know.

When it comes to storing, transmitting and retrieving Controlled Data/Information with or utilizing third party service providers, cloud services, etc., reasonable methods must be used to ensure the third parties' responsibilities for confidentiality/privacy of the data/information are defined and documented.

Printed materials, including those being mailed or faxed, that contain Controlled Data/Information must be distributed or made available only to authorized individuals or individuals with legitimate need to know.

Individuals who receive public records requests involving Controlled Data/Information must coordinate with Corporation administration before providing the requested data/information.

When Controlled Data/Information is stored or processed in a server environment, and the server is connected to the Corporation's network, the server must comply with Minimum Security Standards for Networked Devices.

When Controlled Data/Information is stored or processed in an endpoint environment (e.g., laptop, smartphone, desktop computer, tablet, etc.), the endpoint device if connected to the Corporation's network must comply with Minimum Security Standards for Networked Devices.

Confidential Data/Information:

When it comes to Confidential Data/Information, its collection and use is limited to authorized purposes as outlined in the Corporation's privacy policy. Departments or schools that collect and/or use Confidential Data/Information must use Corporation- provided or approved servers, devices, systems and/or processes to handle this type of data/information.

Social Security numbers (SSNs) shall not be used to identify members of the Corporation's community if there are reasonable alternatives. SSNs shall not be used as username or password.

When it comes to Confidential Data/Information, access shall be limited to authorized School Corporation officials or agents with a legitimate academic or business interest and a need to know as outlined in the Board's privacy policy. All access shall be approved by an appropriate administrator and tracked in a manner that can be audited. Before granting access to or exchanging Confidential Data/Information with third parties, service providers, cloud services, etc., contractual agreements that outline security responsibilities shall be in place and approved by the Board's legal counsel.

Confidential Data/Information may not be disclosed without appropriate consent or unless required by law. Confidential Data/Information shall not be posted publicly; directory information, however, can be disclosed without consent, unless a student/parent opts out of the directory information disclosure.

Confidential Data/Information shall be displayed only to authorized and authenticated users of the Corporation system, and, where possible, identifying numbers or account numbers shall be, at least partially, masked or redacted.

Confidential Data/Information is typically not subject to release pursuant to a public records request. However, some public records requests may be fulfilled by redacting Confidential Data/Information in the record. Individuals who receive such requests must coordinate with Corporation administration before responding to the request.

When Confidential Data/Information is stored or processed in a server environment, the server must comply with Minimum Security Standards for Confidential Devices.

When Confidential Data/Information is stored or processed in an endpoint environment (e.g., laptop, smartphone, desktop computer, tablet, etc.), the endpoint device if connected to the Corporation's network must comply with Minimum Security Standards for Networked Devices.

Storing credit/debit card data/information on servers or endpoint devices is not permitted.

Storing Confidential Data/Information on personal communication devices is not permitted, unless expressly authorized by the Superintendent and stored in an encrypted file format and the device automatically secure locks when not in use.

Storing of Confidential Data/Information is only allowed on Corporation-approved devices/systems that are adequate to protect that data (i.e., secure and encrypted).

Confidential Data/Information may only be electronically transmitted if it is in an encrypted file format or over a secure protocol or secure, authenticated connection. Confidential Data/Information may only be transmitted via e-mail or other electronic messaging service/platform if the data/information is contained within an encrypted/password protected file attachment. Such messages may only be sent to authorized individuals or other individuals with a legitimate need to know.

Printed materials, including those being mailed or faxed, that contain Confidential Data/Information must be distributed or made available only to authorized individuals or individuals with legitimate need to know. Access to any area where printed records containing Confidential Data/Information are stored shall be limited by use of controls (e.g., locks, doors, monitoring, etc.) sufficient to prevent unauthorized entry.

SSNs shall not be printed on any card required to access services.

When ready for disposal, Confidential Data/Information shall be deleted and unrecoverable. Physical media (e.g., paper, CDs, taps, etc.) should be destroyed so that Confidential Data/Information on the media cannot be recovered or reconstructed. All disposals must be consistent with State law.

The following are required:

A. enforcement of this procedure throughout the Corporation;

B. a periodic assessment of risk on the procedure;

C. training about classification, retention, access and security of all Corporation data/information;

D. internal controls related to classification, retention, access and security of all Corporation data/information.

Each Corporation department is responsible for implementing, reviewing and monitoring internal policies, practices, etc., to assure compliance with this procedure.

All procedures shall be consistent with public records laws and records retention plans and schedules as required by State and Federal laws and regulations.

Noncompliance with these standards may incur the same types of disciplinary measures and consequences as violations of other Board policies, including progressive discipline up to and including termination of employment, or, in the cases where students are involved, reporting of a Student Code of Conduct violation, or referral to law enforcement.

Any device that does not meet the minimum security requirements outlined in this standard may be removed from the Corporation's business network, disabled, etc., as appropriate until the device can comply with this standard.

Exceptions may be granted in cases where security risks are mitigated by alternative methods, or in cases where security risks are at a low, acceptable level and compliance with minimum security requirements would interfere with legitimate academic or business needs. To request a security exception, contact the Corporation's Director of Information Technology.

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INFORMATION SECURITY RESPONSIBILITIES

8305A - **INFORMATION SECURITY RESPONSIBILITIES**

The School Corporation collects and retains large amounts of data/information that must be protected and preserved.

To strengthen the security of Corporation Technology Resources (see definition Bylaw 0100) and Information Resources (see definition Bylaw 0100), the Corporation has developed a series of information security policies available through the Corporation's website. For the full text of these policies, please see www.greensburg.k12.in.us.

For user convenience, a brief summary of the key requirements of these policies follows. Please address any questions to the Corporation's Information Technology Office at shershaverxgreensburg.k12.in.us or call 812-663-7176.

All computer users are required to certify annually that 1) they have read the information security policies identified in this document, and 2) they understand and agree to abide by the information security policies applicable to them. Appropriate training will be provided to all users. In addition, all users with access to the Corporation's protected health information or personally identifiable information (e.g., social security numbers, credit/debit card information, etc.) are required to affirm that they will not store this information on mobile/portable storage devices without 1) obtaining prior authorization from the Superintendent, and 2) encrypting the data.

Expectations for All Technology Users

This document summarizes the School Board's information security policies. Users of the Corporation's Technology Resources must read these summaries, and affirm that they understand and will fulfill their responsibilities under the applicable policies.

A. In many cases, operating system and application updates, along with malware protection, are all that stand between a computer and a system compromise or infection. The Corporation's Technology Resources are regularly updated and malware protection is provided.

1. Users are responsible for verifying their computers are configured to receive automated patches, and ensuring the automated updates run so that security vulnerabilities are patched in a timely manner.

2. Users also must verify their malware protection is properly installed, updated, and is running the latest virus definitions.

3. Users' school or department IT support staff are available to assist with these responsibilities.

If Corporation users access Corporation Technology Resources using personal communication devices, they must verify proper security measures are active on their devices.

B. No software is 100% effective in preventing compromises or infections, and not all websites are safe. Users must be alert when using the Internet, especially on systems storing or processing protected and confidential data/information. One way to reduce the risk of compromise is to limit the user's non-work related Internet activity.

C. Because Confidential Data/Information exists in many forms (e.g., written, spoken, electronically recorded, printed, etc.) users are responsible for properly securing this data/information at all times. This may take the form of physical security (e.g., locked cabinets, locked doors, locked building) or through digital security (e.g., passwords, biometric authentication, encryption). All users with access to the Corporation's Confidential Data/Information are:

1. required to activate their device's available security feature(s) that prevent direct access to the data/information on the device without first verifying the identity of the user via a secure method (e.g., passcodes, biometrics, user id/password). This applies to both personal and Corporation-provided devices when Corporation Confidential Data/Information may be stored on that device (e.g., email, student records, etc.). Users are prohibited from storing Corporation Confidential Data/Information on any device that does not meet this basic level of security;

2. prohibited from storing Confidential Data/Information on any mobile/portable storage device (e.g., USB flash cards, CD-ROMs, etc.)

3. prohibited from storing Confidential Data/Information on any mobile /portable storage device (e.g., USB flash cards, CD-ROMs, etc.) that is not encrypted or password protected;

D. Corporation Confidential Data/Information includes many different types of data/information, such as social security numbers, personal health information, student records, and bank and credit card information, or other personally identifiable information.

E. Corporation Confidential Data/Information must never be shared through instant messaging or peer-to-peer (P2P) file-sharing software or devices. P2P software must never be installed on machines or devices that store, process, or access confidential data/information. Corporation users are required to obey copyright laws and to adhere to the acceptable use policy (Policy 7540.03/Policy 7540.04).

F. Corporation Confidential Data/Information must be accessed through one of the following methods only: (1) user authentication with the correct password; (2) multi-factor authentication, such as a smart card in combination with a password; or (3) biometric identification approved by the Corporation's Information Technology Office. Likewise, third party consumer cloud computing or software-as-a-service offerings such as Dropbox, Google Docs, iCloud, and other similar offerings are not acceptable for the storage of Corporation Confidential Data/Information unless the Corporation has a current contract with these providers that includes data/information security. If a user is not sure if a storage location is secure, the user should contact the Corporation's Technology Office.

G. Machines and devices that store Corporation Confidential Data/Information, or that are used to access mission critical systems (e.g., SIS, ERP, Payroll), must be used only in areas with restricted or controlled access and must be locked whenever they are left unattended. Machines and devices containing Corporation Confidential Data/Information or used to access mission critical systems and resources must be set to require re-authentication after not more than ninety (90) minutes of inactivity. Therefore, it is the teacher's responsibility to appropriately protect Confidential Data/Information in the classroom by ensuring students, parents, volunteers, visitors, or others without authorization to view/access the data/information do not view/access it when the Confidential Data/Information is in use.

H. Corporation Confidential Data/Information maintained on computers or other electronic devices should be destroyed or disposed of only in accordance with Board policy and State law. Any school or department intending to surplus computing devices and or printer/copy machines or any other device that stores information must first destroy the electronic information by wiping the data from the hard drive(s) or flash storage, or by having this done by authorized Corporation personnel and keeping the devices physically secure until transfer to Corporation Surplus.

I. Users must maintain strong passwords for every Corporation system and application they access that stores/processes Corporation data/information. Users must change all passwords used for Corporation systems in accordance with the Corporation's password requirements.

J. Per the Board's e-mail policy, users always must use their official Corporation-supplied e-mail address for official business. Auto-forwarding of Corporation e-mail accounts is prohibited, unless approved by the Superintendent. Manual forwarding of individual e-mail messages is permitted.

K. Users must report immediately any lost or stolen mobile/portable devices (e.g., laptops, smartphones) or security breaches (e.g., computer viruses, hacking attempts) to the Corporation's Information Technology Office and/or the Corporation Security Office. If a user suspects Corporation Confidential Data/Information or mission critical systems and resources are at risk, the user must make this point clear when submitting a report. Also, if a user suspects Corporation Confidential Data/Information is at risk, the user should avoid taking any actions such as manually scanning the computer with antivirus software. Information Technology and/or Security employees will assess what needs to be done.

L. Users must be mindful of the risks associated with Corporation Confidential Data/Information when storing, processing, or accessing data/information. If a user is unsure how to comply fully with Board policies or procedures or if the user is unsure how to conduct a process securely, the user should ask for assistance from the school or department IT support contact or the Corporation's Information Technology Office. Users are expected to know their school's/department's information technology contact so that they can contact him/her when there is a need.

Expectations for Administrative Personnel

In addition to the preceding, administrative personnel also must understand and fulfill the following responsibilities. Appropriate training will be provided.

A. Each Corporation school or department that is responsible for maintaining its Technology Resources and Information Resources must have a designated information technology contact, plus a designated backup information technology contact. The Corporation's Information Technology Office monitors the duties, responsibilities, and training of information technology contacts. Each site or department administrator that maintains its own information technology must verify that its IT support personnel have been trained to maintain the unit's IT resources in compliance with all of the Corporation's information security policies and procedures.

B. Each Corporation school or department that stores Corporation Confidential Data/Information or that operates mission critical systems must work with the Corporation's Information Technology Office to perform regular vulnerability scans.

C. Each Corporation school or department administrator that maintains its own information technology is responsible for reporting immediately to the Corporation's Information Technology Office or Security Office any time there is reason to suspect that the security of Corporation Confidential Data/Information or of a mission critical system (e.g., Human Resources, Finance, Student Information Services, Payroll, e-mail, etc.) has been compromised or is at risk.

Expectations for Technology Support Personnel

In addition to all of the above, technology personnel, regardless of the school or department to which they are assigned, also must understand and fulfill the following responsibilities. Appropriate training will be provided.

A. IT personnel must read, understand and comply with the Board's policies and procedures that govern the use, operation and protection of IT systems and resources. The information technology security standards described in the information security policy are minimum standards required for the protection of Corporation systems, including those that store/process Corporation Confidential Data/Information or that are considered mission critical. Site and department IT resources for which an IT support employee is responsible must be managed in compliance with these policies and procedures. If technology personnel have questions or need assistance, it is the employee's responsibility to contact his/her Principal and/or the Corporation's Information Technology Office.

B. IT personnel are responsible for enforcing Corporation password requirements for the systems and applications the IT personnel manage. System and application administrators must configure all Corporation- owned and managed IT devices/systems to implement the password requirements to the degree technically feasible, in compliance with the Corporation's password standards.

C. If a user is unsure how to transfer Corporation Confidential Data/Information, the user should contact the school/department technology contact for assistance. If the school/department technology contact is unsure of the proper method to transfer the Confidential Data/Information, the request should be referred to the Corporation's Information Technology Office.

D. IT personnel must report system and application vulnerabilities to the Principal and/or the Corporation's Information Technology Office.

E. The Corporation Information Technology Office will perform regular vulnerability scans of Corporation Technology Resources.

F. If technology personnel suspect that the security of any data/information or of a mission critical system (e.g., Human Resources, Finance, Student Information Services, Payroll, e-mail, etc.) has been compromised or is at risk, it is their responsibility to report that immediately to the Corporation's Information Technology Office and/or Security Office. No action should be taken that might inhibit investigation of an incident or make unavailable information that might assist the investigation.

G. Technology personnel are required to follow incident handling instructions as specified in the incident management policy and/or as directed by the Corporation's Information Technology Office or Security Office in response to potentially unauthorized access of protected information.

Key Information Security Policies and Administrative Procedures

Below are brief descriptions of the Corporation's policies and procedures related to information security. The full text of each policy or procedure can be found on the Corporation's website.

Policies

A. Policy 7540 – Technology – Authorizes the development of a Corporation Technology Plan to facilitate effective use of Corporation Technology Resources that support student learning and/or Corporation business operations.

B. Policy 7540.02 – Web Content, Services and Apps – Addresses the requirements for creation of Corporation-authorized websites, services and apps by employees and students.

C. Policy 7540.03 – Student Technology Acceptable Use and Safety - Describes student use of Corporation Technology Resources, expectations of privacy, Corporation technology protection measures, areas for student training, and assigned school e-mail accounts.

D. Policy 7540.04 – Staff Technology Acceptable Use and Safety - Describes staff use of Corporation Technology Resources.

E. Policies 7540.05 and 7540.06 – Proper Use of Corporation-Issued E-mail Account – Establishes a framework for proper use of Corporation issued e-mail accounts as an official business or educational tool for staff and students.

F. Policy 8300 - Continuity of Organizational Operations Plan - Authorizes the creation of a COOP to provide the Corporation with the capability of conducting its essential operations under all threats and conditions with or without warning.

G. Policy 8305 – Collection, Classification, Retention, Access and Security of Corporation Data/Information – Authorizes the Superintendent to develop internal controls necessary to provide for the proper collection, classification, retention, access, and security of data/information to include procedures in the event of an unauthorized release of information and training for staff.

Administrative Guideline/Procedures

A. AG 8305A – Staff Information Security Responsibilities – Review of what every computer user, administrator, and technology support employee should know in order to ensure the security of Corporation information.

B. AG 7540B – Technology Director – Describes the responsibilities for the position of Technology Director.

C. AG 7540C – Technology Governance Committee – Presents the requirements for establishing a Corporation Technology Governance Committee that will create standards and procedures for proper management and protection of Corporation technology resources.

D. AG 7540A – Staff and Student Training Regarding the Internet - Describes areas to be included in training of staff and student in the proper use of the Internet.

E. AG 8305 – Classification, Retention, Access and Security of Corporation Data/Information – Provides a framework that Corporation employees can use to classify data/information for the purpose of determining the data/information's need for protection.

F. AG 8305B - Information Security Incident Management – Presents requirements for managing and reporting information security incidents.

G. AG 8305C – Notification of Information Security Incident – Describes procedures for prompt notification of appropriate personnel in the event of a security breach.

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ag8305B

INFORMATION SECURITY INCIDENT MANAGEMENT

8305B - **INFORMATION SECURITY INCIDENT MANAGEMENT**

This administrative guideline governs the reporting and management of security incidents involving the Corporation's Information Resources (as defined in Bylaw 0100).

Every Board member, staff member/employee, student, parent, contractor/vendor, and visitor to school property who accesses Corporation-owned or managed information through computing systems or devices ("users") must report information security incidents (as defined below) promptly per the procedures described herein.

When an information security incident involves Corporation Confidential Data/Information (as defined below) or mission critical devices (as defined below), the Superintendent/Technology Director/Corporation's Information Technology Office may, in coordination with the Corporation's Security Office, direct the incident response and investigation. The Technology Director is authorized, in conjunction with the Superintendent, to take any action necessary to mitigate the risk posed by the information security incident.

An employee who puts Corporation Confidential Data/Information at risk as a result of his/her failure to adhere to relevant policies/administrative guidelines/the law may be subject to disciplinary consequences, up to and including termination of employment and/or referral to law enforcement. Students who fail to adhere to applicable policies/administrative guidelines/the law will be referred to school and/or Corporation administration for review and determination of the consequences of their actions, including referral to law enforcement. Contractors and vendors who fail to adhere to applicable policies/administrative guidelines/the law may face termination of their business relationships with and/or legal action by the Corporation. Parents and visitors who fail to adhere to applicable policies/administrative guidelines/the law may be denied access to Corporation Technology and Information Resources and/or referral to law enforcement. Violations can in some cases also carry the risk of civil or criminal penalties.

The Director of Technology is responsible for establishing and maintaining an up-to-date information security management plan.

The school site administrator (e.g., the Principal) or the Corporation-wide department administrator, along with the Tech Specialist [or equivalent], are responsible for reporting information security incidents at their site.

Definitions

A. **Incident Management Plan**

The IT Department, in conjunction with Department/Division/Building Leaders, must develop and maintain a plan that contains procedures on how to handle information security incidents, including contact information for site/unit personnel with responsibility for responding to the incident, plans to contain an incident, and procedures on how to restore information.

B. **Information Security Incident**

Includes any incident that is known or has the potential to negatively impact the confidentiality, integrity, or availability of Corporation information/data. This can range from the loss of a laptop, tablet or other mobile/portable storage device, the virus infection of an end-user workstation, or a breach of a Corporation system by a hacker.

C. **Mission Critical Resource**

Includes any resource that is critical to the mission and operation of the Corporation and any device that is running a mission critical service or stores Corporation Confidential Data/Information. Mission critical services must be available. Mission critical resources for information security purposes include, for example, information/data assets, software, hardware, and facilities related to Human Resources, Finance, Student Information Services, Payroll, email).

D. **Corporation Confidential Data/Information**

Includes all data, in its original and duplicate form, that contains:

1. "personal identifying information", as defined by State and Federal laws;

   This includes employer tax ID numbers, drivers' license numbers, passport numbers, SSNs, State identification card numbers, credit/debit card numbers, banking account numbers, PIN codes, digital signatures, biometric data, fingerprints, passwords, and any other numbers or information that can be used to access a person's financial resources.

2. "protected health information" as defined by the HIPAA;

3. student "education records", as defined by the Family Educational Rights and Privacy Act (FERPA) and State law;

4. information that is deemed to be confidential in accordance with the Indiana Access to Public Records Act (APPA).

Adherence to the procedures outlined below will streamline the handling of information security incidents and minimize the timeframe during which Corporation Confidential Data/Information and mission critical resources are left in a vulnerable state.

Incident Reporting

Given the risks associated with information security incidents, as well as implications for the Corporation related to compliance with Federal and State regulatory requirements, it is essential that school site administrators and Corporation department administrators be aware of information security issues and their responsibilities for reporting and mitigating information security risks.

School site administrators and Corporation department administrators who manage business units that maintain and manage their site’s Information Resources must designate employees as primary and back-up information security contacts, provide the Corporation’s Information Technology Office with the names and contact information of these individuals, update this information whenever it changes, and verify that these contacts are trained by the Corporation’s Technology Office to perform their duties.

Each information security contact shall serve as an intermediary between his/her respective Corporation site or office and the Corporation's Information Technology Office and must assist the site or office s/he serves in implementing information security policies and information security initiatives including training of site staff and in responding to data breach incidents, all in close coordination with the Corporation's Information Technology Office.

Every technology user, including Board members, staff members/employees, students, parents, contractors/vendors, and visitors to campus, who has access to Board-owned or managed Information Resources and who suspects that there may have been an information security incident (ranging from a lost or stolen laptop, tablet or other mobile/portable storage device, the virus infection of an end-user work station, or a major intrusion by a hacker) must promptly report the incident to his/her Principal or director/manager and/or the information security contact for that unit/site.

The information security contact's roles and responsibilities include, but are not limited to:

A. serving as a single point of contact for the Corporation's Information Technology Office regarding security efforts and information security incidents that affect Corporation sites;

B. aiding the Corporation's Information Technology Office in improving information security in the Corporation by coordinating with them on security matters;

C. working with the Corporation's Information Technology Office on incident management and response as well as assist the Corporation's Information Technology Office, as needed, in certain activities including coordinating the following with the Corporation's Technology Office:

1. ensuring proper identification and classification of mission critical devices and Technology Resources storing Corporation Confidential Data/Information within their school site or business unit/department;

2. advising and training their site's administration, faculty, and staff on the implementation of appropriate security controls for Technology Resources (as defined In Bylaw 0100) and Information Resources;

3. meeting periodically with the Corporation's Information Technology Office to move forward Corporation security initiatives for their respective sites;

4. maintaining an up-to-date list of staff/users with access to Corporation Confidential Data/Information and Controlled Data/Information in their working group and promptly notify Corporation's Information Technology Office of any personnel changes, including transfers within the Corporation;

5. providing basic security advice for all assigned systems and users within their school site or department;

6. ensuring timely compliance with security awareness requirements, including appropriate refresher training and training of new employees;

In consultation with the Principal, the information security contact will oversee the school site's or department's compliance with applicable State and Federal laws as well as Board policies regarding Corporation Confidential Data/Information.

7. ensuring that any detected vulnerabilities are remediated in a timely manner;

8. advising their school site or department regarding the implementation of appropriate security controls consistent with the Corporation's information security policy;

9. collecting incident response information

The information security contact must timely notify the Corporation's Information Technology Office of any information security incidents for their respective school site or department consistent with the incident management procedure. In addition, the contact must provide a timely and comprehensive response to information security incidents in coordination with the Corporation's Information Technology Office.

10. coordinating with the Corporation's Information Technology Office regarding the Corporation's information security strategic initiatives.

Each information security incident will be classified accordingly to the following "levels":

Incident Level	Examples	Investigation Type
Level 1	Violation of Board policies and administrative guidelines that relate to technology and information security.	Basic investigation of an incident.
	A virus or malware detection.	Remediation advice for an incident is provided.
		Device isolation, if necessary.
Level 2	Unauthorized computer/network access, misuse, or user permission issue. Computer/system theft, damage or loss. Malicious Denial of Service Attack or other attempt to interrupt normal operations.	Investigation of the incident.
		Notification will be provided if applicable pursuant to AG 8305C.

Level 3	Hacking or system breach to core/mission critical systems. Unauthorized release of District Confidential Data/Information.	Investigation of a likely or confirmed breach of a system processing/storing District Confidential Data/Information or a mission critical system.
		Investigation of information technology relevant issues performed in support of criminal or civil cases, as well as District internal investigations.
		Notification will be provided if applicable pursuant to AG 8305C.

In the event of a possible Level 2 or 3 information security incident, the user or administrator of the potentially compromised system or device should work with the site's information security contact to preserve all evidence, including leaving the possibly compromised machine powered up and online, and refraining from accessing the system or machine in any way. The information security contact will then report the incident to the Corporation's Information Technology Office and/or Security Office. The Corporation's Information Technology Office and the Security Office will advise how best to proceed for purposes of preserving evidence and constructing an audit trail for the investigation of the incident. As appropriate, the Corporation's Security Office will coordinate with public safety and law enforcement officials.

The Superintendent will coordinate all external communications with the media or the public related to any information security incident.

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ag8305C

NOTIFICATION OF INFORMATION SECURITY INCIDENT

8305C - **NOTIFICATION OF INFORMATION SECURITY INCIDENT**

As required by AG 8305B, if a user, who has access to Corporation Confidential Data/Information and/or to any mission-critical system, suspects that there may have been an information security incident, the user must promptly report the incident to a Corporation administrator who shall notify the Superintendent and the Corporation's Information Technology Office and/or Security Office immediately.

If an information security incident occurs that involves the release of Corporation Confidential Data/Information, the Corporation will take action in accordance with State and Federal law to address the situation, including, when appropriate and/or legally required, notifying affected individuals that their personally identifiable information was improperly accessed and/or released. Any required notices will be provided in a timely manner. To the extent that State or Federal law is amended to provide greater protections than those contained in this guideline, the Corporation will comply with the amended State or Federal law.

The Corporation shall disclose any security breach of computerized personal information data ("breach of the security of the system"), following its discovery or notification of the breach of the security of the system, to any Indiana resident whose personal information (as defined below) was, or reasonably is believed to have been, accessed and acquired by an unauthorized person if the access and acquisition by the unauthorized person causes or reasonably is believed will cause a material risk of identity theft or other fraud to the resident. In addition to notifying the affected Indiana resident9s), the Corporation will disclose the breach of the security of the system to the Indiana Attorney General.

For purposes of this policy, "breach of the security of the system" means unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by the Corporation and that causes, reasonably is believed to have caused, or reasonably is believed will cause a material risk of identity theft or other fraud to the person or property of an Indiana resident.

"System" means any collection or group of related records that are kept in an organized manner, that are maintained by the Corporation, and from which personal information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual.

"Personal information" means an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any one (1) or more of the following data elements, when the data elements are not encrypted, redacted, or altered by any method or technology in such a manner that the data elements are unreadable: (a) social security number; (b) driver's license number or state identification card number; or (c) account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.

The notice to individuals required by this guideline shall be made as expeditiously as practicable and without unreasonable delay, taking into account the time necessary to allow the Corporation to determine the scope of the breach of security, to identify individuals affected by the breach, and to restore the reasonable integrity of the data system that was breached, but no later than forty-five (45) days after the discovery or notification of a breach, unless subject to an authorized delay.

If a Federal, State, or local law enforcement agency determines that disclosure or notification to individuals required under this guideline would impede a criminal investigation, or jeopardize homeland or national security, the notice shall be delayed until the law enforcement agency determines the disclosure or notification will not compromise the investigation or jeopardize homeland or national security.

Notice to the affected individuals is not required if, after an appropriate investigation and consultation with relevant Federal, State, or local law enforcement agencies, the Corporation reasonably determines that the breach has not and will not likely result in identity theft or any other financial harm or fraud to the individuals whose personal information has been accessed. Such a determination must be documented in writing and maintained for at least five (5) years.

The Corporation will make the disclosure or notification by this guideline by one (1) of the following methods:

A. written notice;

B. electronic notice, if the Corporation's primary method of communication with the resident is by electronic means; or

C. telephone notice.

The Corporation may provide substitute notice in lieu of direct notice if (a) the Corporation does not have sufficient contact information to provide notice in one (1) of the manners described above, (b) the cost of providing disclosure or notice would exceed $250,000, or (c) the affected class of residents exceed 500,000 persons. Such substitute notice shall include all of the following:

A. Electronic mail notice if the Corporation has an e-mail address for the resident;

B. A conspicuous posting of the disclosure or notice on the Corporation's website; and

C. Notification to major media outlets (including print and broadcast) in the geographic area where Indiana residents affected by the breach of the security of the system reside.

If the Corporation discovers circumstances that require disclosure pursuant to this guideline to more than 1,000 residents involved in a single occurrence of a breach of the security of the system, the Corporation shall notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution, and content of the disclosure given by the Corporation to affected Indiana residents.

In the event of a breach of security of a system maintained by a third-party agent, such third-party agent shall notify the Corporation of the breach of security as expeditiously as practicable, but no later than five (5) days following the determination of the breach of security or reason to believe the breach occurred. Upon receiving notice from a third-party agent, the Corporation shall provide the notices required above. A third-party agent shall provide the Corporation with all information that the Corporation needs to comply with its notice requirements.

An agent, pursuant to a contract entered into by the Corporation prior to the date of the breach of the security of the system occurred, may provide notice as required on behalf of the Corporation, so long as the contract does not conflict with any provision of law.

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ACCESS TO PUBLIC RECORDS

8310A - **ACCESS TO PUBLIC RECORDS**

The public records of the Corporation as defined in the Indiana Access to Public Records Act "APRA") shall be made available for inspection, making handwritten notes, and the purchase of copies unless covered by a mandatory exemption or a discretionary exemption is asserted by the Superintendent as permitted by Board Policy 8310.

Designation of Officers

The Superintendent shall be the Corporation's Public Access Officer ("PAO").

Procedures

The following procedures shall be followed responding to a request to inspect, copy from and/or purchase copies of Corporation public records:

A. Requests to inspect or purchase copies of public records in the custody of the Corporation shall be submitted to the PAO by the employee receiving the request. An employee other than the PAO or Superintendent is not authorized to deny access to a record or record information. The PAO may require that the request be placed on a form prescribed by the Superintendent. Copies of the request form shall be available on the Corporation web site and shall also be available in the office of the Superintendent and PAO.

B. A requesting party shall be required to describe the public record(s) sought with reasonable particularity. A request may be stated as a question, but a request phrased as a question shall be treated as a request for information containing an answer, and the Corporation shall not undertake to answer questions or create a record that does not exist at the time of the request, unless the PAO determines that creating a new record is the most cost effective response to a request. A requesting party may be asked to refine or restate their request to provide the "reasonable particularity" necessary to identify the records sought by the request, but with the exception of a request for a list of employees or students, a requesting party shall be required to

state why they want the records requested. A request shall not lack reasonable particularity because it would result in the production of a large number or volume of records. The PAO or a Corporation employee acting at the direction of the Superintendent or PAO will determine and advise the requesting party whether the records specified in the request are available for inspection and copying.

When the requesting party is present in the Corporation office, makes the request by telephone, or requests enhanced access to a public record, a denial of disclosure by a public agency occurs at the earlier of the time any employee of the Corporation refuses to permit inspection and copying of the requested record, or twenty-four (24) hours elapse after the PAO refuses to permit the inspection and copying.

When a request is made by USPS mail, e-mail, or by facsimile, a request is denied if there is no response from the Corporation for seven (7) days from the date the Corporation received the request.

The initial response to a request required by these time limitations may be a preliminary or the final response of the Corporation to the requestor's request, but an initial response shall acknowledge receipt of the request and describe the process that will be followed in responding to the request from that point forward.

C. With respect to records which are determined by the PAO to be available, the PAO or a Corporation employee acting under the PAO's direction will direct the requesting party to the place where the requested records may be inspected and will arrange for the preparation and certification of copies of requested records upon tender of fee computed pursuant to this administrative guideline and Board policy. The PAO will establish a time and date for inspection and copying the requested records.

D. With respect to records the Corporation will assert are covered by a mandatory exemption covered by I.C. 5-14-3-4(a) or a discretionary exemption covered by I.C. 5-14-3-4(b), the PAO will prepare a written response which invokes the specific statutory exemptions to disclose for any records withheld pursuant to a specific statutory exemption.

E. Where a search of records will be required and the search must be incorporated into the other duties of Corporation staff, the PAO's response shall describe a schedule of the time Corporation employees will work on the search each work day until the response is completed in a written response to the requestor.

F. Records may be inspected only at the Corporation office where they are regularly located or stored unless the PAO designates another place. No record may be removed from such a location without the approval of the PAO.

If a portion of the information in a record must be redacted to assert an exemption, the redaction shall be made on a copy of the record and the PAO shall review the redacted record before it is released to determine if any redaction necessary to protect exempt information has been completed. A Corporation employee designated by the PAO must be present throughout the inspection of any Corporation record. Preparation of copies for redaction and purchase by a requesting party shall be performed by a Corporation employee.

G. Requests by mail for copies of Corporation records may be addressed to the PAO c/o the Corporation administration building.

H. Payment shall be accepted in cash or by money order. Personal checks will be accepted. The PAO is authorized to waive payment of any fee where the cost of processing and collecting the fee exceeds the fee.

Location and Time

Records shall be made available for inspection at a location in the Corporation designated by the PAO, during the regular Corporation business hours for that location.

Revised 5/13/08
Revised 7/29/10
Revised 12/15/10

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RECORD COPYING CHARGES

8310B - **RECORD COPYING CHARGES**

Charges for copies of Corporation records which are readily copied on Corporation copying machines shall be:

A. Single side, 8 1/2 x 11	$1.00/Page
B. Both sides, 8 1/2 x 11	$1.00/Page
C. Single sides, 8 1/2 x 14	$1.00/Page
D. Both sides, 8 1/2 x 14	$1.00/Page

Records which are not readily copied on Corporation copying machines but which may be reduced on other Corporation equipment shall be charged for at the above rates plus ten cents ($.10) for reduction.

Records which require special treatment shall be handled on a "cost" basis as determined in A.G. 8310A.

ag8315

LITIGATION HOLD PROCEDURE

8315 - **LITIGATION HOLD PROCEDURE**

A litigation hold is a procedure that identifies and preserves information relevant to a matter by identifying individuals in possession or custody of paper documents, electronically stored information ("ESI") and electronic media storing ESI, and informing them of their obligation to preserve such information outside the "records retention schedule." Third parties with control or custody of paper documents, ESI or electronic media storing ESI also are notified of the litigation hold and requested to preserve that information until notified otherwise. All information covered by a litigation hold must be preserved prospectively and cannot be disposed of under the School Corporation's records retention schedule until the litigation hold is removed.

Definitions

"Information" includes all paper documents and ESI.

"Documents" includes but is not limited to writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" includes but is not limited to writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images, and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes but is not limited to e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies, or logs of activity on computer systems that may have been used to process or store electronic data.

"Electronic media" includes but is not limited to hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump discs/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, micro-film, backup tapes, cassette tapes, cartridges, etc.),

accessed, used and/or stored on/in/through the following locations: networks and servers; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or servers; archives; wireless communication device as defined in Bylaw 0100; pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; or video cameras and devices. Electronic media also shall include any item containing or maintaining ESI that is obtained by the Corporation for School Board member or employee usage or that a Board member or employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy is adopted into the future.

Documents Subject to a Litigation Hold

Any Board member or employee who receives specific information and/or written notification regarding one of the following instances shall immediately provide that information and/or written notification to the Superintendent:

A. an individual, parent or student intends to appeal a student discipline or special education decision to State or Federal court;

B. the Board member or employee becomes aware that litigation is imminent, even though the litigation has not yet been filed in Federal or State court;

C. the Board is served with litigation, including but not limited to notice of a lawsuit in Federal or State court, notice of an administrative appeal, or notice of a student disciplinary or special education appeal to State or Federal court;

D. the Board member or employee becomes aware that an employee, labor union, or other person intends to file a claim against the Board, its members, Corporation employees, or agents of the Corporation at an administrative agency, such as but not limited to the Equal Employment Opportunity Commission, Indiana Civil Rights Commission, U.S. Department of Education Office for Civil Rights, or the Indiana Education Employment Relations Board;

E. an administrative agency, such as but not limited to the Equal Employment Opportunity Commission, Indiana Civil Rights Commission, U.S. Department of Education Office for Civil Rights, or the Indiana Education Employment Relations Board intends to investigate a claim against the Board, its members, Corporation employees, or agents of the Corporation;

F. a third party requests that a Board member or employee maintain information that could be at issue in litigation or potential litigation against that third party;

G. the Superintendent recommends the termination of an employee to the Board pursuant to Indiana statutes, a collective bargaining agreement or an employment contract;

H. the Board is exploring, contemplating or initiating litigation.

Upon receipt, the Superintendent shall review the specific information and/or written notification to determine whether Policy 8315 - Information Management applies. If it does, the Superintendent shall initiate a litigation hold applicable to all relevant information. The Superintendent also shall notify the Board the Board of the scope of and reason for implementation of the litigation hold.

To initiate a litigation hold, the Superintendent or designee shall immediately notify the Corporation custodian of records to suspend all records disposal procedures until the matter under the litigation hold is fully defined and information falling under the litigation hold identified. The notification to the Corporation custodian of records shall be documented.

ESI Team

The Superintendent may utilize an Electronically Stored Information Team ("ESI Team") to implement a litigation hold. The ESI Team shall be responsible for recommending to the Superintendent actions necessary to implement the litigation hold and for any other action(s) designated to it by the Superintendent. The ESI Team shall be comprised of the Corporation record custodian, the primary Corporation information technology administrator, a Corporation operations administrator, and any other individual the Superintendent designates. If the Corporations utilizing an attorney to handle the matter that is the cause of the litigation hold, the attorney also will be a member of the ESI Team or attend key ESI Team meetings as directed by the Superintendent. The ESI Team shall document any meetings held and recommended actions.

The Superintendent or designee or the ESI Team (if the Superintendent determines to utilize one) will a) define the matter under the litigation hold; b) identify information falling under the litigation hold; c) identify all individuals and third party entities who have custody of documents, ESI or electronic media containing ESI regarding the matter under the litigation hold; and d) identify all individuals responsible

for records disposal under records retention and disposal procedures. If the ESI Team completed the above actions, it will report the above information to the Superintendent.

The Superintendent or designee will notify all identified individuals, third party entities and the Corporation custodian of records of the litigation hold and their responsibility to preserve all information regarding the litigation hold matter in their custody or control in a readily accessible form. After distribution of the litigation hold notifications, the ESI Team (if one is used) or the Superintendent or designee shall be responsible for regularly verifying that all documents, ESI and electronic media containing ESI regarding the litigation hold matter are properly preserved.

The ESI Team (if one is used) or the Superintendent or designee will review the litigation hold as necessary, and at least on a quarterly basis, the Superintendent or designee will reissue the litigation hold notice to the affected individuals and third party entities to remind them of their ongoing duty to properly preserve all information covered by the litigation hold. The Superintendent or designee, in conjunction with the ESI Team (if one is used), will document all steps taken to implement the litigation hold.

A litigation hold shall remain in place until removed by the Board. A litigation hold may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. The Superintendent or designee shall notify the Corporation custodian of records and all individuals and third party entities notified of a litigation hold when the litigation hold for a matter is removed.

This administrative guideline, along with Policy 8315, shall be posted and distributed in a manner that places all Board members and employees on notice of their responsibilities under Policy 8315 - Information Management and this administrative guideline.

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PERSONNEL RECORDS

8320 - **PERSONNEL RECORDS**

Certain information concerning Corporation employees is confidential, to be reviewed on a need-to-know basis and only under conditions which guarantee protection of both management's right to access information and the employee's right to unnecessary invasion of privacy. Most information in the personnel files, however, is not confidential and is available for inspection in accordance with State law.

INITIAL EMPLOYMENT

Upon employment, each employee is to submit for the:

A. **Personnel File**

1. a completed employment application form

2. a copy of certification, if applicable

3. transcripts, if applicable

4. completed "right to know" forms

B. **Payroll File**

1. W-4 forms

2. retirement registration

3. completed forms for life and disability insurance without the medical examination portion

4. completed annuity forms

5. payroll deduction authorization

6. accumulated sick leave, if applicable

7. I-9 forms

C. **Confidential File**

1. applications for health insurance

2. criminal history record check

Professional staff members shall also be responsible upon employment, for providing a complete transcript of their education and records of all prior teaching experience.

All information concerning employees' health status, including mental or physical examinations and treatments are to be kept in a confidential file. Access is limited to the employee, the employee's supervisor, the Superintendent and other central office administrators who have a supervisory relationship to the employee, and others authorized by law.

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During the period of employment the following data shall be maintained in personnel files:

A. current correct name, address, and telephone number

B. current data on education completed, including transcripts of all academic work

C. an accurate record of work experience

D. proof of fulfillment of requirements for change in salary classification

E. current data pertaining to certificates required by the State

F. all appropriate health and medical information

G. record of assignments

H. rate of compensation

I. completed evaluations

J. disciplinary incidents

K. special awards or distinctions

Employees who wish to review their own personnel file shall:

A. request access in writing;

B. review the record in the presence of the administrator designated to maintain said records or designee;

C. make no alterations or additions to the record nor remove any material therefrom;

D. sign and date a log attached to the file.

Employees who wish copies of material in their personnel file shall:

A. request copies in writing;

B. receive such copies free of charge.

Employees wishing to appeal material in their record shall make a request in writing to the Superintendent and specify therein:

A. name and date;

B. materials to be appealed;

C. reason for appeal.

The Superintendent shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

The Superintendent shall maintain a written record of any persons other than the employee who have had access to each employee's file.

Although most information in personnel files is a matter of public record, only verification of employment should be provided by telephone request. Any other information about an employee should be requested in writing or in person, and addressed to the Corporation Records Officer (CRO).

ag8330

STUDENT RECORDS

8330 - **STUDENT RECORDS**

Student records shall be maintained in accordance with School Board Policy 8330 and State/Federal laws and regulations.

The student record is the legal record for each student who is or has attended schools within the School Corporation. All information contained in the student record must be factual, verifiable and of a constructive nature. The Board shall collect, maintain and use only information necessary for legally mandated Corporation functions.

Educational Records, as defined in 34 C.F.R. 99.3 of the regulations promulgated under the Family Educational Rights and Privacy Act, means those records, files, documents and other materials which: 1) contain information directly related to a student, and 2) are maintained by the Board or by a party acting for the Board. "Record" means any information or data recorded in any medium, including but not limited to: handwriting, print, tapes, films, microfilm, and microfiche, and electronic/digital formats.

The term, Educational Records, does not include:

A. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

1. are in the sole possession of the maker thereof; and

2. are not accessible or revealed to any other individual except a substitute;

For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position.

B. records maintained by a law enforcement unit of the Corporation that were created by that law enforcement unit for the purpose of law enforcement;

C. records relating to an individual who is employed by an educational agency or institution, that:

1. are made and maintained in the normal course of business;

2. relate exclusively to the individual in that individual's capacity as an employee; and

3. are not available for use for any other purpose.

Provided, however, that records relating to an individual in attendance at the agency or institution who is employed as a result of his/her stats as a student are education records and not excepted.

D. records relating to a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education, which are:

1. created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity; and

2. created, maintained, or used only in connection with the provision of treatment to the student; and

3. not disclosed to anyone other than individuals providing the treatment; except, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice:

For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the educational agency or institution.

E. records which contain only information relating to a person after that person was no longer a student in the Corporation. An example would be information collected by the Board pertaining to the accomplishments of its alumni.

F. grades on peer-graded papers before they are collected and recorded by a teacher.

The Corporation maintains or may establish video surveillance for security reasons at various areas around its facilities and on its buses. Video recordings, which show students, may constitute a student record, under certain circumstances. This is generally where the record is maintained to document student conduct or misconduct, unless it is maintained for law enforcement purposes as described above. Generally video taken of athletic events or other student performances which are open to the public will not be considered student records. The Superintendent will determine whether the video constitutes a student record prior to the release of any video surveillance containing students, other than to authorized individuals.

The student's school record shall contain the following information that shall be retained permanently or for one hundred years:

A. name, address and telephone listing of parent (see Form 8330 F1)

B. enrollment data to include validated birth record, proof of residency, immunization records and social security number or computer number

C. attendance records

D. grades and, for high school students, transcripts

E. standardized and/or mandated achievement test data, including proficiency test records which include the date each student meets the proficiency level for the test administered

F. date of graduation and/or transfer or withdrawal

The student's school record shall contain, if applicable to the individual, the following information, to be retained for a period not less than two (2) years beyond the date of high school graduation and, in the case of a student who is eligible to receive special education and related services, for not less than three (3) years after the student exits from the special education program and in accordance with the Corporation's record retention schedules:

A. health and medical information; emergency medical authorization forms may be destroyed upon the annual receipt of the forms as required by law

B. court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records

C. awards and recognitions

D. information and/or data relevant to the identification, evaluation and/or placement of students in accordance with the Individuals with Disabilities Education Act, Section 504 of the 1973 Rehabilitation Act, or other applicable State laws and regulations

E. reports and such other confidential information generated by professionals or agencies outside the Corporation relevant to the student's educational program

F. such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records

Disciplinary records including records of suspension and expulsion are a part of the student's record and must be transferred to a receiving school if a student transfers.

Transfer of Records

In evaluating requests to transfer data from Corporation records, the Superintendent shall consider:

A. the availability of a backup file if the data is lost or corrupted;

B. the ownership of the new site or medium;

C. the level of security for the data on the new site;

D. the danger of theft, tampering, or corruption of the data in the course of transfer or at the new site;

E. the potential for damage to students from misuse of the data if not adequately protected during transfer or at the new site; and

F. the need to transfer the data and any adverse impact on the Corporation operations of not permitting the transfer of data.

Responsibility

The Custodian of Records (COR) shall be the principal who may delegate certain responsibilities to the school secretary. The COR is responsible for maintaining the confidentiality of directory information, if the parents have so requested, and other information in the educational record. The COR is responsible for the implementation of this Corporation's policies and procedures regarding confidentiality, including informing all personnel in this Corporation who collect, maintain, use or otherwise have access to student records of this Corporation's policies and procedures on confidentiality. S/He shall also maintain a current list of the locations of all records held for each student in his/her school.

The Corporation's Records Officer (CRO) shall prepare an annual notice to parents/eligible students which shall inform them of their rights to (see Form 8330F9):

A. inspect and review the student's educational records;

B. request an amendment to the records if the parent or eligible student believe the information to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

C. limit the disclosure of personally identifiable information defined as directory information within Policy 8330 or to such other disclosures not required by law;

D. with respect to a student eligible for special education and related services, file a complaint with the Indiana Department of Education Office of Special Education, concerning the Corporation's alleged failure to comply with 511 IAC 7-38-1 et seq.

E. request a hearing if the Corporation refuses to amend records believed by the parent to be misleading or inaccurate and to file a complaint with the Department of Education if the parent is dissatisfied with the results of the hearing;

F. obtain a copy of the Corporation's policy on student records;

G. with respect to a student eligible for special education and related services, the notice must include: the procedures for exercising the right to inspect and review educational records; the procedures for requesting an amendment of educational records; the criteria for determining who constitutes a Corporation official; and the criteria for determining what constitutes a legitimate educational interest.

The notice may be in the form of a section of the local newspaper, Corporation's newsletter, and/or the student handbooks (see Form 8330 F9). With respect to a student eligible for special education and related services, the written notice must be provided by any means reasonably likely to inform the parents or students of legal age of their rights.

Ongoing Maintenance of Records

A. **Public Listing of Authorized Employees (see Form 8330 F2)**

1. Each COR shall maintain a current listing of those employees and other persons authorized to access personally-identifiable information housed at the location specified.

2. Each COR shall post and maintain the listing for public inspection at his/her respective location.

B. **Types and Location of Records**

1. The CRO shall prepare a listing of the types and locations of records collected, maintained, or used by the Corporation, and the name of the COR at each location

   The list shall be provided to parents/eligible students upon request.

2. The student record shall be stored in secured facilities or equipment. The records shall be available only to those specified in policy or these guidelines.

C. **Consent to Disclose Information** (see Form 8330 F4 and Form 8330 F8)

1. Whenever there is a request for a copy of information from a student's record, the COR shall obtain written and dated consent, prior to disclosure of records, from parents/eligible students which includes:

   a. the records that may be disclosed;

   b. the purpose for which the disclosure may be made;

c. the party or class of parties to whom the disclosure may be made;

d. whether or not the parents/eligible students wish to have a copy of the records disclosed and/or, if the student is not an eligible student, whether the Corporation should provide that student with a copy of the disclosed record.

Signed permission should be obtained from eligible students prior to allowing their parents access to the records, provided the student is not considered a dependent under Section 152 of the Internal Revenue Code.

2. Prior consent will not be needed if:

a. the disclosure is to other Corporation personnel, including teachers, who have a legitimate educational interest (as defined by Board policy) in the information;

The term "Corporation personnel" means a person employed by the Corporation as an administrator, supervisor, teacher, instructional aide, secretary, or support staff member including health or medical staff and law enforcement unit personnel; a person serving on the Board; a person or company with whom the Board has outsourced services or functions it would otherwise use its own employees to perform such an attorney, auditor, medical consultant, or therapist; a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his/her tasks.

b. the disclosure is to another school, school corporation, or postsecondary institution, as stated in Board policy; provided, however, that with respect to a student eligible for special education and related services, written consent of the parent/eligible student must be obtained before disclosure to a nonpublic school;

c. the disclosure is, subject to the conditions set forth in applicable Federal and/or State statutes and/or regulations, to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the United States Secretary of Education, or State and local educational authorities;

d. the disclosure is in connections with a student's application for or receipt of financial aid; (See section below entitled: "Disclosure for Student Financial Aid");

e. the disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;

Disclosures pursuant to this paragraph are limited to circumstances when the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information; the information is destroyed when no longer needed for the purposes for which the study was conducted; and the Board enters into a written agreement with the organization that contains all the content required by applicable Federal regulations.

This written agreement will include: 1) a specification of the purpose, scope, duration of the study and the information to be disclosed; 2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; 3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and 4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

f. the disclosure is to authorized representatives of the Comptroller General, the Attorney General, the Secretary of Education, or state and local authorities, and is made for the purpose of conducting an audit, evaluation, or accreditation of a Federal or State supported education program, or to enforce or comply with Federal requirements relating to those programs;

A written agreement between the parties is also required under this exception. Mandatory elements of this written agreement include: 1) designation of the receiving entity as an authorized representative; 2) specification of the information to be disclosed; 3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government supported educational program or to enforce or comply with the program’s legal requirements; 4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; 5) a statement

requiring the organization to destroy all personally identifiable information when it is no longer needed for the study along with a specific time period in which the information must be destroyed; and 6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Pursuant to the audit exception, the Corporation will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the Corporation will verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation, accreditation or enforcement of a government – supported educational program. The Corporation will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the Corporation will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the Corporation will verify that the information is destroyed when no longer needed for the audit, evaluation or compliance activity.

g. the disclosure is to accrediting organizations to carry out their accrediting functions;

h. the disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;

i. the disclosure is to comply with a judicial order or lawfully issued subpoena;

Disclosures permitted by this paragraph may occur only after the Board makes a reasonable effort to notify the parent or eligible student of the order or subpoena, so the parent or eligible student may seek protective action, unless the disclosure is authorized by applicable Federal regulations. Additionally, if the Board initiates legal action against a parent or student, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to proceed with the legal action as plaintiff. Likewise, if a parent or student initiates legal action against the Board, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to defend itself.

j. the disclosure is in connection with an emergency; (See section below entitled: "Emergency Release");

k. the disclosure is information the Board has designated as "directory information";

l. the disclosure is to the parent of a student who is not an eligible student, or to the student;

m. the disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, and the information was provided to the Board pursuant to that law and its implementing regulations;

n. the disclosure concerns the juvenile justice system and its ability to serve, prior to adjudication, the student whose records are released, providing, the officials to whom the records are released certify, in writing, to the Corporation that the information will not be released to a third party, except as provided by State law, and there is a standing order issued by the juvenile court having jurisdiction over the student or the parents have signed a release as a condition for entering into the jurisdiction of the juvenile court;

o. the disclosure is authorized by other sections of the Family Education Rights and Privacy Act (FERPA) or its regulations.

3. No person shall release to a parent of a student who is not the custodial parent or any other person any information about the school to which the student has transferred or that would enable the parent who is not the custodial parent to locate the student if the school to which the student has transferred informs this Corporation that the student is under the care of a shelter for victims of domestic violence.

Parents: Disclosure, Inspection, Review of Records

The COR shall permit parents/eligible students, upon request, to retrieve information from and to inspect and review, records relating to the student's education and maintained by the Corporation. The following conditions shall apply:

A. At times, agencies or individuals outside the Corporation provide the Corporation with information necessary and relevant to the student's education. Psychological or medical information should be provided to a parent in the presence of an appropriately-licensed professional who can properly explain the information. Such information may be provided to the Corporation only with the written consent of the parent. Upon parental request the Corporation will notify the parent with the date and source of any record generated outside the Corporation so that parents may access these records through the originator.

B. If any educational record includes information on more than one (1) student, the parents/eligible students shall have the right to review and inspect only the records relating to the student, or to be informed of that specific information.

C. The request for a review must be honored without unnecessary delay, and before any meeting regarding an individualized educational program or hearing relating to the identification, evaluation, or placement of the student and in no case later than forty-five (45) days from receipt of request.

D. The parents/eligible students have a right to have their representative inspect and review the records upon submission of a signed and dated written consent which:

1. specifies the records which may be disclosed;

2. states the purpose of disclosure;

3. identifies the party or class of parties to whom the disclosure may be made.

E. The Corporation shall presume that either parent has the authority to disclose, inspect, and review the student's records unless a court order indicates otherwise or unless otherwise prohibited by law.

If the parents/eligible students request an opportunity to inspect and review records, a written request is necessary.

F. The parents/eligible students are to complete the Corporation's Request for Information Form 8330 F5 prior to receiving copies of any record.

The COR shall arrange a mutually-agreeable time for the review with the parents/eligible students.

G. Subject to the limitations within the law, policy and/or guidelines, the COR shall provide parents/eligible students with copies of any information in the student's educational records and shall respond to reasonable requests for explanation and interpretation of the records. Signed permission should be obtained from eligible students prior to allowing their parents access to the records. Copies of the records, except for test protocols, shall be provided for the current cost of duplication unless that fee effectively prevents the parents/eligible students from exercising the right to inspect and review the records. Provided, however, that no fees may be charged for copies of the student's educational evaluations or individualized education programs. Copies of test protocols will be provided only under the following circumstances:

1. the parent is physically unable to come to the school to view the protocols;

2. if the principal believes the protocols should be sent to an appropriately-licensed outside professional;

3. if the parent is preparing for a hearing under Article 7 or section 504.

H. If the parents/eligible students request disclosure of specific information by telephone, the COR shall not disclose requested information.

Third Party: Disclosure, Inspection/Review, and/or Copies of Records

When authorized, the COR shall permit inspection and review of a student's educational records, disclose specified information, or provide copies of educational records only after the requesting party has agreed not to share the information with a third party unless the parents/eligible students have so consented or the particular circumstances meet the requirements of the Family Education Rights and Privacy Act (FERPA) or its regulations on third-party disclosure.

Amendments of Records (see Form 8330 F6a, Form 8330 F6b, and Form 8330 F6c)

The COR shall provide parents/eligible students with the opportunity to amend records when they believe that any of the information regarding their student is inaccurate, misleading, or violates the student's privacy.

A. Upon receipt of a written request to amend records, the COR shall ascertain the specific information that is requested to be amended and the reason for the change.

The COR shall decide whether or not to amend the record.

B. If the COR decides not to amend, the parents/eligible students shall be so informed of the decision as well as of their rights to a hearing. With respect to a student eligible for special education and related services, the written notice must be provided within ten (10) business days after the request is received. The parents/eligible students also have the right to place a statement in the records commenting on the contested information in the records and/or stating s/he disagrees with the decision of the COR. Such a statement shall be maintained with the contested part of the records as long as the records exist and shall be disclosed as part of any record disclosure.

C. Unless specified otherwise in law, third parties seeking to access confidential information in a student's record that has been generated by a professional or agency outside the Corporation may access these records only through the originator and in compliance with the laws governing disclosure.

D. If the Corporation and parents/eligible students agree to the requested amendments, the COR shall make necessary changes in the student record and send the parents/eligible students written confirmation that the changes have been made. With respect to a student eligible for special education and related services, the amendment must be made within ten (10) business days after the request is received and the notice must include the date the change was made.

E. If the parents/eligible students request a Records Hearing, the Superintendent shall:

1. select the Records Hearing Officer (RHO) (who may be an official of the Corporation who does not have a direct interest in the outcome of the hearing);

2. direct the person selected as the RHO to arrange a hearing with the parents/eligible students within ten (10) business days from the date of the hearing request or at a mutually agreed time. The RHO must notify the parent/eligible student in writing of the date, time and location of the hearing not less than five (5) business days in advance of the hearing.

The RHO shall inform the parents/eligible students that they shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of their choice, including an attorney, at their own expense.

The RHO is responsible for maintaining the student's record during the appeal process so that no information is lost or destroyed.

F. The Records Hearing Officer shall conduct the hearing by:

1. introducing the participants;

2. reviewing the agenda for the hearing;

3. identifying the records in question;

4. reviewing the items for which amendment is being requested;

5. allowing the parents/eligible students and/or their representative to present evidence related to the issues;

6. allowing the Corporation's representative(s) to present evidence related to the issues;

7. recording the evidence presented by both parties;

8. allowing each party a reasonable period of time to question the evidence of the other party;

9. adjourning the hearing.

G. No later than ten (10) business days from the conclusion of the records hearing, the RHO shall notify the parent/eligible student of the hearing decision in writing. The decision must be **based solely upon the evidence presented at the hearing** and include a summary of the evidence and the reasons for the decision.

H. If the RHO determines the information in question is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Superintendent must amend the information accordingly and inform the parent/eligible student, in writing, of the amendment. If the RHO determines the information in question is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Superintendent must inform the parent/eligible student, in writing, of the right to place a statement in the student's record commenting on the contested information or stating the reasons for disagreeing with the decision, or both.

Emergency Release

The COR may release any personally-identifiable information (without parent's/eligible student's consent) to appropriate parties in connection with a health/safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Upon receipt of a request for emergency information, the COR, shall ascertain whether the request constitutes a health/safety emergency and, if so, provide the requested information immediately.

Transfer of Records to Other Corporations

Transfer of student records, including disciplinary records regarding any current suspensions and expulsions, must be within twenty (20) days of request and shall not be withheld from the school for a student's failure to pay any fees, fines, or charges imposed by this Corporation.

The COR shall transfer a student's records to another school when requested by the school corporation in which the student intends to enroll, provided the Board notifies the parents of the transfer, informs the parents of their right to get a copy of the document, and affords the parents an opportunity for a hearing to challenge the content of the record. (See Form 8330 F4). However, with respect to a student eligible for special education and related services, written consent of the parent/eligible student must be obtained before disclosure to a nonpublic school.

A copy of the cover letter sent to the school corporation shall be retained in the student's file.

If parents/eligible students request a copy of the records being transferred, they shall be provided free of charge.

Provided, however, that no fee shall be charged for copies of educational evaluations or individualized education programs. If a student is under the care of a shelter for victims of domestic violence, release of information is limited by law.

Disclosure for Student Financial Aid

The COR may release, **without consent of the parent(s) or eligible student,** student information regarding financial aid for which a student has applied or which a student has received, provided that personally-identifiable information from the education records of the student may be used only:

A. to determine the eligibility of the student for financial aid;

B. to determine the amount of financial aid;

C. to determine the conditions which will be imposed regarding the financial aid;

D. to enforce the terms or conditions of the financial aid.

Destruction and Review of Records

If a student is identified as a student with a disability under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act of 1973, the COR shall:

A. maintain the student's educational records for three (3) years after termination of special education programs, services, and/or graduation; and

B. destroy such educational records only after notifying the parents/eligible students that the information is no longer needed to provide educational services and will be destroyed.

The personally-identifiable information on a disabled student shall be retained permanently unless the parents/eligible students request that it be destroyed as specified in these guidelines. The COR should remind them that the records may be needed by the student or the parents for Social Security benefits or other purposes (see Form 8330 F9).

Right to File a Complaint with the U.S. Department of Education

Parents and eligible students will be informed of the address where a complaint can be filed if they believe their rights have been violated on Form 8330 F9. It is important that the address used on this form be checked annually to verify the accuracy of the address for complaints regarding the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).

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ag8340

PROVIDING A REFERENCE

8340 - **PROVIDING A REFERENCE**

Administrators who choose to provide a letter of reference, when asked, for any Corporation employee shall adhere to the following when preparing such a letter:

A. The request shall be reduced to writing and submitted at least thirty (30) days before the letter needs to be mailed.

B. The letter of reference shall include only statements that are truthful and factual, that is, able to be substantiated by the employee's personnel file. When drafting the letter, the administrator shall include the following:

1. The first paragraph shall include a description of the position that the administrator holds as well as the position to which the employee was assigned in the Corporation, and the period of time upon which the administrator's comments are based.

2. The second paragraph shall describe the duties assigned to the employee, and the manner in which s/he performed those duties and responsibilities. Any and all comments pertaining to the employee's job performance shall be based upon the Corporation's teacher evaluation process.

3. If appropriate, the third paragraph shall describe any additional duties or assignments of the employee, such as extracurricular or co-curricular assignments, and the manner in which the employee performed those duties and responsibilities.

4. The fourth and final paragraph shall include the administrator's recommendation to the prospective employer.

C. The letter of reference shall not include any of the following:

1. any statements that the administrator knows to be untrue

2. any statements made in bad faith

3. any statements that are motivated by anger, grudges, jealousy, resentment, or ill will toward the employee

4. any statements that include exaggerations

5. any statements that are based upon incomplete investigations involving the employee

D. In all cases a copy of any letter of reference provided by an administrator for a Corporation employee shall be filed in the employee's personnel file.

An administrator who chooses to provide a reference by phone for a Corporation employee shall adhere to the guidelines delineated in B and C above.

An administrator is prohibited from assisting a Corporation employee in obtaining a new job if s/he knows or has probable cause to believe that the employee engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. The only exceptions permitted are those authorized by the Every Student Succeeds Act, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause or where the individual was acquitted or otherwise exonerated of the alleged misconduct. If the employee requesting a letter of reference has engaged in sexual misconduct regarding a minor or student in violation of State or Federal law, an administrator shall not provide a letter of reference for that employee.

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ag8360

USE OF SCHOOL CORPORATION'S INTERNAL MAILING SYSTEM

8360 **- USE OF SCHOOL CORPORATION'S INTERNAL MAILING SYSTEM**

In order to be in compliance with Federal postal regulations, it is necessary to establish the following guidelines regarding the use of the Corporation's "in-house" mail-distribution system.

These items may be distributed through the system without special permission:

A. copies of official documents or records of the Corporation

B. communications between the central office and each building and/or each administrator

C. communications among staff members that are directly related to an authorized curricular, extra-curricular, or incidental program or activity of the Corporation

D. communications from Board-recognized outside organizations which are directly related to the Corporation, providing the communication is related to a sponsored school activity

E. any incidental, Corporation correspondence

Any staff member or student who wishes to distribute any other materials through the mail-distribution must receive permission from the Superintendent whose decision will be based on whether or not the information is directly related to school business or a school- sponsored activity.

The Post Office does not allow use of the internal delivery system for unofficial purposes in order to avoid the payment of postage. Therefore, permission will not be granted for:

A. communications from outside organizations which are not related to the Corporation;

B. personal correspondence.

ag8390

USE OF SERVICE ANIMALS

8390 - **USE OF SERVICE ANIMALS**

The Superintendent and building principals or administrators in charge of Corporation facilities shall comply with the provisions of the Americans with Disabilities Act (ADA), as amended, regarding an individual with a disability's use of a service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of the Corporation's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go.

It is imperative that Corporation staff not ask about the nature or extent of a person's disability; however, they may make inquiries to determine whether an animal qualifies as a service animal. While Corporation staff cannot ask about the individual's disability, they may ask if the animal is required because of a disability and what tasks or work the animal can perform. When the work or tasks the service animal will perform are readily apparent, Corporation staff should not ask.

Under no circumstances should Corporation staff require documentation, such as proof that the service animal has been certified, trained or licensed as a service animal.

Vaccination, Licensing and/or Veterinary Requirements

Animals admitted or housed on Corporation property or brought on Corporation property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought onto Corporation property on a regular basis for any purpose, including service animals, must meet every veterinary health and inoculation requirement set forth in State law and local regulation or ordinance, including but not limited to a current rabies vaccination.

For purposes of this guideline, "service animal" includes an animal that serves as:

A. a hearing animal;

B. a guide animal;

C. an assistance animal;

D. a seizure alert animal;

E. a mobility animal;

F. a psychiatric service animal; or

G. an autism service animal.

A service animal that meets the above definition shall be under the control of its handler (e.g., a student with a disability). A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe and effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

A. The service animal's trainer can help to develop a plan to assist the student with the service animal (e.g., the student's aide might transfer the service animal's leash from a student's wheelchair to a tree during recess). Additionally, a younger student might need reminders from school staff about controlling the dog until s/he is comfortable handling the service animal at school.

B. While the student is responsible for the service animal's care, including feeding and supervision, the Corporation should develop a plan to provide the student with the necessary time to care for the animal and designate a location for the animal's toileting needs.

Additionally, Corporation staff are not responsible for the care or supervision of a service animal, unless the provision of a service animal is required for a student to receive a free appropriate public education ("FAPE"), in which case the Corporation's obligation must be stated in the student's IEP or Section 504 Plan.

A service animal may be removed from the Corporation premises if one (1) of the following exceptions applies:

A. the animal is out of control and the animal's handler does not take effective action to control it; or

B. the animal is not housebroken.

If a service animal is properly excluded from the premises, the Superintendent, building principal, or administrator in charge of the facility shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Corporation staff shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his/her service animal. (See Board Policy 8405)

A student who wants to bring his/her service animal to school should notify the building principal in writing at least ten (10) school days prior to the date the animal will be coming to school so that school staff can meet with the student and his/her parents/guardians to discuss any concerns and develop a plan. The plan, at a minimum, should address how school staff and other students will be educated about and introduced to the service animal, how the student will be accommodated to care for the dog, and how any issues will be resolved. The principal should provide the student and staff with specific instructions concerning emergency evacuation plans, entry and egress points, areas where the animal may urinate/defecate, waste removal procedures, and building restrictions, if any.

A. The principal will provide written notification to all parents/guardians of students in the affected class(es) and staff in the affected class(es) that a service animal will be coming into the school setting. The notification will request that the parents/guardians and/or staff notify the principal if they have or their child has any known allergies, asthma, or other health condition that might be

aggravated by the service animal's presence. The principal will take appropriate action to protect any such students or staff members from exposure to the service animal.

B. Allergies and fear of the service animal are not valid reasons for denying a student's or staff member's request to have a service animal at school.

C. When an individual whose health may be aggravated by the service animal's presence and an individual who uses a service animal must spend time in the same room or facility, such as a classroom or cafeteria, both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms in a school or facility.

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SCHOOL SAFETY

8400 - **SCHOOL SAFETY INFORMATION**

Safe School Committee

Each school within the School Corporation shall establish a Safe School Committee, the composition of which shall be in accordance with the Superintendent's guidelines listed below. (I.C. 10-21-1-14)

The School Corporation also shall establish a Safe School Committee for the entire Corporation, the composition of which shall be in accordance with the Superintendent's guidelines listed below.

Each school within the School Corporation shall establish a Safe School Committee, the composition of which shall be in accordance with the Superintendent’s guidelines listed below.

The *Safe School Committee* for the Corporation shall include the following members:

A. the Corporation School Safety Specialist

B. the Principal of each school in the Corporation

C. School Resource Officers

D. Teachers

E. Parents

F. the Director of Buildings and Grounds

G. the Diector of Transportation

H. the Director of Information Technology

The *Safe School Committee* shall be responsible for meeting at least annually to develop a plan that addresses the following issues:

A. Unsafe conditions, crime prevention, school violence, bullying, criminal organization activity, child abuse and child sexual abuse, and other issues that prevent the maintenance of safe schools.

B. Professional development needs for faculty and staff to implement methods that decrease problems identified above.

C. Methods to encourage involvement by the community and students, development of relationships between students and school faculty and staff, and use of problem-solving teams.

D. Provide a copy of the floor plans for each building that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the local law enforcement agency and the fire departments that have jurisdiction over the school. The Corporation shall not disclose any record or part of any record if the disclosure would have a reasonable likelihood of threatening public safety by compromising the Corporation's security.

In developing the plan, the Safe School Committee shall seek input from those individuals and organizations listed in Policy 8400 – School Safety Information.

The Safe School Committee also is responsible for implementing the Safe and Drug-Free Schools and Communities Act and will develop a drug-free school plan in accordance with Policy 8400 – School Safety Information.

School Safety Specialist

The Superintendent shall choose an individual to serve as the school safety specialist for the Corporation with the approval of the Board to perform the following duties:

A. Serve on the county school safety commission with jurisdiction over the Corporation established under I.C. 10-21-1-12;

B. Participate each year in a number of days of school safety training that the Indiana Department of Education determines necessary;

C. With the assistance of the county school safety commission, with jurisdiction over the Corporation established under I.C. 10-21-1-12, the Safe School Committee, and a school resource officer if one is employed by the Corporation, develop, implement, and improve a school safety plan for each school in the Corporation;

D. Coordinate the school safety plans of each school in the Corporation as required by State law and under rules adopted by the Indiana State Board of Education;

E. Act as a resource for each school's safe school committees and other individuals in the Corporation on issues related to school discipline, safety, and security.

School Safety Plan

A school safety plan must be developed by the school safety specialist and the school's safe school committee, including a school resource officer if one is employed by the Corporation, in consultation with the law enforcement agency and fire department that have jurisdiction over the school which:

A. includes the requirements set forth in 10-21-1-10(c), namely:

1. protects against outside and internal threats to the physical safety of students, faculty, staff, and the public, including unsafe conditions, crime prevention, school violence, bullying and cyberbullying, criminal organization activity, child abuse and child sexual abuse, mental and behavioral health, suicide awareness and prevention, violence prevention and training, situational awareness, and other issues that prevent the maintenance of a safe school;

2. prevents unauthorized access to school property and interior areas or rooms, including the management of authorized visitors on school property, before, during, and after regular school hours;

3. secures schools against natural and manmade disasters, including all emergency preparedness drill requirements set forth in I.C. 20-34-3-20;

4. establishes an armed intruder drill protocol that: a) provides accommodations for students who have mobility restrictions, sensory needs, or auditory or visual limitations; b) emphasizes the practical nature of the drill; c) provides access to mental health services on school grounds following the conclusion of a drill; d) provides advance notice of a drill to

parents or legal guardians of students who attend the school; and e) provides alternative exercises for students who are unable to participate in a drill;

5. includes a site vulnerability assessment for each school building;

6. not later than July 1, 2025, includes the establishment of a multi-disciplinary threat assessment team;

7. includes bleeding control kits, including the location of bleeding control kits and the presentation and use of bleeding control kits in all drills and emergencies, as required by I.C. 20-34-3-24(c); and

8. includes any additional requirements required by the Indiana State Board of Education.

B. must be provided to a member of the secured school safety board, as established by I.C. 10-21-1-3, if a member requests the plan; and

C. must be available for inspection by the Department of Education's Division of School Building Physical Security and Safety, as established by I.C. 20-19-3-14;

D. must be provided to the law enforcement agency and the fire department that have jurisdiction over the Corporation;

E. must include an attestation that: (a) a copy of the floor plans for each building located on the school's property were provided to the law enforcement agency and the fire department that have jurisdiction over the Corporation that clearly indicates each entrance and exit, the interior rooms and hallways, and the location of any hazardous materials located in the building; or (b) the Corporation has conducted critical incidence digital mapping for each school building within the Corporation, including providing the critical incidence digital mapping information to the law enforcement agency and fire department that have jurisdiction over the mapped school buildings and the statewide 911 system described in I.C. 36-8-16.7-22 through the public safety answer point, or "PSAP", described in I.C. 36-8-16.7-20 that has jurisdiction over the mapped school buildings; and

F. must be filed with the county school safety commission established under I.C. 20-21-1-12 which has jurisdiction over the Corporation.

School Resource Officers

In order to maintain a safe school environment, the Superintendent may appoint individuals to serve as school resource officers.

"School resource officer" means a law enforcement officer who:

A. has completed the training described below;

B. is assigned to one (1) or more school corporations or charter schools during school hours to:

1. assist the school safety specialist and safe school committee with the development and implementation of the school safety plan; and

2. carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:

a. protect against outside threats to the physical safety of students;

b. prevent unauthorized access to school property; and

c. secure schools against violence and natural disasters; and

C. is:

1. employed by a law enforcement agency;

2. appointed as a police reserve officer (as described in I.C. 36-8-3-20) or as a special deputy (as described in I.C. 36-8-10-10.6) if the police reserve officer or special deputy:

a. is subject to the direction of the sheriff or appointing law enforcement agency;

b. is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;

c. is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and

d. may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or

3. a school corporation police officer appointed under I.C. 20-26-16-3.

The term "school resource officer" does not include a law enforcement officer who is assigned to provide security outside a school building for protection from outside threats, traffic duty, or other duties not consistent with the duties of a school resource officer.

Before being appointed as a school resource officer, an individual must have successfully completed the minimum training requirements established for law enforcement officers under I.C. 5-2-1-9.

The law enforcement officer appointed as a school resource officer must receive at least forty (40) hours of school resource officer training through:

A. the Indiana law enforcement training board established by I.C. 5-2-1-3;

B. the National Association of School Resource Officers; or

C. another school resource officer training program approved by the Indiana law enforcement training board

within 180 days from the date the individual is initially assigned the duties of a school resource officer. However, if the ADM of the School Corporation is less than 1,000 students, the individual shall complete the school resource training within 365 days of the date the individual is initially assigned the duties of a school resource officer.

The training described above must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

A. school campuses; and

B. school building security needs and characteristics.

A school resource officer must be employed through the means approved by the Board in Policy 8400 – School Safety Information.

School resource officers also shall receive training and education, approved by the State Board of Education, that will enable them to appropriately deal with individuals with Autism and Asperger's Syndrome.

A school resource officer shall participate in the development of programs designed to identify, assess, and provide assistance to youth who are at high risk of experiencing a mental health crisis or becoming juvenile offenders.

A school resource officer shall not be reassigned to other duties by the Corporation.

A school resource officer may:

A. make an arrest;

B. conduct a search or a seizure of a person or property using the reasonable suspicion standard;

C. carry a firearm on or off school property; and

D. exercise other police powers with respect to the enforcement of Indiana laws.

A school resource officer has jurisdiction in every county where the Corporation operates a school or where the Corporation's students reside. This does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

The Superintendent shall report all instances of:

A. seclusion (as defined in I.C. 20-20-40-9);

B. chemical restraint (as defined in I.C. 20-20-40-2);

C. mechanical restraint (as defined in I. 20-20-40-4); and

D. physical restraint (as defined in I.C. 20-20-40-5)

involving a school resource officer in accordance with the restraint and seclusion plan adopted by the Corporation under I.C. 20-20-40-14.

Persistently Dangerous Schools

The Corporation will develop and implement a plan of corrective action in order to reduce the rate of weapon-related incidents and violent criminal offenses that occur in or on school grounds (i.e., in or on Corporation buildings, grounds, and bus transportation to and from school, Corporation-sponsored activities and designated bus stops) and/or result in students being removed from the school if the school is designated as persistently dangerous. The plan will be developed within twenty (20) days of the school being designated as persistently dangerous and consider corrective action including, but not limited to, the following:

A. hiring additional personnel to supervise students in common areas;

B. increasing instructional activities in areas such as conflict resolution;

C. working with law enforcement officials to identify and eliminate criminal organization activities;

D. in-service training of teachers and administrators regarding the consistent enforcement of school discipline rules and policies;

E. limiting access to campus; and

F. hiring additional security personnel and security equipment.

Upon completion and implementation of the plan of corrective action, the Corporation will apply to the State Board of Education to have the school removed from the list of persistently dangerous schools. However, should the school remain on the list, students will be provided with the opportunity to transfer to a safe school in accordance with Policy 5113.02 - School Transfer Options and AG 5113.02 - School Transfer Options.

Stop the Bleed Program

The Corporation shall implement a Stop the Bleed program that meets the requirements set forth in I.C. 20-34-3-24(c), namely:

A. requires bleeding control kits be assigned to designated rooms in easily accessible locations to be determined by local first responders or the school safety specialist;

B. includes bleeding control kits in the emergency plans of the Corporation, including the presentation and use of the bleeding control kits in all drills and emergencies;

C. provides that all Corporation schools have a minimum of five (5) individuals in each school building who obtain appropriate training in the use of the bleeding control kit, including:

1. the proper application of pressure to stop bleeding;

2. the application of dressings or bandages;

3. additional pressure techniques to control bleeding;

4. and the correct application of tourniquets;

D. requires bleeding control kits in school inventories to be inspected annually to ensure that the materials, supplies, and equipment contained in the bleeding control kits are not expired, and that any expired materials, supplies, and equipment are replaced as necessary; and

E. requires a bleeding control kit to be restocked after each use and any materials, supplies, and equipment to be replaced as necessary to ensure that the bleeding control kit contains all necessary materials, supplies, and equipment.

The Corporation's Stop the Bleed program must include each school in the Corporation.

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ENVIRONMENTAL HEALTH AND SAFETY ISSUES

8405 - **ENVIRONMENTAL HEALTH AND SAFETY ISSUES**

Each school facility is to meet criteria established by the ISDH. During inspections by the ISDH, the inspector will investigate any condition that is or could be contributing to poor air quality including, but not limited to the following: carbon dioxide levels, humidity, evidence of mold or water damage, and excess dust.

Criteria established by the ISDH are as follows:

A. Carbon dioxide levels shall never exceed seven hundred (700) ppm over the outdoor carbon dioxide concentration.

B. Outdoor air shall be supplied to classrooms when occupied.

C. Heating facilities shall be capable of and operated during periods of student occupancy to maintain a temperature not less than sixty-eight (68) degrees Fahrenheit in all instructional rooms, offices, locker rooms, and cafeteria; sixty-five (65) degrees Fahrenheit in activity rooms and shops; and sixty (60) degrees Fahrenheit in interior toilet rooms.

D. When air conditioning is being provided, the system shall be capable of providing and operating during times of student occupancy to maintain a temperature not to exceed seventy-eight (78) degrees Fahrenheit and sixty-five percent (65%) relative humidity.

E. The school corporation shall establish and maintain a written procedure for routine maintenance of the heating, ventilating and air conditioning system (HVAC). This procedure shall include the following items:

1. a schedule for inspecting the HVAC system, including annual inspection

2. ensuring that all supply and return air pathways in the HVAC system are unobstructed and perform as required

3. a schedule for cleaning the HVAC coils at least annually

4. a schedule for inspecting and changing filters

This written procedure for routine maintenance, as well as a log verifying the maintenance was completed in a timely manner including the logging of cleaning and filter changes of the HVAC system, shall be made available for the state inspector's review and maintained for a minimum of three (3) years.

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USE OF ANIMALS IN THE CLASSROOM AND ON SCHOOL PREMISES

8405A - **USE OF ANIMALS IN THE CLASSROOM AND ON SCHOOL PREMISES**

Live animals shall be allowed in the classroom for educational purposes. It is important, however, that the following guidelines be observed when instituting an activity or program involving the use of animals. Teachers are encouraged to contact such organizations as the State Veterinary Association, the National or State Wildlife Federation, etc. regarding resource materials and suggested learning activities that may be available to help students increase their understanding of the animal world.

A. Students are to be instructed not to bring personal pets to school at any time without the approval of the principal.

B. It is permissible for the class to have one (1) or more animals as classroom pets under the following conditions:

1. the animal is not venomous or vicious

2. the parents are notified in advance that an animal will be brought into the classroom

3. none of the children is allergic to the particular animal

4. proper immunization has been done by a qualified veterinarian

5. arrangements have been made for housing the animal safely, comfortably, cleanly, and in a manner that does not disrupt the classroom environment

6. the teacher is responsible for cleaning the cage or aquarium and responsible for the proper disposal of waste

7. the teacher is responsible for the proper care of the animal when school is not in session

8. rules have been established and understood regarding when and how the animal is to be treated by the students

9. the principal has approved the plan

C. When animals are to be brought into the school or classroom on an ad hoc basis as part of a lesson or series of lessons, all of the conditions stated above apply, and in addition, the teacher is to ensure the proper pick-up and return of the animal.

Introducing an animal to the classroom should be well planned and thoroughly investigated depending on the type of animal. Some considerations in addition to the considerations listed above would include the following:

1. Reptiles and amphibians can carry disease and special precautions are necessary when handling them. Because the disease can be very serious in young children, handling of reptiles and amphibians by young children is not recommended. Thorough hygiene practices must be followed by anyone handling reptiles and amphibians.

2. Wild mammals such as bats, raccoons, groundhogs, coyotes, foxes, etc. carry a high risk or rabies. Such animals should not be brought to school unless under the control of a trained professional responsible for preventing exposure to students and staff.

3. Chicks and ducklings carry a high risk of transmitting enteric (diarrhea) which can be especially harmful to young children. These animals are inappropriate in school without education on safe and proper handling and hygiene procedures.

D. The Corporation may have a service animal removed from the school premises if the animal is out of control and the animal's handler does not take effective action to control it or the animal is

not housebroken. The Corporation is not responsible for the care or supervision of a service animal. The service animal is allowed to accompany its human in all areas the human is permitted to go.

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ag8410

CHARACTERISTICS OF A SCHOOL THAT IS SAFE AND RESPONSIVE TO ALL CHILDREN

8410 - **CHARACTERISTICS OF A SCHOOL THAT IS SAFE AND RESPONSIVE TO ALL CHILDREN**

Well functioning schools foster learning, safety, and socially appropriate behaviors. They have a strong academic focus and support students in achieving high standards, foster positive relationships between school staff and students, and promote meaningful parental and community involvement. Most prevention programs in effective schools address multiple factors and recognize that safety and order are related to children's social, emotional, and academic development. Effective school safety strategies operate best in school communities that:

A. **Focus on academic achievement.** Effective schools convey the attitude that all children can achieve academically and behave appropriately, while at the same time appreciating individual differences. Adequate resources and programs help ensure that expectations are met. Expectations are communicated clearly, with the understanding that meeting such expectations is a responsibility of the student, the school, and the home. Students who do not receive the support they need are less likely to behave in socially desirable ways.

B. **Involve families in meaningful ways.** Students whose families are involved in their growth in and outside of school are more likely to experience school success and less likely to become involved in antisocial activities. School communities must make parents feel welcome in school, address barriers to their participation, and keep families positively engaged in their children's education. Effective schools also support families in expressing concerns about their children-and they support families in getting the help they need to address behaviors that cause concern.

C. **Develop links to the community.** Everyone must be committed to improving schools. Schools that have close ties to families, support services, community police, the faith-based community, and the community at large can benefit from many valuable resources. When these links are weak, the risk of school violence is heightened and the opportunity to serve children who are at risk for violence or who may be affected by it is decreased.

D. **Emphasize positive relationships among students and staff.** Research shows that a positive relationship with an adult who is available to provide support when needed is one of the most critical factors in preventing student violence. Students often look to adults in the school community for guidance, support, and direction. Some children need help overcoming feelings of

isolation and support in developing connections to others. Effective schools make sure that opportunities exist for adults to spend quality, personal time with children. Effective schools also foster positive student interpersonal relations--they encourage students to help each other and to feel comfortable assisting others in getting help when needed.

E. **Discuss safety issues openly.** Children come to school with many different perceptions--and misconceptions-- about death, violence, and the use of weapons. Schools can reduce the risk of violence by teaching children about the dangers of firearms, as well as appropriate strategies for dealing with feelings, expressing anger in appropriate ways, and resolving conflicts. Schools also should teach children that they are responsible for their actions and that the choices they make have consequences for which they will be held accountable.

F. **Treat students with equal respect.** A major source of conflict in many schools is the perceived or real problem of bias and unfair treatment of students because of ethnicity, gender, race, social class, religion, disability, nationality, sexual orientation, physical appearance, or some other factor--both by staff and by peers. Students who have been treated unfairly may become scapegoats and/or targets of violence. In some cases, victims may react in aggressive ways. Effective schools communicate to students and the greater community that all children are valued and respected. There is a deliberate and systematic effort-for example, displaying children's artwork, posting academic work prominently throughout the building, respecting students' diversity to establish a climate that demonstrates care and a sense of community.

G. **Create ways for students to share their concerns.** It has been found that peers often are the most likely group to know in advance about potential school violence. Schools must create ways for students to report safely such troubling behaviors that may lead to dangerous situations. And students who report potential school violence must be protected. It is important for schools to support and foster positive relationships between students and adults so students will feel safe providing information about a potentially dangerous situation.

H. **Help children feel safe expressing their feelings.** It is very important that children feel safe when expressing their needs, fears, and anxieties to school staff. When they do not have access to caring adults, feelings of isolation, rejection, and disappointment are more likely to occur, increasing the probability of acting out behaviors.

I. **Have in place a system for referring children who are suspected of being abused or neglected.** The referral system must be appropriate and reflect federal and state guidelines.

J. **Offer extended day programs for children.** School-based before-and after-school programs can be effective in reducing violence. Effective programs are well supervised and provide children

with support and a range of options, such as counseling, tutoring, mentoring, cultural arts, community service, clubs, access to computers, and help with homework.

K. **Promote good citizenship and character.** In addition to their academic mission, schools must help students become good citizens. First, schools stand for the civic values set forth in our Constitution and Bill of Rights (patriotism; freedom of religion, speech, and press; equal protection/nondiscrimination; and due process/fairness). Schools also reinforce and promote the shared values of their local communities, such as honesty, kindness, responsibility, and respect for others. Schools should acknowledge that parents are the primary moral educators of their children and work in partnership with them.

L. **Identify problems and assess progress toward solutions.** Schools must openly and objectively examine circumstances that are potentially dangerous for students and staff and situations where members of the school community feel threatened or intimidated. Safe schools continually assess progress by identifying problems and collecting information regarding progress toward solutions. Moreover, effective schools share this information with students, families, and the community at large.

M. **Support students in making the transition to adult life and the workplace.** Youth need assistance in planning their future and in developing skills that will result in success. For example, schools can provide students with community service opportunities, work-study programs, and apprenticeships that help connect them to caring adults in the community. These relationships, when established early, foster in youth a sense of hope and security for the future.

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IDENTIFYING AND RESPONDING TO IMMINENT WARNING SIGNS

8410B - **IDENTIFYING AND RESPONDING TO IMMINENT WARNING SIGNS**

Unlike early warning signs, imminent warning signs indicate that a student is very close to behaving in a way that is potentially dangerous to self and/or to others. Imminent warning signs require an immediate response.

No single warning sign can predict that a dangerous act will occur. Rather, imminent warning signs usually are presented as a sequence of overt, serious, hostile behaviors or threats directed at peers, staff, or other individuals. Usually, imminent warning signs are evident to more than one staff member--as well as to the child's family.

Imminent warning signs may include:

A. Serious physical fighting with peers or family members.

B. Severe destruction of property.

C. Severe rage for seemingly minor reasons.

D. Detailed threats of lethal violence.

E. Possession and/or use of firearms and other weapons.

F. Other self-injurious behaviors or threats of suicide.

When warning signs indicate that danger is imminent, safety must **always** be the first and foremost consideration. Action must be taken immediately. Immediate intervention by school authorities and possibly law enforcement officers is needed when a child:

A. Has presented a detailed plan (time, place, method) to harm or kill others-particularly if the child has a history of aggression or has attempted to carry out threats in the past.

B. Is carrying a weapon, particularly a firearm, and has threatened to use it.

In situations where students present other threatening behaviors, **parents should be informed of the concerns immediately.** School communities also have the responsibility to seek assistance from appropriate agencies, such as child and family services, community mental health, and local law enforcement agencies. These responses should reflect school board policies and be consistent with the violence prevention and response plan.

PRINCIPLES UNDERLYING INTERVENTION

8410C - **PRINCIPLES UNDERLYING INTERVENTION**

Violence prevention and response plans should consider both prevention and intervention. Plans also should provide all staff with easy access to a team of specialists trained in evaluating serious behavioral and academic concerns. Eligible students should have access to special education services, and classroom teachers should be able to consult school psychologists, other mental health specialists, counselors, reading specialists, and special educators.

Effective practices for improving the behavior of troubled children are well documented in the research literature. Research has shown that effective interventions are culturally appropriate, family-supported, individualized, coordinated, and monitored. Further, interventions are more effective when they are designed and implemented consistently over time with input from the child, the family, and appropriate professionals. Schools also can draw upon the resources of their community to strengthen and enhance intervention planning.

When drafting a violence prevention and response plan, it is helpful to consider certain principles that have a significant impact on success, shown through research or expert-based experience. The principles include:

A. **Share responsibility by establishing a partnership with the child, school, home, and community.** Coordinated service systems should be available for children who are at risk for violent behavior. Effective schools reach out to include families and the entire community in the education of children. In addition, effective schools coordinate and collaborate with child and family service agencies, law enforcement and juvenile justice systems, mental health agencies, businesses, faith and ethnic leaders, and other community agencies.

B. **Inform parents and listen to them when early warning signs are observed.** Parents should be involved as soon as possible. Effective and safe schools make persistent efforts to involve parents by: informing them routinely about school discipline policies, procedures, and rules, and about their children's behavior (both good and bad); involving them in making decisions concerning schoolwide disciplinary policies and procedures; and encouraging them to participate in prevention programs, intervention programs, and crisis planning. Parents need to know what school-based interventions are being used with their children and how they can support their success.

C. **Maintain confidentiality and parents' rights to privacy.** Parental involvement and consent is required before personally identifiable information is shared with other agencies, except in the case of emergencies or suspicion of abuse. The *Family Educational Rights and Privacy Act (FERPA)*, a federal law that addresses the privacy of education records, must be observed in all referrals to or sharing of information with other community agencies. Furthermore, parent-approved interagency communication must be kept confidential. FERPA does not prevent disclosure of personally identifiable information to appropriate parties--such as law enforcement officials, trained medical personnel, and other emergency personnel--when responsible personnel determine there is an emergency (imminent danger).

D. **Develop the capacity of staff, students, and families to intervene.** Many school staff members are afraid of saying or doing the wrong thing when faced with a potentially violent student. Effective schools provide the entire school community--teachers, students, parents, support staff--with training and support in responding to imminent warning signs, preventing violence, and intervening safely and effectively. Interventions must be monitored by professionals who are competent in the approach. According to researchers, programs do not succeed without the ongoing support of administrators, parents, and community leaders.

E. **Support students in being responsible for their actions.** Effective school communities encourage students to see themselves as responsible for their actions, and actively engage them in planning, implementing, and evaluating violence prevention initiatives.

F. **Simplify staff requests for urgent assistance.** Many school systems and community agencies have complex legalistic referral systems with timelines and waiting lists. Children who are at risk of endangering themselves or others cannot be placed on waiting lists.

G. **Make interventions available as early as possible.** Too frequently, interventions are not made available until the student becomes violent or is adjudicated as a youthful offender. Interventions for children who have reached this stage are costly, restrictive, and relatively inefficient. Effective schools build mechanisms into their intervention processes to ensure that referrals are addressed promptly, and that feedback is provided to the referring individual.

H. **Use sustained, multiple, coordinated interventions.** It is rare that children are violent or disruptive only in school. Thus, interventions that are most successful are comprehensive, sustained, and properly implemented. They help families and staff work together to help the child. Coordinated efforts draw resources from community agencies that are respectful of and responsive to the needs of families. Isolated, inconsistent, short-term, and fragmented interventions will not be successful-and may actually do harm.

I. **Analyze the context in which violent behavior occurs.** School communities can enhance their effectiveness by conducting a functional analysis of the factors that set off violence and problem behaviors. In determining an appropriate course of action, consider the child's age, cultural background, and family experiences and values. Decisions about interventions should be measured against a standard of reasonableness to ensure the likelihood that they will be implemented effectively.

J. **Build upon and coordinate internal school resources.** In developing and implementing violence prevention and response plans, effective schools draw upon the resources of various school-based programs and staff-- such as special education, safe and drug free school programs, pupil services, and Title I.

Violent behavior is a problem for everyone. It is a normal response to become angry or even frightened in the presence of a violent child. But, it is essential that these emotional reactions be controlled. The goal must always be to ensure safety and seek help for the child.

INTERVENING EARLY WITH STUDENTSWHO ARE AT RISK FOR BEHAVIORAL PROBLEMS

8410D - **INTERVENING EARLY WITH STUDENTSWHO ARE AT RISK FOR BEHAVIORAL PROBLEMS**

Examples of early intervention components that work include:

A. Providing training and support to staff, students, and families in understanding factors that can set off and/or exacerbate aggressive outbursts.

B. Teaching the child alternative, socially appropriate replacement responses-such as problem solving and anger control skills.

C. Providing skill training, therapeutic assistance, and other support to the family through community-based services.

D. Encouraging the family to make sure that firearms are out of the child's immediate reach. Law enforcement officers can provide families with information about safe firearm storage as well as guidelines for addressing children's access to and possession of firearms.

In some cases, more comprehensive early interventions are called for to address the needs of troubled children. Focused, coordinated, proven interventions reduce violent behavior. Following are several comprehensive approaches that effective schools are using to provide early intervention to students who are at risk of becoming violent toward themselves or others.

Intervention Tactic: Teaching Positive Interaction Skills

Although most schools do teach positive social interaction skills indirectly, some have adopted social skills programs specifically designed to prevent or reduce antisocial behavior in troubled children. In fact, the direct teaching of social problem solving and social decision making is now a standard feature

of most effective drug and violence prevention programs. Children who are at risk of becoming violent toward themselves or others need additional support. They often need to learn interpersonal, problem solving, and conflict resolution skills at home and in school. They also may need more intensive assistance in learning how to stop and think before they react, and to listen effectively.

Intervention Tactic: Providing Comprehensive Services

In some cases, the early intervention may involve getting services to families. The violence prevention and response team together with the child and family designs a comprehensive intervention plan that focuses on reducing aggressive behaviors and supporting responsible behaviors at school, in the home, and in the community.

Intervention Tactic: Referring the Child for Special Education Evaluation

If there is evidence of persistent problem behavior or poor academic achievement, it may be appropriate to conduct a formal assessment to determine if the child is disabled and eligible for special education and related services under the ***Individuals with Disabilities Education Act (IDEA)***. If a multidisciplinary team determines that the child is eligible for services under the IDEA, an individualized educational program (IEP) should be developed by a team that includes a parent, a regular educator, a special educator, an evaluator, a representative of the local school corporation, the child (if appropriate), and others as appropriate. This team will identify the support necessary to enable the child to learn-including the strategies and support systems necessary to address any behavior that may impede the child's learning or the learning of his or her peers.

TIPS FOR PARENTS

8410H **- TIPS FOR PARENTS**

A. Discuss the school's discipline policy with your child. Show your support for the rules, and help your child understand the reasons for them.

B. Involve your child in setting rules for appropriate behavior at home.

C. Talk with your child about the violence s/he sees-on television, in video games, and possibly in the neighborhood. Help your child understand the consequences of violence.

D. Teach your child how to solve problems. Praise your child when s/he follows through.

E. Help your child find ways to show anger that do not involve verbally or physically hurting others. When you get angry, use it as an opportunity to model these appropriate responses for your child-and talk about it.

F. Help your child understand the value of accepting individual differences.

G. Note any disturbing behaviors in your child. For example, frequent angry outbursts, excessive fighting and bullying of other children, cruelty to animals, fire setting, frequent behavior problems at school and in the neighborhood, lack of friends, and alcohol or drug use can be signs of serious problems. Get help for your child. Talk with a trusted professional in your child's school or in the community.

H. Keep lines of communication open with your child-even when it is tough. Encourage your child always to let you know where and with whom s/he will be. Get to know your child's friends.

I. Listen to your child if s/he shares concerns about friends who may be exhibiting troubling behaviors. Share this information with a trusted professional, such as the school psychologist, principal, or teacher.

J. Be involved in your child's school life by supporting and reviewing homework, talking with his/her teacher(s), and attending school functions such as parent conferences, class programs, open houses, and PTA meetings.

K. Work with your child's school to make it more responsive to all students and to all families. Share your ideas about how the school can encourage family involvement, welcome all families, and include them in meaningful ways in their children's education.

L. Encourage your school to offer before- and after-school programs.

M. Volunteer to work with school-based groups concerned with violence prevention. If none exist, offer to form one.

N. Find out if there is a violence prevention group in your community. Offer to participate in the group's activities.

O. Talk with the parents of your child's friends. Discuss how you can form a team to ensure your children's safety.

P. Find out if your employer offers provisions for parents to participate in school activities.

EMERGENCY PROCEDURES

8420 - **EMERGENCY PROCEDURES**

The primary consideration in any emergency situation must be the safety of the students and staff. At certain times, therefore, it may be necessary to ask the staff to perform "beyond the call of duty" in order to provide for the welfare of our students. In the event of an actual emergency situation, all school personnel, instructional and noninstructional, will be required to remain in the building until they are dismissed by the principal.

All staff members are to be familiar with the School Corporation and school emergency preparedness plan. In particular, staff members are to know the designated area for their students in the event of a tornado emergency or the designated route their students are to follow in the event of an evacuation emergency. Staff members are to adhere to the directions outlined in the emergency preparedness plan.

EVACUATION

A. When an emergency occurs the principal shall, when feasible, consult with the Superintendent as to whether or not to evacuate the school. An announcement will then be made to inform staff and students of the emergency procedures that will be followed.

B. If a decision is made to send students home or to a preselected site, attempts will be made to notify parents by telephone, email, and/or by radio or One Call System and the public address system will be used to inform all teachers and students.

The professional and support staff members will supervise the orderly evacuation of the building.

1. Administrators and guidance counselors will report to the main office for assignment.

2. Teachers should take class rolls, including, addresses and telephone numbers of students as well as emergency information.

3. Teachers will remain in (or return) to their regular classrooms and remain with their students.

4. Clerical personnel will remain at their regular stations except in cases of reassignment by their immediate supervisor.

5. Cafeteria personnel will remain in their areas until notified to the contrary by the main office.

C. In case of bomb threat, the (fire) (police) (sheriff's) department and the administration will search the building.

Above all, it is imperative that all personnel remain calm and in control throughout the emergency.

FIRE/TORNADO/MAN-MADE OCCURRENCE DISASTER DRILLS

In accordance with State law, fire drills are to be conducted periodically, not less than monthly. Each principal shall prepare and distribute fire drill procedures whereby:

A. all personnel leave the building during a drill;

B. the plan of evacuation provides at least one (1) alternative route in case exits or stairways are blocked;

C. teachers, when the fire alarm sounds, should caution students to walk silently and briskly from the building to a specified location, check to make sure any disabled students requiring assistance are being assisted properly, close all windows and doors of room and turn out lights, if possible, before leaving, and conduct roll call as soon as students are at the designated location to make sure that each student is accounted for;

D. a list is compiled of all students with a disability in the building who will require assistance in exiting the building together with the assignment of a staff member or nonstudent volunteer in the student's classroom who will be responsible for providing necessary assistance in an appropriate manner. A person should also be designated to assist a student with a disability when the evacuation signal is given and s/he is in another area of the building such as the gym, all-purpose room, or cafeteria.

The principal shall document that each fire drill was conducted in a proper manner and submit such documentation to the Superintendent at the end of each school year.

At least one (1) tornado preparedness drill and at least one (1) man-made occurrence disaster drill shall be conducted each semester. (See AG 8420A) At Least one (1) man-made occurrence disaster drill must be an active shooter drill and must be conducted within ninety (90) calendar days after the beginning of the school year. A tornado preparedness drill or a man-made occurrence disaster drill may be conducted in lieu of the monthly fire drill, subject to the following limitations:

A. a tornado preparedness drill or a man-made occurrence disaster drill may not replace more than two (2) monthly fire drills per semester; and

B. a tornado preparedness drill or a man-made occurrence disaster drill may not be conducted in two (2) consecutive months.

Active Shooter Event

Plans detailing what students and staff are to do if there is an active shooter in the school will be detailed in the confidential school safety plan.

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BIOTERRORISM

8420F - **BIOTERRORISM**

A bioterrorist attack is the deliberate release of a biological agent used to cause illness and death in people. The Superintendent shall develop, in conjunction with local government and law enforcement officials, a Bioterrorism Response Plan ("BRP"). The BRP should include:

A. a communication method for school schedule changes, busing changes, and school closure;

B. an educational bioterrorism prevention program for students and parents;

C. a bioterrorism training and identification program for staff;

D. provision for the business office to maintain continuity of operations during a bioterrorist attack;

E. provision for distance-based learning for students (i.e. Internet instruction, community channel broadcast) to maintain continuity of education;

F. policies and procedures for staff and student absences and extended leaves of absences due to a bioterrorist attack;

G. policies and procedures for isolation and possible transportation of students and staff who become ill at school due to a bioterrorist attack;

H. a plan of communication to students, parents, and staff regarding the status of a bioterrorist attack:

I. a plan for operating the Corporation with less staff due to a bioterrorist attack;

J. a designee responsible for establishing timelines within the BRP and verifying that such timelines are met and implementation of the plan occurs; and

K. other emergency procedures necessary for the Corporation to deal with an attack of bioterrorism.

The BRP should be reviewed annually and updated as appropriate.

CHEMICAL MANAGEMENT/TOXIC HAZARDS PLAN AND WRITTEN HAZARD COMMUNICATION PROGRAM

8431 - **CHEMICAL MANAGEMENT/TOXIC HAZARDS PLAN AND WRITTEN HAZARD COMMUNICATION PROGRAM**

Use of these guidelines will assist in preparing a chemical management/toxic hazards plan and a communication program that will be in compliance with Policy 8431.

CHEMICAL MANAGEMENT/TOXIC HAZARDS PLAN

Inventory

The inventory of chemicals shall contain:

A. a list of chemicals stored Corporation-wide;

B. date of purchase;

C. expiration date;

D. storage location in the Corporation;

E. at the time of an annual review of inventory, the identification of expired or unwanted chemicals to be properly disposed.

Purchasing

Chemical purchasing shall adhere to the following:

A. the Toxic Hazards Preparedness Officer (THP) will be informed of all planned chemical purchases

B. donated items or products employees want to bring into the school must be approved by the THP

C. the least toxic chemical that is effective for the intended purpose will be purchased

D. chemicals that are on the banned chemical listing shall not be purchased

E. over stocking is not permitted

Use

All toxic chemicals shall be properly used including:

A. mixing according to manufacturer's directions;

B. adherence to warning regarding proper ventilation;

C. only properly trained staff may use toxic chemicals;

D. use to toxic chemicals should be when students are not present;

E. all applications are done in accordance with the manufacturer's directions;

F. proper notification are given before the application, if such notifications are required;

G. purchased chemicals will be used on a first in first used basis.

Storage

Storage of toxic chemicals shall adhere to the following:

A. all containers, if not the original container, shall be properly ventilated

B. storage areas must be properly ventilated

C. hazardous chemicals shall be stored only in locked areas

D. chemicals shall be stored in accordance with the manufacturer's recommendations

E. chemicals that are reactive with each other will not be stored in proximity to one another

Disposal

Disposal of all chemicals shall adhere to the following:

A. disposal shall follow State guidelines under the directions provided by the THP

B. stored chemicals identified for disposal shall be marked as such on the container

C. banned chemicals shall be disposed of as soon as possible after learning of the ban

Spills and Other Accidents

Planning for the potential of a spill or other accident shall include the following:

A. follow the directions of the manufacturer for cleaning a spill;

B. should an accident occur which exceeds simply cleaning the area according to the manufacturer's directions, procedures outlined in the Corporation Emergency Preparedness Plan should be followed:

1. for situations of extreme emergency, call 911

2. staff handling toxic or hazardous chemicals shall be trained annually on response to emergency situations

WRITTEN HAZARD COMMUNICATION PROGRAM

Some methods in this written hazard communication plan go beyond the minimum requirements of the standard to more effectively communicate hazards to staff members, for example, having them sign training statements.

General

The following written hazard communication program has been established for the Corporation by its THP Officer, the Director of Buildings and Grounds.

The program will be available in his/her office for review by all employees.

A. **Hazard Determination**

The Director of Buildings and Grounds will be relying on Material Safety Data Sheets from material suppliers to meet hazard determination requirements.

B. **Labeling**

The Director of Buildings and Grounds will be responsible for ensuring that:

1. all incoming containers are properly labeled;

2. all incoming products are checked for identity, hazard warning, and name and address of the responsible party;

3. all portable containers are labeled with identity and hazard warning;

4. piping systems are painted at access points and every ten (10) feet where the piping is eight (8) feet or closer to employee contact.

C. **Material Safety Data Sheets (MSDS)**

1. The Director of Buildings and Grounds will be responsible for compiling the master MSDS file. It will be kept in the Director of Buildings and Grounds office.

2. MSDSs will be available for review to all employees. Copies will be available upon request to the principals and other supervisors.

3. The Director of Buildings and Grounds shall make requests for MSDSs on all purchase orders. A file of follow-up letters shall be maintained for all shipments received without MSDSs.

4. The Director of Buildings and Grounds shall provide supervisors with the required OSHA Right to Know poster and postings notifying employees of new or revised MSDSs within five (5) days of receipt of a new or revised MSDS.

D. **Employee Information and Training**

1. The THP Officer shall coordinate and maintain records of training.

2. Before starting work, each new employee will attend a safety class and be given a Hazardous Materials handbook which will have information on:

    a. chemicals and their hazards in their work areas;

    b. how to lessen or prevent exposure to these hazardous chemicals;

    c. what has been done to lessen or prevent workers' exposure to these chemicals;

    d. procedures to follow if they are exposed to these chemicals;

    e. how to read and interpret labels and MSDSs.

3. After attending the class each employee will sign a form stating that they received the written materials outlined above and received the safety training.

4. Before any new hazardous material is allowed in the Corporation, appropriate employees will be given information in the same manner as during the safety class. Each supervisor will be responsible for seeing that MSDSs on the new chemicals are available.

E. **Informing Contractors**

1. It is the responsibility of the THP Officer to provide any contractors and their employees with the following information:

    a. hazardous chemicals to which they may be exposed while on the job site

    b. measures the employees may take to lessen the risks

    c. steps the Corporation has taken to lessen the risks

2. The THP Officer will ensure that contractors' employees are given this information prior to working in the Corporation.

F. **List of Hazardous Chemicals**

A list of the hazardous chemicals used in the Corporation is to be available in the office of the THP Officer.

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ag8432

PEST CONTROL AND USE OF PESTICIDES

8432 - **PEST CONTROL AND USE OF PESTICIDES**

This administrative guideline is established in an attempt to assure proper control of any pesticides or other harmful chemicals that might be used on Corporation premises. "Pesticide" is defined as a fungicide used on plants, an insecticide, a herbicide, or a rodenticide.

The intent of this guideline is to prevent unnecessary exposure of staff members, students, or the public to potentially harmful substances.

Pesticides will be applied only by certified pesticide applicators or individuals operating under their supervision. The certified pesticide applicator shall train non-certified staff members who apply pesticides. The training must include:

A. a review of the Corporation’s pest control policy;

B. a review of the label instructions for the pesticides to be used;

C. methods to determine when an application of a pesticide is necessary;

D. how to minimize potential pesticide exposure to students, teachers, and staff;

E. what activities are prohibited;

F. written documentation of the training.

An emergency application of pesticides is defined as to when an application of pesticides is necessary to eliminate an immediate threat to human health and where it is impractical to obtain the services of a certified pesticide applicator provided such emergency application does not involve a restricted use pesticide. Restricted use pesticides may be used only by certified applicators or under their direct supervision.

At the time of registration for each school year. The School Board shall provide the staff members of each school and the parents of each child enrolled in each school with a written copy of the Board's policy on pesticide applications, the name and telephone number of the school contact person for pest control information, and a request form for those wishing to be placed on a list for advanced notice. This information may be given in the form of a memorandum or as a provision in the student and/or staff handbook. This information shall also be provided to the parents of any child who transfers into a school during the school year. A request for such notice may be made at any time during the school year.

Parents and staff members may register for prior notice of pesticide applications. Each school principal shall maintain a registry of persons requesting such notice. Prior to the application of pesticides within any building or on school grounds, the parents and staff members who have registered for prior notice shall receive a mailing to be received no later than two (2) school days prior to the application unless an emergency is declared.

The aforementioned notice shall include the (1) name of the active ingredient of the pesticide to be applied if part of a routine scheduled service, (2) location of the application, (3) date of application, (4) approximate time and length of the application and (5) name and telephone number of the school administrator or who may be contacted for further information. If the application is a part of a routine service the notice will also include a description of the pests encountered and the application method used during the previous service.

When possible, pesticide applications will be done during noninstructional time or during vacation periods.

Any pesticide application is prohibited when in the presence of children while they are in the room or on school grounds in or near the area to be treated.

If an emergency application is necessary to eliminate an immediate threat to human health, no person may enter the area of such application until it is safe to do so according to the provisions on the pesticide label.

In cases of an emergency application, prior notice is not required. Notice will be given to those persons who have previously requested notice of pesticide applications as soon as possible after such application.

A copy of the records of each pesticide application at a school shall be maintained for ninety (90) days. The records will contain the following information:

A. date and time of the inspection and pesticide application;

B. pests found during inspection;

C. brand name and active ingredient of pesticide(s);

D. EPA registration number of pesticide(s);

E. areas treated;

F. name of applicator;

G. source for obtaining information on the pesticide label(s), material safety data sheet(s), and/or fact sheet(s) for end use concentrations.

The school principal, upon request, will make available the pesticide application information listed above for at least ninety (90) days from the date of application.

Potentially harmful substances shall be chosen for the low levels of toxicity. The least toxic formulations and safest methods of application will be selected when there is a choice of products with comparable effectiveness. Whenever practical, nonchemical controls shall be used.

Storage of harmful products will be kept to a minimum. Only enough of the product for a given application shall be purchased. All storage instructions will be followed explicitly. All such products and the application equipment will be stored away from other activities and especially separated from food products or occupied rooms. All storage facilities will be maintained as a locked area and clearly marked as containing pesticides.

All pesticide products will have complete label instructions, will remain in the original container and Material Safety Data Sheet will be on file and readily available to any employee who must handle such materials or who may have been exposed to the product. This information shall also be available to any member of the public upon request.

All applications of harmful products will be made in strict compliance with label instructions.

School Corporation employees responsible for handling and applying pesticides shall have specific pesticide training.

Training for school employees to become certified pest control applicators is available. The Corporation may provide for financial support of such training for employees designated by the Superintendent as needing such training. Such financial support will be subject to the availability of budgetary funds and the approval of the Board.

The Superintendent shall be the contact person for providing information regarding pesticide application activities at the school site, including but not limited to giving oral and written notification, supervising the sending of notifications required by school policy and maintaining records of pesticide applications.

ag8442

ON-THE-JOB INJURY

8442 - **ON-THE-JOB INJURY**

Any employee incurring an injury while engaged in his/her performance of Corporation duties shall abide by the following procedures:

A. The injured employee shall report to the principal's office and complete Form 8442 F1 before reporting to an approved physician. The only exception will be if the injury is of such a nature that it requires immediate emergency attention. In that case, treatment should be undertaken and a report of the accident made to the principal's office at the earliest opportunity.

B. The appropriate form shall be completed by the principal's office for injuries involving outside medical costs and lost time injuries with less than seven (7) days disability.

If the Corporation does not believe the injury entitles the employee to receive worker compensation benefits, it shall so notify the employee and the Worker Compensation Board within thirty (30) days of the date at which the alleged disability begins, in accordance with the procedures prescribed by the Board. (I.C. 22-3-7)

MANAGEMENT OF SELECTED CASUAL-CONTACT DISEASES

8450 - **MANAGEMENT OF SELECTED CASUAL-CONTACT DISEASES**

Diseases spread by airborne and/or direct contact with germs from sneezing, coughing, and speaking.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL
ASEPTIC (VIRAL)	Fever, severe	Varies depending	Varies	Patients gradually too
MENINGITIS	headache, and	on virus or cause,	depending on	sick to attend school
	stiff neck	for enteroviral	virus or other	and can return when
		meningitis 3-6	organism	recovered
		days		
2019 NOVEL CORONAVIRUS DISEASE (COVID-19)	Cough, shortness of breath, difficulty breathing, or at least two of the following symptoms: chills, shaking with chills, muscle pain, headache, sore throat, and loss of taste or smell. Symptoms can range from	Most estimates of the incubation period for COVID-19 range from 1-14 days, most commonly around 5 days	Persons infected may be contagious for days before they experience symptoms. On average, the time from exposure to symptom onset (known as the incubation period) is about 5 to 6 days. Current	Students with COVID-19 who have stayed home (home isolated) can return to school under the following conditions**: • If student has not had a test to determine if s/he is still contagious, student can return to school after these three things have happened:

		mild to severe and may appear up to 2 weeks after exposure to the virus, according to the CDC. Some people with COVID-19 don't display any symptoms.		rule of thumb is to quarantine for at least 14 days from the time symptoms develop or 7 days after symptoms resolve - whichever is longer.	• no fever for at least 72 hours (that is three full days of no fever without the use of medicine that reduces fevers) AND • other symptoms have improved AND • at least 10 days have passed since symptoms first appeared. • If student has had a test to determine if s/he is still contagious, student can return to school after these three things have happened: • no fever (without the use of medicine that

reduces fevers)

AND

- other symptoms have improved

AND

- student received two negative tests in a row, at least 24 hours apart.

Students who DID NOT have COVID-19 symptoms but tested positive and have stayed home (home isolated) can return to school under the following conditions**:

- If student has not had a test to determine if s/he is still contagious, student can return to school after these two things have happened:

- at least 10 days have passed since the date of

student's first positive test

AND

- student continues to have no symptoms (no cough or shortness of breath) since the test.

- If student has had a test to determine if s/he is still contagious, student can return to school after:

  - student received two negative tests in a row, at least 24 hours apart.

**In all cases, follow the guidance of the student's doctor and local health department. The decision to stop home isolation should be made in consultation with the student's healthcare provider and state and local

				health departments. Some students, for example those with conditions that weaken their immune system, might continue to shed virus even after they recover.
DIPTHERIA	Fever, sore throat, gray or yellow membrane on the throat	1-10 days, usually 2-7 days Report to Health Department	2-6 months (without treatment)	Index Case: Excluded until 2 cultures 24 hours apart are negative Contacts: Observe, culture, and treat
(Erythema Infectiosum) FIFTH DISEASE	Facial "slapped-cheek" rash with "lacy" rash on trunk and limbs	Normally 4-14 days but up to 20 days	The week prior to appearance of rash.	Feverno longer present.
INFLUENZA	Fever greater than 100 degrees F, headache, tiredness, cough, sore throat, runny or stuffy nose, and muscle aches; nausea, vomiting, and diarrhea also can occur in children	1-3 days	1 day prior to symptoms through 7 days from clinical onset	Exclusion of the student should be based on the condition of the child and if there is a school policy that warrants exclusion for symptoms of influenza
*Some of this information was taken from the publication. Communicable Disease Summary Table. Indiana State Department of Health, 2017				

INVASIVE PNEUMOCOCCAL DISEASE	Fever, chills, cough, pain in the chest, disorientation	Normally 1 - 3 days Report to Health Department	Until after 24 hours of antibiotic therapy	Fever no longer present.
MEASLES		Usually about 14 days (range of 7-21 days) Report to Health Department REMOVE FROM SCHOOL IMMEDIATELY	4 days before to 4 days after rash	Exclude until 4 days after rash onset. Contacts who are not immunized are excluded until proof of immunity is show or, if exempted, 21 days after last reported case.
MENINGOCOCCAL DISEASE (Meningococcal Meningitis or Meningococcemia)	Fever, severe headache, and stiff neck.	2 -10 days; commonly 3-4 days Report to Health Department	Until the meningococcus is no longer present in nasal/mouth discharge.	Requires doctor's note for re admittance.
MUMPS (Infectious Parotitis)	Swelling and pain of the parotid gland, fever, mild URI symptoms	18 days (range of 12-25 days)	2 days before through 9 days after swelling first appears.	Exclude 9 days after onset of symptoms. Susceptible contacts must be excluded until proof of immunity is provided or, if

		EXCLUDE FROM SCHOOL Report to Health Department		exempted, from the 12th to the 25th day from exposure.
PERTUSSIS (Whooping Cough)	Initial cough, coryza, eye irritation, leading to a progressive cough that comes in bursts, may be followed by a "whoop."	10 days (range of 4-21 days) Report to Health Department	From onset of cough and cold-like illness through 5 days of appropriate antibiotic therapy. If not on antibiotics, 21 days from the onset of the cough.	Symptomatic Index case: Exclude for 5 days while receiving appropriate antibiotic therapy Symptomatic Contacts of a Confirmed Case: Exclude for 5 days while receiving antibiotic therapy Asymptomatic Direct Contacts: Do not exclude asymptomatic contacts; They should receive prophylaxis.
RUBELLA (German Measles)	Characterized by a rash that often fades or turns red and is most evident after a hot shower. Symptoms can include fever, joint pain (in adolescents and adults),	16-18 days (range of 12-23 days) Report to Health Department	7 days before to 7 days after rash onset.	Index Case: 7 days after rash onset. Susceptible Contacts: Students without proof of immunity or exempted shall be excluded until proof is provided or until 23

	and enlarged and tender lymph nodes at the back of the neck; however, children often experience no other symptoms than the rash. Rubella is also the cause of significant congenital defects in infants whose mothers are exposed during pregnancy.			days after last reported case.
SCARLETT FEVER	Rash begins on upper chest and progresses to trunk, neck, and extremities within 24 hours. Pinkish-red pinhead spots that blanch under pressure and feel similar to sandpaper (can often be felt easier than seen). High fever, sore throat, and nausea. The tongue is covered with white “fur” before peeling	Usually 1 - 3 days, rarely longer	Onset of symptoms until 24 - 48 hours after treated with antibiotics.	24 hours after beginning antibiotic therapy.

	and developing into strawberry tongue; diagnosis is made with positive throat cultures for strep.			
STREPTOCCOCAL SORE THROAT and SCARLET FEVER (Scarletina)	Fever, exudative tonsillitis or pharyngitis and tender cervical nodes; in addition, a fine-red rash occurs with scarlet fever.	Usually 1-3 days, rarely longer	Appropriate antibiotic treatment eliminates organism within 24 hours. In untreated, uncomplicated cases, 10-21 days or until under adequate antibiotic treatment for 24 hours.	24 hours after initiation of antibiotic therapy.
TUBERCULOSIS	Cough that lasts longer than 3 weeks, hemoptysis, night sweats, fever, pain in chest, weight loss or failure to gain weight, fatigue, chills, etc.	2-10 weeks for positive TST or IGRA; it can take decades for active disease to develop EXCLUDE FROM SCHOOL	3 months prior to onset of symptoms until no longer infectious	Exclude until no longer infectious (usually at least 2 weeks after the initiation of antibiotic therapy that produces a significant reduction in symptoms) Requires a doctor's note for re admittance.

		Report to Health Department		
VARICELLA (Chickenpox)	Fever, fatigue, followed by rash illness that progresses into itchy, fluid-filled blisters; "Breakthrough" cases appear as macular and papular lesions (small flat or raised red bumps).	10-21 days Report to Health Department	48 hours before rash until all lesions have crusted over or have faded in mild, "break-through" disease, usually 7 days.	Index case: When lesions are dry and crusted and no new eruptions. Susceptible Contacts: During an outbreak (greater than 5 linked cases in children under 13 or greater than 3 linked cases in children 13 years and older), exclude exposed contacts until proof of immunity is provided or for exempted persons 21 days after the rash onset of the last case.
Diseases spread by contact with tiny parasites on contaminated belongings of others.				
BED BUGS	Presence of bed bug nymphs on adults or on students, student belongings, or in the classroom	Approximately 1 month to develop from egg to adult; school environment is not an ideal environment for this development due to lack of hosts at night	May be transferred at any time if present	Exclusion of students is not generally recommended, nonreportable condition

PEDICULOSIS CAPITIS (Head Lice)	Main symptom is itching of scalp; lice (or eggs) can be identified by close examination of scalp.	Eggs hatch in 7 days; with resultant lice able to multiply within 8-10 days after hatching.	As long as live lice are present or eggs in hair are within ¼ inch of scalp.	No applicable state laws for exclusion. Follow school policy.
PINWORMS	Perianal itching and disturbed sleep	1-2 months or longer	As long as gravid females discharge eggs on perianal skin; eggs remain infective in an indoors environment for about 2 weeks.	Exclusion not required.
RINGWORM	Small red bump or papule that spreads outward, taking on the appearance of a red, scaly outer ring with a clear center.	1-3 weeks	As long as lesions are present or viable fungus is present on contaminated objects and surfaces.	Generally students can attend school with ringworm infections as long as infected areas are covered.
TICK-BORNE INFECTIONS	Varies by specific disease, but generally includes fever, rash, muscle aches, fatigue, and headache	Lyme: 2 - 31 days, usually 7-10 days Rocky Mtn. Spotted Fever: 3 - 14 days Ehrlichiosis: varies but generally 7 - 14 days	Not applicable	Exclusion not required.

		Report to Health Department		
Diseases spread by the fecal-oral route – contamination of food, drink or objects placed in the mouth.				
CAMPYLOBACTERIOSIS	Diarrhea (sometimes bloody), stomach cramps, fever, nausea, and vomiting	2-5 days Report to Health Department	While symptomatic	May return when no longer symptomatic.
CLOSTRIDIUM DIFFICILE INFECTIONS: CDI (C. DIFF)	Watery diarrhea, fever, abdominal tenderness	Unknown	Spores survive in environment for weeks to months	After completion of C. Difficile diarrhea
CRYPTOSPORIDIOSIS	Watery diarrhea, stomach cramps, fever, nausea, slight fever, weight loss, and vomiting	7 days (range of 1-12 days) Report to Health Department	While shedding, up to several months	Exclude until completion of antiparasitic therapy

E. COLI INFECTION (Shigatoxin Producing and Hemolytic Uremic Syndrome: HUS)	Bloody or nonbloody diarrhea, stomach cramps, low-grade fever, nausea, weight loss, and vomiting	3-4 days (range of 2-10 days) Report to Health Department	While shedding, up to 3 weeks	May return 24 hours after symptoms end
GIARDIASIS	Diarrhea, gas, greasy stools that tend to float, bloating, stomach cramps, fever, nausea, and constipation.	7-10 days (range of 3-25 days) EXCLUDE FROM SCHOOL Report to Health Department	While shedding, up to several months.	Exclude until completion of effective antiparasitic therapy Requires doctor's note for re-admittance.
HAND, FOOT AND MOUTH DISEASE (VESICULAR STOMATITIS WITH EXANTHEMA)	Fever, malaise, sore throat, and red blister spots that turn into ulcers in the mouth	3-5 days	During illness up to several weeks	Exclude during acute illness or while child who has blisters drools from the mouth or has weeping lesions on hands.

HEPATITIS A	Diarrhea, nausea, vomiting, fatigue, stomach cramps, fever, dark urine, pale, clay-colored stool, loss of appetite, and jaundice.	28-30 days (range of 15-50 days) EXCLUDE FROM SCHOOL Report to Health Department	14 days before and 7 days after the onset of jaundice, or if jaundice does not occur, 7 days before and 14 days after the onset of symptoms.	Exclude from school during infectious period.
NOROVIRUS INFECTION	Watery diarrhea, stomach cramps, nausea, vomiting, headache, muscle aches, and fatigue	24-48 hours (range of 12-72 hours) EXCLUDE FROM SCHOOL Report to Health Department	While shedding, up to 72 hours after symptoms cease.	Exclude until symptoms are gone.
SALMONELLOSIS	Diarrhea, nausea, vomiting, stomach cramps, and fever	12-36 hours (range of 6-72 hours) Report to Health Department EXCLUDE FROM SCHOOL	While symptomatic.	Exclude until symptoms are gone. Exclude from certain activities based on Health Department recommendation.

SHIGELLOSIS	Diarrhea, blood, pus or mucus in the stool, sudden stomach cramps, nausea, vomiting, and fever.	24-72 hours (range of 12 hours - 5 days) EXCLUDE FROM SCHOOL Report to Health Department	While shedding, up to several weeks.	Exclude until: 1) 48 hours after effective antimicrobial therapy with susceptibility testing; or 2) one negative stool collected 24 hours after finishing antimicrobial therapy.
Diseases spread by direct skin contact with wounds or discharges from an infected person.				
CONJUNCTIVITIS (Pink Eye)	Redness of eye involving tearing, irritation, swelling, and discharge	Bacterial: 1-3 days Viral: 12 hours - 3 days	Possibly up to 14 days but depending on cause	Exclusion recommended until examination by physician and then approved for readmission
HEPATITIS B	Malaise, fever anorexia, nausea, jaundice.	60 - 90 days	1 – 2 months before and after the onset of symptoms.	Exclusion not required.
HEPATITIS C	Nausea, vomiting, weight loss, fatigue, dark urine, pale stool, jaundice.	2 weeks - 6 months Report to Health Department	At least 1 week before onset of symptoms and for the rest of their lifetime.	Exclusion not required.
HIV/AIDS Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome	Initially viral flu-like symptoms; many years later (up to 10 years) swollen lymph nodes,	Variable, 1 week - 10 years or longer	Shortly after acquisition of the virus and for the rest of their life.	School children with HIV must be allowed to attend school and may be excluded only if permitted by I.C. 16-41-9-3 (i.e., a disease that is transmissible

	fatigue, fever, night sweats, unexplained weight loss, other coinfections, chronic diarrhea.	Report to Health Department		through normal school contacts or poses a substantial threat to health and safety of school community).
HUMAN PAPILLOMAVIRUS (HPV)	Most infections are asymptomatic, may develop warts (genital and/or non-genital); cancer may develop decades later	Unknown, but estimated to be 3 months to several years	Unknown, but thought to be communicable during acute and persistent infection.	Exclusion not required.
IMPETIGO	Skin lesions (red bumps) usually around the nose, mouth, or extremities; bumps break open and form a honey-colored crust.	1-3 days streptococcus infection and 4 10 days staphylococcus infection	In untreated cases as long as drainage from lesions occurs.	Recommended to keep child home until 24 hours after antibiotic therapy has begun.
METHICILLIN RESISTANT STAPHYLOCOCCUS AUREUS (MRSA)	Abscesses, boils	Variable	Wound drainage very infectious	Student may be excluded if recommended by HCP or if drainage cannot be covered or contained with a dry covering.
Mononucleosis (Epstein-Barr Virus)	Fever, exudative pharyngitis, swollen glands	4-6 weeks	Indeterminate; could be for many months after infection.	Exclusion not recommended.

Scabies	Rash is manifested as crusts, vesicles, pustules, blisters, or tine papules that are usually very itchy. Most common in webs of fingers, hands, wrists, armpits, groin, and elbows.	First exposure, 2 6 weeks; for subsequent infections, the incubation may be as short as a few days.	From time of infection until 1 day after treatment	Exclude from school until 1 day after treatment.
Sexually Transmitted Diseases	Infections can be asymptomatic, cause painful toileting, itching, discharges, blisters, sores, or a rash.	Variable from 1 week to a month Report to Health Department	Variable	No exclusion would be expected.
Shingles (Herpes Zoster)	Rash that develops lesions appearing along nerve pathways	Not applicable	If lesions are not covered, transmission of varicella disease may occur from 10-21 days following contact	Index Case: Exclude only if the site of infection cannot be covered. Susceptible Contacts: Do not exclude

West Nile Virus	Abrupt onset of fever, headache, myalgia, weakness, and often abdominal pain, nausea, or vomiting; most cases are asymptomatic.	Usually 3 - 15 days Report to Health Department	Humans are not infectious to other humans except through blood/organ donation.	Fever no longer present.

Additional information obtained from – Indiana State Department of Health http://www.in.gov/isdh/23291.htm "Communicable Disease Reference Guide for Schools: 2017 Edition", ISDH: Rash Illness Chart, ISDH: Quick Reference Chart.

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ag8451

PEDICULOSIS (HEAD LICE)

8451 - **PEDICULOSIS (HEAD LICE)**

Whenever a student is found to be infested with head lice, his/her parent/guardian will be notified of the infestation and the school nurse or designee will notify the parent and ask the parent to pick the student up at their earliest convenience. The student will remain in the classroom until picked up by the parent. The principal or designee will determine the type of activities the student will be engaged in for the rest of the day to minimize physical contact with other children. If head-to-head contact is possible, the student will be excused from those activities.

Additionally, the student will be told of the infestation and reassured that it is a very treatable condition and nothing to be ashamed of. The student also will be educated in the transmission of lice and told not to share combs, hats, etc. with others.

When the parent picks up the student, the parent will be informed that the student needs to be treated before s/he returns and the parent will need to complete Form 8451A F3 before the student is readmitted. The student will be permitted to return to school after it is confirmed that the child is free of any live lice.

The parent will be provided with a notification letter (Form 8451A F2) and a treatment form that provides guidance and educational material concerning the epidemiology, treatment, and follow-up procedures for the infestation (Form 8451A F1) and will also be shown by the school nurse or health staff member the evidence of the student's infestation.

The parent will be informed that other family members might be infested and need treatment.

If the parent is unwilling or unable to identify nits or lice, s/he should be advised where this service is provided (local health department, clinic, physician's office).

If the parent/guardian is unable to visit the school (i.e., pick up the student), a phone call to the parent explaining the above information shall be made, and the referenced cover letter (Form 8451A F2), along with the additional information (Form 8451A F1) will be sent home with the student.

The proper way to confirm the presence of lice is to find actual lice in the child's hair. Transmission of lice most often occurs by direct contact with the head of another infested child as lice do not jump or fly. Indirect contact can include personal belongings of an infested child (combs, brushes, hats, pillows, and bedding).

Only children and family members who have head lice should be treated. If parents are unsure if a child has lice, the hair should be combed with a lice comb to see if lice are present.

Procedure for treatment and follow-up:

A. If head lice are confirmed at school, the actions described above will be taken.

B. Parents need to notify the school health staff if they discover lice at home. They should notify parents of their child's close friends.

C. The school health staff is readily available to discuss treatment and follow-up of head lice.

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USE AND MAINTENANCE OF AUTOMATED EXTERNAL DEFIBRILLATORS

8452 - **USE AND MAINTENANCE OF AUTOMATED EXTERNAL DEFIBRILLATORS**

These guidelines are established as guidance to those who are trained and willing to use School Corporation Automated External Defibrillators ("AEDs") in appropriate emergency medical situations. These guidelines do not create an obligation to use the AEDs nor do they create an expectation that an AED will be available or that a trained employee will be present and/or able to use the AED in the event of a medical emergency. Any individual using a Corporation AED is subject to the immunities established in I.C. 34-30-12-1.

AED SAFETY COORDINATOR

The Director of School Safety will perform the duties of AED "Safety Coordinator."

SUDDEN CARDIAC ARREST TRAINING

Each head coach or assistant coach of an athletic activity, marching band leader, drama or musical leader, or sponsor of an extracurricular activity in which students have an increased risk of sudden cardiac arrest will be required to participate in a sudden cardiac arrest training course which includes use of an AED. **No individual may coach or lead an event in which students have an increased risk of sudden cardiac arrest until the individual completes the required training course.**

In addition, individuals in the following positions may be included in sudden cardiac arrest training course which includes use of an AED as "expected users" of Corporation AEDs:

A. all Corporation administrators;

B. all school nurses;

C. athletic director(s);

D. all athletic trainers;

E. all physical education teachers;

F. additional staff as deemed appropriate by each building administrator.

Individuals who presently are employed under a regular or supplemental contract for any of these positions must complete a training course in sudden cardiac arrest, which includes the use of an AED as well as CPR as described below. Any of these individuals who is able to produce evidence of completion of the requisite training within the two (2) years prior to the adoption of these guidelines is not required to undergo such training again. Any individual who is awarded a contract or supplemental contract for any of these positions subsequent to the adoption of these guidelines must seek appropriate training within a reasonable period of time.

The Safety Coordinator will schedule and coordinate training in a program consistent with the training protocols established by the National Center for Early Defibrillation (www.early_defib.org) and conducted by an organization listed by the National Center. The Safety Coordinator will maintain all records evidencing training, including copies of the certificates of completion for all individuals (employees and volunteers) who complete training on the use of AEDs. All training will be in compliance with State and/or Federal law.

All expected users must complete annually an AED-CPR skill proficiency demonstration. Each individual's annual performance will be reviewed. The Safety Coordinator will arrange this annual review.

AED MAINTENANCE

All Corporation AEDs must be maintained and tested according to the manufacturer's guidelines.

The Safety Coordinator will retain all manufacturer's guidelines in their office along with any additional specifications or technical information for each approved AED model made available for use in the Corporation.

The Safety Coordinator will oversee the performance of regular maintenance of Corporation AEDs in accordance with the intervals established by the manufacturer. The Safety Coordinator or a designee will perform monthly checks of the AED defibrillator pads and batteries to assure compliance with expiration dates. The Safety Coordinator will re-order replacement supplies for the AED upon determining that existing supplies will expire within the ensuing two (2) months.

The Safety Coordinator or a designee will maintain a weekly checklist to document the proper maintenance of the AEDs as well as monthly inspections.

Following use of an AED, the Safety Coordinator must replace all single use items associated with the AED as quickly as possible.

VENUE-SPECIFIC EMERGENCY ACTION PLAN FOR SUDDEN CARDIAC ARREST

The Safety Coordinator will work with the building principal or head facility administrator to develop a venue-specific emergency action plan for sudden cardiac arrest and, for the 2025 - 2026 school year, do so in collaboration with the Indiana Department of Education and the local health department, which includes detailed written instructions establishing steps to reduce death from cardiac arrest in any setting. The venue-specific emergency action plan must include the following:

A. A cardiac emergency response plan (CERP) that includes the core elements set forth by either the American Heart Association or other nationally recognized recommendations, including recommendations set by the National Athletic Training Association.

B. A requirement that the CERP be widely distributed and posted throughout the school, rehearsed frequently, and updated annually.

C. A requirement that AEDs must be clearly marked and easily accessible at each venue where an athletic activity may occur or within one (1) to three (3) minutes of where each athletic activity is held.

D. A requirement that the School Board work directly with local providers of emergency medical services (as defined in I.C. 16-18-2-110) to integrate the CERP into the community's local provider

protocols.

E. A requirement that AEDs must be made available for use by all individuals, regardless of an individual's training.

F. A requirement that appropriate school staff and volunteers are trained in first aid, cardiopulmonary resuscitation, and AED use in a manner that follows evidence-based guidelines set forth by the American Heart Association or other nationally recognized guidelines focused on emergency cardiovascular care.

G. A systematic procedure for maintaining each AED in proper functioning order and storing needed supplies with the AED.

H. A requirement that at least one drill will be held before the beginning of each season during which the venue will be used for an activity.

The Principal or Building Administrator will manage the venue specific emergency action plan for sudden cardiac arrest. The plan will be shared with each head coach and assistant coach of an athletic activity, marching band leader, drama or musical leader, and sponsor of an extracurricular activity in which students have an increased risk of sudden cardiac arrest. The plan will be posted in a conspicuous place so that it is visible to participants of an activity in the venue. Before the beginning of each season in a venue hosting activities in which students have an increased risk of sudden cardiac arrest, the plan will be shared and discussed with the participating students.

AED LOCATIONS

AEDs will be stored in a location that is clearly visible to expected users in the event of an emergency and is accessible outside of normal school hours.

If an AED is to be deployed in accordance with a venue-specific emergency action plan. It will be:

A. except as provided below, located on the premises where the event in which students have an increased risk of sudden cardiac arrest occurs; and

B. present for the duration of the event in which students have an increased risk of sudden cardiac arrest.

The head coach or assistant coach of an athletic activity, marching band leader, drama or musical leader, or leader of an extracurricular activity in which students have an increased risk of sudden cardiac arrest who is conducting an event in which students have an increased risk of sudden cardiac arrest will inform all individuals who are coaching or providing leadership at the event of the location of the AED.

One AED may be shared by two or more events in which students have an increased risk of sudden cardiac arrest if the following conditions are met:

A. The events occur at the same time.

B. The events are in close proximity to each other.

C. The AED is placed in a location between the events and is present for the duration of the events.

D. Each head coach and assistant coach of an athletic activity, marching band leader, drama or musical leader, and sponsor of an extracurricular activity in which students have an increased risk of sudden cardiac arrest conducting the event is aware of the location of the AED.

Upon installation, the Safety Coordinator must notify all area emergency medical services of the locations of all AEDs.

If an AED is made available for use outside of regular school hours at a site other than a normal fixed location, such as at an athletic contest, then the AED may be transported by any expected user to such a location. The individual responsible for transport must inform all other expected users regarding the location of the transported AED upon arrival.

GUIDELINES FOR USE OF AEDs

Prior to use of an AED, the trained expected AED user will assess the scene of the medical emergency for safety. The expected user will make the scene of the emergency as safe as possible prior to use of the AED, including placing the person on a hard surface away from standing water. Expected users are not expected to place themselves at risk in order to provide aid to others.

Unless otherwise specified by the manufacturer, AEDs should be used only on a person who is at least eight (8) years old and/or eighty (80) pounds. **The AED will be attached only to victims who are unresponsive, not breathing normally and have no detected pulse.**

Procedures For Use During School Hours

A. After assessing the symptoms described above, a responsible adult will alert the main office either by calling the main office on any school phone, or by sending a runner to the building principal. The responsible adult will provide the main office with information regarding the location of the medical emergency, the symptoms of the individual, and the details of any safety issues related to the scene.

B. The principal or a designee will contact emergency medical services immediately by calling 911, and will contact and dispatch a trained expected AED user from the school building to the location of the emergency.

C. The principal or designee will retrieve the AED for delivery to the scene.

D. Upon arrival, the trained expected AED user must assess the symptoms of the person and assess whether the person meets the criteria for use of the AED.

E. The trained expected AED user will administer CPR or the AED in accordance with training until the arrival of emergency medical services personnel.

F. The trained expected AED user, in consultation with the building principal or head facility administrator, must complete a Corporation incident report, including the names of the responding emergency medical services personnel and any relevant facts relating to the incident. The incident report will be retained in the files of the Corporation.

G. After use, the AED will remain off unless needed for an additional emergency.

Procedures For Use Outside Of Regular School Hours

A. After assessing the symptoms described above, a responsible adult will alert a trained expected AED user, including but not limited to any member of the coaching staff or the Safety Coordinator. The responsible adult will provide the trained expected AED user with information regarding the location of the medical emergency, the symptoms of the individual, and the details of any safety issues related to the scene.

B. The trained expected AED user will immediately designate another responsible individual to contact emergency medical services by calling 911, and will immediately respond to the location of the emergency.

C. The trained expected AED user will retrieve or designate another responsible individual to retrieve the AED for delivery to the scene.

D. Upon arrival, the trained expected AED user must assess the symptoms of the person and assess whether the person meets the criteria for use of the AED.

E. The trained expected AED user will administer CPR or the AED in accordance with training until arrival of emergency medical services personnel.

F. The trained expected AED user, in consultation with the building principal or head facility administrator, must complete a Corporation incident report, including the name of the responding emergency medical services personnel and any relevant facts related to the incident. The incident report will be retained in the files of the Corporation.

G. After use, the AED will remain off unless needed for another emergency.

COLLECTION OF DATA FOLLOWING THE USE OF AN AED

Immediately following a medical emergency and the use of an AED, the trained expected AED user must report the details of the incident to the building principal or head facility administrator and the Safety

Coordinator. Thereafter, the Safety Coordinator will contact the prescribing medical practitioner for the purpose of conducting a case review.

PROCEDURES FOLLOWING A CRITICAL EVENT

Following an incident involving the use of an AED, the Safety Coordinator will convene an informal stress debriefing for all individuals involved in the incident.

Within a reasonable period of time after an incident involving the use of an AED, the Safety Coordinator must convene a meeting of all individuals involved in the incident to review the procedures as set forth herein and to make recommendations for any amendments to these guidelines.

REQUIRED DOCUMENTATION

The Corporation will maintain documentation of training of Corporation employees on the use of AEDs. The Safety Coordinator will maintain all records evidencing training, including copies of the certificates of completion for all individuals (employees and volunteers) who complete training on the use of AEDs.

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ag8453

EXPOSURE CONTROL PLAN FOR HANDLING AND DISPOSING OF BODY FLUIDS

8453 - **EXPOSURE CONTROL PLAN FOR HANDLING AND DISPOSING OF BODY FLUIDS**

All school staff should be aware of the risks involved when exposed to and dealing with body fluids. It must be assumed that all body fluids are potentially infectious and by following procedures for universal infection control the risks can be greatly reduced and the possibility of accidental infection can be minimized or prevented. A surface should be considered contaminated if blood or the reasonably anticipated presence of blood or other potentially infectious body fluids occur, even if the contaminates have dried. Certain pathogens (e.g. HCV) remain viable for extended periods in dried blood.

Sources of Infectious Organisms in Body Fluids

Source	Organism	Transmission
Blood - cuts/abrasions - nosebleeds - menses - needles - human bites	HBV HCV HIV/AIDS Cytomegalovirus	Contact with broken skin or membrane
Feces	HAV Salmonella bacteria Shigella bacteria Rotavirus	Oral inoculation from hands or food

Urine	Cytomegalovirus	Bloodstream, oral, and mucus membrane inoculation from hands
Respiratory Secretions - saliva - nasal discharge	HBV Tuberculosis Mononucleosis V Influenza V Common cold V Meningitis	Bloodstream, oral, and mucous membrane
Vomitus - may contain blood	Gastrointestinal V (Rotavirus) See "blood"	Oral from contaminated hands (see "blood")
Semen	HBV HIV/AIDS Venereal Disease	Sexual contact (unprotected)

Materials and equipment required and made available to dispose of body fluids include:

Antibacterial soap
Potable water
Paper towels
Latex and non-allergenic gloves
Hazardous material bags (red) and labels
Hazardous material (sharps) container
(puncture proof and leak proof)
Buckets and mops
Disinfectant solutions from the following list:

A. Sodium hypochlorite solution (household liquid bleach), one (1) part bleach to ten (10) parts water (1-1/2 cups bleach to one (1) gallon of water, freshly prepared)

B. Phenolic germicidal detergent in a one percent (1%) aqueous solution (Lysol)

C. Quaternary ammonium germicidal detergent in two percent (2%) aqueous solution (Tri-quat, Mytar, Sage)

D. Iodophor germicidal detergent with 500ppm available iodine (Wescodyne)

E. Sanitary absorbing agent (Chlora Sorb, X-O Odor Away)

Universal Infection Control Procedures

A. **GENERAL**

1. Wear disposable latex or non-allergenic gloves before making contact with body fluids during care, treatment, and all cleaning procedures.

2. Dispose of gloves and disposable cleaning materials in hazardous materials container (bag).

3. Wash hands with an antibacterial soap-even if gloves are worn.

4. Discard disposable items including tampons, sanitary napkins, used bandages, dressings in a hazardous materials container. (Rest rooms should have waste receptacles lined with hazardous waste bags.)

5. Close and label hazardous waste containers (bags) and dispose of in accordance with public health guidelines as provided by the Decatur County Public Health Office. Note: be sure your waste disposal carrier is authorized to dispose of hazardous waste materials.

6. Use disposable items to handle body fluids whenever possible. Discard items in accordance with Item 5 above. If handling vomitus or feces, use a second barrier (i.e. plastic bag) in addition to gloves.

B. **HANDWASHING**

1. Use anti-bacterial soap and warm running water.

2. Rub hands together to work up a lather-scrub between fingers, knuckles, backs of hands, under fingernails.

3. Rinse thoroughly.

4. Dry with paper towel or hot air. If paper towels are used, dispose of in an appropriate container.

C. **WASHABLE SURFACES**

1. **Tables, desks** (wear gloves)

    a. Use household bleach solution of one (1) part bleach to ten (10) parts water-freshly mixed.

    b. Rinse with fresh water.

c. Repeat "a"

d. Repeat "b"

e. Allow to air dry.

f. Dispose of gloves and wiping materials in a hazardous waste container.

2. **Floors** (wear gloves)

a. Use household bleach solution as previously described.

b. Use a mop and two buckets- one for bleach solution and one for rinse water (with bleach or Lysol solution).

1. in bucket #1, dip, wring, mop up vomitus, blood

2. dip, wring, and mop until body fluids are cleaned up

3. dip mop into bucket #2, wring, re-mop (rinse) area

4. continue cycle until all spills are cleaned up – using fresh solutions as necessary

c. Soak mop in disinfectant solution after use.

d. Disposal cleaning materials should be placed in a hazardous waste container.

e. Pour solutions down a drain pipe – flush thoroughly.

f. Rinse non-disposable cleaning equipment in disinfectant.

g. Dispose of gloves in a hazardous waste container.

h. Wash hands as described in B.

D. **Non-washable surfaces (rugs, upholstery)**

1. Apply sanitary absorbing agent, dry, vacuum.

2. Remove solid materials with broom and dustpan – use second barrier if necessary to use hands.

3. Apply rug or upholstery shampoo as directed - vacuum according to directions.

4. Clean dustpan and broom (if used) in disinfectant solution - air.

5. Dispose of gloves in a hazardous materials container.

6. Wash hands as described in B.

E. **Washable Materials (clothing, towels, etc.)**

1. Rinse item under running water.

2. Place item in a hazardous materials bag and seal until item is ready to be washed. Bags containing soiled, washable material must be clearly identified as "Hazardous Material" if an outside laundry service is used. Contact- sports uniforms should be closely inspected for blood and handled in an appropriate manner.

3. Rinse and wipe sink with paper towels – dispose of towels in a hazardous waste container.

4. Wash potentially contaminated materials separate from others – dry as usual. If material is color-fast add one-half (1/2) cup bleach to the wash cycle. Otherwise, add one-half (1/2) cup non-chlorine bleach (Clorox II, Borateem) to the wash cycle.

5. Dispose of gloves in a hazardous waste container.

6. Wash hands as described in B.

Accessibility of equipment and materials

A. Latex and/or non-allergenic gloves shall be available at all work stations in all buildings and outdoor facilities.

B. Cleaning equipment and solutions as described in the Materials and Equipment section shall be made readily available to all work stations.

C. A hazardous material container (biohazard container, sharps container) with a cover which is puncture proof and leak proof shall be kept in a central location (central office, nurse's station) for proper disposal of needles and lancets used for medicinal purposes. Periodically, this container shall be disposed of and replaced in accordance with public health guidelines.

D. Hazardous waste (red) trash can liners shall be used in all rest rooms and shall be properly labeled and disposed of in a timely manner and in accordance with public health guidelines.

E. Broken glass, plastics, or other small materials which have been contaminated with body fluids shall be placed in a puncture-proof, leak-proof container with a lid, labeled as hazardous material and disposed of in accordance with public health guidelines.

This guideline is not meant as an all-inclusive list of infectious organisms that may be contained in body fluids. Additionally, the use of brand name cleaning agents or other products in this guideline are meant as examples only and are not endorsements of the specific products mentioned herein.

CONTROL OF BLOOD-BORNE PATHOGENS

8453.01 - **CONTROL OF BLOOD-BORNE PATHOGENS**

The following guidelines provide for the Corporation's compliance with Federal regulations for protecting staff members against exposure to blood pathogens and other infectious materials which can cause Hepatitis B and/or HIV viruses.

A. **Exposure Determination**

Staff members in the following job classifications have responsibilities for which they could reasonably anticipate exposure to blood and other potentially-infectious materials:

1. school nurses

2. custodians

3. special education teachers and aides who work with students who are prone to biting, scratching, and other such actions that can cause bleeding or exposure to saliva and other body fluids

4. teachers in vocational/technical education whose students work with equipment that can cause cuts or other injuries that produce bleeding

5. coaches

6. bus drivers

B. **Inoculation**

Each of the staff members in the above-named categories shall be offered free vaccination with the Hepatitis B vaccine after training and within ten (10) days after reporting for duty at the start of the school year or when employed.

The Superintendent shall determine which hospital or other health service shall give the vaccinations and do the necessary follow-up testing. S/He shall:

1. arrange a schedule for vaccinations which makes it possible for the staff members to be vaccinated during their work time;

2. obtain the necessary information concerning the efficacy, safety, administration, and benefits of the vaccine so that each staff member can be properly informed prior to making a decision as to whether or not s/he wishes to be vaccinated;

3. ensure that the results of postvaccination testing are properly recorded and kept confidential.

If the staff member declines, s/he shall complete Form 8453.01 F1 which shall be placed in the staff member's confidential file. (See AG 8320 - Personnel Records)

If the staff member chooses to be vaccinated, s/he shall sign Form 8453.01 F4 and report to the school nurse in accordance with the schedule.

C. **Precautions**

A plan should be developed to identify the likely situations where staff members could be exposed, to describe how such situations can be minimized, and the ways in which exposure will be managed. AG 8453 provides a set of procedures for the proper handling of bodily fluids. Each of the staff members in the "at-risk" categories identified above are to be trained in these procedures when employed and at the beginning of each school year. The instructor is to be

someone knowledgeable about blood-borne pathogens and other potentially-infectious materials, how they may be transmitted in a school setting, vaccinations, and the precautionary procedures. At the completion of the training, each staff member is to sign Form 8453.01 F2 confirming the date and content of the training and that s/he understands the content.

D. **Postexposure Evaluation and Follow-up**

Whenever a staff member has contact with blood or other potentially-infectious material, s/he shall immediately contact the school nurse and complete Form 8453.01 F3. The Corporation shall offer the staff member a confidential medical evaluation by the health department.

The parents of the student who caused the exposure are to be contacted promptly to obtain permission for the testing of the student's blood for Hepatitis B and HIV viruses either in cooperation with their physician or by the health department.

The exposed staff member is to be informed of the test results, if available, with the parents consent and of the Federal and State laws concerning confidentiality.

The staff member's blood should then be tested with his/her consent. The staff member shall also receive postexposure treatment, if so indicated by the Public Health Service or treating physician.

The healthcare professional conducting the medical evaluation is to be provided:

1. a copy of the Federal regulations concerning the Exposure Control Plan;

2. a copy of Form 8453.01 F2;

3. a copy of the staff member's job responsibilities vis-a-vis the exposure;

4. the results of the student's blood test, if available;

5. a copy of the staff member's medical records.

The health care professional shall, within five (5) days after the evaluation provide the Corporation with a written opinion containing:

1. a possible recommendation for Hepatitis B vaccination, if the staff member has not already been vaccinated;

2. confirmation that the staff member has been adequately informed of the evaluation results and any further evaluation or treatment deemed necessary.

The staff member is to be given a copy of the written opinion within fifteen (15) days after receipt by the Corporation. The original opinion is to be filed in the staff member's confidential medical file.

E. **Training**

Blood-borne pathogen training is required within ninety (90) days of initial employment, at the time of initial assignment to tasks where occupational exposure may take place, and at least annually thereafter.

F. **Medical and Training Records**

Medical records of the staff members must identify them by name and social security number and include any and all results of the status to Hepatitis B, examinations, testing, follow-up care, and written opinions. All such information shall be kept in the staff member's confidential files (AG 8320) and retained for the period of their employment plus thirty (30) years.

Training records must include the dates and content of the training, the name and qualifications of the instructors, and the names and job titles of the staff members. Each staff member's training record (Form 8453.01 F2) shall be kept in his/her personnel file for three (3) years after the training date.

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ag8462

CHILD ABUSE OR NEGLECT

8462 - **CHILD ABUSE OR NEGLECT**

In compliance with School Board policy and State statute, professional staff members are required to report to the proper legal authorities any sign of child abuse or neglect. The child may suffer from physical abuse and neglect, sexual abuse, and/or emotional maltreatment. Basically, physical abuse is the non-accidental, physical injury of a child; physical neglect is the failure to provide proper parental care, support, medical attention, and education for a child; sexual abuse is any indecent sexual activity; and emotional maltreatment is failure to provide warmth, attention, supervision, and/or normal living experiences for a child.

A child who is being abused also may:

A. be hyperactive;

B. act fearful of adults;

C. cling to adults;

D. be anxious, tense, and nervous.

Suspected Abuse/Neglect by Parents

Parents who are abusing their child may:

A. be reluctant to give information;

B. describe a story that doesn't fit the injury;

C. have an inappropriate reaction to the severity of injury;

D. express unreasonable expectations for the child's performance;

E. claim conditions that do not exist, e.g.,

"S/He bruises easily."

"S/He moves constantly." (Child sits quietly.)

F. indicate family problems such as marital discord, crowding, financial stress, psychological disorders, retardation, alcohol or drug addiction, etc.

Children in Need of Services

In accordance with law (I.C. 31-34-1 et seq.), a child is in need of services if, before they reach eighteen (18) years of age, one of the following conditions exists and the child needs care, treatment, or rehabilitation that:

-- the child is not receiving and

-- is unlikely to be provided or accepted without the coercive intervention of the court.

A. The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parents, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.

B. The child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian:

C. The child is the victim of a sex offense under:

1. I.C. 35-42-4-1 - Rape

2. I.C. 35-42-4-3 – Child molesting

3. I.C. 35-42-4-4 – Child exploitation; possession of child pornography

4. I.C. 35-42-4-5 – Vicarious sexual gratification; sexual conduct in presence of a minor

5. I.C. 35-42-4-6 – Child solicitation

6. I.C. 35-42-4-7 – Child seduction

7. I.C. 35-42-4-8 – Sexual battery

8. I.C. 35-42-4-9 – Sexual misconduct with a minor

9. I.C. 35-45-4-1 – Public indecency

10. I.C. 35-45-4-2 – Prostitution

11. I.C. 35-45-4-3 – Making an unlawful proposition

12. I.C. 35-45-4-4 – Promoting prostitution

13. I.C. 35-46-1-3 – Incest, or

14. the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in 1-13 above.

D. The child lives in the same household as an adult who committed an offense listed in C above that resulted in a conviction or judgment under I.C. 31-34-11-2 or has been charged with an offense listed in C above and is awaiting trial.

E. The child lives in the same household as another child who is the victim of an offense listed in C above, and a caseworker assigned to provide services to the child places the child in a program of informal adjustment or other family or rehabilitative services and the caseworker subsequently determines further intervention is necessary or that a program of informal adjustment or other family or rehabilitative services is inappropriate.

F. The child lives in the same household as an adult who committed a human or sexual trafficking offense under I.C. 35-42-3.5 or the law of another jurisdiction, including Federal law, that resulted in a conviction or judgment under I.C. 31-34-11-2 or has been charged with a human or sexual trafficking offense under I.C. 35-42-3.5 or the law of another jurisdiction, including Federal law, and is awaiting trial.

G. The child is the victim of human or sexual trafficking as defined in I.C. 31-9-2-133.1 or a human or sexual trafficking offense under the law of another jurisdiction, including Federal law, that is substantially equivalent to I.C. 31-9-2-133.1.

H. The child's parent, guardian, or custodian allows the child to participate in an obscene performance (as defined by I.C. 35-49-2-2 or I.C. 35-49-3-2).

I. The child's parent, guardian, or custodian allows the child to commit a sex offense prohibited by I.C. 35-45-4.

J. The child substantially endangers the child's own health or the health of another individual.

K. The child's parent, guardian, or custodian fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by I.C. 20-33-8-26, if the behavior of the student has been repeatedly disruptive in the school.

L. The child is a missing child (as defined in I.C. 10-13-5-4).

M. The child is a child with a disability who is deprived of nutrition that is necessary to sustain life or is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.

N. The child is born with fetal alcohol syndrome, neonatal abstinence syndrome, or any amount, including a trace amount, of a controlled substance, a legend drug, or a metabolite of a controlled substance or legend drug in the child's body, including the child's blood, urine, umbilical cord tissue, or meconium. Provided, however, that the child will not be considered a child in need of services if the drug detected was a: (1) legend drug and during the pregnancy, the child’s mother possessed a valid prescription for the legend drug, was not in violation of I.C. 16-42-19 (the Indiana Legend Drug Act), and made a good faith attempt to use the legend drug according to the prescription instructions; or (2) controlled substance and during the pregnancy, the child’s mother possessed a valid prescription for the controlled substance and made a good faith attempt to use the controlled substance according to the prescription instructions.

O. The child has an injury, abnormal physical or psychological development, or symptoms of neonatal intoxication or withdrawal or is at a substantial risk of a life threatening condition that arises or is substantially aggravated because the child's mother used alcohol, a controlled substance, or a legend drug during pregnancy. Provided, however, that the child will not be considered a child in need of services if the drug detected was a: 1) legend drug and during the pregnancy, the child’s mother possessed a valid prescription for the legend drug, was not in violation of I.C. 16-42-19 (the IndianaLegend Drug Act), and made a good faith attempt to use the legend drug according to the prescription instructions; or 2) controlled substance and during the pregnancy, the child’s mother possessed a valid prescription for the controlled substance and made a good faith attempt to use the controlled substance according to the prescription instructions.

Procedure for Reporting

If a staff member or coach employed by the School Corporation, volunteer coach or volunteer has reason to believe a child is a victim of abuse or neglect, they shall immediately make a report to the Department of Child Services ("DCS") by calling the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556 and the appropriate law enforcement agency. After making the report, the staff member shall notify the appropriate building administrator of the circumstances that led to the report that they made to DCS and the police. The building administrator shall document the report and, if unable to confirm the date and time it was made and/or the identity of the person to whom the report was made, shall contact DCS and the police to ensure that they have received the report and an investigation has begun.

The staff member or volunteer does not have the discretion to decide not to report known or suspected child abuse or neglect (I.C. 31-33-5), unless a report has already been made and documented by the individual in charge in the Corporation. An employee or volunteer of the Corporation may not delegate the duty to make the report unless:

A. the individual to whom the duty is being delegated is part of the child's care team and personally has been involved in the child's care, and

B. the notification of the suspected child abuse or neglect made to the individual to whom the duty is being delegated is in writing.

The individual to whom the responsibility was delegated immediately shall make a report to DCS or the appropriate law enforcement agency and then shall:

A. record in writing that they were notified of suspected child abuse or neglect, including the identity of the person who notified them, the date and time of the notifiication, and the date and time that they reported the suspected child abuse or neglect to DCS or law enforcement.

B. place or cause to be placed in the child's file:

1. details included in the report to DCS or law enforcement, including the date and time;

2. the condition of the child at the time the report was made, if known; and

3. any other relevant information.

After making the report, the individual required to make the report and the individual delegated to make the report shall notify the Superintendent that the report was made.

It is the responsibility of DCS to investigate possible abuse and/or neglect and prepare a written report within forty-eight (48) hours. School personnel should not pressure the child to divulge information regarding any injury or other circumstances surrounding the abuse and/or neglect. The Corporation need not prove that abuse and/or neglect exists before reporting. They need only suspect that abuse and/or neglect has occurred or currently is occurring.

Investigation of Child Abuse or Neglect

Investigators who seek to interview a student who is a suspected victim of abuse or neglect must make the request to the Principal, who shall determine from the investigator whether or not it is appropriate to notify the student's parents. If the parent or a member of the household is not the subject of the investigation, the Corporation may notify the parents that a report was made. If it is appropriate, the Principal should notify the parents of the time and place of the impending interview.

Suspected Abuse by Staff Members

Building administrators and other Corporation staff members should be mindful of the possibility of physical or mental abuse inflicted by another Corporation staff member. If a Corporation staff member is suspected of abuse, their supervisor should be notified immediately. The supervisor shall follow the Corporation's due process procedures for addressing an employee's alleged violation of law or Corporation policy. This procedure does not negate the duty of the reporting person to also report the suspected abuse to DCS and, if a crime is believed to have occurred, the appropriate law enforcement agency.

If a report alleges that a staff member, coach, volunteer coach, or volunteer of the Corporation is the abuser, the appropriate law enforcement agency shall investigate to determine whether the Corporation knew that the alleged abuse was occurring and failed to report the alleged abuse. In determining whether the Corporation knew that the alleged abuse was occurring, the following may be considered:

A. whether there have been previous allegations against the alleged abuser;

B. whether there are prior disciplinary records for the alleged abuser; and

C. whether the Corporation properly reported any previous:

1. allegations against the alleged abuser; and

2. prior disciplinary records involving the alleged abuser's inappropriate behavior with a minor.

If the appropriate law enforcement agency determines that the Corporation knew that the alleged abuse was occurring and failed to report the alleged abuse, law enforcement shall provide the prosecuting attorney with a complete written report of the investigation.

Confidentiality of Information Regarding Child Abuse or Neglect

Information concerning the alleged abuse or neglect of a student is confidential information and is not to be shared with anyone other than the administration, DCS, and the police (as appropriate) and, whenever abuse by someone other than the parents is suspected, the parent(s).

Consequences for Violation of Policy 8462

Failing to report suspected child abuse or neglect is a Class B misdemeanor, which is punishable by up to 180 days in jail and a $1,000 fine. A staff member who violates Policy 8462 - Child Abuse and Neglect also may be subject to disciplinary action.

Staff Training on Child Abuse and Neglect

The Superintendent shall ensure that each Corporation employee who is likely to have direct, ongoing contact with children within the scope of their employment attend or participate in training on child abuse and neglect, including:

A. training on the duty to report suspected child abuse or neglect under I.C. 31-33-5; and

B. training on recognizing possible signs of child abuse or neglect

at least once every two (2) years. This training shall include:

A. an in-person presentation;

B. an electronic or technology based medium, including self-review modules available on an online system.

The required training shall count toward the Board's requirements for professional development and shall be provided during the Corporation employee's contracted day or at a time chosen by the employee.

The Superintendent shall require the Director of School Safety to maintain a record of all existing employees stating the school year in which required training was completed and when the next training is due.

The Superintendent shall make certain that each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment attend or participate in at least one (1) hour of training at least every two (2) years on the identification and reporting of human trafficking. The format of this training may include:

A. an in-person presentation;

B. an electronic or technology based medium, including self-review modules available on an online system;

This training shall count toward the requirements for professional development required by the Board.

The Superintendent shall require the Director of School Safety to maintain a record of all employees, who are required to participate in this training program, stating the school year in which required training was completed and when the next training is due.

Student Training on Child Abuse and Child Sexual Abuse

Annually, the Superintendent will require that age-appropriate and research and evidence-based instruction on child abuse and child sexual abuse is provided to students in Kindergarten through Grade 12. The Superintendent will require this instruction be delivered by a school safety specialist, school counselor, school social worker, school psychologist, or any person with training and expertise in the area of child abuse and child sexual abuse.

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ag8470

REGISTERED SEX OR VIOLENT OFFENDERS ON SCHOOL GROUNDS

8470 - **REGISTERED SEX OR VIOLENT OFFENDERS ON SCHOOL GROUNDS**

Indiana's "Sex Offender Registration and Community Notification" law requires all "sex or violent offenders" to register with the chief of police of the consolidated city or the sheriff of the county (if it does not contain a consolidated city) in which they reside, work, or study. The chief of police or sheriff must then immediately update the Indiana Sex and Violent Offender Registry website established under I.C. 36-2-13-5.5 by making and publishing a photograph of the sex or violent offender on the Indiana Sex and Violent Offender Registry website, notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides, and update the National Crime Information Center National Sex Offender Registry data base via the Indiana Data and Communications System (IDACS).

The Superintendent or designee shall request that the chief of police/sheriff provide notice to the Superintendent/designee at the same time that s/he provides notice to every law enforcement agency having jurisdiction in the county where the sex or violent offender resides, works or studies when a sex or violent offender registers in the county where the School Corporation is located.

If the chief of police/sheriff refuses to provide such notice to the Superintendent/designee, then the Superintendent or designee shall periodically, but no less than once every semester during the school year, check the Indiana Sex and Violent Offender Registry website to assess whether any new sex or violent offenders have registered in the county where the Corporation is located.

If a building principal learns that a registered sex or violent offender is present on school grounds, s/he shall immediately notify the Superintendent, who will proceed to notify school employees as set forth below.

Notice to School Employees:

When the Superintendent or designee learns or is notified that a registered sex or violent offender is present on school grounds, the Superintendent/designee shall notify all employees whose duties include the supervision of and/or responsibility for students.

Employees who may be notified include all administrators, principals, teachers, tutors, instructional assistants or aides, coaches, guidance counselors, school counselors, school psychologists, librarians, building-level secretaries, transportation coordinators, bus drivers (particularly drivers responsible for the bus routes and stops within the area where the offender resides), and custodial personnel and others who monitor the presence of non-school personnel on school property. Other employees who may have duties which include the supervision of and/or responsibility for students also may be notified at the discretion of the Superintendent/designee.

Reporting Procedures:

A. If a registered sex or violent offender who does not attend the school is observed on or near school property or a bus stop area by an employee, and the registered sex or violent offender's presence appears to be without a legitimate purpose or otherwise creates concern for the safety of students, the employee shall immediately alert the building principal and take such other action as may be deemed necessary by the employee to protect the students (e.g., remove all students from the area).

B. The building principal is responsible for notifying the Superintendent and should take such other action as may be deemed necessary by the principal to protect the students (e.g., remove all students from the area) if a registered sex or violent offender who does not attend the school is observed on or near school property or a bus stop area.

C. The Superintendent/designee is responsible for notifying the local law enforcement agency, if in his/her judgment, the presence of the registered sex or violent offender appears to be without a legitimate purpose or otherwise creates concern for the safety of students.

D. The Superintendent/designee is responsible for notifying the local law enforcement agency if s/he learns that a registered sex or violent offender is present on school grounds so that the individual may be monitored as necessary to protect the safety of students.

E. "Legitimate purpose" shall be defined as the individual having a specific, legal purpose for being on school property (e.g., attending and/or participating in a meeting, activity, or event which is taking place on school property and which is open to the general public; attending a parent-teacher conference/meeting; attending a student performance or athletic event in which his/her child is participating), and the individual is complying/comporting his/her conduct with Board policies.

I.C. 35-42-4-14 provides:

(a) As used in this section, "serious sex offender" means a person required to register as a sex offender under I.C. 11-8-8 who is:

(1) found to be a sexually violent predator under I.C. 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (I.C. 35-42-4-3).

(B) Child exploitation (I.C. 35-42-4-4(b)).

(C) Possession of child pornography (I.C. 35-42-4-4(c)).

(D) Vicarious sexual gratification (I.C. 35-42-4-5(a) and I.C. 35-42-4-5(b)).

(E) Performing sexual conduct in the presence of a minor (I.C. 35-42-4-5(c)).

(F) Child solicitation (I.C. 35-42-4-6).

(G) Child seduction (I.C. 35-42-4-7).

(H) Sexual misconduct with a minor (I.C. 35-42-4-9).

(I) A conspiracy or an attempt to commit an offense described in clauses (A) through (H).

(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (I).

(b) A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.

If the Superintendent or any building principal learns that a registered sex or violent offender who also is a "serious sex offender" as defined in I.C. 35-42-2-14(a) is on school property, s/he shall notify the local law enforcement agency.

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TRANSPORTATION

8600 - **TRANSPORTATION**

The following guidelines are established to implement School Board policy on transportation.

A. **Administrative Responsibilities**

The Superintendent is responsible for the planning, operating, and maintenance of all School Corporation vehicles. Included within this scope of responsibility are:

1. establishment of bus routes;

2. management of dispatching operations;

3. supervising and analyzing vehicle maintenance programs;

4. preparing and submitting all State/Federal reports;

5. bus driver personnel selection, supervision, and training;

6. transportation budgets;

7. development of specifications for bids on contracted services;

8. verification of qualifications of bus drivers.

Quality transportation services require cooperation and effective communication with the building principals who shall be responsible for:

1. supervision at bus loading and unloading zones;

2. communication to parents and students concerning student behavior, safety, schedules, and the like;

3. adjudication of all behavior problems;

4. communication about overcrowding and unsafe conditions or practices to the Superintendent.

B. **Bus Conduct**

1. Parents are to be informed that school bus transportation is a privilege and not a right and that the bus driver is the sole authority on the bus while students are being transported.

2. Parents are also to be informed that they are responsible for:

    a. the safety of their child while going to or from the bus stop and while waiting for the school bus;

    b. their child being at the bus stop at least three (3) minutes prior to scheduled pick-up time;

    c. damage by their child to school buses, personal property, or public property.

3. Students are expected to conduct themselves in a proper manner at bus stops. The Corporation will not enter into disputes involving parents and/or students concerning matters that take place prior to the student boarding the school bus, or after the student has disembarked from the bus on his/her way home.

4. Students will ride only assigned school buses and will board and depart from the bus at assigned bus stops. Students will not be permitted to ride unassigned buses for any reason other than an emergency, except as approved by the principal.

5. A change in a student's regular assigned bus stop may be granted for a special need, if a note from a parent is submitted to the building principal stating the reason for the request and the duration of the change and the principal approves.

6. A permanent transfer to another route or bus stop for morning pick-up and/or afternoon drop-off will only be made upon the approval of the Superintendent.

7. For the safe operation of the school bus, noise on buses shall be kept at a minimum with students speaking in reasonable conversation voices. Students must be quiet at railroad crossings and other danger zones as designated by the bus driver.

8. The following cargo is forbidden to be transported on a school bus: pets, alcoholic beverages, drugs, ammunition, explosives, firearms, knives, or any other dangerous materials or objects. If there is a question on the transportation of a particular item, the Principal should be consulted.

C. **Student Surveillance**

In accord with Board policy, the Superintendent may install the appropriate equipment for recording the interior of the buses while transporting students. S/He should follow the Corporation's purchasing practices (AG 6320A) in obtaining such equipment and abide by the following guidelines for the use of such equipment:

1. Arrange for the installation of a box in a location on each bus that will allow for the camera to record all students.

2. Record the date, time, and bus number of each recording and maintain the recording in a secure location for a period not to exceed the school year.

3. Establish a procedure whereby no one observes a recording without the prior authorization of the appropriate principal who shall ensure that any observation is done only by those who are authorized to view student records and is conducted in accord with AG 8330 - Student Records.

Any disciplinary action resulting from the use of the recording shall be determined by the appropriate principal who shall ensure that due process is provided to the students involved, in accordance with Board policy and administrative guidelines relating to discipline. Any use of photographs obtained through the use of recordings shall be in accordance with Federal and State law.

The School SRO shall be responsible for reviewing the recordings for the purpose of assuring that bus safety procedures are being followed properly and the buses are being operated in accord with Corporation guidelines and State law.

D. **Special Services**

In compliance with Board policy, the transportation services may be provided for field trips, co-curricular trips, and extra-curricular trips, including athletics.

Transportation may be provided on weekends and holidays to Corporation students who are participating in approved Corporation programs which are under the supervision of professional staff members.

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BUS DRIVER AND BUS MONITOR QUALIFICATIONS AND QUALIFICATIONS FOR THE OPERATOR OF A SPECIAL PURPOSE BUS AND APPROPRIATE VEHICLE

8600A - **BUS DRIVER AND BUS MONITOR QUALIFICATIONS AND QUALIFICATIONS FOR THE OPERATOR OF A SPECIAL PURPOSE BUS AND APPROPRIATE VEHICLE**

School Bus Driver and Monitor

The School Corporation will not employ a person to drive a school bus for the transportation of school children or be employed as a school bus monitor unless s/he satisfies the following requirements:

A. is of good moral character

B. does not use intoxicating liquor during school hours or while on duty

C. does not use intoxicating liquor to excess at any time

D. is not addicted to any narcotic drug

E. is at least:

1. twenty-one (21) years of age for driving a school bus

2. eighteen (18) years of age for employment as a school bus monitor

F. holds a valid public passenger chauffeur's license or commercial driver's license issued by the State of Indiana or any other State (This requirement **does not** apply to the employment of a school bus monitor.)

G. possesses the following required physical characteristics:

1. sufficient physical ability to be a school bus driver as determined by the State school bus committee (575 IAC 1-8)

2. possession and full normal use of both hands, both arms, both feet, both legs, both eyes, and both ears

3. freedom from any communicable disease that:

    a. may be transmitted through airborne or droplet means

    b. requires isolation of the infected person under 410 IAC 1-2.1

4. freedom from any mental, nervous, organic, or functional disease which might impair his/her ability to operate a school bus properly

5. visual acuity, with or without corrective lenses, equal to the vision requirements under 49 C.F.R. 391.41 and a field of vision with a 150-degree minimum and with depth perception of at least eighty percent (80%)

The Corporation may not employ an individual who is less than twenty-one (21) years of age as a school bus monitor unless the Corporation does not receive a sufficient number of qualified applicants for employment as school bus monitors who are at least twenty-one (21) years of age. The Corporation will maintain a record of applicants, their ages, and their qualifications if school bus monitors less than twenty-one (21) years of age are employed.

Operator of a Special Purpose Bus or Appropriate Vehicle

The operator of a special purpose bus or an appropriate vehicle must:

A. be at least twenty-one (21) years of age;

B. authorized by the School Corporation;

C. pass an expanded criminal history check and child protection index check; and

D. hold a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license (except in the cases that the special purpose bus: has a capacity of more than fifteen (15) passengers or is used to transport pre-school or developmentally disabled children, then the operator must meet the same requirements as a school bus driver).

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ag8600B

BUS SAFETY PROCEDURES

8600B - **BUS SAFETY PROCEDURES**

Proper transportation of students is a matter of continuing concern and it is imperative that all staff members associated with student transportation adhere to the following guidelines which have been designed to maximize the safety of students.

A. Each bus driver must maintain effective communications with the Central Office at all times and particularly when s/he encounters any situation that is out of the ordinary. To that end, each bus shall be equipped with an UHF radio.

Cellular telephones shall not be held or used by the bus driver while operating a moving school bus. In cases of calling 911 to report a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before holding and using the cellular telephone.

Such device is to be kept in operating condition at all times.

Each driver is to test the equipment by making contact with his/her supervisor prior to the start of each run.

Each bus driver will be provided a manual containing all information relating to the safety and welfare of student riders. The Director of Transportation is to ensure that each driver thoroughly understands the information in the manual as well as how the manual is to be used.

Prior to the beginning of each school year, each driver shall be required to demonstrate proficiency in CPR and first aid, including emergency procedures for dealing with such conditions as epileptic seizures, fainting, and insect bites. Those who do not meet School Corporation standards will be provided opportunities for appropriate training.

B. Each bus driver whose vehicle is equipped with safety belts that meet Federal standards and are standard equipment installed by the manufacturer must monitor student riders for use of properly fastened safety belts when the vehicle is in forward motion.

C. At the completion of each bus run, the driver is to do a complete walk-through of the bus to make sure that no student has remained.

1. The walk-through must completed before the driver exits the bus.

2. The driver shall report all instances of a student or passenger being left on the bus to the Superintendent or designee.

3. The Superintendent or designee shall report all instances of a student or passenger being left on the bus to the Indiana Department of Education not later than five (5) working days after the incident occurred.

D. The Bus Driver shall maintain a record of each student rider for ready reference whenever a question arises about a student. Such a record shall include name, address, telephone number, name and location of contact person, the bus driver's name and the number of the bus the student rides. This record also shall contain confidential information regarding physical and/or mental characteristics of the student which would require special attention.

E. The bus driver shall select at least two (2) students in grades 4 and above on each bus for special training in bus evacuation procedures and in the operation of the bus communications equipment in case the driver becomes incapacitated. Written permission must be received from each student's parent prior to participation in such training. Each student who completes the training satisfactorily shall receive a certificate of completion and a written set of instructions as to his/her responsibilities in emergency situations.

Student helpers should be seated in the front of the bus and given instruction by the bus driver in the following areas, as appropriate for their age:

1. stopping the bus by using the hand brake (on most buses by pulling the parking brake knob on the dashboard)

2. shutting off the engine by turning off the ignition

3. operating the two-way radio or obtaining help by stopping a passing motorist or going to a nearby house or business

4. determining whether or not to evacuate the bus in case of fire or other immediate danger

5. steering the bus to a safe area

6. operating the fire extinguisher if needed to save a life

F. In addition, the Director of Transportation shall:

1. conduct routine and periodic surveys of the Corporation area and routes to determine the safety of current bus routes and bus stops;

2. ensure that each bus driver's records of qualifications and certification are up-to-date and on file in the Superintendent's office with a physician's certificate that the bus driver has passed an annual physical;

3. ensure compliance with all Department of Education safety specifications for school buses as well as statutory requirements for first-aid kits, fire extinguishers, traffic flares, and other safety features;

4. maintain and update a booklet containing traffic rules and regulations and distribute a copy to each driver;

5. ensure that there is no smoking or drinking of alcoholic beverages on any school bus or in the refueling area.

Bus Stop Safety

The following procedures shall be followed when transporting passengers:

A. Whenever a school bus is in operation and transporting passengers, the bus driver shall have the daytime running lights illuminated at all times.

B. The bus driver shall use the flashing lights as prescribed by the State School Bus Committee to give adequate warning that the school bus is stopped or about to stop on the roadway or the private road to load or unload a student.

C. Except as provided in Section D, when a school bus is operated on a:

1. U.S. route or state route, the bus driver may not load or unload a student at a location that requires the student to cross a roadway unless no other safe alternatives are available; and

2. street or highway other than a U.S. route or state route, the driver shall load and unload a student as close to the right-hand curb or edge of the roadway as practicable.

D. Section C does not apply to a location on a U.S. route or state route that is within the boundary of a city or town.

E. If a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is a U.S. route or state route as described in Section C (1) above, the Superintendent shall present the school bus route to the Board for approval.

Evacuation of Bus

The following procedures are to be followed when evacuating the school bus.

A. Stop bus, if not already stopped, off the road and out of the mainstream of traffic, if possible.

B. Put on emergency flasher lights and immediately issue orders to which exit is to be used.

C. Maintain calm and direct students to "walk - not run," not to take books, lunch boxes, etc., and to be careful when disembarking.

D. Send someone or call for help after making sure that all students are evacuated.

E. Form students into a group at least 100 feet from the bus and as far away from traffic as feasible.

F. Check bus list to ensure all students are accounted for and are in good condition.

G. Emergency evacuation of disabled students may require modification of the above procedures.

Evacuation Drills

The Bus Driver shall organize and conduct at least one (1) evacuation drill per semester for all students who ride school buses to and from school.

A. All school bus passenger evacuation drills shall meet the following minimum standards:

1. Be completed in two (2) minutes or less.

2. Be conducted within forty-five (45) school days of the beginning date of each semester.

3. Use only emergency exit doors or service door for the passenger evacuation drill.

4. Driver must be present at all passenger evacuation drills.

B. At the completion of each school year, the bus passenger evacuation drills for the Corporation shall have included the following:

1. The use of all emergency exit doors and service door.

2. One (1) drill with the school bus driver not directing the passenger evacuation drill.

3. Each student receiving appropriate instruction for the passenger evacuation drill.

C. All drills shall be arranged and scheduled by the Central Office in cooperation with building principals. School bus drivers will conduct the drill sessions.

D. Drills shall be held on school property when possible and not on the bus route.

E. The driver shall stay in the bus during evacuation drills. The parking brake must be set, ignition turned off, and transmission in gear or park.

F. Children shall not take lunch boxes, books, etc. when they leave the bus.

G. Students shall assemble at a distance of at least 100 feet from the bus in an "emergency drill" and remain there until given further directions.

H. Documentation of the bus passenger evacuation drill shall be reported by the driver to the Central Office.

I. Documentation of the bus passenger evacuation drill for the Corporation shall be reported by the Central Office to the Indiana Department of Education by June 30 of each year.

J. Any student exempted from physical participation in a passenger evacuation drill shall have documentation on file at the school.

Safety Belt Instruction

A school bus driver operating a school bus that is equipped with safety belts meeting the standards set forth in I.C. 9-19-10-2, not including the driver's safety belt, shall at least once a semester provide instruction to the passengers on the school bus on the proper fastening of the safety belt.

A. The instruction shall include the following:

1. Proper position of the safety belt when fastened.

2. How tight the safety belt should be when fastened.

3. Improper safety belt placement.

4. Requirements for use of safety belts.

5. Consequences of failure to use or improperly using safety belts.

B. Documentation of the completed training for each bus shall be reported to the Central Office.

C. Documentation of the completed training for the Corporation shall be reported by the Central Office to the Indiana Department of Education by June 30 of each year.

Accidents

A. In the event of an accident involving the bus, the bus driver shall:

1. evaluate the need for medical assistance;

2. if necessary, evacuate the students to a safe area away from the scene of the accident;

3. notify the School Resource Officer;

4. notify the Central Office and School SRO.

B. The School Resource Office shall collect the data concerning the accident, notify the parents, and if necessary, arrange for another bus to transport the students.

C. In the event of a serious accident, the procedures stipulated by the Greensburg Police Department and or Decatur County Sheriff Dept. shall be followed.

Railroad Crossings

Before crossing a railroad track at grade, the driver shall:

A. stop the vehicle not more than fifty (50) feet and not less than fifteen (15) feet from the nearest rail;

B. activate hazard warning lights, turn off all interior switches including fans, heaters, and radios;

C. open passenger door and driver-side window and, while stopped, listen and look in both directions along the track for an approaching train or signals indicating a train approach;

D. proceed only after ascertaining that no train is approaching and using a gear that does not require changing gears while crossing the tracks.

The driver does not have to follow the above procedure if:

A. the track is abandoned as designated in the Corporation's route plan, or

B. there is a police officer or traffic-control signal directing the traffic to proceed.

Tornado

In the event of a tornado sighting or warning, the bus driver shall:

A. contact the Central Office;

B. pull the bus off the roadway;

C. evacuate the bus;

D. bring the first aid kit;

E. take students to the nearest building, if possible;

F. if in the open, take the students to a ditch, ravine, or embankment which is at least 200 feet from the bus;

G. instruct students to lie down on their knees with their hands clasped behind their heads;

H. once the danger is past, assess students for any needed medical attention;

I. contact the Central Office as soon as possible.

Bus Breakdown

In the event of a bus breakdown, the bus driver shall:

A. move the bus off the roadway, if possible;

B. notify the Director of Transportation who shall arrange for another bus to transport the students;

C. evacuate the students to a safe area, if necessary;

D. stay close to the scene until assistance arrives;

E. assist in transferring students to the backup bus;

F. arrange, together with the Transportation Director to have the bus towed/repaired.

Inclement Weather

Whenever the weather forecast indicates inclement weather approaching, the transportation supervisor is to inspect the condition of the roads. If the forecast relates to the current school day, s/he should notify the Superintendent in sufficient time so students can be transported home before road conditions would make such transportation hazardous. If the forecast relates to the next school day, the transportation supervisor is to make his/her recommendation to the Superintendent prior to 5:00 AM. The recommendation should be based on both personal observation of the roads and discussion with the Highway Department and/or the State Highway Patrol or Sheriff.

If transportation is cancelled, bus drivers will be notified by means of the telephone chain and parents by means of the radio and TV stations.

Dangerous and Illegal Weapons

The safety of students and staff is of paramount importance, and control of dangerous and/or illegal weapons is a particularly sensitive and critical responsibility. No weapon or other device that poses a danger to anyone in the vehicle shall be permitted. If a staff member discovers such a weapon or device, s/he should take the following actions:

A. Radio for help immediately.

B. Isolate the student, if possible, and if necessary, evacuate the bus.

C. Avoid attempts to disarm the student unless the situation appears to be life-threatening.

Quelling a Disturbance

If, during a bus trip, any students become unruly or two (2) or more students become involved in a fight or create a disturbance, the driver should proceed as follows:

A. Stop the bus and command the students to stop the disturbance and sit properly in their seats.

B. Do not attempt to use physical force to quell the disturbance or dispossess students of any weapon or threatening object unless assured that such action is likely to be successful and not endanger the other students or the driver.

C. If the students do not obey, drive the bus to a safe area while notifying the transportation office of the disturbance and request assistance.

D. If the disturbance is or may be jeopardizing the safety and well-being of the other students, evacuate all uninvolved students from the bus using the standard evacuation procedure.

E. Do not, under any circumstances, discharge an unruly student from the bus other than at his/her regular bus stop, a law enforcement agency, or a Corporation school, and only then, if an official at that location takes custody of the student(s).

F. Make a full report of the disturbance to the Building Principal upon completion of the trip.

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TRANSPORTATION FOR SPECIAL EDUCATION STUDENTS

8600C - **TRANSPORTATION FOR SPECIAL EDUCATION STUDENTS**

Transportation and bus behavior are normally an integral part of the student's program when transportation is required by the student's individualized education program ("IEP") as a related service. Because of the significance of this service for maintaining effective programs for the variety of disabling conditions, the Director of Transportation should be involved with the case conference committee ("CCC") to assist in providing answers to such questions as:

A. Can the child be transported safely, given the transportation environment and the nature of the disabling condition?

B. What medical, health, physical, or behavioral factors could expose the student to unreasonable risk, given the anticipated transportation environment?

C. What assistive or adaptive equipment is necessary to accommodate the student during the transportation process, can it be safely transported and secured, and are there adequate instructions to ensure its proper use?

S/He also can be helpful in suggesting behavioral transportation goals to be included in a student's IEP and determining appropriate means of discipline, including the possible removal from a vehicle, and, if removal is necessary, determining alternative transportation. S/He should receive copies of any behavioral intervention plan ("BIP") contained in a student's IEP.

As participants in and recipients of special education planning, transportation staff need to be advised that the information they deal with is confidential and protected from disclosure by Federal law.

Behavioral Management

Managing student behavior on the bus should be done primarily through teaching appropriate bus-riding skills. Developing the skills necessary to ride the school bus appropriately may be necessary for the student to participate in his/her program. The student's CCC will determine the appropriate manner in which the student will be taught bus-riding skills, if needed.

Behaviors that present a potentially dangerous risk of harm to the student or others on the bus require special attention. An attack on another person or running from the bus are two examples of behaviors that present high risk of harm and require documentation and follow-up with appropriate school staff. If students are unable to control their behavior with the provision of special education and supplementary aids and services, alternative transportation or a more restrictive placement may be necessary.

Communication Between School/Transportation Staff

The primary daily contact between the transportation staff and the school staff will be the bus driver (with the transportation aide as an alternate) and the Building Principal or designee.

Stopping Unacceptable Behavior

It is the School Corporation's intent to stop unacceptable behavior by using the minimum intervention necessary.

When necessary, a staff member may use reasonable physical intervention to stop an action that presents an imminent risk of harm to the student or to others. This may include use of physical intervention to stop the action but would not extend to gross abuse and disregard for the health and safety of the student. Use of physical intervention should at all times be temperate and not excessive.

School and transportation staff are expected to follow Board Policy 5630.01 – Use of Seclusion and Restraint with Students at all times, including during bus transportation.

Significant Incidents

First Occurrence

If a "significant incident" - one that creates a potentially dangerous risk of harm - occurs, the driver shall describe it on the Conduct Chart and submit it to the Principal or designee for appropriate action. A meeting should be held with the driver and parents, at the discretion of the principal to discuss the specific incident and whether an intervention program is needed.

Suspension from Transportation

The principal may suspend a student from transportation, in accordance with Corporation policies and guidelines related to suspension of students with disabilities. Incidents that may result in suspension include but are not limited to:

A. fighting on the bus;

B. hitting, kicking, or biting others on the bus;

C. smoking, drugs, alcohol;

D. destruction of school property.

Meeting Following Suspension

If a student is suspended from transportation, a meeting may be held, in the discretion of the principal, prior to the student's resuming transportation. The meeting should include the principal, bus driver, aide, and the parent. The meeting should address the behavior that caused the suspension.

SPECIAL EQUIPMENT USE AND OPERATION

There is a wide variety of equipment that may need to be used to accommodate the Corporation's special education students. The Director of Transportation is responsible for ensuring that appropriate members of the transportation staff understand the design and operating procedures for special equipment assigned to their use. They should also be able to conduct a proper inspection of the equipment and make simple adjustments in the field in case of breakdowns.

MEDICAL/HEALTH CONCERNS

It may be necessary for members of the transportation staff to be able to provide emergency and routine health care to students during the transportation process. They also may become exposed to communicable diseases.

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ag8610

TRANSPORTATION ROUTE PLANNING CRITERIA

8610 - **TRANSPORTATION ROUTE PLANNING CRITERIA**

Routing

The routing of buses in the most efficient manner is a major factor in the conservation of fuel. In the establishment of routes, bus stops are to be placed primarily at intersections. In cases where a street is exceptionally long, a bus stop may be placed at the center of the block or at certain intervals.

Every effort shall be made to route in a way which allows kindergarten students to be picked up near their home. Students living on hazardous roads or main highways shall also receive special transportation consideration.

General Criteria

Plans which take into account the following factors should create an effective routing system:

A. Minimize the number of road hazards; e.g., steep hills, dangerous approaches to intersections, railroad crossings, narrow bridges, sharp curves, crowns of hills, and obstructions to visibility.

B. Ensure that necessary "turnarounds" are safe and suitable in all weather conditions.

C. Load and discharge students at points from which they need not cross main thoroughfares, crowns of hills, and obstructions to visibility in order to reach their homes.

D. Plan routes so that most children do not have to ride in excess of one (1) hour on the way to or from school.

E. Consider the number of stops to be made on each route; e.g., a short route with many stops may take as much time as a long route with few stops.

F. Minimize stops on hills of appreciable grade. When necessary, the stop should be made as the bus is traveling down hill. Such stops should be made at a pull-off area or an area posted with a School Bus Safety sign.

G. Avoid duplication and unnecessary mileage.

H. Minimize the number of buses in use at any one (1) time, thereby decreasing the number of contract buses required.

I. Reserve choice routes for Corporation-owned vehicles, thereby reducing mileage and wear and tear on Corporation- owned vehicles.

J. Apply the policy governing minimum and maximum distances over which children will be transported equitably and consistently.

K. Maintain a degree of flexibility for unforeseen circumstances.

ANTI-IDLING AND SMART DRIVING PROCEDURES

8615 - **ANTI-IDLING AND SMART DRIVING PROCEDURES**

In order to reduce air pollution from diesel buses and reduce the potential for school bus emissions to be introduced into the air at schools, all bus drivers shall adhere to the following procedures:

A. Limit idling time during early morning and/or afternoon warm-up to the maximum time recommended by the manufacturer.

B. Turn off buses upon arrival at the unloading/loading area at any school and do not start them until it is time to depart from the unloading/loading area.

C. Adhere to the preceding procedures not only at the school when transporting students on field trips, but also at the site of the field trip.

D. Limit the idling time while on school grounds to five minutes.

During times of severe cold or hot weather, the following provisions may be made:

A. Bus drivers may wait in a designated, heated or air conditioned area inside the school after the bus engine has been turned off or until it is time to load.

B. Bus drivers may request permission from their supervisor to idle their bus for a longer period to warm the bus.

In emergency situations and for safety purposes, buses may idle for longer than five (5) minutes. Examples of such situations may be to:

A. use lift equipment while loading or unloading students with special needs

B. have the engine idling in order to operate the flashing lights

C. conduct pre-trip safety inspections

D. make emergency repairs to the bus

Corporation bus drivers shall adhere to the following restrictions regarding idling time:

A. Limit idling time during early morning and/or afternoon warming up to the maximum time recommended by the manufacturer.

B. Turn off buses upon arrival at the unloading/loading area at any school and do not start them until it is time to depart from the unloading/loading area.

C. Adhere to the preceding procedures not only at the school when transporting students on field trips, but also at the site of the field trip.

D. School buses will not idle for longer than five (5) minutes on school grounds.

In accordance with the Environmental Protection Agency's initiative to reduce air pollution from diesel school buses, the Greensburg School Corporation shall adhere to the following procedures:

A. Assign the buses that have the cleanest emission rating to the longest trips.

B. Remind drivers regularly that following other diesel vehicles too closely, either on regular runs or field trips, can contribute to higher concentrations of diesel exhaust inside and outside the bus.

Bus drivers shall be informed of these requirements by the Director of Transportation.

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ag8651

NONROUTINE USE OF SCHOOL BUSES

8651 - **NONROUTINE USE OF SCHOOL BUSES**

The Corporation's school buses may be used for purposes other than school purposes provided such trips do not interfere with routine school transportation services or other school uses and are in accordance with law and rules of the State. To be approved, a trip must have an educational purpose and be sponsored by a group that provides educational, cultural, recreational, vocational, religious, and/or social-services activities to students or residents of the Corporation.

The costs of nonroutine transportation shall be reimbursed to the Board at a flat rate of sixty-five (65) cents per mile and $60.00 for each bus trip.

Buses must be operated by the holder of a valid Indiana school bus driver's license who has been approved by the Superintendent.

Buses are to be driven by Corporation drivers selected by the Board of Education on the basis of their knowledge, skill, and experience in operating a bus in the area to be traveled as well as their familiarity with the vehicle selected for use.

Insurance for nonroutine transportation shall be provided by the requesting organization.

A request for nonroutine transportation must be made no less than four (4) weeks prior to the planned trip and must be approved by the Superintendent.

One (1) or more adult chaperones, as approved by the Superintendent, shall accompany each school bus required for any nonroutine trip involving school age passengers. The chaperone's responsibility shall be to assist the school bus driver in maintaining passenger control and in enforcing procedures for the safety of all passengers. A certified person licensed as a school bus driver may serve as a chaperone and driver concurrently.

RELIGIOUS ACTIVITIES/CEREMONIES

8800A - **RELIGIOUS ACTIVITIES/CEREMONIES**

A great deal of professional judgment is needed to ensure that Corporation policy complies with constitutional and legal safeguards for the practice of religion. A major guideline to follow is a four-part test. Each activity which may appear to be of a religious nature or use materials, rituals, or symbols which may be otherwise associated with a religion must meet all four (4) of the following conditions:

A. Does it serve the educational purpose and goals of the Corporation?

B. Is the purpose of the activity secular?

C. Will its effect neither advance nor inhibit a religion?

D. Will it avoid excessive entanglements between the school and a religion?

This guideline applies to any and all activities and programs at all levels, particularly those that take place at traditional holiday seasons such as Christmas and Easter.

Baccalaureate may not be sponsored by the School Corporation.

Prior to planning or conducting an activity, it would be well to review the Corporation's two (2) policies dealing with religious matters -- Policy 2270 and Policy 8800. If a teacher has any question about the propriety of the activity, s/he should consult with the principal prior to making a decision.

Display of National Motto

In displaying a durable poster or a framed picture of the national motto and flags of the United States and the State of Indiana, the durable poster or framed picture must be at least eleven (11) inches in height and seventeen (17) inches in width. The national motto must be at least four (4) inches in height and fifteen (15) inches in width and include print large enough to fill the dimensions. As well, the representation of the flags must comply with any applicable Federal or State laws concerning design, dimensions, or presentation of the respective flags.

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CARE, CUSTODY, AND DISPLAY OF THE UNITED STATES FLAG

8800B - **CARE, CUSTODY, AND DISPLAY OF THE UNITED STATES FLAG**

The following rules and customs will be observed concerning the care, custody, and display of the flag of the United States of America:

A. The flag should be displayed in or near every school building in the Corporation during each day school is in session.

B. The flag should be displayed every day in or near the School Corporation's administration or central office.

C. The flag should be displayed only from sunrise to sunset when it is displayed on a building or on a stationary flagstaff in the open. The flag may be displayed twenty-four (24) hours a day if properly illuminated during the hours of darkness.

D. The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

E. When the flag is carried in a procession with other flags, it should be on the flag's own right. If it is a line of flags, it should be in front of the center of the line.

F. The flag should not be draped over the hood, top, sides, or back of a vehicle.

G. When the flag is displayed with another flag against the wall from crossed staffs, it should be on the flag's own right and its staff should be in front of the staff of the other flag.

H. When the flag is displayed from a staff projecting horizontally or at an angle from the windowsill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff.

I. When the flag is displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right.

J. When the flag is used on a speaker's platform, it should be displayed flat on the wall and above and behind the speaker.

K. When the flag is displayed from a staff in the auditorium, the staff should be displayed in the position of honor at the speaker's right as s/he faces the audience. Any other flag should be displayed to the left of the speaker.

L. The flag shall be flown at half-staff as follows: From the day of death and ---

1. for thirty (30) days for the President or a former President

2. for ten (10) days for the Vice President, the Chief Justice or a retired Chief Justice of the United States, and the Speaker of the House of Representatives

3. until interment for an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, and the Governor of a State

4. on the day of death and the following day for a member of Congress

5. by order of the President

6. by order of the Governor of Indiana

On Memorial Day until noon, and then it is to be raised to the top of the staff.

When a flag is flown at half-staff, it is to be positioned at one-half the distance between the top and bottom of the staff.

M. The flag should not be dipped to any person or thing.

N. The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

O. The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

P. The flag should always be carried aloft and free.

Q. The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

R. The flag should never be used as a covering for a ceiling.

S. The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

T. The flag, when it is such a condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

U. The flag should be folded as follows when being stored:

1. Straighten out the flag to full length and fold lengthwise once.

2. Fold it lengthwise a second time to meet the open edge, making sure that the union of stars on the blue field remains outward in full view.

3. A triangular fold is then started by bringing the striped corner of the folded edge to the open edge.

4. The outer point is then turned inward parallel with the open edge to form a second triangle.

5. This diagonal or triangular folding is continued toward the blue union until the end is reached with only the blue showing and the form being that of a cocked hat.

ag8800C

RELIGIOUS EXPRESSION IN THE CORPORATION

8800C - **RELIGIOUS EXPRESSION IN THE CORPORATION**

The following guidelines apply to religious practices in the Corporation and are drawn directly from the "Statement of Principles" issued by the U.S. Department of Education.

Student Prayer and Religious Instruction

The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a nondisruptive manner when not engaged in school activities or instructions and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias or hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech.

Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student group or a group of students.

Students may also participate in before or after school events with religious content, such as "see you at the flagpole" gatherings, on the same terms as they may participate in other noncurriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen or to compel other students to participate. Teachers and

school administrators should ensure that no student is in any way coerced to participate in religious activity.

Graduation Prayer and Baccalaureates: Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately-sponsored, religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

Official Neutrality Regarding Religious Activity: Teachers and school administrators, when acting in those capacities, are representatives of the State and are prohibited by the establishment clause from soliciting or encouraging religious activity and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content and from soliciting or encouraging anti-religious activity.

Teaching about Religion: Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history or religion, comparative religion, the Bible (or other scripture) as literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects.

Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

Student Assignments: Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

Religious Literature: Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on nonschool literature generally, but they may not single out religious literature for special regulation.

Religious Excusals: Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students' parents on religious or other conscientious grounds. School officials may neither encourage nor discourage students from availing themselves of an excusal option. Under the Religious Freedom Restoration Act, if it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance, the school would be legally required to excuse the student.

Released Time: Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

Teaching Values: Although schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

Student Garb: Students may display religious messages on items of clothing to the same extent they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages. When wearing particular attire, such as yarmulkes and head scarves, during the school day as part of students religious practice, under the Religious Freedom Restoration Act, schools generally may not prohibit the wearing of such items.

ag9120A

PUBLIC RELATIONS OBJECTIVES

9120A - **PUBLIC RELATIONS OBJECTIVES**

The purpose of the school-community relations program is to establish and maintain in the public mind both respect for the school system and confidence that it is providing the best possible education for the Corporation's students in terms of intellectual, emotional, moral, social, and physical development.

To this end, parents and other Corporation residents are to be kept informed regarding Federal/State regulations and Corporation policies and guidelines.

The Superintendent shall be responsible for the Corporation's public relations program which shall be designed to accomplish the following objectives to:

A. Explain in an understandable, noncondescending manner, the programs, achievements, and needs of the schools to:

1. parents,

2. local officials,

3. community leaders,

4. local business and industry,

5. community organizations,

6. special interest groups,

7. the community as a whole,

8. State and Federal agencies.

B. Obtain reliable, useful information regarding:

1. what residents expect from their schools;

2. what residents think their schools are accomplishing;

3. what residents would like to know about their schools;

4. what residents would like their schools to be doing differently.

C. Anticipate potential problems caused by misunderstanding or lack of information and take measures to eliminate them before they happen.

D. Operate meetings in accordance with law and as speedily and efficiently as circumstances permit.

ag9120B

PHOTOGRAPHS/PICTURES

9120B - **PHOTOGRAPHS/PICTURES**

The Corporation has a need for photographs for use in personnel records, student records, school newsletters, general public information, and the like.

Commercial use of personal photographs shall be prohibited without specific approval of the parent and/or staff member. Group photographs of a general nature may be used for public relations and media press releases; however, individual photographs require a written approval from the parent/staff member prior to use. (See Form 7540 F4)

ag9120C

NEWS MEDIA RELATIONS

9120C - **NEWS MEDIA RELATIONS**

The Superintendent will function as the Corporation's communication representative with the news media and the principal will serve that function at the school level. In order to maintain a progressive and coordinated program of public relations for the Corporation, it is essential that:

A. staff members not give school information or an interview requested by representatives of the news media without prior approval of the school communication representative who will either set up an appointment for this purpose which will not interfere with the staff member's daily activities, or speak to the media representative about the matter personally;

B. in cases where there is doubt with regard to taste or privacy, but where it is felt that the publishing of the photograph serves a purpose which is in the best interests of the Corporation, the communications representative will not authorize the use of the photograph without first obtaining a release from the individual(s) concerned or their parent or guardian;

The Corporation and each school's communications representative shall:

A. provide media representatives upon their request with all facts that give a true picture to the best of his/her knowledge;

B. keep media representatives fully informed with regard to the school system in all aspects, activities, and changes, so that any reporting will be done on the basis of a complete and valid overview;

C. submit, suggest, or request feature stories or articles to media representatives which are of interest or importance;

D. meet periodically with representatives of the news media to discuss Corporation progress and problems and/or review general media impressions of the School Corporation.

ag9130A

PROCEDURES FOR INSPECTION OF INSTRUCTIONAL MATERIALS

9130A - **PROCEDURES FOR INSPECTION OF INSTRUCTIONAL MATERIALS**

The following procedures should be used when a member of the public makes a request to inspect instructional materials.

Form 9130 F3 should be completed and submitted to the building principal. Upon receipt of Form 9130 F3, the principal will contact the person making the request within five (5) days to schedule an appointment for the person to come to the Corporation to review and inspect the material indicated on Form 9130 F3. If, upon inspection and review, the person would like to file a complaint about the instructional materials, the person shall follow the complaint procedures outlined in Policy 9130 and AG 9130.

ag9150

SCHOOL VISITORS

9150 - **SCHOOL VISITORS**

In order to protect the educational program of the schools from undue disturbance, each principal shall establish rules and procedures for visitors which shall include the following:

A. Persons wishing to visit one or more schools are to make arrangements in advance through the school office of each school to be visited.

B. Every visitor to a school must register at the school office. Sign-in lists showing name, time, person visiting, and time departing shall be maintained by the office. Any person who does not register with the school office is on school property illegally and should be asked to identify themselves properly or to leave the school grounds. If the visitor refuses to leave the school grounds or creates any disturbance, the building principal should request aid from the SRO.

C. No visitor may see a student in school unless it is with the specific approval of the principal. If an emergency situation requires that a student be called to the office to meet with a visitor, a member of the administrative staff must be present during the conference. A student is never to be permitted to leave the school with anyone who is not clearly identified as the student's parent or an appropriately authorized person.

D. Students may not bring guests to school unless permission to do so has been granted by the principal.

E. Parents, other than those who have been asked by a teacher to be in the classroom, who wish to observe learning activities taking place in their child's classroom are to confer, in advance, with the principal and the teacher and state the purpose of the visitation.

It is important that each parent understands that because classroom visitations can be distractive to the students, the following guidelines have been established:

A copy of these guidelines (Form 9150 F1) is to be given to and signed by each nonstaff visitor to a classroom as an indication that the visitor understands the reason for each guideline.

Visitors are to be encouraged to meet with the principal and teacher during noninstructional hours to discuss the observation and to obtain answers to their questions. If a parent has a concern about what may be transpiring in their child's classroom, the parent should follow the Board's Policy 9130 which states that the parent is to address the matter first with the teacher and, if not rectified, to then meet with the principal.

1. Visitations will not be allowed during examinations and independent study periods.

2. Parents are to be silent observers and are not to create any type of disturbance or disruption to the learning process.

3. Copies of instructional materials being used by the students or teacher may not always be immediately available during the visitation.

4. Any comments made by individual students are to be maintained in confidence by the visitor to the activity.

5. Visits by persons other than parents, including but not limited to outside therapists, doctors or other service providers, are not permitted in classroom settings.

6. A visitation should be no longer than sixty (60) minutes or one (1) class period.

7. The frequency of visits for any student's parents should be no more than once every eighteen (18) weeks, and the aggregate number of nonstaff visits per week should not exceed.

Except in the case of an emergency or where the law enforcement agency has a warrant, all law enforcement agency has a warrant, all law enforcement agents must follow the procedures for school visitors in Policy 9150 - School Visitors and this administrative guideline.

Except in the case of an emergency or where DCS has a warrant, all DCS representatives must follow the procedures for school visitors in Policy 9150 - School Visitors and this administrative guideline.

Except in the case of an emergency or where the governmental agency has a warrant, all other governmental agency employees must follow the procedures for school visitors in Policy 9150 - School Visitors and this administrative guideline.

If a disabled person should visit a school and request accommodation and s/he has not submitted the Request for Accommodation (Form 9160A F1), in advance, the principal should ask the person to allow the school adequate time to arrange for the accommodation, providing such accommodation meets the requirements of ADA.

The principal is authorized to end a visit if the visitor's presence is disruptive to the learning environment or for other good cause.

Each principal shall post in a conspicuous place at each entrance, the rules and procedures to be followed by visitors.

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ag9160

PUBLIC ATTENDANCE AT SCHOOL EVENTS

9160 - **PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The following regulations are to be observed with respect to the conduct of school events:

A. All laws regarding public assemblies must be strictly complied with. Use of tobacco in any school building or on school grounds is absolutely prohibited. The sale, possession, or consumption of any form of alcoholic beverages or prohibited drugs in or on any part of the school buildings or grounds is absolutely prohibited.

B. Wagering on any aspect of an athletic event will not be tolerated, but participation in raffles and other such forms of fund- raising for school-related events is permissible, if the event is authorized by the Superintendent.

C. A schedule of fees for all school events shall be prepared by the Athletic Director and approved by the Superintendent.

D. Passes to school events will be available to each Board member and a guest, municipal officials, and all ex-Board members.

E. The Board will honor athletic passes for all corporations which are members of conferences in which teams of this Corporation compete and which honor the passes of this Corporation.

Use of Recording Devices

Anyone attending a school event who wishes to record the activity on a visual recording device shall be asked to abide by the following rules:

A. The recorder must operate the device within the area designated by the principal or director of the activity.

B. The camera must not block the view of any other attendees or interfere with others who seek to record the activity.

C. Those who record or assist a recorder must not block any passageways nor interfere with any other attendee's participation or observation of the activity.

D. If sound is also being recorded, the recorder must not ask other attendees to be quiet or to change their behavior in order to improve the quality of the sound recording.

E. The recorder must agree to abide by all Corporation safety rules, a copy of which shall be provided by the principal or director of the activity.

F. If the Corporation is recording the activity, the principal may arrange for a person to obtain a copy providing s/he agrees to provide a tape and pay a charge to cover the costs of transfer.

Where the Corporation does not possess the appropriate license or permission to allow the recording of a copyrighted work or performance, notice will be given, when possible prior to the exhibit or performance. Announcements shall be made at the beginning of any such exhibit or performance.

ACCESSIBILITY OF CORPORATION FACILITIES

9160A - **ACCESSIBILITY OF CORPORATION FACILITIES**

Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officer"), along with the Corporation Section 504/ADA Compliance Officer(s) ("District Compliance Officer(s)"), are responsible for making sure interested persons (e.g., applicants, participants, members of the public), including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. This mandate includes the need for communications with disabled persons that is as effective as communications with nondisabled persons. As such, the Corporation shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity conducted by the School Board. The type of auxiliary aid or service necessary to enable effective communication will vary in accordance with the length and complexity of the communication involved. Factors to be considered in determining an appropriate accommodation/auxiliary aid/service include:

A. the context in which the communication is taking place;

B. the number of people involved; and

C. the importance of the communication.

When an auxiliary aid and/or service is required, the Corporation will provide an opportunity for individuals with disabilities to request the auxiliary aids and/or services of their choice, and will give primary consideration to the choice expressed by the individual. The Corporation will generally honor the requestor's choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration of the service, program or activity, or in undue financial and/or administrative burdens. This determination will be made by a Corporation Compliance Officer after considering the resources of the Corporation, the impact on the program, service or activity, and the comparable efficacy of the various auxiliary aids and services, while giving primary consideration to the requests of the individual with disabilities. The Corporation Compliance Officer will notify, in writing, the person requesting the auxiliary aids/services of his/her determination, including the reasons for his/her conclusion.

Examples of Auxiliary Aids/Services for Individuals who are Deaf or Hard of Hearing:	
Qualified interpreters – an interpreter who is able to sign to the individual who is deaf what is being said by the hearing person and who can voice to the hearing person what is being signed by the individual who is deaf; this communication must be conveyed effectively, accurately and impartially, through the use of any necessary specialized vocabulary.	
Telecommunication devices for deaf persons (TDDs).	Telephones compatible with hearing aids.
Computer-aided transcription services.	Closed caption decoders.
Written materials.	Note-takers.
Telephone handset amplifiers.	Videotext displays.
Assistive listening systems.	Exchange of written notes.
Examples of Auxiliary Aids/Services for Individuals with Vision Impairments	
Qualified readers.	Braille materials.
Taped texts.	Large print materials.
Audio recordings.	Assistance in locating items.
Examples of Auxiliary Aids/Services for Individuals with Speech Impairments	
TDDs.	Speech synthesizers.
Computer terminals.	Communication boards.

Since the Corporation communicates by telephone with applicants and beneficiaries, TDDs or equally effective telecommunication systems will be used to communicate with individuals with impaired hearing or speech.

Administrators are responsible for verifying that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities and facilities. Additionally, administrators are directed to verify that proper signage is present at all inaccessible entrances to their facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility should be used at each accessible entrance to a facility.

The Corporation Compliance Officer shall verify that the following notice is made a part of each communication concerning a Corporation activity to which the public is invited:

"Upon request to the Superintendent, the Corporation shall make reasonable accommodation for a disabled person to be able to participate in this activity." (see Form 9160A F1)

With regard to accessibility of facilities, the Corporation will meet its obligations through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the Corporation will serve persons with disabilities in the most integrated setting appropriate.

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ag9160C

SECTION 504/ADA – COMPLAINT PROCEDURES RELATED TO ACCESSIBILITY OF CORPORATION FACILITIES

9160C **- SECTION 504/ADA – COMPLAINT PROCEDURES RELATED TO ACCESSIBILITY OF CORPORATION FACILITIES**

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

The following person is designated as the Corporation's Section 504/ADA Compliance Officer ("Corporation's Compliance Officer"):

Sonja Kolkmeier, Assistant Principal
1000 E Central Ave.
Greensburg, IN 47240
812-663-7176 ext. 1005 (phone number)
812-663-8911 (facsimile number)
skolkmeier@greensburg.k12.in.us

Building principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers").

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed in a timely manner with either the Corporation Compliance Officer or the Building Compliance Officers. The Corporation's Compliance Officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

A person who has a complaint about Corporation facilities or services may register such complaint with the Building Compliance Officer and/or Corporation Compliance Officer. Such complaints should be filed in writing within thirty (30) calendar days of the circumstances or event giving rise to the complaint. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. The written complaint must contain the following information:

1. Name(s) of person(s) filing complaint.

2. Whether the person(s) represents an individual or group.

3. Whether the person(s) making the complaint has discussed the problem with the Building Compliance Officer and/or the Corporation Compliance Officer.

4. A written summary of the complaint and a proposed solution.

B. The Building Compliance Officer or the Corporation Compliance Officer will conduct an impartial investigation and will respond to the complaint within five (5) business days. This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint.

C. If a satisfactory response is not received within five (5) business days, the person should forward a copy of the complaint to the Superintendent, who will respond within ten (10) business days.

D. If a satisfactory response is not received within ten (10) business days, the person may forward a copy of the complaint to the School Board. The Board will consider the complaint and respond within forty (40) calendar days.

OCR Complaint

At any time, if a member of the public believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the Americans with Disabilities Act, as amended ("ADA"), the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661
312-730-1560
FAX: 312-730-1576
TDD: 877-521-2172
E-mail: OCR.Chicago@ed.gov
Web: http://www.ed.gov/ocr

Prohibition Against Retaliation

The Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under Section 504 or the ADA, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 504 or the ADA.

TC 11/1/20

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ag9211

CORPORATION-SUPPORT ORGANIZATIONS

9211 - **CORPORATION-SUPPORT ORGANIZATIONS**

In accordance with Board policy, all Corporation-support organizations, including parent associations, booster clubs, and the like, are to abide by the following guidelines.

A. Bylaws of the organization clearly state:

1. the purpose of the organization which must be to benefit the students of the Corporation;

2. the name of the organization;

3. the procedure for the election of officers and the length of terms;

4. provisions for student and staff involvement which are to include that a Corporation administrator or faculty member is included on the organization's advisory board and that any student or staff involvement in the conduct of the organization's activities is subject to the approval of the Superintendent.

B. Each organization agrees that any donations made to the Corporation shall be done in accordance with Board Policy 7230 and the accompanying guidelines.

C. Each organization agrees to abide by the policies and guidelines established for use of Corporation facilities and grounds.

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ag9270

PROCEDURE FOR EDUCATING A CHILD AT HOME

9270 - **PROCEDURE FOR EDUCATING A CHILD AT HOME**

The Superintendent has established the following guidelines applicable to students enrolled in a non-accredited school or home school who have legal settlement in the Corporation.

Participation in School

A student enrolled in a non-accredited school or home school who has legal settlement in the Corporation may enroll in one or more classes in the Corporation and may participate in co-curricular and extra-curricular activities provided the student is taking one or more classes in the Corporation and meets the eligibility requirements for the co-curricular or extra-curricular activity.

Assessment

The Corporation strongly recommends that the parents maintain a record of the educational program in a home school or non-accredited school, including assessment of their child's academic progress, as this information will be useful to a school corporation should the parents decide to re-enroll their child in a public school on a full-time basis. Such an assessment could include:

A. courses of study completed;

B. the number of hours devoted to each course of study;

C. a portfolio of work done;

D. examples of tests and test scores;

E. standardized test scores demonstrating the student's ability/achievement.

State-Mandated Assessment Program

A home schooled student who is enrolled in one or more classes in the Corporation's schools may take the State-mandated assessment if the parent elects to have the student participate.

Re-Enrollment in School

If a parent/guardian wishes to have their child return to a Board school, the parent/guardian must follow normal enrollment procedure described in AG 5463 - Admission of Students from Nonaccredited Schools will apply. Also, placement in grades 1 through 8 and the awarding of credits in grades 9 through 12 will be governed by Policy 5463 - Credits and Placement from Nonaccredited Schools.

A parent/guardian is encouraged to present their student in advance of the proposed enrollment date in order for the placement process to be properly applied and avoid the necessity of a temporary placement.

Revised 12/10
Revised 8/9/16

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ag9700

FUNDRAISING BY CHARITABLE ORGANIZATIONS

9700 - **FUNDRAISING BY CHARITABLE ORGANIZATIONS**

Charitable organizations are defined as any benevolent, philanthropic, patriotic, not-for-profit or charitable group, association, corporation, or organization proposed to be such, which solicits and collects funds for charitable purposes.

The following criteria will be used in order to ensure equitable consideration of all requests by charitable organizations or groups to solicit funds on School Corporation premises. In this context, fundraising shall also include solicitation of clothing, foodstuffs, or other products.

A. The purpose of the fundraising is to help alleviate an economic, health, cultural, educational, or social need in the school community area.

B. The funds are not used for religious or political purposes.

C. The organization has a definite plan for the collection and distribution of funds.

The Principal shall develop a procedure which each approved organization is to follow to solicit and collect funds within the building or on the premises. The procedure is to ensure that there is no disruption of the school program.

These guidelines shall apply to all fundraising activities other than approved student fundraising activities and those approved for Corporation-related organizations.

All crowdfunding activities are subject to Policy 6605 and any administrative guidelines adopted by the Superintendent to implement Policy 6605.

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ag9700A

DISTRIBUTION OF MATERIALS TO STUDENTS

9700A - **DISTRIBUTION OF MATERIALS TO STUDENTS**

Procedures

Any person or organization wishing to distribute material on school property must first submit for approval a copy of the material to the Superintendent two (2) day(s) in advance of desired distribution, together with the following information:

A. name of the person or organization

B. date(s) and time(s) of day of intended distribution

C. location where material will be distributed

D. the grade(s) of students to whom the distribution is intended

E. manner is which the material will be distributed

The Superintendent may either approve the distribution of the material or deny it by indicating how it violates Policy 5722, Policy 8800, and Policy 9700, any of the criteria listed below, or a restriction regarding time, place, and manner. If permission to distribute the material is denied, the person or organization shall have the opportunity to make necessary revisions and/or deletions and resubmit to the Superintendent for approval.

Criteria

The distribution may be authorized if the material is:

A. related to a current course of study offered by the school;

B. ties in with a Corporation-sponsored activity and will be distributed only to students participating in that activity;

C. unrelated to a Corporation activity but is related to an activity for students that is conducted by an approved outside organization and is to be distributed only to students who are participating in that activity;

D. unrelated to any type of student activity but presents information that will be beneficial to the students receiving the material and distribution by other means is either not possible or is not feasible.

Permission to distribute or display material does not imply agreement of its contents by either the administration of the school, the Superintendent, or the Board.

Time, Place, and Manner of Distribution

The distribution of written material shall be limited to a reasonable time, place, and manner as determined by the principal who shall ensure that:

A. no material is distributed or displayed during a time or at a place of a school activity if it is likely to cause a substantial disruption of that activity or of other activities;

B. no material is distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school.

ag9700B

CRITERIA FOR COMMERCIAL MESSAGES

9700B - **CRITERIA FOR COMMERCIAL MESSAGES**

Any organization that seeks or is requested to provide materials or equipment to the Corporation which contains or has associated with its messages which are designed to sell a product or service must submit the request to the Superintendent before the item(s) is used by the Corporation.

The determination as to the appropriateness of the commercial message will be based on the following criteria:

A. The message does not relate to a product which is inappropriate for or illegal to minors.

B. The message does not relate to a product or service that would be considered educationally controversial or objectionable to a significant number of parents or other members of the Corporation's community.

C. The message can be presented without loss of instructional time.

D. The message consists of no more than the name of the product (service) and/or the name of the sponsoring organization.

Signs identifying school facilities shall be free of any commercial advertising.

The administration recognizes that certain publications such as newspapers and magazines used in a classroom or media center contain advertisements. It is the responsibility of the staff member who obtains any such materials to review them so as to ensure there are no editorial matter or advertisements that promotes illegal, promiscuous, or prurient behavior or fosters any form of prejudice against any group of people.